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The Regular Meeting of Town Council for the Town of Mahone Bay was held on Tuesday, October 10, 2023 at 7:00 p.m. in Council Chambers and broadcast via YouTube live.

Present:

Mayor D. DeVenne

Deputy Mayor F. Kangata (arrived at 7:08pm)

Councillor P. Carver

Councillor R. Nowe

Councillor K. Wilson

Councillor J. Feeney

Councillor S. Lohnes-Croft

CAO, D. Heide

Deputy CAO, E. Levy

Town Clerk, K. Redden

Regrets:

Gallery: Online & 0 in-person gallery

Land Acknowledgement

Let us begin by acknowledging that we are gathered today in Mi'kma'ki. The ancestral, present and future territory of the Mi'kmaw people. Today, we gather with the intent followed by the living Peace and Friendship Treaties - with respect, cooperation and coexistence.

1. Agenda

A motion by Councillor Carver, seconded by Councillor Feeney, "THAT the agenda be approved as amended to remove item 10.2 Personnel Matters from the closed session."  
Motion carried.

2. Minutes

A motion by Councillor Carver, seconded by Councillor Lohnes-Croft, "THAT the minutes of the September 28, 2023 regular meeting of Council be approved as presented."  
Motion carried.

3. Public Input Session

No one attended the public input session.

#### 4. Presentations

There were no presentations.

#### 5. Correspondence

##### 5.1 Michael Brown, President, Mahone Bay Legion – Donation Request

Council received a request for a donation to help support the Mahone Bay Legion's annual Remembrance Day Luncheon.

A motion by Councillor Feeney, seconded by Councillor Nowe, "THAT Council direct staff to issue a donation in the amount of \$250 to the Mahone Bay Legion's annual Remembrance Day Luncheon." Motion carried.

##### 5.2 Michael Brown, President, Mahone Bay Legion – Veteran Banner Initiative

Council received a request from the Mahone Bay Legion to consider allowing the placement of veteran banners on utility poles for the period of mid-October to mid-November, beginning in 2024.

A motion by Councillor Carver seconded by Councillor Lohnes-Croft, "THAT the Town support the Veteran Banner Initiative and direct staff to bring a recommendation back to Council ahead of the 2024-25 budget process." Motion carried.

#### 6. Staff Reports

##### 6.1 Staff Report to Council

Council received the October 10, 2023 Staff Report.

A motion by Councillor Nowe, seconded by Councillor Wilson, "THAT this report be accepted for information." Motion carried.

##### 6.2 Staff Report – Town Council Policy

Council received the amended Town Council Policy as discussed at their September 28, 2023 meeting.

A motion by Councillor Carver, seconded by Councillor Nowe, "THAT Council adopt the amended Town Council Policy as amended to correct numbering." Motion carried.

##### 6.3 Staff Report – Special Constable Status

Council received a staff report with a recommendation to appoint Jonathan Uhlman as Special Constable for the Town of Mahone Bay.

A motion by Councillor Carver, seconded by Councillor Wilson, "THAT Council appoint Jonathan Uhlman as Special Constable for the Town of Mahone Bay to enforce traffic violations, pursuant to the Motor Vehicle Act." Motion carried.



#### 6.4 Staff Report – South Shore Regional Library Board Appointment

Council received a staff report with an update on a request for information from the South Shore Regional Library Board, concerning appointments to that Board.

A motion by Councillor Wilson, seconded by Councillor Lohnes-Croft, “THAT this item be deferred to the next regular Council meeting.” Motion carried.

#### 6.5 Staff Report – Fire Hall Uses

Council received a staff report with an analysis of the possibility of shared use of the former firehall between Public Works operations and other possible uses.

Councillor Wilson made a notice of motion to the October 26<sup>th</sup> meeting concerning the future use of the old fire hall.

A motion by Deputy Mayor Kangata, seconded by Councillor Carver, “THAT Council direct staff to reach out to the Mahone Bay Community Land Cooperative to ask for an update on the progress of their project.” Motion carried.

A motion by Deputy Mayor Kangata, seconded by Councillor Wilson, “THAT this report be accepted for information.” Motion carried.

#### 7 Council Items

There were no Council Items.

#### 8. Committee Reports

##### 8.1 Policy and Strategy Committee

Council received the draft minutes of the September 25, 2023 meeting of the Policy and Strategy Committee.

A motion by Councillor Feeney, seconded by Councillor Carver, “THAT Council direct staff to prepare a report on potential amendments to the draft Noise By-law in response to the feedback received.” Motion carried.

A motion by Deputy Mayor Kangata, seconded by Councillor Wilson, “THAT Council direct staff to write to Robert Hughes, of Ciconus Inc., to thank him for the presentation given to the Policy and Strategy Committee.” Motion carried.

#### 10. Closed Session

A motion by Councillor Wilson, at 8:05 p.m., seconded by Councillor Nowe, “THAT Council go into Closed Session to discuss Acquisition, Sale, Lease and Security of Municipal Property and Contract Negotiations as permitted by the Municipal Government Act sections 22(2)(a), and 22(2)(e) respectively. Motion carried.

Council came out of closed session at 9:18 p.m.

#### Business Arising from Closed Session

There was no business arising from the closed session.

Council adjourned at 9:21 p.m. on conclusion of business.

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Mayor, David Devenne

Town Clerk, Kelly Redden





## **Lunenburg County Accessibility Advisory Committee (LCAAC)**

October 11, 2023

Municipal Councils of:

Town of Mahone Bay

Town of Bridgewater

Town of Lunenburg

Municipality of the District of Chester

Municipality of the District of Lunenburg

RE: Appointment of Lunenburg County Accessibility Advisory Committee Community Member

Dear Members of Council,

The Lunenburg County Accessibility Advisory Committee (LCAAC) currently has one vacancy for a community member as one of the appointees has resigned.

On October 11, 2023, the Lunenburg County Accessibility Nominating Committee comprised of the Mayors and Wardens of the five Lunenburg County municipalities (or their designates) reviewed the applications received from the public call for volunteers and makes the following recommendation to the five Municipal Councils in Lunenburg County:

To appoint Scott Lutes to the Lunenburg County Accessibility Advisory Committee for a term of two years.

With regards,

Ellen Johnson, MSc(OT), OT Reg(NS)

Regional Accessibility Coordinator

[ejohnson@chester.ca](mailto:ejohnson@chester.ca)

902-277-0456



September 28, 2023

His Worship David Devenne  
Mayor, Town of Mahone Bay  
P.O. Box 530, Mahone Bay  
N.S. B0J 2E0

RE: Nova Scotia Farm Loan Board 2022-23 Annual Report and Fact Sheets

Dear Mayor Devenne,

On behalf of the Nova Scotia Farm Loan Board (NSFLB), we are pleased to provide you with copies of our 2022-23 Annual Report and Lending Highlights fact sheet. In addition, we are pleased to provide a Fact Sheet on the extent of the NSFLB's activities for the entirety of Lunenburg County.

The NSFLB provides responsible, fair, and affordable access to capital to support growth, innovation, and sustainability in the agriculture, food and beverage, and forest industries in our province. In the annual report, you will find information on our Board and programs, lending highlights, trends, and metrics, as well as our audited 2022-23 financial reports.

The continued importance of the Farm Loan Board to Nova Scotia's agricultural industry and rural communities was further demonstrated by another record year of lending in 2022-23. You will find this clearly outlined in the fact sheets enclosed, which include lending highlights specific to your County, Lunenburg, and another with provincial-level metrics.

I hope that you find the enclosed report and fact sheets informative. Should you wish to learn more about the offerings of the NSFLB visit [www.nsfarmloan.ca](http://www.nsfarmloan.ca) or if you have any comments or questions, do not hesitate to reach out at 902-893-6506.

Sincerely,

The Nova Scotia Farm Loan Board





NOVA SCOTIA  
FARM LOAN BOARD

2022-2023

# Annual Report

Nova Scotia Farm Loan  
Board



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Nova Scotia Farm Loan Board Annual Report 2022-2023

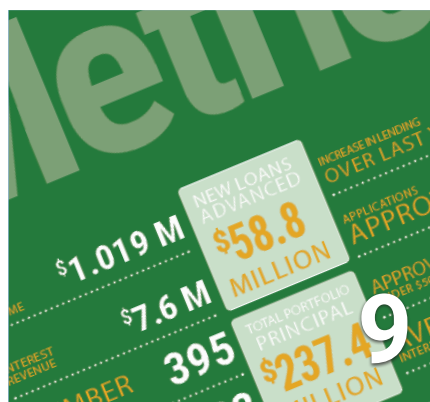
Nova Scotia Farm Loan Board

June 2023



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Message from the

# Board Chair



The 2022-23 annual report provides an opportunity for the important work of the Nova Scotia Farm Loan Board (Farm Loan Board) to be highlighted to the public. While the clients of the Farm Loan Board are the individuals and businesses that access financing, the work of the Farm Loan Board is carried out for the benefit of all Nova Scotians. As Nova Scotia's only lender 100% focused on Nova Scotia agriculture, our decisions are made by Nova Scotians, for Nova Scotians, to benefit Nova Scotians. Predictable, affordable, and reliable financing of agricultural and agri-food businesses helps enable all Nova Scotians to have access to local, healthy, and affordable food.

The continued importance of the Farm Loan Board to Nova Scotia's agricultural industry and rural communities as a whole was further demonstrated by another record year of lending in 2022-23. The Farm Loan Board's reputation as a stable source of financing, previously demonstrated by our commitment to our clients during the peak of the COVID-19 pandemic, both attracted new clients to the organization as well as supported existing clients to adapt and expand their businesses.





In 2022-23, staff of the Farm Loan Board continued to support clients through challenging times. The Farm Loan Board quickly pivoted from normal operations and focused staff on reaching out to clients who were in areas highly impacted by Hurricane Fiona or the February 2023 extreme cold event, in an attempt to understand both their near-term and longer-term financing needs and to what extent the Farm Loan Board could play a role. Likewise, the Board's stable long-term rates, coupled with our staff's expert knowledge in the agriculture sector, ensured that we were able to continue offering affordable financing to clients in the current economic environment.

Eased public health restrictions allowed staff and Board members to resume attending important industry conferences and events. These opportunities to engage directly with those in the agricultural and agri-food sectors strengthen relationships, creates awareness of opportunities and challenges, and cultivates new and innovative solutions. Staff were also able to meet clients on their farm, at their office, or around their kitchen table to jointly identify financing solutions that addressed their needs.

The Timber Loan Board continued to serve as an important financing tool for the province's forestry sector. The modernized regulatory framework continues to pay dividends, with forestry companies increasingly recognizing the value of working with a Nova Scotia based lender that is wholly focused on their success.

Within this annual report, you will find an overview of the activities of the Farm Loan Board throughout the 2022-23 year. I would like to acknowledge the dedicated work of the Farm Loan Board's staff, whose constant displays of professionalism, passion for our industries, and solutions-based thinking continue to propel the organization forward daily. Likewise, I would like to thank my fellow Board of Director members for their dedication and the varied expertise they bring to their roles.

**Danny Phinney, Board Chair**

# Message from the Director



In 2022-23, the Farm Loan Board built upon recent successes and reached record levels of financing, advancing \$59 million in new loans, bringing the total loan portfolio to \$237 million. This record growth also occurred in conjunction with a record year for Nova Scotia's farm cash receipts. These successes occurred during continued economic uncertainty, increased effects of climate change, and rising costs of farm inputs. Despite these challenges, Nova Scotia's agriculture and agri-food industries recognized the opportunities within the province, and demonstrated a continued commitment to investment, growth, and development. The Farm Loan Board is proud to be a willing provider of stable and affordable financing to support these efforts.

The Farm Loan Board is 100% focused on supporting Nova Scotia's agriculture and agri-food sector. Once again, our team of dedicated and knowledgeable staff worked closely with both new and existing clients to develop financing options that met specific business needs. Our staff recognize that no two commodity groups, nor any two businesses operating within the same commodity group, have the same financing needs. Our focus on long-term financing relationships, many of them spanning multiple generations of a family, allow us to have in-depth knowledge of specific financing needs.



Ensuring that Nova Scotia's agriculture and agri-food sectors are positioned to capitalize on new opportunities, and respond to emerging challenges, is a combined effort. In 2022-2023, the Farm Loan Board worked with the Department of Agriculture to support local food production and consumption in support of the Government's goal of achieving 20 percent of the money spent on food by Nova Scotians being spent on locally produced food by 2030. Alignment with other Department of Agriculture priorities, such as season extension, climate change mitigation, and increased processing capacity were also key components of the Farm Loan Board's work. The Farm Loan Board also worked closely with the Department of Agriculture to optimize alignment between Farm Loan Board financing and the new suite of Federal-Provincial programs available under the Sustainable Canadian Agricultural Partnership.

Continued strong relationships with industry organizations such as the Nova Scotia Federation of Agriculture and the many passionate commodity groups enable the Farm Loan Board to tailor lending solutions to meet the needs of specific sectors or segments of the industry. The Farm Loan Board is proud to partner with other provincial development entities, the federal government, and many non-governmental organizations in offering a suite of financing and related programs. After several years of public health restrictions, Farm Loan Board staff were able to engage more directly with clients at industry events, conferences, and their places of business. Our staff also demonstrated remarkable commitment to their work, clients, and the agriculture sector overall during the challenges experienced due to Hurricane Fiona and the extreme cold weather in February 2023.

The success of the Farm Loan Board ultimately contributes to the success of the province and the success of the Farm Loan Board is only possible due to the great work of our staff. I would like to acknowledge their work and thank them for all that they do every day for our clients, the industry, and the province.

**Brennan Goreham, Director**

**Crown Lending Agencies**

# Board of Directors



## **Danny Phinney**

Chair and Director  
(May 2020-May 2023)

Danny has over 20 years of experience as a partner of Phinneyval Farms, a dairy farm in Annapolis County, and managed the operation until its sale in 2017. A graduate of the Nova Scotia Agricultural College, Danny has been involved in the agriculture industry throughout his career and now serves on several boards to support the industry. Danny is the current president of the Annapolis County 4-H Leader Council and has served as a director and as president of the West Nova Holstein Club. Danny is also serving as president on the board of directors of the Annapolis County Trails Society as well as the current treasurer of the Annapolis Valley Trails Coalition.



## **Andy Vermeulen**

Vice Chair and Director  
(October 2020-October 2025)

Andy was raised in the farming industry, going on to successfully operate multiple farming companies for over 40 years. As owner of Vermeulen Farms Ltd., Andy has gained considerable experience in financial accounting, strategic business and succession planning, sales, production, and food safety. In addition to his employment background, Andy's education includes a Bachelor of Science in Agricultural Engineering and completion of the Canadian Total Excellence in Agricultural Management program from the George Morris Centre in 2012. Andy currently holds multiple positions on numerous boards and committees in his profession and in the community, offering expertise on board structure and operations.





## Willy Versteeg

Audit Committee Chair and Director  
(October 2020-October 2025)

Willy has extensive experience in the Nova Scotia agriculture industry, having owned and operated Barneybrook Farms Ltd. (Dairy) for 27 years in the community of Hardwoodlands, East Hants. Willy is a corporate and community leader and has held many leadership roles in the community including Municipal Councillor, President of the Nova Scotia Federation of Agriculture, Director of the Canadian Federation of Agriculture, and Chair and Vice Chair of the Farmers Dairy Audit Committee. Willy's interest as a director has been in the areas of audit and governance while growing the portfolio. Willy will tell you that the Farm Loan Board is a critically important tool in the development of agriculture, fostering greater food sustainability, and growing the economy of Nova Scotia.



## Steve Brown

Director  
(May 2020-May 2023)

Steve has been involved in the forestry industry for decades in many capacities, including as a former Forestry Supervisor with the Nova Scotia Department of Natural Resources, a grower and seller of Christmas trees, firewood, and a woodlot owner. Steve has had experience in various leadership roles including serving on the Board of Directors for the North Nova Forest Owners, and on the Primary Forest Products Board. Steve is also knowledgeable of the agriculture industry, with a specific interest in industries near his home in Bass River, such as the production of blueberries, cranberries, strawberries, and maple syrup. Steve has been an active member of the Bass River Fire Department for over 40 years and is proud to be completing his second term on the Farm Loan Board supporting both the agriculture and forestry industries.



## Jack Hamilton

Director

(February 2021-February 2026)

Jack grew up in western Canada on a commercial beekeeping operation. Jack graduated from the University of Saskatchewan with a Diploma in Agriculture and worked for one year in Alberta as a land appraisal adjuster for Alberta Municipal Affairs. The rest of Jack's life has been dedicated to working honeybees commercially. Jack moved to Nova Scotia approximately 30 years ago to manage a honeybee operation for a large wild blueberry grower. Jack believes we must have strong financial supports to assist family buyouts, orderly transfers of family farms, and growth within our agriculture community.



## Caleb Wood

Director

(July 2018-July 2022)

Caleb has a strong background in agriculture as he grew up on a mixed family farm in south western Nova Scotia. Caleb has a Bachelor of Commerce and is a Chartered Professional Accountant. Caleb has extensive leadership, financial reporting, treasury management and operational experience in a wide range of industries and offers strong financial management and accountability experience to the Board.



# Metrics

NET  
INCOME

**\$1.019 M**

NEW LOANS  
ADVANCED

**\$58.8  
MILLION**

INCREASE  
IN LENDING OVER LAST  
YEAR

**52%**

INTEREST  
REVENUE

**\$7.6 M**

APPLICATIONS  
APPROVED

**94**

NUMBER  
OF CLIENTS

**395**

TOTAL PORTFOLIO  
PRINCIPAL

**\$235.6  
MILLION**

APPROVED  
LOANS  
UNDER \$50,000

**17**

NUMBER  
OF LOANS

**623**

AVERAGE  
INTEREST RATE

**4.2%**





# About

the Nova Scotia Farm  
Loan Board

## Background

The Farm Loan Board provides responsible, fair, and affordable access to capital to support growth, innovation, and sustainability in the agriculture, food and beverage, and forest industries.

The Farm Loan Board is committed to supporting established enterprises, while also providing opportunities for new entrants and innovators in the processing sector. Loan terms, amortizations, and payment schedules are individually structured, to meet the specific needs of the client and their operation.

The Board of Directors of Farm Loan Board is made up of Nova Scotians, corporate or community leaders, who understand the agriculture and/or agri-food business climate in the province and its importance to communities, workers, and the economy.

The Farm Loan Board is a critical source of capital for a sector primarily based in rural Nova Scotia. Some key areas of focus are purchasing farmland, equipment, and building and expanding facilities and processing capacity. The Farm Loan Board believes that the entire province benefits from investments in innovative methods to expand seasons, improve efficiencies, and improve yields of food production.

The Farm Loan Board also serves the forestry sector through the Timber Loan Board. The Farm Loan Board and the Timber Loan Board along with Nova Scotia Fisheries & Aquaculture Loan Board operate under a shared-services model, under the name Crown Lending Agencies.





## **Mission**

The Farm Loan Board builds on the success of agricultural primary production and related value-added processing in Nova Scotia by providing lending opportunities to grow, innovate, and succeed.

## **Vision**

To be a preferred and trusted lender for the development of agriculture and food and beverage processing in communities throughout Nova Scotia.

## **Mandate**

The mandate of Farm Loan Board is to support the breadth of Nova Scotia's agricultural industry through the provision of capital financing. It operates as a Crown corporation under the Agriculture and Rural Credit Act. This Act provides authority to the Farm Loan Board to make loans to, or guarantee loans of, a borrower for acquiring or improving any farm asset, including livestock, machinery and equipment. Regulations made under the Act govern the terms and conditions of loans provided by the Farm Loan Board.

Established under the Forests Act, the Timber Loan Board also serves the forest industry by providing loans to, or guarantee loans of, a borrower for any purpose which will encourage, sustain, improve, or develop the forestry industry in the province. The Timber Loan Board regulations, under the Forests Act, provide the terms and conditions of credit provided by the Timber Loan Board.



Economic

# Landscape

## Farm Cash Receipts

Farm cash receipts increased by 12% in 2022 to \$752 million. Dairy continues to be the top revenue-generating sector at \$177 million. The supply managed industries of dairy, poultry (\$140 million) and eggs (\$56 million) accounted for approximately half of all farm cash receipts. Other major contributors to farm cash receipts included cannabis (\$60 million), wild and cultivated blueberries (\$51 million), field vegetables (\$36 million), cattle (\$31 million), floriculture/nursery products (\$30 million), apples (\$25 million), Christmas trees (\$25 million), corn for grain (\$13 million) and strawberries (\$13 million).

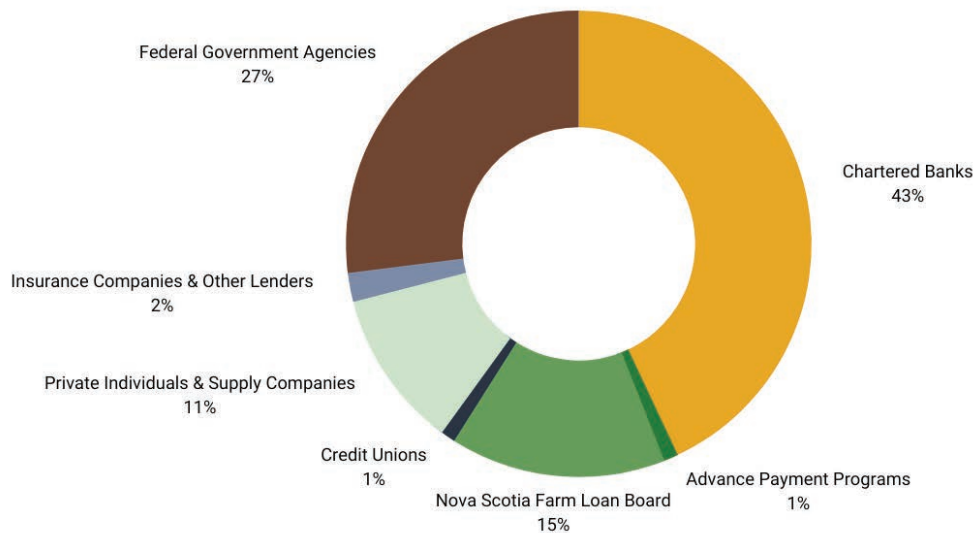
## International Trade

International agri-food exports increased by 23% for a total of \$492 million in 2022. Wild blueberries are the top agri-food export, accounting for \$169 million of all agri-food exports, followed by frozen vegetables (\$73 million), breads, pastries, and other baked products (\$37 million), animal feed (\$23 million), and live plants (\$17 million). In 2022, Nova Scotia exported agricultural products to 74 countries, with the top destinations being the United States (56%), Germany (8%), Netherlands (6%), France (5%), and Japan (4%).

## Lending Trends

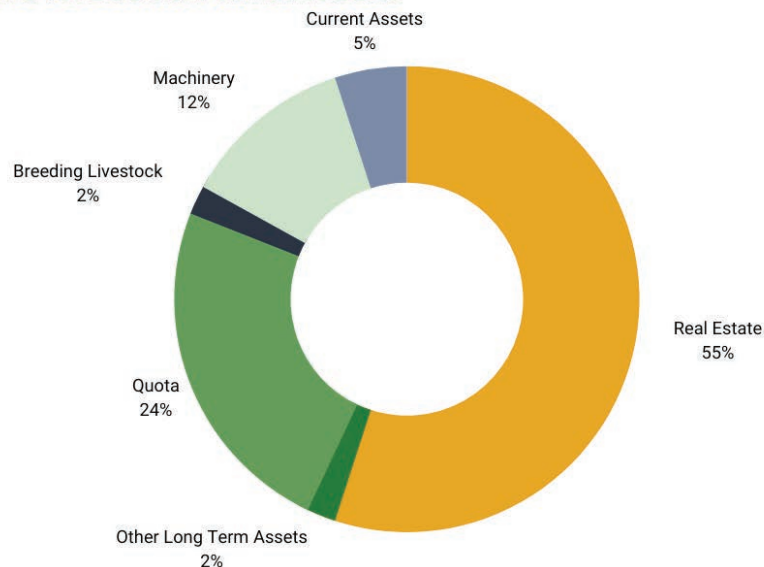
National outstanding farm debt continues to trend upward. Nova Scotia's total outstanding farm debt for 2022 was \$1.35 billion, an 12% increase from 2021 and less than 1% of Canada's total outstanding farm debt of \$138.5 billion.

### 2022 Nova Scotia Farm Debt - by Type of Lender



Updated data from the 2022 balance sheet of the agricultural sector shows that Nova Scotia's total farm assets rose 6.4 percent to \$3.99 billion in 2022, which was 0.5 percent of the national total of \$837.9 billion. Total liabilities of Nova Scotian farmers increased by 10.8% from \$1.03 billion to \$1.15 billion in 2022.

### 2022 Nova Scotia Farm Assets





A group of several chickens, mostly brown with some white patches, are standing in a lush green grassy field. The chickens are of various breeds, with prominent red combs. The background is slightly blurred, showing more greenery.

**Farm Loan Board**

# **Programs**





### **FIXED FARM MORTGAGE**

Fixed rate interest for the full amortization period, from 1-25 years.



### **TERM FARM MORTGAGE**

Term rate financing for 3, 5, 10 year term options with 1-25 year amortizations.



### **QUOTA LOAN**

The Farm Loan Board's affordable quota loans are designed to match your operation's cash flow and are available to egg, dairy, broiler and turkey producers.



### **FARM DEBT CONSOLIDATOR**

The Farm Debt Consolidator is a cleanup tool for short-term payables, operating debt, medium-term loans, and restructuring of long-term debt with other lenders.



### **DEFERRED PRODUCT OPTIONS**

A deferred loan structure has been developed for general cash flow situations that require a principal deferment to help a farm manage its cash situation.



### **THE "JUMP START" PROGRAM**

In combination with the Provincial FarmNext program, the Jump Start program is designed to encourage and support new farmers.



### **EQUIPMENT FINANCING**

Our equipment financing option provides a preapproved equipment line of credit for clients requiring new or used equipment.



### **CATTLE AND SHEEP DEFERRED FINANCING**

Deferred financing offers flexible lending terms including payment deferrals that will complement the Nova Scotia Cattle and Sheep Industry Development Program.



### **MICRO-LOAN PROGRAM**

We can help you grow with a micro loan. Our micro loan products are specifically geared to provide smaller loans that are sized to fit your needs.



### **WILD BLUEBERRY ENHANCEMENT LOAN**

The Wild Blueberry Business Enhancement program provides lending options for equipment, purchase and improvement of existing land, and new field development.





Timber Loan Board

# Programs





## Timber Loan Board

The Timber Loan Board has existed for more than 55 years to provide access to capital for the forest industry and rural development through flexible lending programs. Our goal is to provide flexible lending solutions to Nova Scotia's forestry businesses to ensure continued growth of a sustainable forest sector. Applicants to the Timber Loan Board are eligible for the Fixed Mortgage, Term Mortgage, Equipment Financing, Debt Consolidation, Micro Loans, and Deferred Product Options, similar to what is available to Farm Loan Board clients.

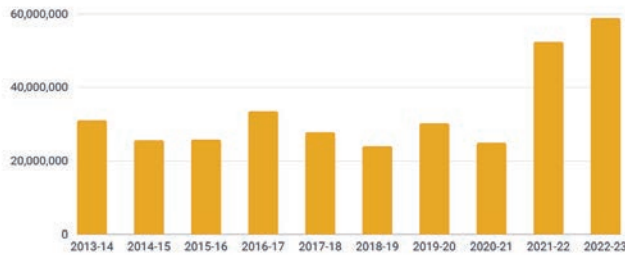
In addition, the Timber Loan Board worked collaboratively with Nova Scotia's forestry contractors to develop the Contractor Equipment Financing Program. This industry-tailored lending program is intended for the acquisition of new or used equipment for both current and future needs. Eligible equipment includes harvesters, heads, forwarders, and skidders with competitive lending terms. Modernization of the Timber Loan Board regulations continue to prove their value, with outstanding timber loans totaling \$5.9 million.



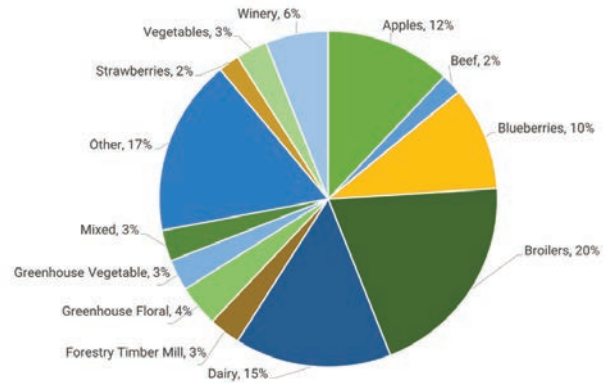
# Lending Highlights



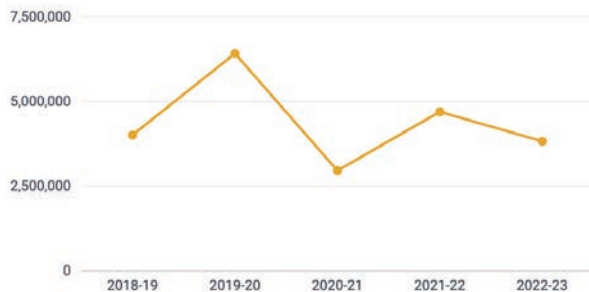
### Loans by Year - Funds Advanced



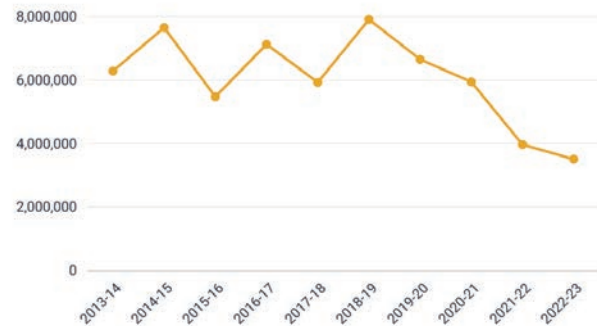
### % of Portfolio - By Commodity



### Write-offs - 5 Year Trend



### Arrears - 10 Year Trend



## Other 2022-23 Highlights

- The value of loans approved increased by 52% in 2022-23 to \$87 million, up from \$57 million in 2021-22.
- Loans to the blueberry industry increased to 10% in 2022-23, up from 4% in 2021-22, with blueberry loans now totaling \$23 million.
- Farm Loan Board staff continued to provide financial guidance to all clients as part of our regular loan application process. An additional 45 clients received additional special credit counseling.
- The percentage of the portfolio in arrears continued its downward trend falling to 1.46% in 2022-23 from 1.54% in 2021-22.



2022-23 Areas of

# Focus

## **Alignment with the Department of Agriculture**

In 2022-2023, the Farm Loan Board worked to support the Minister of Agriculture's Mandate and Departmental Priorities as follows:

**Examine policies and programs to reduce costs of healthy foods for consumers, in acknowledgment of the barriers in cost to eating healthy.**

The Farm Loan Board continued to provide innovative and competitive long-term fixed rates to Nova Scotia producers and processors.

**Support and encourage local food consumption, with the goal of 20% of the money spent on food by Nova Scotians being spent on locally produced food by 2030.**

The Farm Loan Board continued to expand our efforts to engage individuals from under-represented communities with the aim of increasing local food production that is responsive to Nova Scotia's growing population. In addition, the Farm Loan Board's continued support of the community pastures program works to support local food consumption.

**Lead efforts to determine how to reach the 20% target stated above, through policies and infrastructure that support getting more local, healthy food into our public institutions and facilitate the relationship between agriculture and these types of institutions.**

The FLB continued to finance infrastructure and technologies related to season extension, improved yields, processing capacity and storage to expand the availability of local products.

**Lead the development of policies that encourage local consumption by the public, in alignment with the Nova Scotia Loyal plan.**

The Farm Loan Board continued to invest in season extension technologies such as solar and environmentally friendly heating, storage solutions, and processing capacity here in Nova Scotia to help meet supply needs as the demand for local products grows.

## Responding to Evolving Conditions

The Farm Loan Board continued to support agriculture businesses across the province through changing economic and environmental circumstances. Building on client-focused efforts developed during the COVID-19 pandemic, and working closely with colleagues in the Department of Agriculture, the Farm Loan Board worked quickly to offer support to borrowers in areas directly impacted by Hurricane Fiona and the extreme cold weather event in February. The Farm Loan Board also offered a streamlined working capital loan option to provide short and medium-term financing for clients who suffered damages from Hurricane Fiona, allowing them to rebuild or replace equipment quickly. Farm Loan Board staff continued to consider individual client circumstances and worked with them to consider adjustments to payment terms such as interest and/or principal deferrals to support temporary cash flow challenges that arose from rising input costs and changes in global markets. Climate change continues to be a defining issue facing the agriculture sector. The Farm Loan Board's lending programs can be adopted to help clients finance changes to their individual businesses to address issues that relate directly to climate change.

## Capital at Competitive Rates

The Farm Loan Board offers specialized lending programs that reflect the unique needs of Nova Scotia's agriculture and agri-food industries. The Farm Loan Board strives to provide competitive rates to our clients. Interest rates are set based on the Province's cost of borrowing in the bond market which offers client's predictability by allowing them to lock in long term rates of up to 30 years. Businesses then have long term payment stability that can aid in managing and predicting cash flows. The Farm Loan Board also offers a major benefit to clients who select full fixed term amortizations from 7-25 years: their interest rates are reviewed at their five year anniversary, and they get the benefit of a lower rate if rates have dropped but if rates are higher, they stay locked in at their original rate.

## Strategic Planning

The Farm Loan Board was included in the Review of Agencies, Offices, and Crown Corporations that was conducted by the current government shortly upon their taking office. Both Boards welcomed the opportunity to review the effectiveness of program offerings and service delivery. The review provided an opportunity to review recent changes made to regulations and how the Boards conduct their respective work. No changes were recommended from this review.

Upon completion of the review, the Farm Loan Board's strategic planning focused on identifying areas for developing the loans portfolio to ensure that all viable opportunities in the agriculture and agri-food sectors have the potential to be supported, while also diversifying the portfolio to manage risk.





## Marketing Plan

The end of the COVID-19 restrictions on travel and events allowed for increased outreach to existing and prospective clients. This was accomplished through attendance at conferences and events such as the Minister of Agriculture Conference, the Nova Scotia Federation of Agriculture AGM, the Forest Nova Scotia AGM, as well as various regional and commodity specific events. Targeted advertising through industry trade publications and the revamping of the Farm Loan Board's online and social media presences were conducted to expand reach to clients and stakeholders. The Farm Loan Board welcomed a new team member whose focus will be on outreach and engagement efforts in support of portfolio development and diversification.

## Continued Revitalization of the Timber Loan Board

Work under the Timber Loan Board continued throughout 2022-2023, with staff developing new connections with key stakeholders and associations in the sector. Financing continued to be offered not only to wood-lot owners, but throughout the value-chain to contractors and wood product manufacturers. Working closely with staff from the Department of Natural Resources and Renewables, financing products were reviewed to ensure they were meeting the needs of industry. Increased awareness of the financing options offered by the Timber Loan Board led to new business opportunities for Nova Scotian forestry companies.





## Developmental and Value-add Sectors

The Farm Loan Board continued to explore new ways to reach newcomers and those historically excluded from the agriculture industry and support them in establishing roots in the province's agriculture economy. In the summer of 2022, Crown Lending Agencies was pleased to continue to lead the Black Youth Planting Their Future Program. This ongoing commitment provides youth/students summer employment opportunities with the Farm Loan Board and introduces them to the various sectors within the agriculture industry.

In addition, the Farm Loan Board held discussions with organizations and individuals to better understand how the Farm Loan Board can offer supportive and complimentary lending for Indigenous persons. Work in this area includes discussions on innovative solutions to support Indigenous people in Nova Scotia, African Nova Scotians, and newcomers with better access to Farm Loan Board lending programs. Efforts also continued to review loan application documentation to ensure inclusivity for underrepresented communities.

In 2022-23, staff continued to develop working relationships with businesses in the food processing sector and look forward to continuing to offer financing for these businesses.



## Community Pastures

# Program

The Farm Loan Board has eight community pastures located throughout rural Nova Scotia. The Community Pasture program was established in the 1950's to assist farmers with reducing costs while developing their farms at home by providing grazing for their livestock during the summer months. There are pastures in Digby, Cumberland, Pictou, Guysborough, Richmond, and Inverness Counties.

The pastures have over 6,300 acres with 2,100 of those acres cleared and operating pastureland. The community pastures play a valuable role in supporting the growth and development of the province's beef industry, particularly in their role to support new entrants to the sector. Approximately five percent of the Nova Scotia beef herd are placed on community pastures each summer. Seven of the pastures are operated under agreement with third party operators, mainly producer co-operatives, to provide grazing and related services to local farmers.

In 2022-23, the Farm Loan Board undertook several initiatives to continue revitalizing the Community Pasture Program, including:

### 1. Community Pasture Support Program

- Invested \$400,000 in fertility and pasture infrastructure in 2022.
- Budgeted 2023-2024 with \$250,000 for the 2023 pasture season.

### 2. Continuation of the Community Pasture Advisory Committee (CPAC)

- CPAC was established in response to consultant's recommendations in 2021.
- CPAC oversees pasture governance as well as improvement of the Community Pasture Program.
- CPAC is chaired by a member of the Farm Loan Board, with four other members from the beef industry.





### **3. Return of Cape Mabou Community Pasture to community operation**

- A private contractor was hired to operate the pasture in 2022 to allow time for community consultation.
- A Request for Proposals process resulted in a new community group stepping forward to resume community-based operations.

### **4. Expansion of Cape John Community Pasture**

- In May of 2022, the Farm Loan Board purchased a 308-acre parcel of farmland adjacent to the existing pasture.
- Approximately 150 acres were fenced and developed for pasture in 2022 with plans to develop the remainder in 2023.
- The co-operative was able to increase their herd size by more than 200 animals, and bring on new members.

### **5. Successful proposal for restarting the Manchester Community Pasture**

- This pasture ceased operations in 1992 and has been idle since.
- A Request for Proposals process identified a group of local farmers who were interested in resuming operations on the site.
- A pasture management plan was developed, with Department of Agriculture staff assisting with the start-up.





# Progress

on Goals



## Focus on Clients

Throughout 2022-23, efforts continued to improve our client service and product offerings to ensure that financing solutions offered continued to match the needs of an evolving industry. Our dedicated team of professionals placed great emphasis on meeting client expectations, and responded immediately and with compassion to changes in external circumstances such as storm events and economic uncertainty. Several internal process improvements were implemented for 2023-24 that are anticipated to yield positive results for clients.

Maintaining communication with clients, both during the early phases of a new application and after many years of being an established business, allowed staff to be responsive to clients. Planned expansion of the Farm Loan Board and Timber Loan Board's social media accounts is another tool being used to maintain strong relationships with those involved in the agriculture and forestry sectors

## Focus on People

The commitment of Farm Loan Board staff to the success of the industries we serve remained one of the organization's strongest assets. Staff-led teams continued to undertake initiatives driven by the results of the Provincially administered "How's Work Going?" survey. Staff continued to identify areas for reducing administrative burden to not only enhance their work efforts, but for the benefit of the clients we serve. Opportunities for cross-training and employee development were pursued, with a vision towards ensuring an engaged and stable workforce.

A long-term Director Recruitment Strategy was developed to support both Board of Director stability as well as onboarding new directors. Part of the recruitment strategy seeks to attract applicants from a wide variety of demographic and professional backgrounds, to ensure the Farm Loan Board is representative not only of the provincial agriculture industry, but of provincial demographics overall.

## Focus on Development

Marketing efforts of the Farm Loan Board throughout 2022-2023 were undertaken to further develop and diversify the loans portfolio. Staff had increased opportunities to visit new and existing clients at their places of business to gain insights into how Farm Loan Board financing could support their business. Financing products continued to be reviewed for their applicability to the Farm Loan Board's objectives of expanding financing into new areas. The Farm Loan Board continued to seek partnerships with other lending and development agencies and institutions.



Independent

# Auditor's Report

and Audited Financial Statements



Financial Statements

Nova Scotia Farm Loan Board

March 31, 2023

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## Independent auditor's report

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**Grant Thornton LLP**  
Nova Centre, North Tower  
Suite 1000, 1675 Grafton Street  
Halifax, NS  
B3J 0E9

T +1 902 421 1734  
F +1 902 420 1068  
[www.GrantThornton.ca](http://www.GrantThornton.ca)

To the Board of Directors of Nova Scotia Farm Loan Board

### Opinion

We have audited the financial statements of Nova Scotia Farm Loan Board (the "Loan Board"), which comprise the statement of financial position as at March 31, 2023, and the statement of operations and accumulated surplus, changes in net debt and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of Nova Scotia Farm Loan Board as at March 31, 2023, and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of our report. We are independent of the Board in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of management and those charged with governance for the financial statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Loan Board's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate the Board or to cease operations, or has no realistic alternative to do so.

Those charged with governance are responsible for overseeing the Loan Board's financial reporting process.

### Auditor's responsibilities for the audit of the financial statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Loan Board's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on Tourism's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Board to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

The logo for Grant Thornton LLP, featuring the company name in a stylized, cursive script.

Chartered Professional Accountants

Halifax, Canada  
June 22, 2023

# Nova Scotia Farm Loan Board

## Statement of financial position

March 31

(in thousands of dollars)

	2023	2022
<b>Financial assets</b>		
Accounts receivable	\$ -	\$ 16
Interest and other receivables, net (Note 4)	1,633	1,576
Loans receivable, net (Note 5)	226,460	190,925
Real estate held for resale	67	137
	<u>228,160</u>	<u>192,654</u>
<b>Liabilities</b>		
Due to the Province of Nova Scotia	-	16
Accounts Payable	14	-
Advances from the Province of Nova Scotia (Note 6)	229,963	193,320
	<u>229,977</u>	<u>193,336</u>
<b>Net debt</b>	<u>(1,817)</u>	<u>(682)</u>
<b>Non-financial assets</b>		
Real estate (Note 7)	1,817	682
	<u>1,817</u>	<u>682</u>
<b>Accumulated surplus</b>	\$ -	\$ -

Commitments (Note 14)

On behalf of the Board

DocuSigned by:  
  
 4C42EBDB5189416... \_\_\_\_\_ Director

DocuSigned by:  
  
 42E392BC9BFD4FA... \_\_\_\_\_ Director

See accompanying notes to the financial statements.

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# Nova Scotia Farm Loan Board

## Statement of operations and accumulated surplus

Year ended March 31

(in thousands of dollars)

	Budget 2023	2023	2022
<b>Revenues</b>			
Interest on loans	\$ 6,300	\$ 7,623	\$ 6,940
Loan processing and other fees	233	160	245
Life insurance program revenue, net	-	14	18
	<u>6,533</u>	<u>7,797</u>	<u>7,203</u>
<b>Expenses</b>			
Lending expenses (Note 8)	<u>6,288</u>	<u>6,778</u>	<u>7,051</u>
	<u>6,288</u>	<u>6,778</u>	<u>7,051</u>
<b>Annual surplus before distributions from the Province of Nova Scotia</b>	271	1,019	152
<b>Distributions to the Province of Nova Scotia</b>	<u>(271)</u>	<u>(1,019)</u>	<u>(152)</u>
<b>Annual surplus for the year and Accumulated surplus – Beginning and End of year</b>	\$ <u>-</u>	\$ <u>-</u>	\$ <u>-</u>

See accompanying notes to the financial statements.

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## Nova Scotia Farm Loan Board

### Statement of changes in net debt

Year ended March 31  
(in thousands of dollars)

	2023	2022
Net surplus	\$ -	\$ -
Net change in real estate held	<u>(1,135)</u>	<u>10</u>
Net debt		
Beginning of year	<u>(682)</u>	<u>(692)</u>
End of year	\$ <u>(1,817)</u>	\$ <u>(682)</u>

See accompanying notes to the financial statements.

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# Nova Scotia Farm Loan Board

## Statement of cash flows

March 31

(in thousands of dollars)

2023

2022

Net increase (decrease) in cash and cash equivalents

### Operating

Annual and accumulated surplus	\$ -	\$ -
Net charges (credits) to operations not involving cash		
Valuation allowance for impaired loans (including real estate held for resale)	298	1,663
Valuation allowance for real estate	-	-
Valuation allowance for accrued interest	16	56
	<u>314</u>	<u>1,719</u>
Net change in non-cash operating working capital balances related to operations		
(Increase) decrease in accounts receivable	16	(1)
(Increase) decrease in interest and other receivables	(73)	(43)
Increase (decrease) in accounts payable	14	-
Increase (decrease) in due to the Province of Nova Scotia, net	(16)	1
	<u>255</u>	<u>1,676</u>

### Financing activities

Increase in advances from the Province of Nova Scotia, net	<u>36,643</u>	<u>27,080</u>
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### Investing activities

Increase in loans receivable (including real estate held for resale), net	<u>(36,898)</u>	<u>(28,756)</u>
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Net change in cash and cash equivalents	<u>-</u>	<u>-</u>
Cash and cash equivalents, beginning of year	<u>-</u>	<u>-</u>
End of year	<u>\$ -</u>	<u>\$ -</u>

See accompanying notes to the financial statements.

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# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

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### 1. Nature of operations

#### Authority

The Nova Scotia Farm Loan Board (the "Loan Board") supports the development of sustainable agriculture, agri-food, and forestry business in Nova Scotia through responsible lending.

The Board is a provincial agency and operates under the authority of the Agriculture and Rural Credit Act and the Forests Act (for timber loans).

Principal in loans outstanding is limited by regulation to \$275 million. Maximum advances to be disbursed in any given year, are established through the annual budgeting process. For the year ended March 31, 2023, new advances were \$58,834 (2022 - \$52,339). During the year, the Loan Board received repayments of loan principal of \$25,273 (2022 - \$28,150).

Loans in excess of \$5 million and any loan write-offs require approval by Governor in Council.

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### 2. Capital management

As an agency of the Province of Nova Scotia, the Loan Board does not maintain its own capital. Operations are funded by contributions from the Province.

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### 3. Summary of significant accounting policies

#### Basis of accounting

These financial statements have been prepared by management by applying the principles of the Chartered Professional Accountants of Canada Public Sector Accounting Standards for other government organizations as defined by the Canadian Public Sector Accounting Board, which sets out generally accepted accounting principles for government organizations.

#### Restricted cash and accounts receivable

The Loan Board operates as an agency of the Province of Nova Scotia. All cash is received and disbursed through accounts managed centrally by the Province.

#### Loans receivable

Loans receivable are the principal portion of loans outstanding, net of the valuation allowance for loan impairment.

Loans are classified as impaired when, in management's opinion, there is no longer reasonable assurance of the timely collection of the full amount of principal and interest.

#### Valuation for loan impairment

The valuation allowance for loan impairment represents management's best estimate of losses due to impaired loans in the Loan Board's portfolio. The valuation allowance is determined based on management's identification and evaluation of the problem accounts and estimated losses that exist in the portfolio. These judgments are influenced by the composition and quality of the portfolio, general economic conditions and conditions affecting specific commodities, as well as the Loan Board policy to act as a patient lender, providing additional time for repayment where full future repayment appears reasonable.

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# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

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### 3. Summary of significant accounting policies (continued)

#### Valuation for loan impairment (continued)

The Loan Board records a specific valuation allowance based on a loan-by-loan review. Impaired loans are valued at the lower of their recorded investment or the estimated net recoverable value of their underlying security.

In addition, the Loan Board records a collective valuation allowance for loans in the portfolio not assessed in the specific reserve. This is an estimate of incurred but unidentified losses based on a review of historic loan write-offs on an industry sector basis.

#### Real estate

Real estate acquired through foreclosure is initially recorded at the lower of the recorded investment in the foreclosed loan and the estimated fair value based on the resale value of the security held, less disposal costs.

Net operating costs incurred on real estate are added to the carrying value of the property. The related provision is used to adjust the carrying value to net recoverable value, resulting in inclusion of these costs in bad debt expenses if the carrying value exceeds net recoverable value.

#### Revenue recognition

Interest income is recorded on an accrual basis until such time as a loan is classified as impaired. The loan reverts to an accrual status when all provisions for impairment are reversed and the ultimate collection of the principal and interest is likely.

All loan related fees are reported as revenue in the period in which they were earned.

Government transfers are recognized as revenue when the transfer is authorized, any eligibility criteria are met, and reasonable estimates of the amounts can be made.

#### Measurement uncertainty

Uncertainty in the determination of the amount at which an item is recorded in the financial statements is known as measurement uncertainty. Many items are measured using management's best estimates based on assumptions that reflect the most probable set of economic conditions and planned courses of action and are reviewed annually to reflect new information as it becomes available with adjustments made to the annual surplus or deficit as appropriate. Uncertainty exists whenever estimates are used because it is reasonably possible that there could be a material difference between the recognized amount and another reasonably possible amount.

Measurement uncertainty exists in the accruals for such items as health and retirement obligations. The nature of the uncertainty in the accruals for pension and retirement obligations arises because actual results may differ significantly from the Loan Board's various assumptions about plan members and economic conditions in the marketplace.

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# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

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### 3. Summary of significant accounting policies (continued)

#### Financial instruments

The Loan Board applies Handbook Section PS3450 "Financial Instruments" and is required to designate its financial instruments into one of the following two categories: (i) fair value; or (ii) cost or amortized cost. All of the Board's financial instruments are measured at amortized cost using the effective interest method.

The Loan Board's financial instruments consist of accounts receivable, interest and other receivables, loans receivable, due to the Province of Nova Scotia and advances from the Province of Nova Scotia and are measured at amortized cost using the effective interest method.

#### Management estimates

PSAS requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities and disclosure of contingent liabilities at the date of the financial statements and the reported amounts of revenue and expenses during the reporting period. By their nature, as described further in note 5b, these estimates are subject to measurement uncertainty and any changes in those estimates could have material impact on the results of future period financial statements.

#### Remeasurement gains and losses

Under PSAS, the Loan Board is required to present a statement of remeasurement gains and losses. As the Board has no remeasurement gains and losses, a statement of remeasurement gains and losses has not been presented.

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4. Interest and other receivables, net	2023	2022
Interest receivable	\$ 994	\$ 1,712
Accrued interest	1,365	1,180
Other charges	17	21
	<u>2,376</u>	<u>2,913</u>
Less: valuation allowance for interest on impaired loans	35	50
valuation allowance on real estate	<u>708</u>	<u>1,287</u>
	<u>\$ 1,633</u>	<u>\$ 1,576</u>



# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

### 5. Loans receivable

#### a) Loans receivable, net

The following schedule sets out the scheduled maturities of the principal balances of the financial assets as at March 31, 2023, together with the weighted average interest rates being earned on the financial assets.

	Under 1 year	1-5 years	Over 5 years	2023 Total	2022 Total
Performing loans					
Farm loans	\$ 17,591	\$ 48,657	\$ 148,417	\$ 214,665	\$ 184,209
Timber loans	959	2,992	1,998	5,949	3,932
	<u>\$ 18,550</u>	<u>\$ 51,649</u>	<u>\$ 150,415</u>	<u>\$ 220,614</u>	<u>\$ 188,141</u>
Average effective annual interest rate	3.81%	3.94%	4.27%	4.15%	3.50%
Add: impaired loans				<u>14,968</u>	<u>14,550</u>
Total loans				235,582	202,691
Less: valuation allowance for loan impairment				<u>(9,122)</u>	<u>(11,766)</u>
				<u>\$ 226,460</u>	<u>\$ 190,925</u>

#### b) Allowance for impaired loans

Loans are considered impaired when they are risk rated as substandard or worse or when the loan is more than 90 days in arrears at year end and there is insufficient collateral security valued at forced sale to cover the balance outstanding. The allowance is comprised of two components, the specific allowance for individually identified impaired loans and a collective allowance for unidentified impaired loans.

The specific allowance for individually identified impaired loans was established based upon a review of impaired loans. Primary factors considered in estimating the specific allowance on individual loans were the security pledged and the financial condition of the borrower and/or, where applicable, guarantors.

The collective allowance for unidentified impaired loans is management's best estimate of the loss that is likely to be experienced on impaired loans that were not known to be impaired at the year end. The collective allowance was determined based on management's judgment and recent experience by calculating the average estimated historical loss ratio by loan type and then applying these ratios to the current portfolio of unimpaired loans.

# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

### 5. Loans receivable (continued)

#### b) Allowance for impaired loans (continued)

	<u>2023</u>		<u>2022</u>	
	Impaired loans	Allowance for impairment	Impaired loans	Allowance for impairment
Specific allowance	\$ 14,968	\$ 5,694	\$ 14,550	\$ 7,812
Collective allowance	-	3,428	-	3,954
	<u>\$ 14,968</u>	<u>\$ 9,122</u>	<u>\$ 14,550</u>	<u>\$ 11,766</u>

Significant judgement was exercised by management in making these estimates. As such, actual losses that occur on loans outstanding at March 31, 2023 will differ from these estimates and the differences could be material.

#### c) Continuity for allowance for impaired loans

	<u>2023</u>	<u>2022</u>
Allowance for impaired loans – beginning of year	\$ 11,816	\$ 13,610
Add: Valuation allowance for impaired loans	197	1,641
Less: Amounts written off	(2,856)	(3,432)
Other adjustments	-	(3)
Allowance for impaired loans – end of year	<u>9,157</u>	<u>11,816</u>
Valuation allowance on principal	9,122	11,766
Valuation allowance on interest	<u>35</u>	<u>50</u>
	<u>\$ 9,157</u>	<u>\$ 11,816</u>

#### b) Loans past due but not impaired

A loan is considered past due when a counterparty has not made a payment by the contractual due date. The following table presents the carrying value of loans that are past due but not classified as impaired because they either (i) have a strong risk rating; (ii) have an arrears amount less than \$1; or (iii) are fully secured and collection efforts are reasonably expected to result in repayment. Loans that are past due but not impaired are as follows:

<u>1-30 days</u>	<u>31-60 days</u>	<u>61-90 days</u>	<u>91 or more days</u>	<u>2023</u>	<u>2022</u>
\$ 383	\$ -	\$ 134	\$ 3,090	\$ 3,607	\$ 2,171

# Nova Scotia Farm Loan Board

## Notes to the financial statements

March 31, 2023

(in thousands of dollars)

### 6. Advances from the Province of Nova Scotia, net

Advances are provided by the Province of Nova Scotia to fund loans issued by the Loan Board. The amortization periods of the advances range from 2 to 30 years. Advances are repayable in quarterly instalments of interest and principal. Interest rates vary from 2.0% to 6.7% with terms ranging from April 1, 2022 to January 1, 2049. Interest expense is calculated in accordance with a Memorandum of Understanding with the Nova Scotia Department of Finance (Note 10).

7. Real estate		<u>2023</u>	<u>2022</u>
Real estate held for long-term use			
Nova Scotia Provincial Exhibition Grounds	\$	576	\$ 576
Property used by community pastures		<u>1,241</u>	<u>106</u>
	\$	<u>1,817</u>	\$ <u>682</u>

The Board has recorded these properties as former loan properties under lease at the lower of the principal loan balance and the assessed value of the property. Subsequently, the Board entered into lease agreements over the properties to allow the loan clients to continue to operate on the properties. The Board has not recorded amortization on these properties.

The Nova Scotia Provincial Exhibition Grounds in Bible Hill are an important piece of agriculture history in Nova Scotia. The loan board took ownership over the lands in 2017 to ensure its continued availability to promote agriculture and harness racing activities in the province.

The Farm Loan Board has community pastures located throughout rural Nova Scotia. Developed in the 1950's, the Community Pastures program was designed to help beef farmers keep their costs down by providing grazing land for their animals throughout the summer months.

8. Lending expenses	Budget	<u>2023</u>	<u>2022</u>
Bad debt expense (Note 10)	\$ 253	\$ 314	\$ 1,719
Interest expense (Note 9)	4,700	5,391	4,559
Other	242	20	14
Professional services	61	127	47
Salaries and benefits	910	842	656
Supplies and services	78	66	48
Training and development	6	6	4
Travel	<u>38</u>	<u>12</u>	<u>4</u>
	\$ 6,288	\$ 6,778	\$ 7,051



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## Nova Scotia Farm Loan Board

### Notes to the financial statements

March 31, 2023

(in thousands of dollars)

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#### 9. Interest expense

Since April 1, 1998, a Memorandum of Understanding ("MOU") between the Loan Board and the Nova Scotia Department of Finance has formalized the Loan Board's funding arrangement. Under the MOU arrangement, the Loan Board estimates projected lending requirements on a quarterly basis. The Nova Scotia Department of Finance arranges the requested financing for terms requested and provides this financing to the Loan Board at interest rates related to the terms and volumes requested. Funding is maintained to cover the Loan Board's investment in loans receivable and in real estate. The Loan Board tracks the draws arranged with the Nova Scotia Department of Finance and computes the interest cost based on the terms of these draws. Actual financing costs are included as interest costs of the Province.

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#### 10. Bad debt expense

Bad debt expense includes:

	<u>2023</u>	<u>2022</u>
Allowance for impaired loans	\$ 197	\$ 1,450
Impairment of real estate held for resale	100	213
Recovery of real estate	-	-
Allowance for interest	<u>17</u>	<u>56</u>
	\$ <u>314</u>	\$ <u>1,719</u>

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#### 11. Financial instruments

##### Fair value of financial instruments

The Loan Board is exposed to financial risk that arises from the credit quality of the individuals and entities to which it provides loan services. Credit risk arises from the possibility that the individuals and entities to which the Board provides loan services may experience financial difficulty and be unable to fulfil their obligations.

##### Risk management

###### *Credit risk*

The risk that clients may not pay amounts owing on loans and lease accounts, resulting in a loss to the Loan Board, is managed through an initial assessment of the client's ability to pay, and by review and follow-up of delinquent accounts by loan officers. In cases in which the client is unable to make payments, due to cyclical industry or other temporary difficulties, it is the Loan Board's policy to work with the client on an individual basis to provide time for recovery.

The total of loans receivable at March 31, 2023 is \$235,582 (2022 - \$202,691). The majority of loans are secured primarily by real property using mortgage or Agreement of Sale (providing rights similar to a mortgage). Dairy and poultry loans are generally also secured by an irrevocable assignment of production quota. Collateral security may also be provided by equipment, livestock or chattels. The maximum exposure to credit risk is the total loans outstanding.

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## Nova Scotia Farm Loan Board

### Notes to the financial statements

March 31, 2023

(in thousands of dollars)

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#### 11. Financial instruments (continued)

All clients are involved in agriculture, food and beverage productions, or forestry in Nova Scotia. Regulations provide that loans must not exceed 90% of security value without approval by the Loan Board. Collateral held for security is assigned a value by the loan officer considering the loan based on known transactions of similar property, with additional information provided by property assessments and external assessments, where available.

The Loan Board adjusts the valuation allowance for impairment to recognize management's estimate of recoveries on impaired accounts. Impairment is primarily identified by review of arrears, refinanced loans and accounts in sectors experiencing difficulty. No loans were issued in refinanced loans during 2022 - 2023 to clients with significant arrears (2022 - \$287).

##### *Liquidity risk*

The Province of Nova Scotia provides funding and cash management services to the Loan Board. There is minimal risk that funds will be unavailable to meet lending commitments or payments of other expenses except to the extent of legislative and budgetary limitations on spending authority as identified in Note 1.

##### *Interest rate risk*

In order to mitigate the risk that future changes in interest rates may affect net interest revenue, the Board attempts to match terms of loans offered with those of funds drawn through the Province. All loans provide for an optional 10% repayment at any time during each calendar year and an optional full repayment on each 5 year anniversary. Loans may be contracted for the full term of their amortization (from 1 to 30 years) or may be of fixed terms of 3, 5 or 10 years with an amortization period of up to 30 years. Funds drawn through the Province provide for 10% annual and 5-year full optional repayments. A 1% change in interest rates would have a \$2,265 (2022 - \$1,909) impact on interest income and on interest expense.

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#### 12. Related party transactions

The Loan Board is related to all other departments, agencies, boards and commissions of the Province of Nova Scotia. The Nova Scotia Department of Finance is the sole source of funding for loans (see Note 1). Transactions with provincial entities were entered into in the normal course of business.

The Province of Nova Scotia pays certain expenses, including rent, building maintenance, computer networks and support, computerized accounting systems and miscellaneous office expenses in relation to building and computer systems, on behalf of the Loan Board with no charge to the Board.

Loans and interest receivable includes \$3,499 (2022 - \$3,278) and interest revenue includes \$110 (2022 - \$96) resulting from outstanding loans to Loan Board members and immediate family of Board members. These loans were issued under normal terms and conditions using market interest rates.

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## **Nova Scotia Farm Loan Board**

### **Notes to the financial statements**

March 31, 2022

(in thousands of dollars)

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#### **13. Pension and post retirement benefits**

All full-time employees of the Loan Board are entitled to receive pension benefits pursuant to the provisions of a pension plan established under the Public Service Superannuation Act. The plan is funded by equal employee and employer contributions. The employer's contributions of \$62 (2022 - \$48) are included in the Loan Board's operating expenses. The Public Service Superannuation Fund is administered by the Public Service Superannuation Plan Trustee Inc. and any unfunded liability, as well as other obligations related to post-retirement benefits, are the responsibility of the pension plan. It is not anticipated that any such future costs would be allocated to the Loan Board.

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#### **14. Commitments**

The Board will hold interest rates for ninety days for any client from the date of loan approval. As of March 31, 2023, the Board has authorized loans of \$48,577 (2022 - \$19,655) which had not been disbursed.





## NOVA SCOTIA FARM LOAN BOARD

### OFFICE LOCATIONS

Truro - Head Office  
Edward F Lorraine Bldg  
74 Research Drive  
Bible Hill, Nova Scotia  
B6L 2R2  
902-896-4800

Kentville - Field Office  
Kentville Agricultural Centre  
32 Main Street  
Kentville, Nova Scotia  
B4N 1J5  
902-679-6009

[flbns@novascotia.ca](mailto:flbns@novascotia.ca)

[nsfarmloan.ca](http://nsfarmloan.ca)



NOVA SCOTIA  
FARM LOAN BOARD

# Summary

Lunenburg County  
2022-2023

18

Overall  
**Clients served**  
in Lunenburg County

2022-23

2

Million

Overall

11

Million

**Invested in agri-businesses**  
in Lunenburg County



Outstanding investments in Nova Scotia agriculture and agri-food enterprises

**now exceed \$235 million**



**94 New Loans**  
approved in 2022-23



**\$6.3 Million**

invested in forestry sector



The FLB supports  
**Almost 400**  
Nova Scotian enterprises

The value of Farm Loan Board loans approved

**increased by 52% to \$87 million**

Learn more at [nsfarmloan.ca](https://nsfarmloan.ca)



**NOVA SCOTIA  
FARM LOAN BOARD**

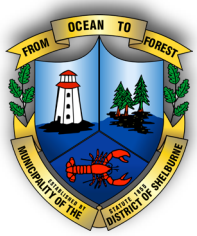
Truro - Head Office  
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October 11, 2023

Nova Scotia Federation of Municipalities  
Suite 1304, 1809 Barrington Street  
Halifax, NS B3J 3K8

**Attention:** Mayor Brenda Chisholm-Beaton, President, Nova Scotia Federation of Municipalities (NSFM)

**Email:** [bchisholmbeaton@townofph.ca](mailto:bchisholmbeaton@townofph.ca)

**Subject: Urgent Need for Advocacy to Improve Rural Cell Phone Coverage for Emergency Preparedness**

Dear Mayor Chisholm-Beaton,

I am writing to you with an urgent and critical concern that necessitates immediate action; the lack of reliable cell phone coverage in rural parts of Nova Scotia. Recent events, such as wildfires, floods, and hurricanes, have emphasized the imperative need for robust communication networks in these areas.

While natural disasters have always posed a risk, the increasing frequency and severity of these events make it even more essential for our rural communities to have dependable cell phone coverage. In times of emergencies, many residents do not receive timely alerts or information due to the inadequate or non-existent cell phone signal, endangering lives, and properties. Communication is a vital lifeline that can make all the difference in these perilous situations.

The recent initiative in Toronto, where all subway riders will have cellphone service from October 3rd, underscores the vital importance of connectivity for public safety and economic prosperity. Spearheaded by the Federal Minister of Innovation, Science and Industry, François-Philippe Champagne, this move responds to concerns over restricted connectivity, ensuring that riders can promptly access emergency services and maintain consistent communication for both personal and business needs. If such measures can be executed in urban centers like Toronto, it becomes imperative for the government to address similar concerns in rural communities, such as the Municipality of Shelburne. In emergencies like the recent fires, several residents couldn't receive crucial evacuation alerts due to absent cell coverage. Just as Toronto's subway riders are safe guarded with mandated service provisions, residents of rural communities deserve the same commitment to their safety and well-being.

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Warren MacLeod, CAO

[Warren.MacLeod@municipalityofshelburne.ca](mailto:Warren.MacLeod@municipalityofshelburne.ca)

[www.municipalityofshelburne.ca](http://www.municipalityofshelburne.ca)

Penny Smith, Warden

[warden@municipalityofshelburne.ca](mailto:warden@municipalityofshelburne.ca)

As you are aware, reliable cell phone coverage is not merely a matter of convenience but a critical infrastructure need that impacts the well-being and safety of our residents. Not only does this affect individual households, but it also hampers the efforts of emergency responders who rely on clear lines of communication to coordinate rescue and relief activities.

I urge you, in your capacity as the President of the Nova Scotia Federation of Municipalities, to prioritize and intensify your advocacy towards both the Provincial and Federal Governments through your Public Safety Advisory Committee or possibly creating a dedicated committee on the issue. While it is understood that there are multiple challenges and budget constraints to be managed, the well-being and safety of the citizens should always be paramount.

Moreover, improved cellular infrastructure would not only enhance safety but also contribute to the economic and social development of these rural areas. This long-term investment would benefit our communities in multiple ways, making it a “win-win” situation for all stakeholders involved.

Thank you for your attention to this vital issue. Together, we can forge a stronger and safer Nova Scotia for everyone.

Sincerely,

Warden Penny Smith  
Municipality of Shelburne



Warden Eddie Nickerson  
Municipality of Barrington



Mayor Rex Stoddard  
Town of Clark's Harbour



Mayor Cory Nickerson  
Town of Lockeport



Mayor Harald Locke  
Town of Shelburne



Tim Houston, Premier  
Rick Perkins, MP – South Shore – St. Margarets  
Nolan Young, MLA – Shelburne  
Juanita Spencer, NSFM - Chief Executive Officer  
Ellen Desmond, CRTC – Commissioner Atlantic Region & Nunavut  
Paul Mason, NSEMO – Executive Director  
All Nova Scotia Municipalities




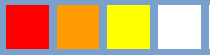



## Report to Council October 26, 2023


This Report to Council is intended to provide the Mahone Bay Town Council with a high-level summary of staff progress towards Council's direction to staff. As per the Town Council Policy, the report will be provided at each regular meeting of Council. The Report to Council is a living document and will improve and expand to incorporate new source documents as approved, and to respond to feedback received from Council.

Goal	Objective	Assigned	Target	% Completion				
Council Assignments to Staff								
1	Staff to initiate discussion with MODL Planning staff and prepare a report for Council about the possibility of intermunicipal collaboration between the Town of Mahone Bay and MODL on the topic of housing in the preparation of their respective planning documents.	26-Nov-20	Nov., 2023					75%
		Notes: In progress. Discussion initiated with MODL Planning staff. MODL planning input to Plan Mahone Bay process received and incorporated by Upland into MPS/LUB drafts. Report on housing collaboration anticipated in November 2023.						
2	Staff to initiate a Home Charger Pilot Program for electric vehicle owners under the Grow the Load Initiative.	29-Jul-21	Nov., 2023					75%
		Notes: In Progress. Town staff coordinating with AREA staff on development of pilot program. Associated residents survey to inform program development completed in 2022. Update report in this regard anticipated in Q3 2023-24.						





<b>3</b>	Staff to produce a report on the Town's Procurement Policy.	28-Jul-21	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>75%</b>	Notes: Assigned to Manager of Finance (Treasurer). Discussed at July 24th Policy & Strategy Committee meeting.
<b>4</b>	That minimum standards for housing be reflected in any housing strategy that the Town may develop.	14-Sep-21	Feb., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>50%</b>	Notes: Housing Strategy now reflected as an action in the Town's CMHC Housing Accelerator Fund application.
<b>5</b>	Direct staff to issue an RFP for legal services.	28-Oct-21	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>75%</b>	Notes: RFP to be issued in Fall of 2023/24 to take effect April 1, 2024.
<b>6</b>	Staff to initiate discussions with the Nova Scotia Liquour Commission concerning potential cyclist and pedestrian safety improvements to their property on Main Street.	08-Mar-22	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>		Notes: Report on Council's October 26th meeting agenda.
<b>7</b>	Staff to reach out to MODL staff to discuss any interest in extending Town water/wastewater services into Mader's Cove / Blockhouse.	14-Jul-22	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>75%</b>	Notes: In Progress, report anticipated in November 2023.

8	Direct staff to execute a twenty-five year power purchase agreement with AREA for wind energy incremental to AREA's existing 23.5W Ellershouse Wind Farm, delivered as the wind blows and when the Town can use it in a given hour, with the added option for the Town to increase its annual takings from AREA to achieve 100% renewable energy supply if the town elects to subscribe to energy balancing services from the market.	11-Oct-22	Nov., 2023		75%
		Notes: In Progress.			
9	Provide Council with a report regarding the potential implementation of a marketing levy and interaction with the Provincial Short-Term Accommodation legislation.	26-Jan-23	Oct., 2023		★
		Notes: Report on Council's October 26th meeting agenda.			
10	Proceed with recommended tee-up of the Pleasant Street and Main Street intersection.	07-Feb-23	Jun., 2024		50%
		Notes: In progress with WSP (engineering). Tender will be issued over winter for construction in late spring 2024.			
11	Provide Council with a report no later than November 14, 2023, on the potential formation of a Council Remuneration Review Committee	09-Mar-23	Nov., 2023		50%
		Notes: In progress.			

12	Investigate potential locations for a new Mahone Bay Pool, as as part of that investigation, a survey be conducted with citizens.	30-Mar-23	Jan., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Underway in coordination with Mahone Bay Pool Society. Public survey completed (150 responses received). Update report included on Council's Sept. 28th meeting agenda. Kick-off and initial site visit with Vigilant Management took place in October. Staff identifying external funding opportunities.
13	Provide a report on the feasibility of Council receiving periodic summaries of building and development permits issued by the Town's Planners.	30-Mar-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>		Notes: Report on Council's October 26th meeting agenda.
14	Prepare a report on the potential for the provision of access to Oakland Lake for fire services.	30-Mar-23	Feb., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In Progress. (The timeline for work within waterways is over for 2023, will have to plan for 2024 season)
15	Facilitate tours of the Community Solar Garden	11-Apr-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In progress with AREA staff for Q3 2023-24.
16	Develop service standards that can be used to benchmark and analyze performance.	11-Apr-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: In Progress. Report anticipated to Council's Nov 14th meeting.
17	Work with the Wooden Boat Society to explore options for a fishing pier at the marina wharf.	11-May-23	Jan., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: Initial Council / Wooden Boat Society discussion took place in October. Staff continue to review options for anticipated report to Council.



18	Prepare a report on the addition of a Town financed washer and dryer at the marina comfort station, including the feasibility of cost recovery.	11-May-23	Jan., 2024	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: Included in Society / Council discussion, awaiting follow up from Society.
19	Staff to conduct a fire rate study.	11-May-23	Jan., 2024	Not yet begun		Notes:
20	Prepare a report on the potential use of the perpetual care funds to be provided as a loan to the utility to finance any operational deficit in 2023/24.	18-May-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Associated with proposed Reserves Policy anticipated to November Policy & Strategy Committee meeting for consideration.
21	Prepare a report on employee pension and benefit plans, benchmarking against other NS municipalities.	18-May-23	Dec., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In progress.
22	Support welcome initiatives for the newcomers arriving from Kenya in coordination with MacLeod Group's Settlement Coordinator.	25-May-23	Dec., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	50%	Notes: In progress.
23	Register the property located at 496 Main Street as a Municipal Heritage Property.	25-May-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Schedule B picked up by Town solicitor to be registered at Access NS
24	Register the property located at 45 School Street as a Municipal Heritage Property.	25-May-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	Notes: Schedule B picked up by Town solicitor to be registered at Access NS

<b>25</b>	Provide Council with a report on the items outlined in the letter from Mr. Haysom and Ms. Hearder concerning forest fire prevention.	13-Jun-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>		
		Notes: Report on Council's October 26th meeting agenda.				
<b>26</b>	Proceed with an environmental assessment and geotechnical assessment of the Town-owned property located at the corner of Kinburn Street and Hawthorn Road.	29-Jun-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>75%</b>	
		Notes: In progress. Initial assessments concluded. Staff working with contractors to follow up.				
<b>27</b>	Proceed with preparations for the demolition of the Public Works garage on Aberdeen Road.	29-Jun-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>50%</b>	
		Notes: In progress.				
<b>28</b>	Submit an application to the Nova Scotia Thriving Forests program.	27-Jul-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>75%</b>	
		Notes: In progress.				
<b>25</b>	Apply for the ACOA Innovative Communities Fund for funding to support various infrastructure improvements in the downtown core included in the Council's 10-year Capital Invest Plan.	27-Jul-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>		
		Notes: Application submitted.				
<b>30</b>	Issue a request for proposals for creation of a future development plan for Park Cemetery.	27-Jul-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>50%</b>	
		Notes: In progress.				
<b>31</b>	Issue a request for proposals for update of the Town's Municipal Specifications.	12-Sep-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<b>25%</b>	
		Notes: In progress.				

32	Include an additional operator (shared 50/50 between water and wastewater) in the Water Rate Study.	12-Sep-23	Dec., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: Water rate study in progress.			
33	Work with the Fire Department to consider the proposal to purchase a ladder truck and bring forward a recommendation to Council.	12-Sep-23	Nov., 2023	Not yet begun	
		Notes:			
34	Take the necessary steps to designate the road to the solar garden as an official street/lane of the Town.	28-Sep-23	Dec., 2023	Not yet begun	
		Notes:			
35	Reimburse the electrical utility customer at 9196 Hwy 3 in the amount of \$2,236.61 for costs incurred	28-Sep-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div> ★
		Notes: Completed.			
36	Apply for BUTU service from Nova Scotia Power Incorporated for 2024.	28-Sep-23	Dec., 2023	Not yet begun	
		Notes:			
37	Apply to the Nova Scotia Utility and Review Board for a flow-through rate increase in proportion to the increase in the municipal rate from Nova Scotia Power Incorporated for 2024.	28-Sep-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: In progress.			
38	Issue a donation in the amount of \$250 to the Mahone Bay Legion's annual Remembrance Day Luncheon.	10-Oct-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div> ★
		Notes: Completed.			



39	Support the Veteran Banner Initiative and direct staff to bring a recommendation back to Council ahead of the 2024-25 budget process.	10-Oct-23	Feb., 2024	Not yet begun			
		Notes: Not yet begun.					
40	Reach out to the Mahone Bay Community Land Cooperative to ask for an update on the progress of their project.	10-Oct-23	Nov., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>			50%
		Notes: Update requested.					
41	Prepare a report on potential amendments to the draft Noise By-law in response to feedback received.	10-Oct-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>			<div><div></div><div></div><div></div><div></div><div></div></div>
		Notes: Report on October 23rd Policy & Strategy Committee Agenda.					
42	Write to Robert Hughes, of Civonus Inc., to thank him for the presentation given to the Policy & Strategy Committee.	10-Oct-23	Oct., 2023	<div><div></div><div></div><div></div><div></div><div></div></div>			<div><div></div><div></div><div></div><div></div><div></div></div>
		Notes: Completed.					

Chief Administrative Officer's Report - Oct. 26, 2023		
1	<b>Atlantic Infrastructure Management (AIM) Network</b>	Second year as AIM Network Board Chair. Participated in 2023 annual conference in Moncton (Sept 18-20). Participated in AIM-supported South Shore Sustainability Summit (Sept 22-23).
2	<b>Municipal Joint Services Board (MJSB)</b>	Regular CAO/COO meetings ongoing. Topics include additional shared service opportunities among others. Participation in Board meetings.

<b>3</b>	<b>Riverport Electric Shared Service Advisory Committee</b>	Regular meetings continue. Committee discussions focus on opportunities for closer cooperation.
<b>4</b>	<b>Regional Emergency Measures Organization (REMO)</b>	Regular monthly meetings and bi-monthly table exercises between REMO Coordinator and CAOs continue (along with regular planning meetings). Planning Committee established and meeting regularly.
<b>5</b>	<b>Alternative Energy Resource Authority (AREA)</b>	Weekly AREA staff meetings continue by phone. Participation in AREA Board meetings. AREA continues to manage solar garden projects for Berwick, Mahone Bay and Antigonish with regular updates to Council. Joint HOME Program review application with other AREA units submitted to FCM. WIP-funded project now begun with Berwick and RELC.
<b>6</b>	<b>Lunenburg County Accessibility Advisory Committee</b>	CAO serving as staff policy resource to Lunenburg County Accessibility Advisory Committee (LCAAC). Funding for accessibility audits included in draft 2023-24 budget. Draft Operational Plan presented to Council by Lunenburg County Accessibility Coordinator on March 9; draft plan referred to LCAAC for review and recommendation back to Council. LCAAC recommendation to Council included on Sept. 28 meeting agenda; Operational Plan adopted on Committee's recommendation.
<b>7</b>	<b>Nova Scotia Federation of Municipalities (NSFM)</b>	CAO continuing to serve on Nova Scotia Infrastructure Asset Management Working Group as AMA/NSFM representative (meeting irregularly at the moment). Participated in Working Group panel/presentation at 2022 NSFM Spring conference (May 5). Participating in scheduled NSFM calls / meetings.

8	New Long Term Care Facility	Water/Wastewater upgrades project serving new long term care facility completed. Wrap-up with MacLeod Group now completed. Electrical system upgrades completed.
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<p><b>Manager of Public Works &amp; Transportation's Report - Oct. 26, 2023</b></p>
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1	Streets & Sidewalks	<p>1. Jubilee Park laneway culvert and parking lot - <b>Completed</b></p> <p>2. All additional, current and revised no parking curb painting starting again this week.</p> <p>3. Repaving of Main St West out bound lane starting this week. Repaving of Fauxburg St (near Pleasant) - <b>Completed</b>. Updating of removed speed humps still remaining.</p> <p>4. RPS to Town Catch basin underground pipe at second driveway and repaving deteriorated sidewalk - <b>Completed</b>. RPS 1st driveway asphalt swale still to be installed.</p> <p>5 Deteriated Wastewater plant cross culvert to harbour to be replaced with upsized cross culvert - <b>Completed</b>. Upgraded head wall and culvert to Wastewater plant lower catch basin - <b>Completed</b>. Upsized head walls and cross culvert leading up Wastewater plant hill scheduled for the end of the month.</p> <p>6. Gravel removal under Kinburn bridge started on October 16th and will be ongoing for entire week.</p>
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1	Streets & Sidewalks	<p>Dexter's gained permission from both Fisheries and NSECC to extend Sept 30th deadline and work in watercourse.</p> <p>7. Dexter's to conduct assessment of Main street bridge (Ernst Brook) along with upstream and downstream containment walls (armour) to generate a report for all owners to review.</p> <p>8. Upgrades to Spur and Kinburn stormwater management system to begin the end of the month.</p> <p>9. Installation of all Accessible parking stalls signage - <b>Completed</b></p> <p>10. Dynamite and Bay to Bay Trail Parking signs to be installed by the end of the week.</p>
		<p>1. New Articulating tractor and Thail mower to be received in early November..</p> <p>2. New 2 ton truck with plow to be received in early November.</p> <p>3. New roof on playground gazebo roof to be</p>



2	Other	<p>3. New roof on playground gazebo roof to be installed in mid November.</p> <p>4. Installiton of park benches and picnic table ongoing.</p> <p>5. Phase 1 Enviromental Assessment on Hawthorn and Kinburn Town Properties completed. Phase 2 and Geotechnical still ongoing.</p> <p>6. Bayview fence painting - <b>Completed</b></p> <p>7. New Aquatic garden railing and sign posts to begin this week. New sign will be ordered next week.</p>
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Water/Wastewater System Manager's Report - Oct. 26, 2023

1	<b>Water Supply, Treatment &amp; Distribution</b>	<ul style="list-style-type: none"><li>•CBCL assisting as needed for compliance monitoring, data collection, plus on call rotation</li><li>•Regular monitoring and maintenance activities continued. Routine or as required flushing of water mains conducted in various locations throughout the water distribution system</li><li>•Watermain project wrapped up week of Sept 12th, some deficiencies still outstanding</li><li>•Second dead-end flush unit installation outstanding (Edgewater St., Fairmont St.)</li><li>•Draft Cross Connection Control Program due to NSE in 2023, draft by-law/ policy in the works plus working on identifying and surveying locations.</li><li>•Plans to continue with NRW recommendations.</li><li>•Spring Leak Survey completed with 3 leaks located, potential of a 4th leak discovered after the leak survey. Since the Leak Survey 3 leaks were repaired with the 4th repair pending on the property owner. A fall follow up leak survey was completed in October with no concerns about the leaks identified and repaired in 2023.</li><li>•CBCL 10yr System Assessment Report completed</li></ul>
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		<p>and submitted to NSE for review and comments. September an action plan submitted to NSE based on SAR recommendations.</p> <ul style="list-style-type: none"><li>•Residential auto-flusher installed in problem area, minor adjustments made to maintain positive results</li><li>•90% of damaged parts from the July lightning storm have been purchased and installed with a few components remaining to be installed.</li><li>•Lunenburg WTP is upgrading and expanding their plant capacity, Staff are looking into purchasing some of their used filters.</li><li>• Fall flushing planned for early November</li></ul>
		<ul style="list-style-type: none"><li>•Regular daily compliance monitoring and maintenance activities continued</li><li>•Treatment cell #3 drain and cleaning planning started, quotations requested for sludge hauling and disposal (Approval for Summer 2023) potential leak discovered near solar garden. Couldn't do in 2023 due to precipitation amounts and high flows.</li><li>•Select sewer main cleaning and inspections approved, scheduling to begin late summer/early fall.</li><li>•New connections on Hawthorn, Longhill, &amp;</li></ul>

2	<b>Sewage Collection &amp; Treatment</b>	<p>Welcome St. Fall 2023</p> <ul style="list-style-type: none"> <li>•CBCL updated PAA Pilot Project Final Report, 2022 thru current. Lab &amp; Budget information provided for latest report.</li> <li>•Investigations started to locate sources of Tidal infiltration affecting collection system</li> <li>•Annual sewage lift station pump servicing pushed to fall 2023</li> <li>•Lift Station repair tender getting modifications and re-issued. (no bids)</li> <li>•PAA room door modifications underway, waiting on material delivery.</li> <li>•Annual lift station cleaning booked for the fall.</li> </ul>
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Climate & Energy Program Manager's Report - Oct. 26, 2023		
1	<b>Climate and Environment Advisory Committee</b>	The last meeting of the C&E committee took place on October 4th.
2	<b>HOME program reboot</b>	Greenfoot Energy Solutions are the new contractors for the HOME program. A brochure is now available at the front office for new residents. The contract between AREA and Greenfoot is being extended until Spring 2024 which will allow for them to remain in place until the HOME program review has been completed and then evaluated by the 3 Towns.



<b>3</b>	<b>HOME Program Review</b>	The full amount of funding was awarded to Navigate Energy from FCM, and the review has begun. Lauren is meeting bi-weekly with Liam to coordinate the process.
<b>4</b>	<b>Solar Garden</b>	Continues to attend bi-weekly meetings to get updates on the progress of the ToMB solar garden and provide general support to AREA staff. An open house is proposed for November.
<b>5</b>	<b>Home EV Charger Pilot</b>	Options are being explored in terms of the logistics for controlling the chargers.
<b>6</b>	<b>Urban Forest Management Plan</b>	Lauren and Dylan are working on the RFP. Council is being presented with details on that, in a staff report.
<b>7</b>	<b>Living Shoreline Extension</b>	Lauren has started working with Coastal Action on planning for the 100 meter extension of the Living Shoreline, which hasn't been officially announced yet, but that is being funded by the Sustainable Communities Challenge Fund.

Finance Manager's Report - Sept. 28, 2023		
<b>1</b>	<b>Electric Utility Payment Plans</b>	5 Plans have been implemented with 2 more outstanding for customer signature.
<b>2</b>	<b>Annual Audit Preparation/Support</b>	Audit for 22/23 Fiscal Year is currently outstanding.
<b>3</b>	<b>Financial Information Return (FIR)</b>	2021-22 FIR has not been approved by the Province with outstanding questions to Deloitte. Once they are satisfied, I will have to redue the FIR

<b>4</b>	<b>Procurement Policy</b>	Outlined and in the process of being drafted
<b>5</b>	<b>New Hire</b>	Continued training for Pam W.
<b>6</b>	<b>Megamation Onboarding</b>	Training to start this month across several departments

<b>Deputy CAO's Report - Sept. 28, 2023</b>		
<b>1</b>	<b>Housing Accelerator Fund</b>	Completed the Housing Accelerator Fund Application including Action Plan with support of the CAO for submission on August 18
<b>2</b>	<b>Managerial and Staff Support</b>	Working with management and staff in a supportive role on several things including: Business Plan Implementation Freedom of Information and Protection of Privacy Communications
<b>3</b>	<b>Emergency Management</b>	Post-rain storm REMO engagement including meetings, training, and table top exercises. In the process of establishing a registered Comfort Centre at the Mahone Bay and District Fire Department

4	<b>Policy, Bylaw, and Organizational Development</b>	<p>Currently reviewing the following policies, bylaws, or programs in cooperation with various staff:</p> <p>Human Resource Policies  Subvidision Bylaw  Procurement Policy  Occupational Health and Safety Program  Pension and Benefits Review  Records Management Systems</p>
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By-law and Policy Review - Oct. 26, 2023			
1	Trees	Target	Staff to research tree policy/by-laws and recommendations received regarding Mahone Bay specifically. In context of Plan Review.
		13-Feb-24	
2	Park By-law	Target	Staff to review Park By-law in context of Plan Review.
		13-Feb-24	
3	Stormwater Management By-law	Target	Staff to draft Stormwater Management By-law in context of
		13-Feb-24	
4	Subdivision By-law	Target	Staff to Subdivision By-law in context of Plan Review.
		30-Nov-23	
5	Fees Policy	Target	Not yet begun
		TBD	
6	Penalties By-law	Target	Not yet begun
		TBD	
7	Land-Use By-law and Municipal Planning Strategy	On Council's October 26th meeting agenda.	
8	Noise By-law	Target	Public hearing took place July 27th. Council has referred back to Policy & Strategy Committee meeting Sept. 25th for additional consideration.
		25-Jan-24	

9	Reserve Management Policy	Target	Discussed at July Policy & Strategy Committee, drafting underway now.
		12-Dec-23	
10	Procurement Policy	Target	Discussed at July Policy & Strategy Committee, revision underway now.
		14-Nov-23	

Service Statistics - Oct. 26, 2023				
1	By-law Enforcement	May, 2023	Parking Tickets: 7	
		Notes: Regular patrols and parking enforcement continues. Coordinating LUB enforcement with Development Officer. Followed up on illegal dumping concerns with Town waste bins. Enforcement and education activities in relation to woodlands closure (good compliance from the public). Spoke at the Atlantic By-law Officers Convention at Oak Island.		
2	Police Services (founded & SUI occurrences)	Q3 2023	89	CalendarYTD: 247
		Notes:		
3	Mahone Bay & District Fire Department	Apr-Jun	29	YTD: 29
		Fire Calls: 6; Fire Alarms: 4; Mutual Aid: 12; Medical Calls: 1; Motor Vehicle: 2; Other: 4		
		Notes:		
4	Traffic (Speed Signage)	Aug-Sept, 2023	MAIN STREET (50 km/h) Median Speed ~52 km/h	
			EDGEWATER STREET (50 km/h) Median Speed ~54 km/h	
			115 CLEARWAY ST (30/40 km/h) Average Speed 43 km/h	
		Notes: Tube Counters = 164 Main St. (Weekday ADT: 499, Weekend ADT: 527), 94 Clearland Rd. (Weekday ADT: 747, Weekend ADT: 583)		



5	Solid Waste (Tonnage)	2023-24 VTD	540.81	2022-23: 486.82
		Notes: Recyclables = 46.29; Organics = 114.36; Garbage/Other = 365.79; Septic/Treatment Plant = 0.92; Cardboard = 13.45.		
6	HOME Program	Leads: 50	Installations: 5	
		Notes: Ambassador engagement (previously Oct-Nov 2020) and installations to resume in Spring/Summer 2023.		
7	Water Utility	Pumped	Q2 2023 (flow meter total)	
			61,439,000 Litres Q1: 66,175,000 Litres	
		Treated	Q2 2023 (2nd Quarter total)	
			49,731,000 Litres Q1: 52,595,000 Litres	
		Sold	Q2 2023 (2nd Quarter total)	
			26,373,653 Litres Q1: 21,329,086 Litres	
		Accounted NRW (flushing,	Q2 2023 (approximate quarterly	
			2,862,432 Litres Q1: 2,476,515 Litres	
		Losses NRW	Q2 2023 (2nd Quarter total)	
			20,494,915 Litres Q1: 28,789,399 Litres	
8	Electrical Utility (Q2)	Purchased (AREA)		\$132,608
		Purchased (NBP)		\$254,524
		TOTAL Purchased		<b>\$387,132</b>
		Sold (Commercial)		\$28,130
		Sold (Residential)		\$367,048
		Sold (Power & Demand)		\$193,191
		TOTAL Sold		<b>\$588,370</b>

9	EV Chargers	YTD	1278 Charging Sessions	2556 Hrs / \$3,732	14,842 kWh	
		September 2023	113 Charging Sessions	204 Hrs / \$307	1270 kWh	
10	Development Services	Approved Subdivisions		Q2 2023-24		1
		Development Permits		Q2 2023-24		16
		Building Permits		Q2 2023-24		26
11	Comfort Stations (Aug 2023)	Edgewater Street	1,968 (9,411 YTD)	Main St.	524 in May (Counter Down)	
12	CodeRED Registrations	30/9/2023	Residential: 450; Business: 17; Email: 233; Text: 342; TDD: 5.			
		31/4/2023	Residential: 424; Business: 19; Email: 218; Text: 309			
		31/3/2023	Residential: 417; Business: 19; Email: 216; Text: 305			
		31/1/2023	Residential: 412; Business: 19; Email: 208; Text: 286			
		31/12/2022	Residential: 412; Business: 19; Email: 209; Text: 286			
		31/1/2022	Residential: 336; Business:10; Email: 176; Text: 231			
		31/12/2021	Residential: 326; Business: 10; Email: 170; Text: 220			
		31/01/2021	Residential: 285; Business: 10; Email: 150; Text: 189			
		31/12/2020	Residential: 285; Business: 10; Email: 146; Text: 189			
		31/03/2020	Residential: 243; Business: 12; Email: 134; Text: 157			

**2021-25 Strategic Plan - Oct. 26, 2023**

## Sustainable Municipal Services

	2021				2022				2023				2024			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
<b>1.1.1</b>	<b>Undertake water, wastewater &amp; electrical rate studies</b> Operating Initiatives															
Water																
Wastewater																
Electrical																
	<p>Electrical rate study by BDR (contracted by AREA), presented to Council's October 20th meeting. Application submitted to NSUARB; hearing took place February 14th. Decision Issued April 28th, required compliance filling made May 12th, new rates will be reflected in next billing cycle. Water utility rate study now underway, supporting NSUARB rates decision effective April 1, 2024.</p>															
<b>1.1.2</b>	<b>Implement initiatives to increase utility demand</b> Operating Initiatives															
	<p>EV Home Charger Pilot under development. FCM-funded HOME Program review/expansion project with Berwick and Antigonish now underway.</p>															

### 1.1.3 Complete water and wastewater system diagnostics Operating Initiatives

Water



Water Distribution System Audit with Xylem Inc. completed; recommendations incorporated into 2022-23 budget / business plan and ongoing.

Wastewater



Wastewater system diagnostic project included in 2023/24 budget approved June 13th in planning stages for Spring / Summer 2024 implementation.

### 1.1.4 Strategically replace/upgrade utility infrastructure Capital Projects

Project 1



Project 2



Project 3



Project to upgrade lines from Main Street to Water Treatment Plant (with MacLeod Group) complete. Investing in Canada Infrastructure Program supported project on Main Street (West of Cherry Lane) in 2023-24 budget (engineering); construction anticipated in 2024.



### 1.2.1 Develop 10-year asset management plans for each asset class

[illegible]

AIM Cohort 2.0 completed. Development of draft Water, Wastewater, Stormwater and Transportation asset management plans currently underway with AM Committee. GIS for AM transitioned from ESRI to Civitas/QGIS. Natural Assets / Cemetery data collection project completed in October 2022. 2023 summer intern further progressed Natural Assets inventory. All updates to be incorporated fall 2023.

### 1.2.2 Integrate asset management plans into 10-year capital budget

1.3.1	Accessibility Operational Plan	Operating Initiative / Capital Projects
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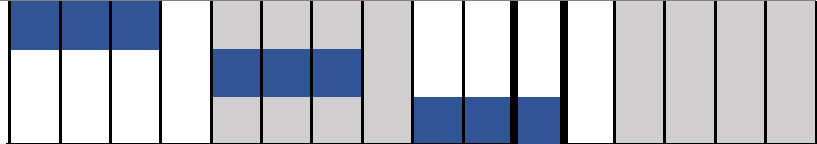
Draft operational plan presented to Council March 9, 2023. Referred to Lunenburg County Accessibility Advisory Committee for recommendation back to Council. Recommendation from LCAAC received Sept 28, 2023; Operational Plan adopted on Committee recommendation.

### 1.3.2 Capital Projects

Project 1

Project 2

Project 3



Crossings at Anglican Church, Lutheran Church (pride crossing), Medical Clinic, Kedy's Landing, and Main/Long Hill completed. Trail crossing signage improved. Speed humps on Clairmont/Kinburn and Pleasant/Fauxburg completed. Tee-up of Pleasant/Main in engineering stage. WSP engineers presented concepts report for Edgewater/Main intersection Apr 21, 2023. Edgewater multi-use trail (with anticipated external funding) included in 2023-24 budget approved June 13th.

## Equitable & Inclusive Growth

		2021				2022				2023				2024			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
2.1.1	Complete Plan Mahone Bay MPS/LUB Process	Operating Initiative															
		Draft MPS/LUB documents presented to Oct 3, 2023 Planning Advisory Committee meeting and recommended to Council's October 26th meeting for First Reading.															
2.1.2	Develop and implement Housing Strategy	Operating Initiatives															
		Housing needs assessment received from Province July 2023. Housing Accelerator Fund application submitted in August, 2023 including Housing Action Plan component. Development of comprehensive Housing Strategy included on Action Plan. Awaiting confirmation of HAF funds to proceed.															
2.2.1	Review service levels and align with residents' ability to pay																
		Low Income Tax Exemption process enhanced in 2022-23 annual budget. Service standards report requested by Council now under development, anticipated in Nov 2023.															

## 2.2.2 Explore shared services and partnerships for efficient service delivery

Discussions underway with Shared Service Advisory Committee for expanded electrical service partnership with RELC; related report re Municipal Innovation Program application on Council's May 25th meeting agenda. Staff have approached MoDC and MoDL re shared engineering services; discussions stalled due to staff turnover in those units. Discussion of shared services through MJSB prioritized in recent MJSB strategic planning process / upcoming intermunicipal review.

### 2.2.3 Establish inclusive strategies for provision of municipal services

Development of service standards underway at Council's direction. Town participating in Lunenburg County Anti-Racism & Anti-Discrimination Committee initiative with other municipal units in Lunenburg County; recommendations regarding services anticipated.





#### 2.2.4 Expand existing infrastructure to support planned growth Capital Projects

## Project 1

## Project 2

Some service extensions included in 2023-24 budget. Housing Accelerator Fund application submitted in August included a request for significant funds to support service extensions for new housing.



2.3.1	Align staff capacity, capital and operating plans with strategic plan	 <p data-bbox="613 241 1421 493">2022-23 annual budget included investments in staff capacity in Public Works and Finance, 2023-24 budget includes separation of Town Clerk and Deputy CAO positions to improve strategic focus.</p>
2.3.2	Update policies and by-laws for effective governance / Plan implementation	 <p data-bbox="613 592 1421 688">Numerous policies and by-laws developed / amended.</p>
2.3.3	Prioritize public engagement processes supporting Plan implementation	 <p data-bbox="613 787 1421 989">Council adopted Public Engagement Policy and has subsequently approved numerous Public Engagement Plans in relation to Council's strategic priorities.</p>
2.3.4	Regularly review progress and continually improve strategic plan	 <p data-bbox="613 1087 1421 1230">Most recent annual strategic plan review completed April 11, 2023 with amendment of strategic plan.</p>

## Environmental Leadership

		2021				2022				2023				2024			
		1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
3.1.1	Community Greenhouse Gas (GHG) Reduction Action Plan	Operating Initiatives															
		Implementation of Community Greenhouse Gas (GHG) Reduction Action Plan proceeding apace. Climate & Environment Committee established with a mandate to review the GHG Reduction Action Plan and recommend updates to Council. Annual GHG Reduction Plan review and update for 2023 completed with Committee / Council in July.															
3.1.2	Expand home heating program	Operating Initiative															
		Joint review of HOME Program - Berwick, Antigonish and Mahone Bay - underway with FCM support.															
3.1.3	Expand electric vehicle charging infrastructure	Capital Projects															
		Equipment received, installations completed at all locations (town hall, marina, clairmont street, MBC, main street, fire station). Chargers now online. Promotion of EV chargers will															
3.1.4	Invest in renewables (e.g., community solar garden)	Capital Project															
		The construction phase continues, with completion anticipated in late October / early November. The second open house on the project took place October 19th 2022 and was well attended with ~90 participants. Third and final open house anticipated in November.															



### 3.3.2

Invest in infrastructure (straight pipes) and land acquisition

## Capital Projects

## Project 1

## Project 2

### 3.3.3

## Encourage recognition of the value of natural assets

## Operating Initiatives

## Promotion of natural assets coincident with

## Urban Forest engagement.



## 2023-24 Budget - Operating Initiatives - Oct. 26, 2023

		23-24 Budget	YTD					
1	MPS / LUB Update	\$31,000		<div></div>	<div></div>	<div></div>	<div></div>	75%
		Notes:						
2	Accessibility Audits	\$20,000		<div></div>	<div></div>	<div></div>	<div></div>	75%
		Notes:						
3	New Logo Development	\$25,000		<div></div>	<div></div>	<div></div>	<div></div>	50%
		Notes:						
4	Urban Forest Management Plan	\$30,000		<div></div>	<div></div>	<div></div>	<div></div>	25%
		Notes:						
5	Housing Strategy Development	\$30,000		<div></div>	<div></div>	<div></div>	<div></div>	25%
		Notes:						
6	Audit Controls	\$27,300		Not Yet Begun				
		Notes:						
7	Stormwater Inflow / Infiltration Study	\$10,000		Not Yet Begun				
		Notes:						
8	Human Resources Manual Update	\$15,000		<div></div>	<div></div>	<div></div>	<div></div>	25%
		Notes:						

9	Traffic Engineering Services	\$18,000	\$17,074.75	<div><div></div><div></div><div></div><div></div><div></div></div>	75%
		Notes:			
10	Water Rate Study	\$10,000	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	
		Notes:			
11	Water System Assessment Report	\$10,000	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes:			
12	Electrical Rate Study and GRA	\$63,615	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div><div></div><div></div><div></div><div></div></div>	
		Notes:			
13	Resourcing Study	\$30,000		Not Yet Begun	
		Notes:			

2023-24 Budget - Capital Projects - Oct. 26, 2023									
Town General									
		23-24 Budget		YTD					
1	Public Works Garage / Office	\$100,000		<div><div></div></div>					25%
		Notes:							
2	Public Works Articulating Tractor	\$160,000		<div><div></div></div>					★
		Notes: Still waiting on delivery.							
3	Equipment Trailer	\$9,000		<div><div></div></div>					★
		Notes: Purchased and recieved.							
4	Flail Mower Attachment	\$42,000	\$187.00	<div><div></div></div>					75%
		Notes: Still waiting on delivery.							
5	Arrow Board	\$2,000	\$2,256.68	<div><div></div></div>					★
		Notes: Purchased and received.							
6	Replace 2011 Dodge Truck 5500	\$95,000	\$12,201.46	<div><div></div></div>					75%
		Notes: Still waiting on delivery. @12,201.46 8'10 Boss Plow for F550 Ford Truck							
7	Culvert Replacement	\$16,000	\$26.07	<div><div></div></div>					75%
		Notes: Work completed. Waiting on final invoice.							
8	Asphalt Repairs	\$35,000		Not Yet Begun					
		Notes: To begin in October.							
9	Sidewalk - Fairmont St.	\$40,000		Not Yet Begun					
		Notes:							

10	Fairmont Street (Pleasant to top of Fairmont)	\$86,000		Not Yet Begun				
		Notes:						
11	Replace Main St. Brook Railing (394 Main)	\$3,000		<div></div>	<div></div>	<div></div>	<div></div>	<div></div>
		Notes: Completed. We did not replace but instead repaired as this area will be upgraded next year during Main St storm water upgrades.						
12	Install turning area at Town limits on Fauxburg Road	\$4,500		Not Yet Begun				
		Notes: Still working with owners. No monies spent.						
13	Pleasant-Main Intersection	\$5,000		<div></div>	<div></div>	<div></div>	<div></div>	50%
		Notes:						
14	Edgewater Trail	\$148,920		Not Yet Begun				
		Notes:						
15	Town Hall Exterior	\$230,000		Not Yet Begun				
		Notes: To begin in early spring of 2024.						
16	Town Hall Electrification	\$30,000		Not Yet Begun				
		Notes:						
17	Town Hall Parking and Crossing Improvement	\$30,000		Not Yet Begun				
		Notes: Not yet begun						
18	Pump out Station	\$12,000		Not Yet Begun				
		Notes:						
19	Edgewater Shoreline (Coastal Action) - Phase 1	\$100,000		Not Yet Begun				
		Notes:						

20	Edgewater Shoreline - Phase 2	\$200,000		Not Yet Begun			
		Notes:					
21	Community Solar Garden	\$2,909,561	\$349,670.47	<div><div></div><div></div><div></div><div></div><div></div></div>		75%	
		Notes:					
22	Edgewater Beautification	\$6,000	\$213.79	Not Yet Begun			
		Notes:					
23	Waste Receptacles	\$12,000		<div><div></div><div></div><div></div><div></div><div></div></div>		50%	
		Notes: Acquiring quotes.					
24	Michael O'Connor Memorial Bandstand - Phase 3	\$20,000		Not Yet Begun			
		Notes:					
25	Aquatic Gardens Entrance(s)	\$10,000	\$123.17	<div><div></div><div></div><div></div><div></div><div></div></div>		25%	
		Notes: Assessment and design in progress.					
26	Sports Field Barrier	\$12,000	\$3,283.65	<div><div></div><div></div><div></div><div></div><div></div></div>		50%	
		Notes:					
27	Grub B Gone for Bayview Cemetery and Ballfield	\$11,500	\$8,937.31	<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div></div>		
		Notes: Completed.					
28	Ballfield and Bayview Cemetery Spring Lawn Repairs	\$16,500		<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div></div>		
		Notes: Completed.					
29	Grub B Gone for Edgewater	\$2,500		<div><div></div><div></div><div></div><div></div><div></div></div>	<div><div></div></div>		
		Notes: Completed.					



30	Marina boardwalk repair / improvement	\$2,500		<div><div></div><div></div><div></div><div></div><div></div></div>	★
		Notes: Completed. We did not replace the rail but instead repaired it as this area will be upgraded during next years Main St wastewater, water and storm water upgrades.			
31	Edgewater Comfort Station	\$82,500		Not Yet Begun	
		Notes: Not yet begun.			
32	Main Comfort Station	\$77,500		Not Yet Begun	
		Notes: Not yet begun.			
33	New washer and dryer at Marina Comfort Station	\$5,000		Not Yet Begun	
		Notes:			
34	Support for bench installation	\$20,000	\$2,735.55	<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes:			
35	Jubilee Park new gazebo roof	\$3,000		Not Yet Begun	
		Notes: Not yet begun.			
36	VIC: New thermal pane window inserts and mini split	\$10,000	\$4,816.74	<div><div></div><div></div><div></div><div></div><div></div></div>	★
		Notes: Completed.			
37	Pool - new build or major renovation	\$55,000		<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes:			
38	Tree Donation Recognition	\$5,000		Not Yet Begun	
		Notes:			

Fire Services						
1	Radios & Pagers	\$3,000		Not Yet Begun		
		Notes:				
2	New PPE	\$10,000		<div><div></div><div></div><div></div><div></div><div></div></div>		★
		Notes:				
3	Fire Vehicle - Pumper	\$400,000		<div><div></div><div></div><div></div><div></div><div></div></div>		50%
		Notes:				
4	Additional Helmets	\$20,000	\$9,834.17	Not Yet Begun		
		Notes:				
Water Utility						
1	New Water Services	\$5,000	\$1,823.96	<div><div></div><div></div><div></div><div></div><div></div></div>		50%
		Notes:				
2	Hydrant Replacement	\$5,000	\$2,183.75	<div><div></div><div></div><div></div><div></div><div></div></div>		50%
		Notes:				
3	Water Meters	\$3,000		<div><div></div><div></div><div></div><div></div><div></div></div>		50%
		Notes:				
4	Transmission Line Access	\$15,000		Not Yet Begun		
		Notes:				
5	Chemical Room Floor - WTP	\$10,000	\$4,101.57	<div><div></div><div></div><div></div><div></div><div></div></div>		★
		Notes: In progress.				
6	Automatic Flushers	\$13,000	\$3,916.00	<div><div></div><div></div><div></div><div></div><div></div></div>		75%
		Notes: In progress.				
7	Security Cameras	\$14,000		Not Yet Begun		
		Notes:				

8	ICIP Priority #2 - Water Rehabilitation and Improvement	\$223,400	\$17,204.57	Not Yet Begun					
		Notes:							
9	Service Extensions	\$41,000	\$1,587.75					25%	
		Notes:							
10	Reserve Pump Replacement	\$11,500	\$3,575.97					75%	
		Notes: Part of one received, waiting on remainder or parts.							
11	Flow Meter at Water Treatment Plant	\$3,000		Not Yet Begun					
		Notes:							
12	Gate Valves	\$6,000		Not Yet Begun					
		Notes:							
13	Thermal Imager	\$5,000		Not Yet Begun					
		Notes:							
14	Underground Locator	\$2,500		Not Yet Begun					
		Notes: Contacted supplier, sheduling a demo							
15	Level Control Valve - Smart Positioner	\$2,500	\$1,884.45					★	
		Notes: New one received							
Wastewater									
1	New Sewer Services	\$10,000						50%	
		Notes:							
2	Security Cameras	\$6,000		Not Yet Begun					
		Notes:							
3	Fairmont/Pinegrove Drainage Improvement	\$120,000		Not Yet Begun					
		Notes:							

4	Main at RPS Stormwater	\$20,000	<div><div></div><div></div><div></div><div></div><div></div></div>	25%	
		Notes:			
5	ICIP Priority #2 - Water Rehabilitation and Improvement	\$223,400	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes:			
6	Service Extensions	\$41,000	\$3,185.93	<div><div></div><div></div><div></div><div></div><div></div></div>	25%
		Notes: Stovepipe Lane			
7	PAA Pilot Project	\$37,000	<div><div></div><div></div><div></div><div></div><div></div></div>	75%	
		Notes: In Progress. Renovation of Chemical Building awarded to Rikjak Const.			
8	Lift Station Repairs	\$40,000	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes: Tender posted			
9	Sewer Lift Station	\$2,400	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes:			
10	WWTP Lab / Equipment	\$3,150	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes:			
11	Stormwater Management	\$20,000	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes: Received quotes on temporary portable flow meters with installation.			
12	Thermal Imager	\$5,000	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes:			
13	Underground Locator	\$2,500	<div><div></div><div></div><div></div><div></div><div></div></div>	Not Yet Begun	
		Notes: Contacted supplier, sheduling a demo			

14	Sewer Lift Station	\$12,000		Not Yet Begun	
		Notes:			
15	WWTP SCADA	\$15,000		Not Yet Begun	
		Notes: Scheduled a visit with the Programmer			
Electric Utility					
1	Electric Line Replacements	\$25,000		<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes:			
2	New Digital Electric Meters	\$4,000		<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes:			
3	Transformers	\$20,000		<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes:			
4	PCB Transformers Replacement Project	\$400,000	\$238,594.40	<div><div></div><div></div><div></div><div></div><div></div></div>	75%
		Notes:			
5	Thermal Imager	\$10,000		Not Yet Begun	
		Notes:			
6	Underground Locator	\$5,000		Not Yet Begun	
		Notes:			
7	New Street Lights	\$5,000		<div><div></div><div></div><div></div><div></div><div></div></div>	50%
		Notes:			
8	Voltage Regulators	\$100,000	\$116,029.82	<div><div></div><div></div><div></div><div></div><div></div></div>	★
		Notes: West Circuit; installed.			
9	Utility Truck	\$80,000		Not Yet Begun	
		Notes:			





**Town of Mahone Bay  
Staff Report  
Re: SSRLB Appointment  
October 10, 2023**

**General Overview:**

The purpose of this report is to provide Council with an update on a request for information from the South Shore Regional Library Board.

**Background:**

At Council's December 13, 2022 Council meeting the following motion was passed:

Inquire of the South Shore Regional Library Board (SSRLB) about the rationale for an appointment to that Board and if there is a preference for a community member or a member of Council, and on receiving that answer that Council consider whether an appointment to that Board is necessary.

Staff contacted the Chair of the Board and raised the question. Staff was informed that each municipal Council within the South Shore region is entitled to appoint an individual, at its discretion, to represent its municipality. Most municipalities do appoint an elected representative for their municipality, over a community member, but community appointees are welcome.

**Financial Analysis:**

There is no financial impact.

**Links to Strategic Plan:**

2.3 Governance to Meet Expectations of our Growing Community

**Recommendation:**

It is recommended:

**THAT Council appoint a member of Council to represent Mahone Bay on the South Shore Regional Library Board; or,**

**THAT Council direct staff to advertise for a member of the public to represent Mahone Bay on the South Shore Regional Library Board.**

Respectfully submitted,

A handwritten signature in blue ink that reads "Kelly Redden".

Kelly Redden  
Town Clerk



## **Town of Mahone Bay**

Staff Report

RE: Development Services Quarterly Reporting  
October 26, 2023

### **General Overview:**

This staff report is intended to present Council with requested development services quarterly reports.

### **Background:**

At the March 30<sup>th</sup>, 2023 Regular Meeting of Council the following motion was passed:

A motion by Councillor Carver, seconded by Councillor Lohnes-Croft, "THAT Council direct staff to provide a report on the feasibility of Council receiving periodic summaries of building and development permits issued by the Town's Planners."

### **Analysis:**

Development staff with the Municipality of the District of Chester have provided the attached quarterly statistics concerning approved subdivisions and issued development and building permits. These are the same reports provided to the Chester Municipal Council and we expect to receive them on a quarterly basis hereafter.

Building permit values have been requested as an addition to the information provided in these monthly reports, which we will hopefully see next quarter.

The quarterly development services statistics as they appear in the Report to Council:

10	Development Services	Approved Subdivisions	Q2 2023-24	1
		Development Permits	Q2 2023-24	16
		Building Permits	Q2 2023-24	26

### **Financial Analysis:**

There is no direct financial impact to these quarterly reports.

**Climate Analysis:**

N/A

**Strategic Plan:**

N/A

**Recommendation:**

It is recommended,

THAT Council accept this report for information.

**Attached for Council Review:**

- 2<sup>nd</sup> Quarter 2023-24 Subdivisions, Development & Building Permits for Mahone Bay.

**Respectfully Submitted,**



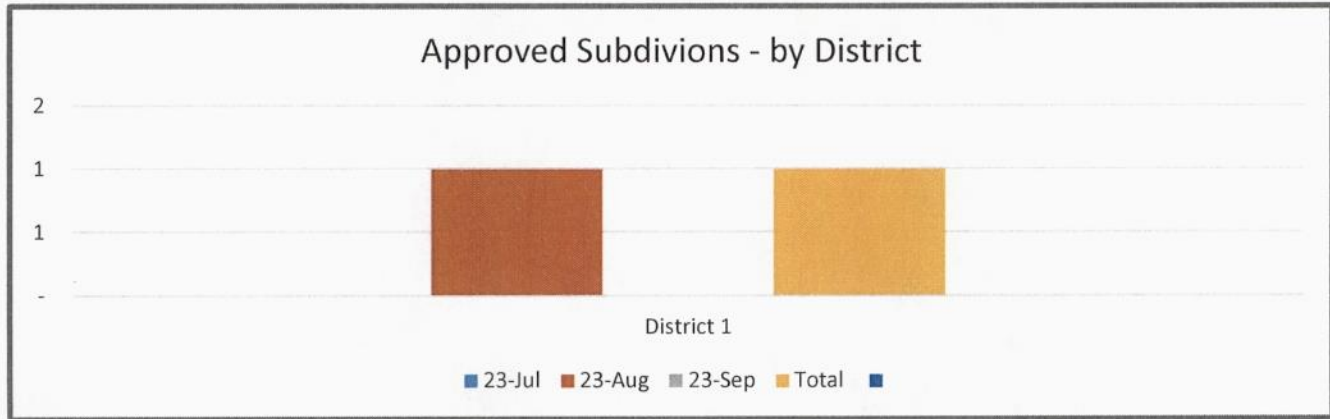
Dylan Heide, Town of Mahone Bay CAO

# Town of Mahone Bay: Quarterly Subdivision Report

Prepared on: October 18, 2023

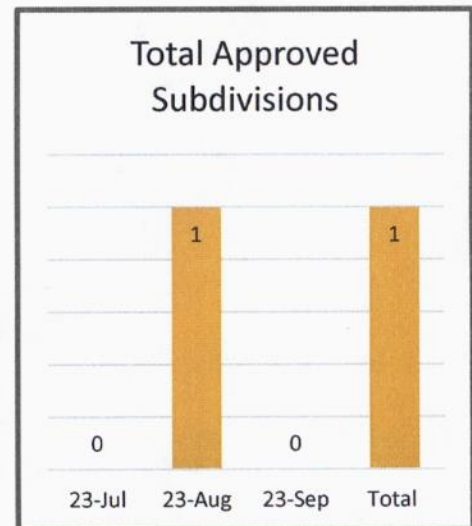
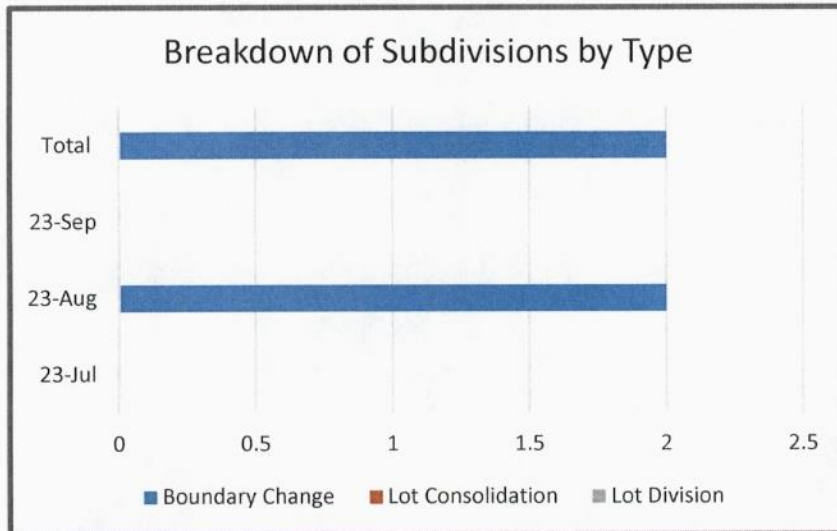
Period: July 1-September 30, 2023

Final Approved Subdivision	2 <sup>nd</sup> Quarterly Report			
(by District)	23-Jul	23-Aug	23-Sep	Total
District 1	-	1	-	1
<b>TOTAL</b>	-	1	-	1



Approved Subdivision	Boundary	Lot	Lot Division
(by Type)	Change	Consolidation	
23-Jul	0	0	0
23-Aug	2	0	0
23-Sep	0	0	0
<b>Total</b>	2	0	0

Total Approved Subdivision	
By Month	Total
23-Jul	0
23-Aug	1
23-Sep	0
<b>Total</b>	1



Prepared By: Shelene Scott

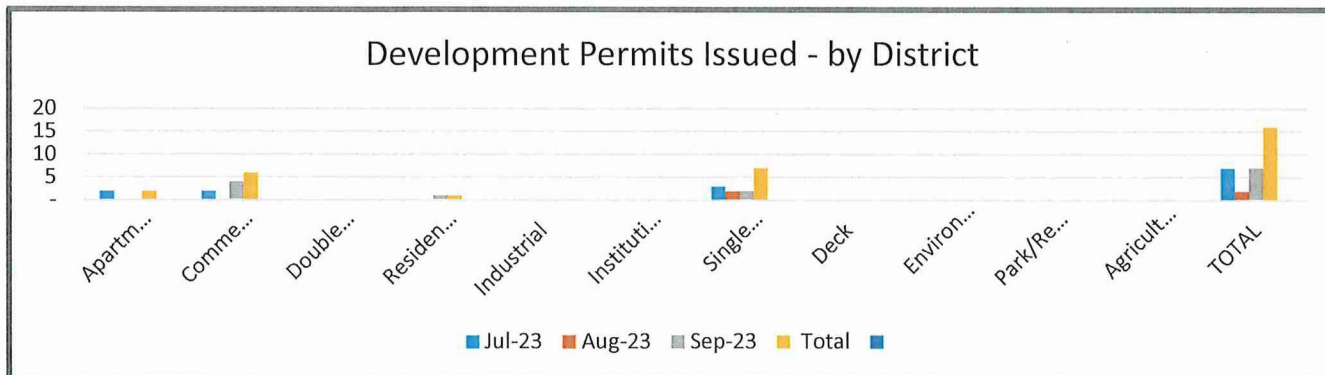
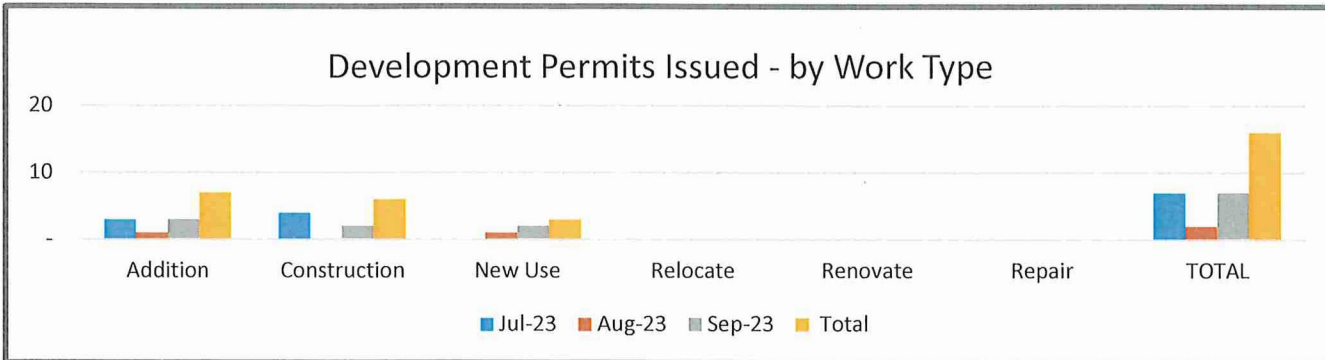
Signed By: Heather Archibald

# Town of Mahone Bay: Quarterly Development Permit Report

Prepared on: October 16, 2023

Period: July 1-September 30, 2023

Issued Development Permits (by Work Type)	2 <sup>nd</sup> Quarterly Report			
	Jul-23	Aug-23	Sep-23	Total
Addition	3	1	3	7
Construction	4	-	2	6
New Use	-	1	2	3
Relocate	-	-	-	-
Renovate	-	-	-	-
Repair	-	-	-	-
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>7</b>	<b>16</b>



Issued Development Permits (by Building Type)	2 <sup>nd</sup> Quarterly Report			
	Jul-23	Aug-23	Sep-23	Total
Apartments	2	-	-	2
Commercial	2	-	4	6
Double Dwelling	-	-	-	-
Residential Accessory	-	-	1	1
Industrial	-	-	-	-
Institutional/Governmental	-	-	-	-
Single Detached Dwelling	3	2	2	7
Deck	-	-	-	-
Environmental	-	-	-	-
Park/Recreational	-	-	-	-
Agriculture	-	-	-	-
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>7</b>	<b>16</b>

Prepared By: Darlene Scott

Signed By: Heather Archibald



# Building Inspection Monthly Report 2023/24 -TOMB

Date: October 18, 2023

Reporting Month: July

Permit Classifications	Mahone Bay	YTD - TOMB
<b>Building Permits Issued</b>		
<i>Residential</i>	3	9
<i>Commercial</i>	0	1
<b>TOTAL</b>	<b>3</b>	<b>10</b>
<b>Total Inspections</b>	<b>7</b>	<b>41</b>
<b>New Starts</b>		
<i>Residential</i>	1	5
<i>Commercial</i>	0	1
<b>TOTAL</b>	<b>1</b>	<b>6</b>
<b>Demolition Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>
<b>Occupancy Permits</b>		
<i>Residential</i>		2
<i>Commercial</i>		0
<b>TOTAL</b>		<b>2</b>
<b>Renewal Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

# Building Inspection Monthly Report 2023/24 - TOMB

Date: October 18, 2023

Reporting Month: August

Permit Classifications	Mahone Bay	YTD - TOMB
<b>Building Permits Issued</b>		
<i>Residential</i>	1	10
<i>Commercial</i>	0	1
<b>TOTAL</b>	<b>1</b>	<b>11</b>
<b>Total Inspections</b>	<b>13</b>	<b>54</b>
<b>New Starts</b>		
<i>Residential</i>	0	5
<i>Commercial</i>	0	1
<b>TOTAL</b>	<b>0</b>	<b>6</b>
<b>Demolition Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>
<b>Occupancy Permits</b>		
<i>Residential</i>	1	3
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>
<b>Renewal Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

Building Inspection Monthly Report 2023/24 - TOMB

Date: October 15, 2021

Reporting Month: September

Permit Classifications	Mahone Bay	YTD - TOMB
<b>Building Permits Issued</b>		
<i>Residential</i>	3	13
<i>Commercial</i>	1	2
<b>TOTAL</b>	<b>4</b>	<b>15</b>
<b>Total Inspections</b>	<b>6</b>	<b>60</b>
<b>New Starts</b>		
<i>Residential</i>	1	6
<i>Commercial</i>	1	2
<b>TOTAL</b>	<b>2</b>	<b>8</b>
<b>Demolition Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>
<b>Occupancy Permits</b>		
<i>Residential</i>	0	3
<i>Commercial</i>	0	0
	<b>0</b>	<b>3</b>
<b>Renewal Permits</b>		
<i>Residential</i>	0	0
<i>Commercial</i>	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>

**BUILDING TOMB Quarterly Report 2023/24 - TOMB**

Date: October 18, 2023

Reporting Quarter: 2 nd July - September

Permit Classifications	2022/23 - TOMB	2023/24 - TOMB	Increase/Decrease
<b>Building Permits Issued</b>			
<i>Residential</i>	5	7	2
<i>Commercial</i>	0	1	1
<b>TOTAL</b>	<b>5</b>	<b>8</b>	
<b>Total Inspections</b>	<b>22</b>	<b>26</b>	<b>4</b>
<b>New Starts</b>			
<i>Residential</i>	0	2	2
<i>Commercial</i>	0	1	1
<b>TOTAL</b>	<b>0</b>	<b>3</b>	
<b>Demolition Permits</b>			
<i>Residential</i>	0	0	same
<i>Commercial</i>	0	0	same
<b>TOTAL</b>	<b>0</b>	<b>0</b>	
<b>Occupancy Permits</b>			
<i>Residential</i>	2	1	-1
<i>Commercial</i>	2	0	-2
<b>TOTAL</b>	<b>4</b>	<b>1</b>	
<b>Renewal Permits</b>			
<i>Residential</i>	0	0	same
<i>Commercial</i>	0	0	same
<b>TOTAL</b>	<b>0</b>	<b>0</b>	

Prepared by:

Tammy Hamm



## **Town of Mahone Bay**

### **Staff Report**

### **RE: Short-term Rentals Information Sharing**

**October 26, 2023**

#### **General Overview:**

The purpose of this report is to present Council with the proposed Information Sharing Agreement with the Province of Nova Scotia and the names of those who will access this information.

#### **Background:**

The Tourism Accommodations Registration Act and Regulations permits the Province, to enter into information sharing agreements with municipalities and accommodation platforms operating in Nova Scotia to share specific data collected through the Tourist Accommodations Registry.

Municipalities can request to receive data from the registry related to accommodations within their boundaries to support enforce bylaws and inform planning.

#### **Analysis:**

By entering into this agreement with the Province, the Town will have access to information for accommodations registered within the Town for the active registration year. The information will be shared in a daily extract beginning on an agreed upon date and sent through the Province's secure file transfer service with daily email notifications.

For each registrant, the Town will receive:

- (i) the address of the accommodation
- (ii) the type of accommodations being offered for short-term rental
- (iii) whether the registered accommodation is in the host's primary residence, and;
- (iv) the number of bedrooms available

Any additional information related to a Registrant, such as contact information, registrant name, or business name, may only be shared when the Municipality has provided notice in writing to the Province that the additional information is required to enforce municipal bylaws. It will be at the sole discretion of the Province whether this additional information is provided.



For protection of privacy, the registry will not be available to the public and the Municipality agrees that they will not disclose any information to any other party. This includes simple confirmation of whether a property is, or is not, registered. For example, if someone contacts the Municipality asking if their neighbour is registered, confirmation of their neighbour's registration status is not permitted.

Several municipalities in Nova Scotia have enacted Marketing Levy Bylaws. By entering into this agreement, the Town will be able to use the information in this agreement to determine the feasibility of a Marketing Levy in Mahone Bay and if it is deemed feasible, the information can then be used for enforcement and planning purposes.

#### **Financial Analysis:**

Section 8.0 of the agreement states, "Each party will bear its own respective costs and expenses in connection with carrying out its obligations and responsibilities under this Agreement."

It is not anticipated that entering into this agreement will have significant financial implications for the Town.

#### **Climate Analysis:**

There are no climate considerations related to this agreement.

#### **Links to Strategic Plan:**

The 2021-2025 Strategic Plan sets several priorities around land use, planning, and housing which this agreement could contribute to.

#### **Recommendation:**

It is recommended,

**THAT Council enter into the Information Sharing Agreement with the Province of Nova Scotia.**

Respectfully submitted,

Eric J. Levy

Deputy CAO



This **INFORMATION SHARING AGREEMENT** is effective the 20 day of October 2023.

**BETWEEN:**

**HIS MAJESTY THE KING in right of the PROVINCE OF NOVA SCOTIA,**  
as represented by the Minister of Municipal Affairs and Housing

(hereinafter referred to as the "Province")

-and-

**TOWN OF MAHONE BAY**

(hereinafter referred to as the "Municipality")

(each a "Party" and collectively, the "Parties")

**WHEREAS** Section 8(g) of the *Tourist Accommodations Registration Regulations* permits the Minister to disclose information collected for purposes of registration under Section 4 of the Regulations to a municipal unit as defined in the *Freedom of Information and Protection of Privacy Act* (FOIPOP) in accordance with an agreement between the municipal unit and the Province;

**AND WHEREAS** the Municipality is a municipal unit as defined in FOIPOP;

**AND WHEREAS** Parties agree that the sharing of information from the Province to the Municipality for municipal planning purposes and the enforcement of municipal by-laws, in accordance with their respective governing legislation, is in the best interests of Nova Scotians;

**THEREFORE**, in consideration of the promises and mutual undertakings, covenants and agreements hereinafter contained and subject to the terms and conditions hereof, the Parties agree as follows:

**1.0 RECITALS**

1.1 The recitals to this Agreement are deemed to be an integral part of this Agreement.

**2.0 INTERPRETATION**

In this Information Sharing Agreement, the following terms have the following meanings:

"Agreement" means this Information Sharing Agreement;

"Information" means the information collected by the Province, under *TARA* that the Province may provide to the Municipality pursuant to this Agreement including, but not limited to, the following:

- (a) a list of Registrants under *TARA* located in the Municipality;

(b) for each Registrant:

- (v) the address of each property from which short-term rental accommodations will be provided;
- (vi) the type of accommodations being offered for short-term rental, as set out in the Regulations
- (vii) whether the registered property is in the host's primary residence, and;
- (viii) the number of bedrooms available for rent in each location where the host offers short-term rental accommodations.

"Purpose" means the purpose of this Agreement described in Article 3;

"Registrant" means a "registrant" as defined in section 2 of the Regulations;

"Regulations" means the *Tourist Accommodations Registration Act Regulations*;

"TARA" refers to the *Tourist Accommodations Registration Act*.

### **3.0 PURPOSE**

3.1 The Purpose of this Agreement is:

- (a) to provide a secure, efficient, and predictable method for the transfer of the Information between the Parties; and
- (b) to ensure that the Information exchanged between the Parties is only used for municipal planning purposes and the enforcement of municipal by-laws.

### **4.0 SHARING OF INFORMATION**

4.1 Subject to clause 4.2, information includes Registrant information collected under *TARA*, that relates to locations identified within the boundaries of the Municipality or within the boundaries of any portion of the Municipality.

4.2 Any additional information related to a Registrant, such as contact information, Registrant name, or business name, may only be shared when the Municipality has provided notice in writing to the Province that the additional information is required to enforce compliance with municipal by-laws or is necessary for planning purposes of the Municipality.

4.3 Information provided under 4.2 will be provided at the sole discretion of the Province.

4.4 Information shall be exchanged in accordance with the terms of this Agreement, and the Sharing Protocol attached as Schedule "A".

### **5.0 USE OF INFORMATION**

5.1 The Information disclosed to the Municipality by the Province shall only be used for the Purpose

of this Agreement.

- 5.2 The Municipality shall not make available any information it collects under this Agreement to any other person, except for the Purpose, unless written approval is provided by the Province.
- 5.3 The Municipality agrees to ensure that only authorized personnel in the performance of their duties will have access to and use the information shared under this Agreement for the Purpose.
- 5.4 The Municipality agrees to provide a list of authorized personnel to the Province in a Form approved by the Province and updated from time to time.

## **6.0 DISCLOSURE OF INFORMATION**

- 6.1 Subject to clause 6.2, the Municipality may not disclose any Information, including simple confirmation of whether a property is, or is not, registered under the Regulations, to any party without the written consent of the Province.
- 6.2 Where the Municipality is legally obliged to disclose to a third-party personal information obtained from the Province which is otherwise only available from the Province, other than for the Purposes, whether pursuant to a statute or a court order, and the Municipality intends to comply with that obligation, the Municipality shall notify the Province at the earliest opportunity prior to taking any action to comply with the request.
- 6.3 Prior to any disclosure of the Information by the Municipality, the Municipality must certify in writing that the recipient is contractually obligated to:
  - (a) maintain the confidentiality of the Information;
  - (b) acknowledge the Province's ownership of the Information;
  - (c) use the Information received for the Purpose only;

## **7.0 MUNICIPALITY RESPONSIBILITIES**

- 7.1 In addition to any other obligations under this Agreement, the Municipality shall:
  - (a) report any privacy breach of the Information to Province within 24 hours of becoming aware of the breach, and the Municipality shall take appropriate action to mitigate or remediate any privacy breach of Information as required by the Province.
  - (b) ensure that it has in place comprehensive administrative, technical and physical safeguards to protect the privacy and confidentiality of the Information, and will immediately notify the Province of any actual or suspected breach of privacy and security related to the Information.

## **8.0 COSTS**

- 8.1 Each Party will bear its own respective costs and expenses in connection with carrying out its

obligations and responsibilities under this Agreement.

## **9.0 SECURITY**

9.1 The Parties recognize the confidential character of the Information.

9.1 The Municipality shall make best efforts to ensure that the Information received from the Province is held in strict confidence and shall treat the Information received with at least the same degree of care that the Municipality, acting reasonably would exercise with regard to its own highly confidential or proprietary personal information.

9.3 The Parties warrant that they have sufficient procedures and protections in place and shall continue to keep such procedures and protections in place, in order to enforce and maintain the confidentiality and to prevent unauthorized use or unauthorized disclosure of the Information.

## **10 TERM OF AGREEMENT AND RENEWAL**

10.1 This Agreement will come into effect on the date it is signed by the last party to do so.

10.2 Subject to Section 11, the term of this Agreement is 10 years from the date of signing unless renewed by the Parties in writing for a further period.

## **11.0 TERMINATION**

11.1 This Agreement may be terminated by the Province in writing, for any reason, with or without notice, to the Municipality.

## **12. MISCELLANEOUS PROVISION**

12.1 The Municipality acknowledges that the Province makes no warranty, express or implied, with respect to the accuracy or completeness of the Information it transmits under the terms of, or in the application of, this Agreement.

12.2 The Municipality agrees that the Province cannot, under any circumstances, under this Agreement, be held responsible for any damage resulting from the transmission or use of incomplete or inaccurate information or for any unauthorized disclosure of the Information by the Municipality.

12.3 The Parties mutually agree to exchange, without delay, any information relating to any situation, real or apprehended, likely to affect the application of this Agreement in any way.

## **13.0 INDEMNITY**

13.1 The Municipality shall indemnify and hold the Province harmless from and against any and all claims, demands, suits and causes of action ("Claim(s)") made or brought against the Province at any time hereafter, and all damages, losses, expenses, legal fees (on a solicitor and client basis), costs and liabilities suffered or incurred by the Province, its servants, agents or employees, or



any third party in respect of such Claim, as a result of or arising out of the Municipality's negligence or willful misconduct in its use of the Information provided to the Municipality hereunder, except to the extent that such Claim is attributable to the Province's negligence, willful misconduct or failure to undertake its obligations under this Agreement.

13.2 The obligations set out in section 13.1 shall survive the termination of this Agreement.

#### **14.0 CONSEQUENCES OF NON-COMPLIANCE**

14.1 If any obligations set out in this Agreement have not been met, the Province may initiate the following consequences, along with such other measures as may be deemed prudent by the Province:

- (a) the Municipality will provide the Province with a mutually agreeable mitigation plan to the non-compliance before the Province may provide further Information to the Municipality.

#### **15.0 ENTIRE AGREEMENT**

15.1 This Agreement and Schedule "A" attached to this Agreement, set forth the entire agreement and understanding between the Parties as to the subject matter hereof and merges and supersedes all prior discussions, agreements and understandings of any kind and every nature between them as to that subject matter.

#### **16.0 NOTICE**

16.1 Any notice herein required or permitted to be given by either Party to the other shall be sufficiently given if delivered personally or sent by mail, postage prepaid, to the Parties, as follows:

for the Province:

Department of Communities, Culture, Tourism and Heritage  
Attn: Emily Jackson (Tourism)  
1741 Brunswick St. 3rd Floor  
Halifax, NS B3J 3X8

TARA-TNS@novascotia.ca

For the Municipality:

Eric J. Levy  
Deputy Chief Administrative Officer  
Town of Mahone Bay  
PO Box 530 Mahone Bay, NS  
B0J 2E0



## **17.0 AMENDMENTS**

17.1 No amendment may be made to this Agreement without the written consent of both Parties.

## **18.0 APPLICABLE LAWS**

18.1 This Agreement shall be governed by and construed in accordance with the applicable laws of the Province of Nova Scotia.

## **19.0 SCHEDULES**

19.1 Schedule "A" attached to this Agreement forms an integral part of this Agreement.

## **20.0 ENUREMENT**

20.1 This Agreement is binding upon, and inures to the benefit of, the respective successors in office of the Parties.



**IN WITNESS WHEREOF** the Parties hereto have caused this Agreement to be executed by their respective officers duly authorized in that behalf on the dates hereinafter set forth.

**SIGNED AND DELIVERED**

in the presence of:

) **HIS MAJESTY THE KING in right of the**  
) **PROVINCE OF NOVA SCOTIA, as**  
) **represented by the Minister of Municipal**  
) **Affairs and Housing**

)

)

)

)

\_\_\_\_\_  
Witness

) \_\_\_\_\_  
) John Lohr, Minister

)

)

)

)

)

)

\_\_\_\_\_  
Kelly Munroe, Town Clerk

) \_\_\_\_\_  
) **TOWN OF MAHONE BAY**

) Per:

)

)

\_\_\_\_\_  
(Authorized Signature)

)

)

)

\_\_\_\_\_  
David Devenne

)

)

)

\_\_\_\_\_  
Mayor

)



## **SCHEDULE "A"**

### **Information Sharing Process**

#### Method of Information Transfer

The Province will transmit the information as outlined in this Agreement to the Municipality through the Province of Nova Scotia's Secure File Transfer Service. An extract will be provided to the Municipality through the Secure File Transfer Service at 06:00 Atlantic every day.

#### Content of Daily Extract

The daily extract will include a list of Registrants in the Tourist Accommodations Registry located within the boundaries of the Municipality and for the current registration year (April 1-March 31). For each Registrant:

- (i) the address of each property from which short-term rental accommodations are provided;
- (ii) the type of accommodations being offered for short-term rental;
- (iii) whether the short-term accommodation is located in the host's primary residence;
- (iv) the number of bedrooms available for rent for each short-term rental accommodations.

#### Registering with the Secure File Transfer Service

The Municipality may register multiple employees in the Secure File Transfer Service to receive the daily extract using the following steps:

1. The Municipality provides the Province with the employees and email address(es) they would like to receive the extract by completing the "Contact Information for Tourist Accommodations Registry Extract" form.
2. The Province will confirm receipt of the agreement and contact information.
3. The provided email addresses will receive an email confirming their account has been setup with Secure File Transfer Service (this may take a few weeks after submitting contact information).
4. Confirmed email addresses will receive daily email notifications with a link for the daily extract.

#### Contacts

For technical issues with the daily extract or the Secure File Transfer Service, please contact: [digitalsupport@novascotia.ca](mailto:digitalsupport@novascotia.ca)

For requests for additional information beyond the scope of the daily extract, general information on the Tourist Accommodations Registry, or questions about this Agreement, please contact: [TARA-TNS@novascotia.ca](mailto:TARA-TNS@novascotia.ca)

## Contact Information for Tourist Accommodations Registry Extract

Please list all municipal employees that you would like to receive the Tourist Accommodations Registry extract from the Province. You may add a generic email address (e.g., [finance@municipality.ca](mailto:finance@municipality.ca)), and/or list individual persons. If you want to add more contacts in the future, please fill out this form again and send to [TARA-TNS@novascotia.ca](mailto:TARA-TNS@novascotia.ca).

The registry should only be accessed by employees of the municipality who require it to carry out their duties. These employees should review their responsibilities as outlined in the email, including their obligation to protect the privacy of the information.

### Municipality Name: Town of Mahone Bay

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Name: Dylan Heide

Position/job title: Chief Administrative Officer

Email Address: [dylan.heide@townofmahonebay.ca](mailto:dylan.heide@townofmahonebay.ca)

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Name: Eric J. Levy

Position/job title: Deputy Chief Administrative Officer

Email Address: [eric.levy@townofmahonebay.ca](mailto:eric.levy@townofmahonebay.ca)

--

Name: Ashley Yeadon-Wentzell

Position/job title: Finance Manager

Email Address: [ashley.yeadon-wentzell@townofmahonebay.ca](mailto:ashley.yeadon-wentzell@townofmahonebay.ca)

--

Name: Al McMullin

Position/job title: Bylaw Enforcement

Email Address: [alan.mcmullin@townofmahonebay.ca](mailto:alan.mcmullin@townofmahonebay.ca)

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Name: Heather Archibald

Position/job title: Senior Development Officer

Email Address: [harchibald@chester.ca](mailto:harchibald@chester.ca)

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Name: Elaine Brunn Shaw

Position/job title: Development Officer

Email Address: [ebrunshaw@chester.ca](mailto:ebrunshaw@chester.ca)





**Town of Mahone Bay**  
Staff Report  
RE: Marketing Levy  
October 26, 2023

**General Overview:**

The *Municipal Government Act*, section 75A (2) states, "A council may by by-law impose a marketing levy upon a person who, for a daily charge, fee or remuneration purchases accommodation in the municipality."

**Background:**

Since this addition to the *Municipal Government Act*, several municipalities in Nova Scotia have adopted bylaws instituting marketing levies. At the meeting of Mayors, Wardens, and CAOs on October 11, 2023, there was a discussion on marketing levy bylaws in Lunenburg County.

**Analysis:**

In general, the current Marketing Levy bylaws in Nova Scotia are fairly consistent, as the *Municipal Government Act* is clear on the requirements and restrictions pertaining to these bylaws.

As part of the discussions on Marketing Levies in Lunenburg County, there was consensus that all municipal units would explore the potential of marketing bylaws and setting the levy at 3%. The levy of 3% is the maximum charge allowed in the *Municipal Government Act* and in many cases, municipalities have adopted this charge.

**Financial Analysis:**

The *Municipal Government Act* stipulates that the marketing levy collected must be used by Council to promote tourism. Discussion of possible regional approaches remaining ongoing.

**Recommendation:**

It is recommended,

**THAT Council direct staff to draft a Marketing Levy Bylaw.**

Respectfully submitted,

Eric J. Levy

Deputy CAO



## **Town of Mahone Bay**

Staff Report

RE: Solar Garden Project Progress Update

October 26, 2023

### **General Overview:**

This staff report is intended to present Council with an update on the progress of the solar garden project and associated recommendations.

### **Background:**

The Town of Mahone Bay's solar garden project – part of a joint project with the Towns of Berwick and Antigonish, managed by the Alternative Resource Energy Authority (AREA) – began with initial applications for external funding in 2019. The project – an 1.500MWac / 1.816MWdc solar electricity generating facility located at 918 Main Street (on the premises of the Town's existing wastewater treatment facility) – will produce 16-18% of the electricity required by the Mahone Bay Electrical Utility when it becomes operational.



*Solar Garden from Google Earth*

### **Analysis:**

It is anticipated that the solar garden will become operational and capable of producing energy for the Town's grid by the end of October. Turnover of the facility from contractor Goldbeck Solar is anticipated later in November.

Staff anticipate conducting a third open house for the project on the facility reaching production. The evening of Monday, November 20<sup>th</sup> is proposed for the open house, which would take place in the hall at the new Fire Station.

**Financial Analysis:**

While the solar garden is anticipated to be capable of producing energy for the Town's grid by the end of October the project will not be fully complete – including incurring and paying of all costs, reimbursement of claims by Provincial and Federal funders and financing of remaining Town costs – until Q1 of fiscal 2024-25.

Until the project is fully complete Council will not have the necessary information on which to base a long term power purchase agreement between the Town and the Town's utility. In the meantime staff recommend the utility purchase the power at a price equivalent to the avoided cost of purchasing power from Nova Scotia Power Inc., from whom the power would otherwise be purchased if the solar garden was not producing energy.

**Climate Analysis:**

The solar garden project is a key component of the Town's Community Greenhouse Gas Emissions Reduction Action Plan.

**Strategic Plan:****1.1 Reduce Community Greenhouse Gas Emissions**

- Invest in renewable energy generation (e.g. solar garden)

**Recommendation:**

It is recommended,

THAT Council direct staff to hold a third open house for the solar garden project at 7 PM on Monday, Nov 20<sup>th</sup>, 2023; and,

THAT Council set the interim power purchase price for energy from the solar garden at equivalent to the avoided cost of purchasing from NSPI, until a long term power purchase agreement can be signed.

**Attached for Council Review:**

None

**Respectfully Submitted,**

Dylan Heide, Town of Mahone Bay CAO

## **General Overview:**

Overview of information regarding wildfire prevention found in the letter from Mr. Haysom and Ms. Header.

## **Background:**

Town staff received a letter from Mr. Haysom and Ms. Header dated May 31<sup>st</sup>, 2023. Council reviewed the letter during their meeting on June 13<sup>th</sup>, 2023, and directed staff to provide a report to Council on the items outlined in the letter concerning wildfire prevention. This was assigned to the Climate and Energy Program Manager during the week of October 9<sup>th</sup>.

## **Analysis:**

The following were put forward in the letter, as action items for the Town to consider.

1. Consideration of a Community Wildfire Prevention Plan (CWPP).  
The purpose of a CWPP is to identify wildfire risks within and surrounding a community, to describe the potential consequences if a wildfire was to impact the community, and to examine potential ways to reduce the wildfire risk. These plans are common for municipalities in the province of British Columbia. The provincial Wildfire Prevention Officer has offered to complete one of these plans for the Town.
2. Fire inspections for forested areas of Town.  
The province can do fire inspections for forests on crown land, but otherwise the landowner would need to arrange a fire inspection. For Town-owned forested areas this could be included within the scope of work to develop the Town's Urban Forest Management Plan.
3. Ensure all forested lands in town, reduce forest fuel accumulations.  
Fuel reduction is reducing overgrown vegetation which helps remove what fires need to spread or become more severe. This could be done on Town owned land, and then recommended/encouraged for privately owned land. This will be addressed in the Urban Forest Management Plan.



4. Designate, establish and maintain firebreaks, for example, the Bay-to-Bay and Dynamite Trails. Maintenance would need to happen annually so that the canopy does not close over the firebreaks.

This would be tricky to undertake, as you would need buy-in from all landowners. This idea could be addressed in the Urban Forest Management Plan.

5. Designate public lands as no smoking spaces. Prohibit the use of combustion engines on trails and forested areas during dry spells.

This is something that could be accomplished with a bylaw and signage. The Town could provide smoking discard units in areas where there tends to be a high concentration of smokers. The Town could also erect signs/enact bylaws not allowing the operation of machinery, campfires or fireworks, in certain areas, perhaps during certain months of the year.

6. Install fire hydrants in the Hawthorn Hill neighborhood.

Kara McCurdy, the provincial Wildfire Prevention Officer, has done an assessment here, and does not feel that fire hydrants in this area are necessary, because of the proximity of the Fire Station. Fire hydrants are not really an option there anyway because the loop is not hooked up to municipal water.

7. All new subdivisions and developments that require planning approval should be referred to the Fire Department for the assessment of fire risks AND The Fire Department should be able to recommend appropriate fire safety specifications, including the installation of adequate water sources to fight fires.

Council could consider such a requirement. The fire service would require training in risk assessments, which can be offered through the provincial wildfire prevention officer.

8. Implement public education for wildfire prevention.

Kara McCurdy agrees that fire prevention education is important but does not have the capacity to carry it out while the Town lacks the in-house expertise to provide such public education ourselves. See below for information available to residents.

### Additional Information

[FireSmart Nova Scotia](#) runs two programs, a [Neighbourhood Recognition Program](#) and an [Advanced FireSmart Home Assessment Program](#). HRM has a partnership with FireSmart to offer the voluntary home assessment program to their residents.

[The FireSmart Begins at Home Manual](#) is published on the Province of Nova Scotia's website and contains useful information on keeping your property safe. The Town could make this literature available on their website and keep a few copies at the Town Hall for residents to pick up.

### **Financial Analysis**

Further conversations with the province are needed, to determine their capacity to complete a Community Wildfire Prevention Plan, and to carry out training with the fire department as well as if there are any associated costs.

Wawanesa Insurance gives out \$150,000 grants to communities across Canada to support community wildfire prevention. This could potentially be used to support implementation of the Urban Forest Management Plan once developed, as prevention actions are likely to be embedded in this Plan.

### **Climate Analysis:**

As the climate warms, high temperatures will continue to break records, we will have longer and increasingly intense wildfire seasons and prolonged periods of smoke exposure. Damage to homes, buildings and property are a risk that comes with each wildfire that approaches the Town. Therefore it is necessary to work towards preventing wildfires.

### **Links to Strategic Plan:**

- 1.2 Implement Asset Management Planning. Establish and maintain service standards with public input on Town services and rates.
  - Develop 10-year asset management plans for each asset class:
    - Recreational facilities, trails, green spaces and cemeteries.
    - Natural infrastructure

**3.3 Practice Stewardship of our Natural Environment. Improve harbour water quality and urban forest health.**

- Develop and implement Urban Forest Management Plan (including parks).
- Encourage recognition of the value of natural assets in the Town.

**Recommendation:**

It is recommended,

THAT Council direct Staff to work with the provincial Forest Protection - Wildfire Management Department to develop a Community Wildfire Prevention Plan; and,

THAT the recommendations contained in the letter from Mr. Haysom and Ms. Hearder be incorporated into the scope of the Urban Forest Management Plan where appropriate.

Respectfully submitted,

Lauren Clark

Climate and Energy Program Manager



## **Town of Mahone Bay**

Staff Report

RE: Kinburn to Main Multi-Use Trail

October 26, 2023

### **General Overview:**

This staff report is intended to present Council with updated concepts and associated estimates for the proposed Kinburn to Main Multi-Use Trail.

### **Background:**

The Blue Route Community Hubs project in which Mahone Bay was a participant took place in 2018-19 with a report to Council in Sept. 2019. The purpose of this project was to consider cycle connectivity within Mahone Bay.

The general concept put forward by the report – and built-upon by the subsequent Transportation Plan Report produced for the Town by CBCL in 2020 – was that lower volume / lower speed streets – achieved through traffic calming infrastructure and reduced speed limits – would connect areas of Town. In this way riders of all ages and abilities could transit through Town avoiding Main St. with its higher speeds / traffic volumes and lack of appropriate infrastructure for cyclists.

This concept has informed numerous improvements over the past several years, including the Clearway-Main 3-way stop, installation of speed humps, and reduced speed limits. One significant recommendation of the Community Hubs project has not yet moved forward, the establishment of a link between Kinburn St. and Main St. to facilitate connection to Clearway St. (and Bayview School).

A link through the Nova Scotia Liquor Commission (NSLC) property was initially proposed in the Community Hubs report. In the Summer of 2023 staff met with representatives of NSLC and reviewed the recommendation from the report. It was indicated that NSLC would consider the concept if it could be designed without reducing availability of parking for customers. WSP Inc. – already commissioned to provide other traffic engineering services to the Town in 2023-24 – were asked to prepare concepts and estimates with this in mind.

### **Analysis:**

Concepts and estimates provided by WSP Inc. are attached. Two similar concepts are presented for consideration with differing numbers of parking spaces / associated costs. If Council supports sharing these concepts and estimates with NSLC there is potential for NSLC to support the Town is seeking external funding for the work (or to contribute themselves).

**Financial Analysis:**

The attached estimates – \$234,000 - \$293,000 including very substantial contingencies – provide a basis for discussions with NSLC and to seek external funding. This would occur in advance of the 2024-25 budget process when Council could revisit the proposed project.

**Climate Analysis:**

Active transportation choices by residents and visitors can result in substantial reductions in emissions from transportation (the second largest source of community emissions). These choices are contingent on being able to safely navigate from point A to point B via active means. By creating the necessary conditions for safe navigation by residents and visitors of all ages and abilities through projects such as this, the Town can encourage active transportation choices resulting in emissions reduction.

**Strategic Plan:****1.3 Improve Accessibility of Public Infrastructure**

- Strategically improve transportation infrastructure to support healthy living

**Recommendation:**

It is recommended,

THAT Council direct staff to share the multi-use path concepts and estimates from WSP Inc. with NSLC for their consideration.

**Attached for Council Review:**

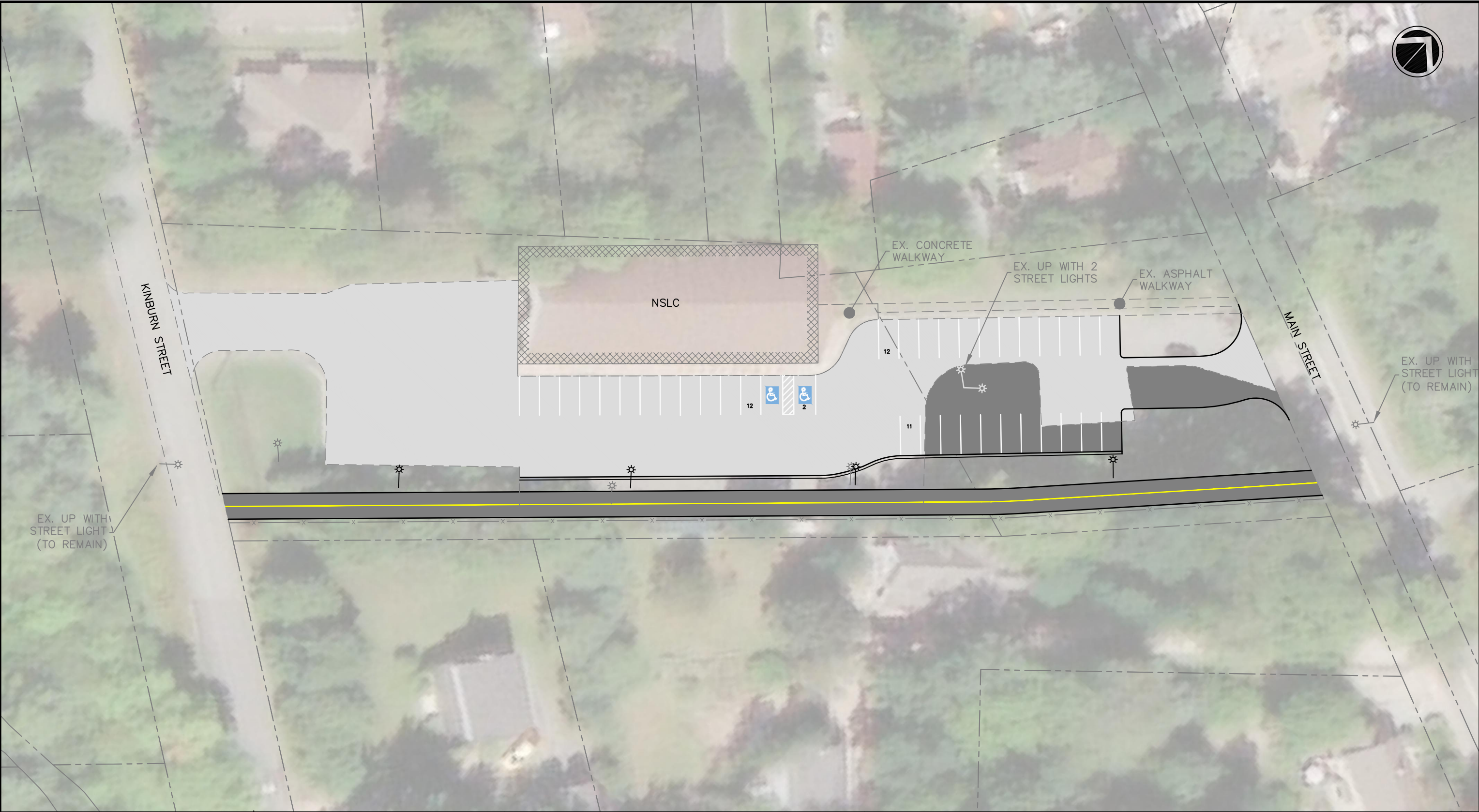
- NSLC Multi-Use Trail Connector Concepts & Estimates of Probable Construction Costs

**Respectfully Submitted,**



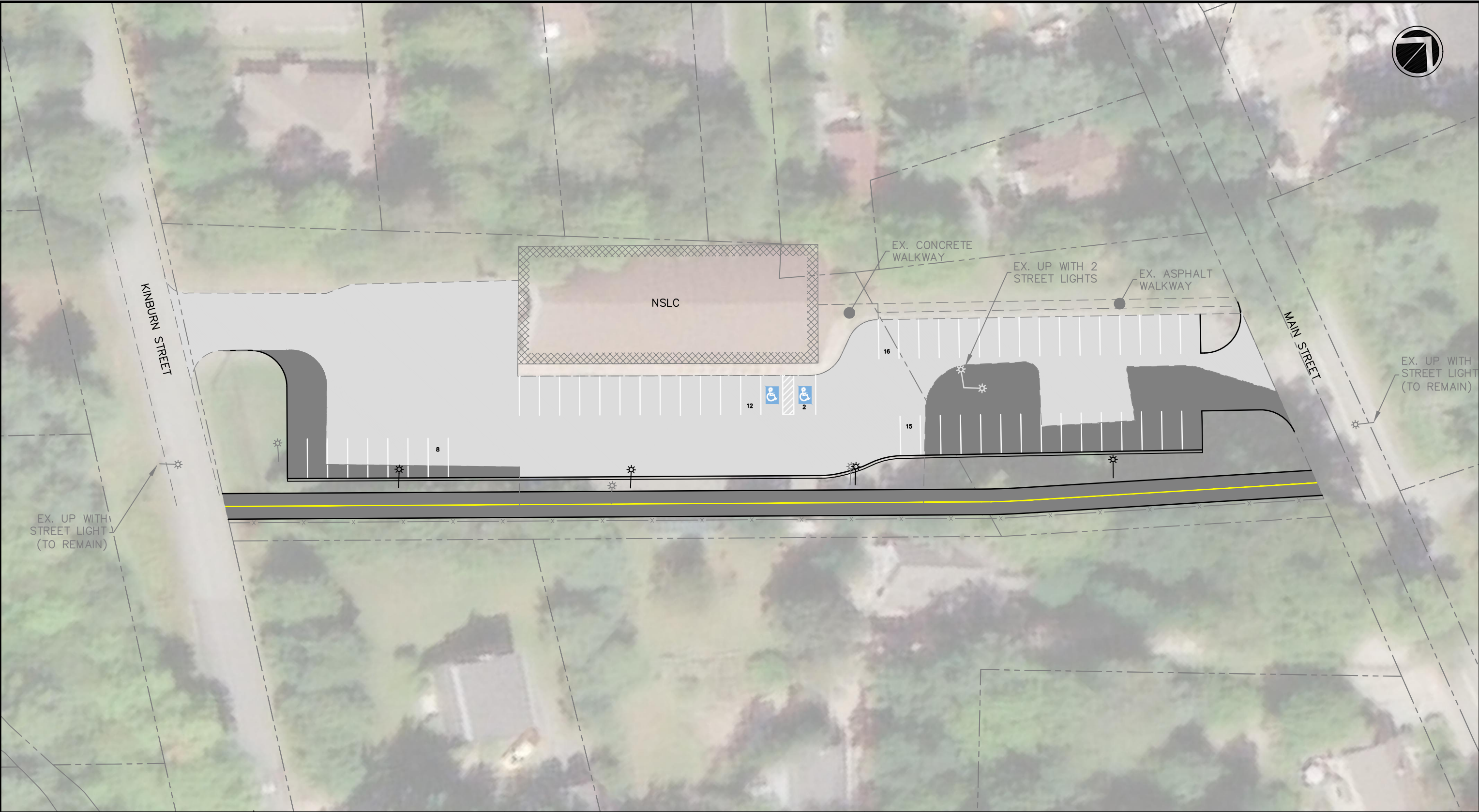
Dylan Heide, Town of Mahone Bay CAO


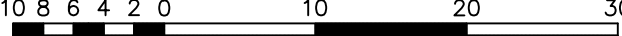




<p>CLIENT:</p> <p><b>TOWN OF MAHONE BAY</b></p>	<p><b>wsp</b></p> <p>WSP Canada Inc. 1 Spectacle Lake Drive Dartmouth, Nova Scotia, Canada B3B 1X7 T 902-835-9955 F 902-835-1645 www.wsp.com</p>	<p>Drawn: <u>C. MACPHERSON</u></p> <p>Reviewed: <u>P. HATTON</u></p> <p>Project #: <u>CA0005416.8070</u></p> <p>Date: <u>OCT 5, 2023</u></p> <p>SCALE: 1:500 METRIC</p> <p>10 8 6 4 2 0 10 20 30</p>	<p>PROJECT:</p> <p><b>MAHONE BAY NSLC MULTI-USE TRAIL CONNECTION</b></p>	<p>TITLE:</p> <p><b>PRELIMINARY CONCEPT 1</b></p>
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CLIENT:          <b>TOWN OF MAHONE BAY</b>	 <b>WSP</b> Canada Inc. 1 Spectacle Lake Drive Dartmouth, Nova Scotia, Canada B3B 1X7 T 902-835-9955 F 902-835-1645 www.wsp.com	Drawn: <u>C. MACPHERSON</u>	PROJECT:          <b>MAHONE BAY NSLC MULTI-USE TRAIL CONNECTION</b>	TITLE:          <b>PRELIMINARY CONCEPT 2</b>
		Reviewed: <u>P. HATTON</u> Project #: <u>CA0005416.8070</u> Date: <u>OCT 5, 2023</u>		
		SCALE: 1:500 METRIC 		

# NSLC Multi-Use Trail Connector

## ESTIMATE OF PROBABLE CONSTRUCTION COSTS



PROJECT NO.  
DATE:  
CLIENT:  
CONSULTANT:  
UNIT PRICE SOURCE:  
NOTES:

CA0005416.8070  
October 5, 2023  
Town of Mahone Bay  
WSP  
WSP

- a) ALL PRICES SHOWN ARE IN 2023 CANADIAN DOLLARS EXCLUDING HST.
- b) INCREASES DUE TO INFLATION OR CHANGES IN THE MARKET ARE NOT INCLUDED AS PART OF THIS ESTIMATE.
- c) ESTIMATES ARE INTENDED FOR HIGH-LEVEL BUDGETING OF CONSTRUCTION COSTS ONLY. FUNCTIONAL AND DETAILED DESIGN REQUIRED FOR MORE ACCURATE COST ESTIMATION.
- d) NO ALLOWANCE HAS BEEN MADE FOR PROPERTY ACQUISITION, ENGINEERING, OR CONSTRUCTION ADMIN./INSPECTION.
- e) SOME DIMENSIONS TAKEN FROM AERIAL PHOTOGRAPHY.
- f) STORM SEWER NOT INCLUDED IN COST ESTIMATE.

3.0m MULTI-USE PATH CONCEPT 1				
ITEM	UNITS	UNIT PRICE	QNTY.	COST
<b>Curb</b>				
Concrete Curb and Gutter	m	\$220	140	\$30,800
<b>Earthwork</b>				
Grubbing	m <sup>2</sup>	\$12	765	\$9,180
<b>Gravel</b>				
Type 1 - 150 mm thick	m <sup>2</sup>	\$30	765	\$22,950
Type 2 - 250 mm thick	m <sup>2</sup>	\$35	447	\$15,645
Type 2 - 300 mm thick	m <sup>2</sup>	\$40	318	\$12,720
<b>Asphaltic Concrete</b>				
Type B-HF - 75 mm thick	m <sup>2</sup>	\$35	318	\$11,130
Type C-HF - 50 mm thick	m <sup>2</sup>	\$25	318	\$7,950
Type D-HF - 75 mm thick	m <sup>2</sup>	\$45	447	\$20,115
Full Depth Asphalt Removal	m <sup>2</sup>	\$10	367	\$3,670
<b>Pavement Markings</b>				
Painted Yellow Single Centerline - Solid	m	\$3	447	\$1,341
Painted White Single Line - Solid	m	\$3	123	\$368
<b>Miscellaneous</b>				
Pole Relocation	ea.	\$5,000	4	\$20,000
Sub-Total				\$155,869
Contingency (50%)				\$77,934
(excl. HST)				\$234,000

# NSLC Multi-Use Trail Connector

## ESTIMATE OF PROBABLE CONSTRUCTION COSTS



PROJECT NO.  
DATE:  
CLIENT:  
CONSULTANT:  
UNIT PRICE SOURCE:  
NOTES:

CA0005416.8070  
October 5, 2023  
Town of Mahone Bay  
WSP  
WSP

- a) ALL PRICES SHOWN ARE IN 2023 CANADIAN DOLLARS EXCLUDING HST.
- b) INCREASES DUE TO INFLATION OR CHANGES IN THE MARKET ARE NOT INCLUDED AS PART OF THIS ESTIMATE.
- c) ESTIMATES ARE INTENDED FOR HIGH-LEVEL BUDGETING OF CONSTRUCTION COSTS ONLY. FUNCTIONAL AND DETAILED DESIGN REQUIRED FOR MORE ACCURATE COST ESTIMATION.
- d) NO ALLOWANCE HAS BEEN MADE FOR PROPERTY ACQUISITION, ENGINEERING, OR CONSTRUCTION ADMIN./INSPECTION.
- e) SOME DIMENSIONS TAKEN FROM AERIAL PHOTOGRAPHY.
- f) STORM SEWER NOT INCLUDED IN COST ESTIMATE.

3.0m MULTI-USE PATH CONCEPT 2				
ITEM	UNITS	UNIT PRICE	QNTY.	COST
<b><u>Curb</u></b>				
Concrete Curb and Gutter	m	\$220	184	\$40,480
<b><u>Earthwork</u></b>				
Grubbing	m <sup>2</sup>	\$12	978	\$11,736
<b><u>Gravel</u></b>				
Type 1 - 150 mm thick	m <sup>2</sup>	\$30	978	\$29,340
Type 2 - 250 mm thick	m <sup>2</sup>	\$35	447	\$15,645
Type 2 - 300 mm thick	m <sup>2</sup>	\$40	531	\$21,240
<b><u>Asphaltic Concrete</u></b>				
Type B-HF - 75 mm thick	m <sup>2</sup>	\$35	531	\$18,585
Type C-HF - 50 mm thick	m <sup>2</sup>	\$25	531	\$13,275
Type D-HF - 75 mm thick	m <sup>2</sup>	\$45	447	\$20,115
Full Depth Asphalt Removal	m <sup>2</sup>	\$10	299	\$2,990
<b><u>Pavement Markings</u></b>				
Painted Yellow Single Centerline - Solid	m	\$3	447	\$1,341
Painted White Single Line - Solid	m	\$3	208	\$624
<b><u>Miscellaneous</u></b>				
Pole Relocation	ea.	\$5,000	4	\$20,000
Sub-Total				\$195,371
Contingency (50%)				\$97,685
(excl. HST)				\$293,000



## **Town of Mahone Bay**

Staff Report

RE: Road Trails Act

October 26, 2023

### **General Overview:**

This staff report is intended to present Council with information concerning new provincial legislation.

### **Background:**

New Provincial legislation took effect on September 29, 2023 which makes permanent the off-highway vehicle (OHV) roadway pilot project that began in 2018 on eight designated streets:

Ship Harbour (HRM) – Portions of West Ship Harbour Road and Trunk 7  
Porters Lake (HRM) – Myra Road  
New Germany (Lunenburg County) – Trunk 10  
Weymouth (Digby County) – Trunk 1  
Walton (East Hants) – Bancroft Road  
Sherbrooke (Guysborough County) – Trunk 7  
Gabarus (CBRM) – Oceanview Drive and Route 327

The new Provincial legislation (Road Trails Act) establishes designated “road trails” on certain streets where OHVs are permitted to operate (beginning initially with those listed above). The legislation also gives municipalities the ability to designate streets as road trails where OHV use within the roadway would be permitted. Other than on those designated streets, operation of OHVs within roadways remains prohibited throughout Nova Scotia.

Provincial news release and additional background information on the pilot project can be reviewed [HERE](#).

### **Analysis:**

Under the new legislation the Town Council has the option to designate Town streets or portions of streets as permitting OHV use. In the case of the examples from the Provincial pilot cited above, these are roads which serve to connect to sections of trail. In Mahone Bay’s case the trails permitting OHV use – Bay-to-Bay and Dynamite – are contiguous, while OHV use is not permitted in Town parks and cemeteries. There would appear to be no streets in Mahone Bay suitable to be designated as road trails. Staff would not recommend Council designating any road trails at this time.

### **Financial Analysis:**

There is no direct financial impact to the new legislation.



**Climate Analysis:**

As motorized vehicles OHVs do not offer the same opportunities for emissions reductions as other trail uses.

**Strategic Plan:**

N/A

**Recommendation:**

It is recommended,

THAT Council accept this staff report for information.

**Attached for Council Review:**

None

**Respectfully Submitted,**



Dylan Heide, Town of Mahone Bay CAO



Municipal Joint Services Board, Lunenburg Region

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131 North St, PO Box 209, Bridgewater, NS B4V 2W8 /Phone (902) 543-2991 Fax: (902) 530-5189

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**To:** Tom MacEwan (CAO, Municipality of the District Lunenburg)  
Tammy Crowder (CAO, Town of Bridgewater)  
Dylan Heide (CAO, Town of Mahone Bay)

**From:** Gabe Welsh, Director of Waste Management Shared Services

**Date:** Oct 17, 2023

**Subject:** EPR Regulation Changes

**Recommendation**

That each of the MJSB partner municipalities approve opting-in to Extended Producer Responsibilities (EPR) for Packaging, Paper Products and Packaging Like Products (PPP), and direct MJSB to work with municipal staff to ensure the opt-in submission requirements have been met prior to the January 1, 2024 deadline.

**Background**

On August 2, 2023, New Extended Producer Responsibility (EPR) for Packaging, Paper Products and Packaging Like Products (PPP) regulations were announced. The implementation date will be December 1, 2025.

EPR regulates industry responsibility for both the operational and financial management of certain recyclable materials. This will typically cover most products found in the current NS curbside recyclable program.

EPR is designed to shift accountability for end-of-life management of these products from the municipalities to the producers. This also helps to incentivize industry to create easily recyclable packaging.

Producers of PPP materials will be required to operate the collection program for their products. In other jurisdictions, producers have designated a Producer Responsibility Organization (PRO) to develop and operate the program, and this is also the approach that is anticipated in Nova Scotia. New Brunswick and Ontario use the company Circular Materials, who is positioning themselves as the front-runner in Nova Scotia as well. The PRO collects fees from the producers and may contract municipalities for collection/processing and education services.

Divert NS will act as the administrator for EPR for PPP. They will manage registrations and data collection for producers and municipalities. They will oversee the program and ensure compliance with regulatory requirements. Municipalities opting-in are required to register with Divert NS and provide current collection data by January 1, 2024.

This program only directly affects the collection of recycling materials (ie blue and clear bags) for residential dwellings and facilities such as schools and apartment/condo complexes. Municipalities will still be responsible for the collection of Industrial, Commercial and Institutional (ICI) recycling waste.

## **Analysis**

MJSB has been working with the appropriate personnel from each of the partner municipalities to compile the required data to submit by the January 1, 2024 deadline.

Choosing to opt-in keeps a seat at the table to continue to participate in the discussion of the EPR model that will be put in place. This retains the ability to raise questions and concerns and gather information on whether the EPR program will be beneficial to your municipality and specify how each municipality will choose to implement the program. Opting in by January 1, 2024 is simply expressing intention to participate in the program and is not a binding agreement.

By opting in, municipalities agree to work within an industry led EPR program. This would mean that industry becomes responsible for residential, curbside recycling in their municipality, and that industry would be responsible for disposal of recyclable materials collected from the residents. Industry may contract municipalities to continue curbside collection or provide these services.

Opting out at this time would mean that the municipality will continue to be responsible for collection and processing of all PPP material and would not be eligible to receive any reimbursement from the PRO when the new EPR program is implemented.

By October 1, 2024, the PRO must submit a readiness report to Divert NS. They will be responsible for consulting with every municipality in NS in preparation for this report. It will contain a description of how they are going to meet the standards laid out in regulations pertaining to collection, management, reporting and education. It will also contain information on how feedback from the municipalities was addressed.

## **Financial Implications**

NSFM has estimated the savings to NS municipalities at around \$20-\$25 million annually. However, the direct financial implications to our MJSB partners are yet to be determined. There are still many unknown factors in the implementation of EPR.

Opting in presents an opportunity to be reimbursed for costs that are currently the responsibility of the municipality. Opting out would mean that the municipalities would continue to bear these costs and be responsible for the disposal of the waste materials.

MJSB will continue to closely monitor this program throughout the next phase and provide analysis of the cost implications for various options as the full extent of the regulations become clearer.

Cc: MJSB COO Lesley McFarlane

## **Attachments**

2023-139 – EPR Regulations

PPP Material Management Standard

Divert NS – EPR Power Point Presentation – December 2022

# Extended Producer Responsibility (EPR) for Printed Paper and Packaging (PPP)

Divert NS PPP Municipal Summit

December 6, 2022



# Update on PPP in NS

## **Progress throughout 2022:**

- ✓ Targeted engagement
- ✓ What We Heard report
- ✓ Engaged with consultants and Office of Regulatory Affairs and Service Effectiveness

## **Next steps:**

- Review and analyze feedback to inform decision-making
- Complete Business Impact Assessment

# Expanding EPR in NS

Targeted engagement on EPR for batteries, lighting and additional electronics was also conducted in 2022

## Current EPR programs:

- paint, used oil/filters, electronics

## EPR for PPP:

- includes materials commonly found in NS' blue bag system



# Why EPR for PPP?



## **Drives design changes to simplify recycling**

- Industry is incented to design more easily recyclable packaging
- Creates dialogue between producers, packagers, and recycling stakeholders



## **Drives efficiency of system**

- Increases economy of scale
- Minimizes duplication

# EPR for PPP – roles and responsibilities\*

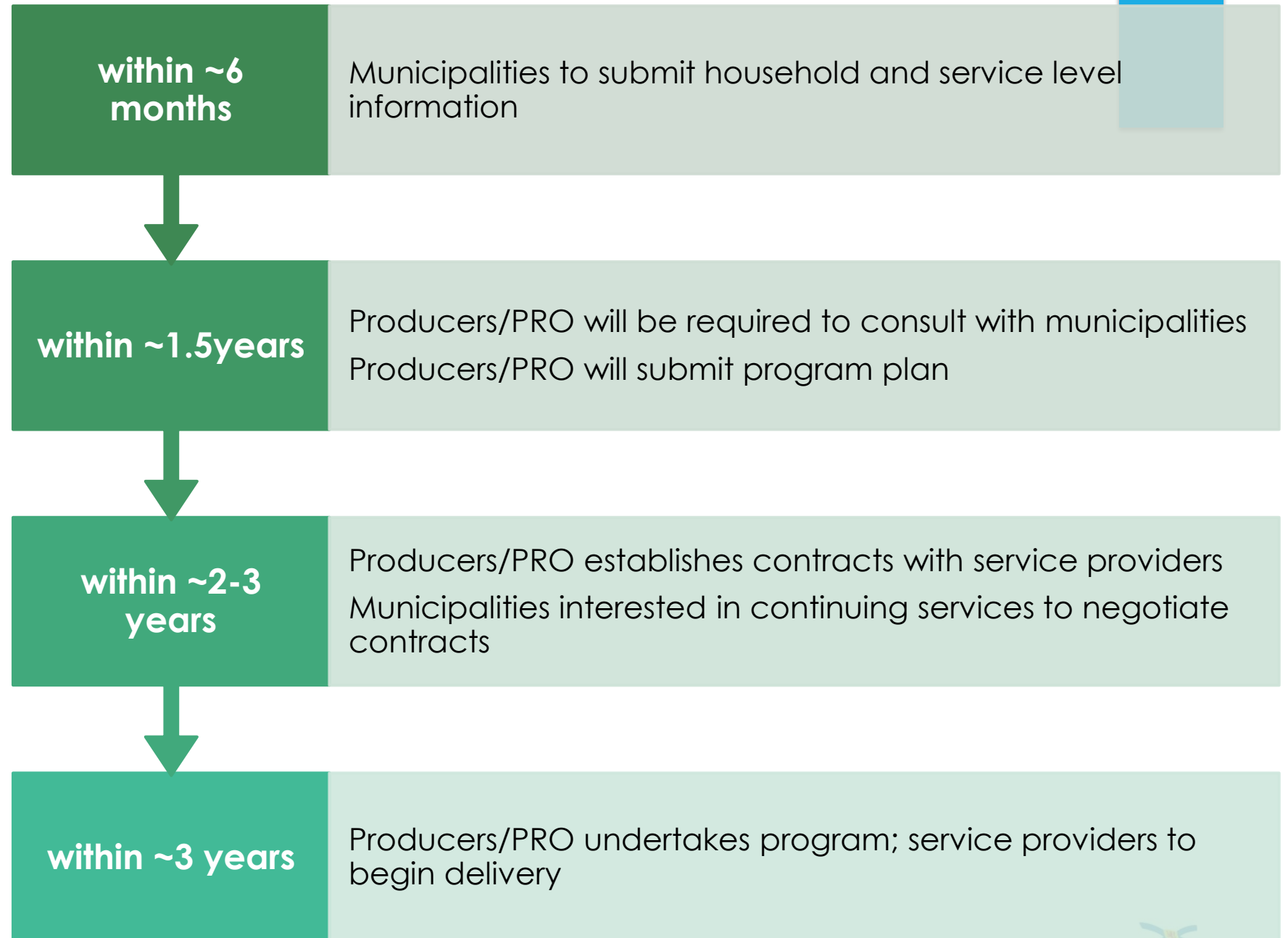
<b>Producers</b>	<ul style="list-style-type: none"> <li>• Regulated to develop and manage program</li> <li>• Permitted to appoint a PRO</li> </ul>
<b>Producer responsibility organization (PRO)</b>	<ul style="list-style-type: none"> <li>• Appointed by producers to develop and operate the program</li> <li>• Collects fees from producers</li> <li>• May contract municipalities</li> </ul>
<b>Provincial government</b>	<ul style="list-style-type: none"> <li>• Obligates producers, sets targets</li> <li>• Reviews and approves the program plan</li> </ul>
<b>Third party oversight</b>	<ul style="list-style-type: none"> <li>• Oversees compliance with program plan and regulations</li> </ul>
<b>Municipalities and regions</b>	<ul style="list-style-type: none"> <li>• Can be contracted by industry to continue collection, education and/or processing/marketing</li> </ul>

Evolving role  
results in  
significant  
change  
management

\*contingent on final drafting instructions and approvals

# Milestones

from when proposed  
regulation comes into  
force\*



\*contingent on final drafting instructions and approvals



# 1. Household and service level information

Potential data to be submitted within **~6 months** of regulation amendment; ensuring households are sufficiently serviced:

- **Household information** (e.g. # of households, addresses, collection maps)
  - Who is currently receiving curbside recycling collection
  - Who is currently receiving curbside garbage collection but not recycling
  - Those along collection route who do not receive municipal services (e.g. schools, businesses)
- **Level of service being provided**
  - Curbside service levels - e.g. materials collected, type of container, frequency, day of the week, quantity collected, etc
  - Depots (if applicable) – e.g. locations of depots, hours of operation, materials accepted)

## 2. Consultation on program plan

### **Municipalities to consider and communicate elements they believe should be included in the program plan**

The producer/PRO will be required to submit a plan to the Minister within ~1.5 years after the regulation comes into force which may include such items as:

- How materials will be collected (curbside, depot, receptacles)
- Service standards
- How materials will be tracked and audited
- Overview of the consultation feedback

### 3. Becoming a service provider

Considerations:

- Becoming a service provider is a choice, not a requirement
- A full producer model does not guarantee that costs are fully covered

PRO may be looking to contract out the following:

- Local education
- Curbside collection
- Post collection services (e.g. pre-processing, processing)

### 3. Becoming a service provider

Methods used in other jurisdictions to negotiate contracts:

- One municipality leads negotiations and shares a template contract
- Municipalities collaborate on developing a template contract with producers/PROs

Data that may support negotiations:

- Costs per household
- Quantities collected
- Contamination levels in blue bag materials
- Packaging collected in curbside composting stream
- IC&I services provided (# of units, quantity)

# Concluding remarks

- Key areas to focus efforts include:
  1. Documenting household and service level information
  2. Recording feedback to provide to PRO during program plan consultation
  3. Preparing data and developing a strategy for negotiating contracts
- Tremendous work has already been undertaken by Chairs/NSFM/Priorities in building capacity and knowledge among municipal stakeholders
- This Summit, led by Divert NS, presents a great foundation to prepare for proposed regulations and anticipated negotiations

# Questions?

**Ashley David**

ashley.david@novascotia.ca

902-266-9420



# Packaging, Paper Products and Packaging Like Products Material Management Standard



Approval Date: August 2, 2023 Effective Date: \_\_\_\_\_

Approved By: 

Version Control: First Edition

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# Packaging, Paper Products and Packaging Like Products Material Management Standard

## Applicability

- 1(1) This Standard applies to the designated material and material categories prescribed in the *Packaging, Paper Products and Packaging Like Products Regulations*.
- (2) This Standard describes the minimum management requirements for material categories for designated materials under the *Packaging, Paper Products and Packaging Like Products Regulations*.

## Definitions

2(1) In this standard, the following definitions apply:

“Beneficial reuse” means the reclamation of materials in such a manner that they cannot displace the primary or raw materials they were produced from and are practically unrecoverable for the original purpose they were created and instead act as a substitute material in other uses.

“Compost” has the same meaning as in the *Solid Waste Resource Management Regulations*.

“Energy Recovery” means the extraction or production of energy, including fuels, from source-separated designated materials but does not include incineration in an incinerator.

“Incinerator” has the same meaning as in the *Solid Waste Resource Management Regulations*.

“Recycle” means the reclamation of materials in such a manner that they can displace the primary or raw materials they were produced from.

“Regulations” mean the *Packaging, Paper Products and Packaging Like Products Regulations*.

## Material Management Requirements

- 3(1) A producer must meet the material management requirements for material categories in Table 1 using the methods specified in subsections (2).
- (2) The material management performance requirement in Table 1 is the amount of a designated material type that is re-used for its original purpose or function, recycled, composted, recovered for energy, or beneficially reused by a producer in accordance with this standard divided by the amount of that designated material

type that the producer supplies in Nova Scotia to consumers for personal, family or household purposes, expressed as a percentage.

### Minimum Material Management Requirements

4(1) The minimum material management requirements that a producer must meet for each material category are set out in the following table:

Table 1: Material Management Requirements by Designated Material Type

Material Category	Column 1 Years 1 & 2 Calendar years: 2026 & 2027	Column 2 Years 3 & 4 Calendar years: 2028 & 2029	Column 3 Year 5 Calendar year: 2030	Column 4 Year 10 & onward Calendar years: 2035 & onward
Paper	Best efforts to meet 80% target	80%	90%	95%
Rigid Plastic	Best efforts to meet 60% target	60%	65%	70% plus 5% every 5 years thereafter until 85% is achieved
Flexible Plastic	Best efforts to meet 30% target	30%	40%	50% plus 5% every 5 years thereafter until 85% is achieved
Glass	Best efforts to meet 75% target	75%	85%	90%
Metal	Best efforts to meet 70% target	70%	80%	85%

### Reporting Requirement

5(1) The producer shall only report material that was processed by a registered processor and reported in the name of the producer or, if reported in the name of the producer's producer responsibility organization, that the producer responsibility organization reported as allocated to the producer through the reporting requirements under the Regulation to satisfy the producer's management requirement in the previous calendar year.

6(1) A producer shall only report material, in respect of the producer's management requirement for a material category, that satisfies the requirements set out in subsection (2).

(2) For the purposes of subsection (1), the following requirements must be satisfied:

- (a) The material must be,
  - i. marketed for re-use for their original purpose or function,
  - ii. recycled into new products or packaging,
  - iii. marketed as compost,
  - iv. marketed for beneficial reuse, or
  - v. marketed for energy recovery.

- (3) The weight of the material may only be counted one time by the producer and must not be counted by more than one producer.
- (4) Unless approved by the Administrator, the material must have been processed within three months of the registered processor receiving the material.
- (5) A producer may only satisfy a management requirement for a material category with material in that material category.
- (6) Material that meets any of the following conditions shall not be accounted for in respect of a producer's management requirement for a material category:
  - (a) The material is used in a product that is land cover, unless the land cover is,
    - i. glass used for aggregate replacement, or
    - ii. a product that supports soil health or crop growth that is created from material that is recovered from paper.
  - (b) The material is supplied to an incinerator for incineration.
  - (c) The material is landfilled or land disposed.

A meeting of the Planning Advisory Committee for the Town of Mahone Bay was held on Tuesday, October 3, 2023 at 7:00 p.m. in Council Chambers.

Present:

Deputy Mayor Francis Kangata (Chair)  
Councillor Suzanne Lohnes-Croft  
Mayor David Devenne  
Helga Baxter  
Trudie Richards  
Katherine McCarron  
Bryan Palfreyman  
CAO Dylan Heide (Recording Secretary)  
Planner, Emily Statton  
Partner & Senior Planner, Ian Watson, Upland Planning + Design

Absent:

Councillor Kelly Wilson (with regrets)

Gallery:

Councillor Penny Carver

**Let us begin by acknowledging that we are gathered today in Mi'kma'ki. The ancestral, present and future territory of the Mi'kmaw people. Today, we gather with the intent followed by the living Peace and Friendship Treaties - with respect, cooperation and coexistence.**

**1. Approval of Agenda**

A motion by Councillor Lohnes-Croft, seconded by Ms. McCarron, **"THAT the agenda be approved as presented."** **Motion carried.**

**2. Minutes**

A motion by Mr. Palfreyman, seconded by Councillor Lohnes-Croft, **"THAT the minutes of the June 6, 2023 meeting be approved as presented."** **Motion carried.**

**3. Draft Municipal Planning Strategy and Land-Use By-Law**

Ian Watson, Partner & Senior Planner with Upland Planning + Design, contracted by the Town to support the Municipal Planning Strategy and Land Use By-law update process, presented the draft Municipal Planning Strategy and Land Use By-law documents to the Planning Advisory Committee.



The Committee proposed three amendments to the drafts:

- Adding further clarity that accessory dwellings are not permitted to be used as a short-term rental [see 5.3(d) of the updated draft Bylaw]
- Increasing the roof pitch required in residential areas of the Architectural Control Area from 4:12 to 6:12 [see 5.6.15 of the updated draft Bylaw]
- Moving PID 60481934 from the General Residential Zone to the Multi Unit Residential Zone.

A motion by Councillor Lohnes-Croft, seconded by Ms. Richards, **“THAT the committee recommend that Council give 1<sup>st</sup> reading to the new Land Use By-law as amended.”**  
**Motion carried.**

A motion by Mr. Palfreyman, seconded by Ms. McCarron, **“THAT the committee recommend that Council give 1<sup>st</sup> reading to the new Municipal Planning Strategy as presented.”**  
**Motion carried.**

#### **4. Next Meeting Date**

The likely next meeting date for the Committee was discussed and it was agreed that the Committee was unlikely to meet before February 6, 2024 unless otherwise required.

**The meeting adjourned by motion at 7:56 pm**

**TOWN OF MAHONE BAY**

**TOWN OF MAHONE BAY**

Chair, Deputy Mayor Francis Kangata

Recording Secretary, Dylan Heide

# Report to Council

RE: “Plan Mahone Bay” draft Municipal Planning Strategy and Land Use Bylaw  
From: UPLAND Planning + Design  
Date: October 26, 2023

## Background

For the past three years the Town has been working to develop a new Municipal Planning Strategy and Land Use Bylaw to guide land use and development in the community.

This work was overseen by a Steering Committee comprised of Council and Planning Advisory Committee members, and supported by UPLAND Planning + Design.

On October 3<sup>rd</sup>, 2023 the Planning Advisory Committee (PAC) met to review the draft Municipal Planning Strategy and Land Use Bylaw.

PAC directed three edits to the drafts:

- Adding further clarity that accessory dwellings are not permitted to be used as a short-term rental [see 5.3(d) of the updated draft Bylaw]
- Increasing the roof pitch required in residential areas of the Architectural Control Area from 4:12 to 6:12 [see 5.6.15 of the updated draft Bylaw]
- Moving PID 60481934 from the General Residential Zone to the Multi Unit Residential Zone.

PAC also requested staff contact the owner of PID 60602315 to review options for zoning on that property and bring forward the results of the discussion to Council.

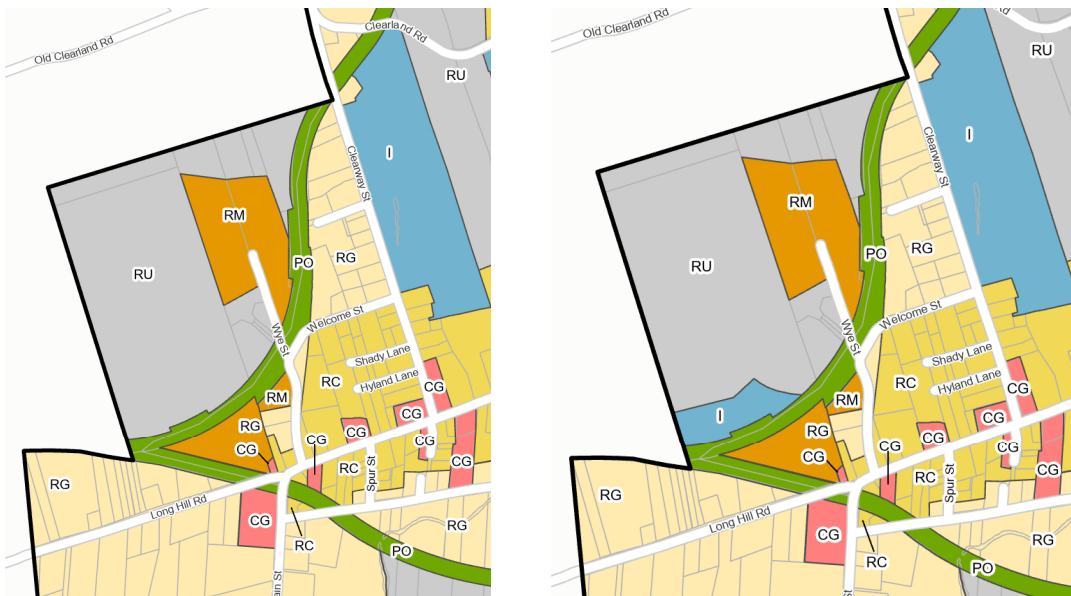
PAC then passed a motion recommending the amended drafts to Council.

## Potential Amendment

PID 60602315 is a large (27 acre) parcel located on the north side of the Dynamite Trail in the vicinity of Wye Street. The owners are currently working with the Town to obtain permits for a psychology clinic on a portion of the property under the existing Bylaw. However, the provisions that would enable this permission are not being carried forward into the proposed Municipal Planning Strategy and Land Use Bylaw.

In discussion with PAC it was determined that one possible option for accommodating this proposal is to apply the Institutional Zone to the portion of the property proposed for the clinic. The entire property is currently placed in the Unserved Residential Zone in the draft Bylaw.

Staff followed up with the property owner to determine if this approach would be acceptable to them. The property owner confirmed that it would, and provided a site plan showing the area proposed for the clinic.



Existing draft (left) and proposed draft (right) zoning for PID 60602315

We recommend that Council pass the following motion to make this change:

**Be It Resolved That Council for the Town of Mahone Bay direct staff to amend the zoning map of the October 26, 2023 draft Land Use Bylaw to place a portion of PID 60602315 in the Institutional Zone, as depicted in the staff report to Council dated October 26, 2023.**

## **Next Steps and Recommended Motion**

The recommend next step in the Plan Mahone Bay process is to give First Reading to the proposed Municipal Planning Strategy and Land Use Bylaw, and to schedule a Public Hearing where members of the public will be able to “make representations” (provide comments and concerns) on the proposed documents to Council.

The following motion would achieve this for the amended documents if Council makes the recommended change for PID 60602315:

**Be It Resolved That Council for the Town of Mahone Bay give First Reading to, and schedule a Public Hearing regarding, the proposed Municipal Planning Strategy and Land Use Bylaw attached to the Council agenda of October 26, 2023, as amended by Council on October 26, 2023.**

If Council does not make the recommended change for PID 60602315, the following motion should be used:

**Be It Resolved That Council for the Town of Mahone Bay give First Reading to, and schedule a Public Hearing regarding, the proposed Municipal Planning Strategy and Land Use Bylaw attached to the Council agenda of October 26, 2023.**

Alternatively, Council can refer the documents back to staff for further information or PAC for further discussion. Council can also table First Reading to a later meeting.





# Town of Mahone Bay

Municipal Planning Strategy

2023.10.26 First Reading DRAFT

## Credits

This Plan was initially prepared by  
UPLAND Planning and Design and the  
Town of Mahone Bay.



# PLAN MAHONE BAY

UPLAND



## Indigenous Land Acknowledgement

The Town of Mahone Bay is located in Mi'kma'ki. The municipality and all the peoples who reside and visit are the beneficiaries of the living Peace and Friendship Treaties, which were signed between the British, the Mi'kmaq, the Maliseet, and the Passamaquoddy. These treaties hold the ongoing shared responsibility to respect, cooperate and coexist with each other and the land. The Town extends to the Mi'kmaw people the respect and desire to build a stronger relationship in the spirit and intention of these treaties.

## Plan Acknowledgements

The Town of Mahone Bay would like to thank all the residents, businesses, community groups and members, and the many stakeholders who shared their aspirations and vision for the future of Mahone Bay. Thank you for devoting your time to sharing your ideas and experiences to make Mahone Bay a better place to live, work, and visit.

The Town would also like to recognize the input from members of the Plan Mahone Bay Steering Team—a collaboration between Town Council and the Planning Advisory Committee—for their expertise, time, and passion devoted to the development of this Municipal Planning Strategy. They include the following:

- » Mayor David Devenne
- » Deputy Mayor Francis Kangata
- » Councillor Alice Burdick
- » Councillor Penny Carver
- » Councillor Joseph Feeney
- » Councillor Richard Nowe
- » Councillor Kelly Wilson
- » Councillor Suzanne Lohnes-Croft
- » Dylan Heide, Town CAO
- » Maureen Hughes, Deputy CAO and Town Clerk
- » Kristen Martell
- » Annie Morrison
- » Katherine McCarron
- » Glenn Patscha
- » Bryan Palfreyman
- » John Biebesheimer
- » Helga Baxter
- » Trudie Richards
- » Garth Sturtevant, Senior Planner
- » Heather Archibald, Development Officer

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# 1. Introduction

## 1.1. Mahone Bay Context

The Town of Mahone Bay (“Town”) is located on Nova Scotia’s South Shore in Lunenburg County along the Atlantic coast. With a land area of 3.12 square kilometres, Mahone Bay is the fourth-smallest municipality by land area in the province of Nova Scotia. The Town, along with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Chester, and the Municipality of the District of Lunenburg form the geographic area of Lunenburg County (Figure 1). Together, these three towns and the Village of Chester represent the significant service and population centres in the region.

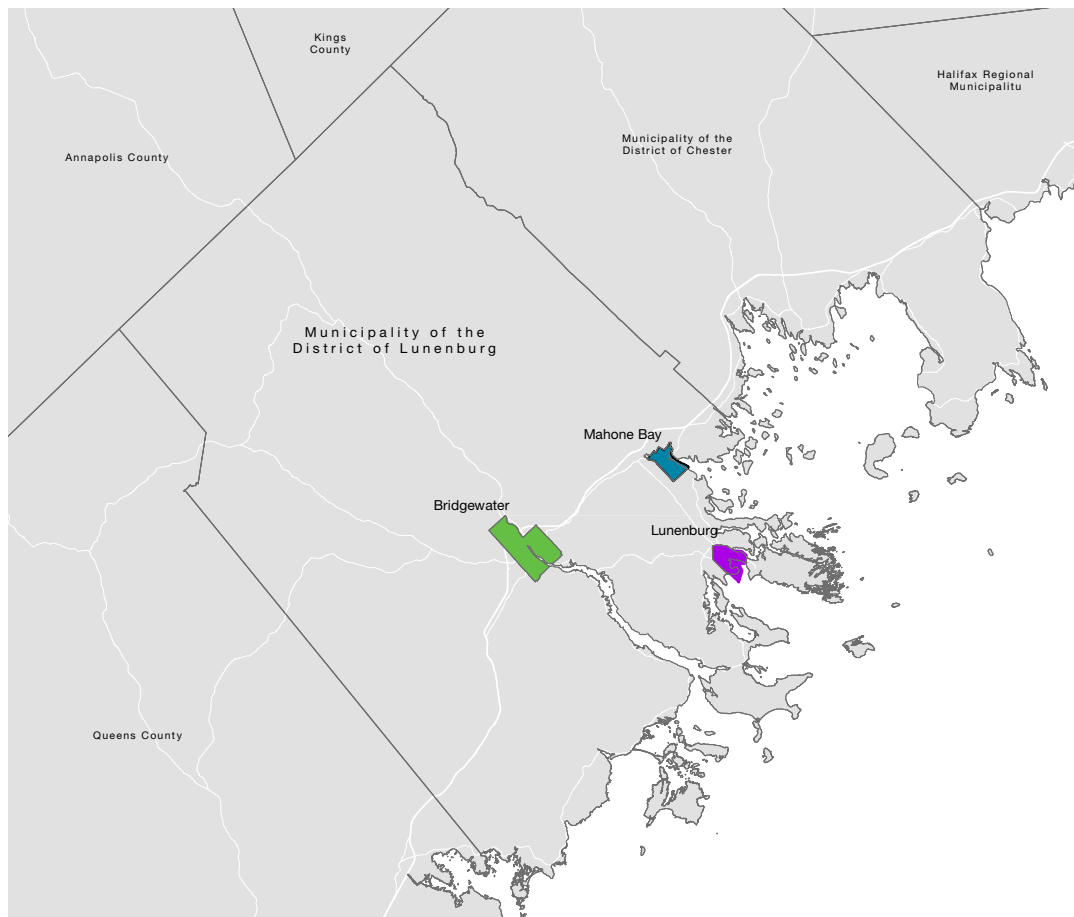


Figure 1. Location of the Town of Mahone Bay

Mahone Bay is connected to the broader region through the primary and secondary highway systems that weave throughout Nova Scotia. Highway 103, which is part of Nova Scotia's 100-series highway system, and Nova Scotia Trunk 3, which runs parallel to Highway 103, serve as local and regional links, connecting communities from Halifax Regional Municipality ("HRM") to Yarmouth.

Despite its small land area, there is a diversity of land uses and development patterns within Mahone Bay. Developed, built-up areas comprised of residential, commercial, and industrial uses line the coast and major streets within the town. Gradually, these built-up areas transition into undeveloped areas on the periphery of town that converge with the largely undeveloped landscape outside of the town's boundary.

In Nova Scotia, land use planning is legislated and required under the *Municipal Government Act*. This piece of legislation requires municipalities to establish municipal planning strategies and land use bylaws to regulate how land is used and managed. In addition to enabling the specific act of land use planning, the *Municipal Government Act* guides municipalities with regard to what aspects of land use planning can be controlled through municipal planning documents.

The Municipal Planning Strategy ("MPS") is a legal document, adopted by Council, that establishes and contains the vision, goals, and policies that will guide growth and development of the town over the planning period. Policies represent statements of intent by Town Council for what it would like to achieve through the Municipal Planning Strategy. The policies established within the Municipal Planning Strategy are typically implemented through the Land Use Bylaw (also known as the "LUB") and the Subdivision Bylaw. The Land Use Bylaw establishes a set of regulations and legal requirements to meet before undertaking a specific action, which in most instances is development. The Subdivision Bylaw establishes procedures and standards for the subdivision of land and for the development of services. As the Municipal Planning Strategy and Land Use Bylaw are developed concurrently, they are also adopted by Council at the same time.

Because land use planning is enabled by the *Municipal Government Act*, any policies established in the Municipal Planning Strategy, and any subsequent regulations in the Land Use Bylaw must be consistent with the requirements of the Act.



## 1.2. A Brief History of Mahone Bay

The Town of Mahone Bay recently celebrated its one-hundredth anniversary since incorporation as a town in 1919. Prior to this, the community of Mahone Bay was part of the Municipality of Lunenburg; however, Mahone Bay has an extensive history pre-dating the arrival of Europeans and the establishment of what is now the Town of Mahone Bay.

The history and culture of the area are ever-present in the local landscape. Mi'kmaq people are Indigenous to this land, and have been present for more than 10,000 years, using the traditional territory of Mi'kma'ki for fishing, hunting, and agriculture, prior to the arrival of settlers. Indian Point, a summertime settlement for the Mi'kmaq, was used by the Indigenous people for its sheltered access to coastal waters and food sources, while the Mi'kmaq would reside inland from the coast during the winter months, using the rivers to traverse inland.<sup>1</sup>

The first known European contact in the Mahone Bay region was made by the French in the early 17<sup>th</sup> century. This later resulted in the settlement of the region by French Acadians who often traded manufactured goods with the Mi'kmaq for pelts and furs. While there is no known evidence of Acadian settlements in Mahone Bay, Merligueche or, as it is known today, Lunenburg, was one of the first Acadian settlements in Acadie—the formal territory of the French Acadians.<sup>2</sup> Following the transfer of Acadie by the French government to the British in 1713—an outcome of the Treaty of Utrecht—the British arrived in the region, displacing local communities beginning in the mid-18<sup>th</sup> century.<sup>3</sup> As it does today, this land remained the unceded territory of the Mi'kmaq.

As a move to quell Mi'kmaq and Acadian populations in the region, the British recruited more than 2,000 Protestants, including from Germany, southern France, Switzerland, and the Netherlands to settle in Nova Scotia, and who eventually settled in the Lunenburg region. The region's population grew as these European Protestants colonized the region, including the establishment of two mills along the rivers within what is now Mahone Bay. Over time, a community developed at Mahone Bay and included merchants, a large school, churches, and shipyards.<sup>4</sup>

From a small rural community, Mahone Bay grew as shipbuilding, fishing, and shipping became more important in the local and regional economies. By 1904, the community's population had reached a size of nearly 1,500—its largest ever recorded population.<sup>5</sup> Also, around this time, commercial rail links were made between Halifax and Mahone Bay, initiating what would become one of Mahone Bay's most important industries today—tourism.<sup>6</sup>

Following World War I, in which Mahone Bay's shipbuilding industry boomed, the town entered a period of decline for nearly 40 years. Traditional mainstay activities of the economy—agriculture, shipbuilding, fishing, among others—faced challenges due to foreign competition and the fast-paced technological changes at the time.<sup>7</sup> Once the shipbuilding industry collapsed in the 1960s, Mahone Bay shifted its economic priorities to tourism—a legacy that is very much relevant today in Mahone Bay's economy.<sup>8</sup> Today, Mahone Bay is known for its picturesque beauty, which draws thousands of visitors each year especially during the summer months and the high quality of life which residents enjoy.

### 1.3. Demographic Profile

According to the 2021 Statistics Canada Census, the population of Mahone Bay is 1,064 people, up from 904 people in 2006 (Figure 2). This 18% growth in population over the 15 years between 2006 and 2021 regained a significant portion of the population that was lost between 1981 and 2006. In 1981, the town's population stood at 1,228 but declined by 26% to 904 residents in 2006.<sup>9,10,11</sup>

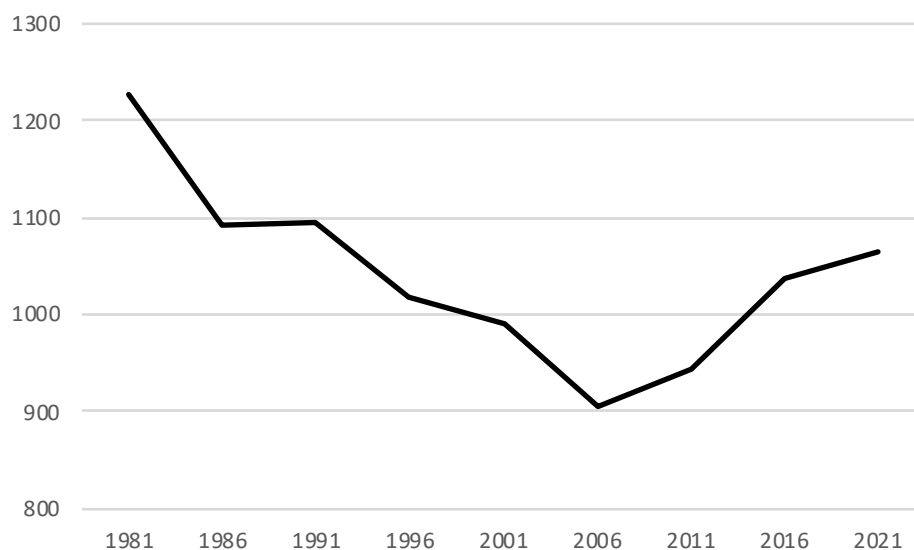


Figure 2: Town of Mahone Bay Population Change 1981 – 2021 (*Source:* Statistics Canada)

Unlike most municipalities in Nova Scotia, between 2011 and 2016 Mahone Bay experienced a growth in its recorded population. In fact, the 9.9% growth in population between 2011 and 2016 was the highest percentage of growth in the province for any municipality.

Since 2006, the median age of Mahone Bay's population has increased. In 2006 the median age of residents was 54.5 years but increased to 60.0 years in 2021. Over this 15-year period, the number of residents between the ages of 65 and 79 grew by over 70% from 175 individuals in 2006 to 300 in 2021. Despite this increase, the number of residents 80 years of age and older remained essentially the same between 2006 and 2021.<sup>12,13</sup>

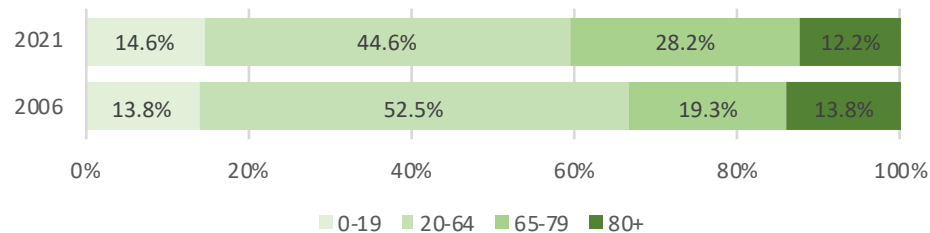


Figure 3: Total Proportion of Population, by Cohort, 2006-2016 (*Source:* Statistics Canada)

In addition to experiencing growth in the number of retired (ages 65-79) individuals, the town experienced substantial growth in the youth (0-19) population, going from 125 youth in 2006 to 155 in 2021. The number of working age (20-64) residents, however, remained identical between 2006 and 2021.

#### 1.4. Governance and Planning in Mahone Bay

Mahone Bay was incorporated as a Town in 1919 and is governed by Town Council, which consists of six Councillors and the Mayor. Council members and the mayor are elected at-large—they represent the entire Town as opposed to representing a smaller 'district' or polling area—every four years. Like the contents on the Municipal Planning Strategy and Land Use Bylaw, procedures and programs related to the function of the Town's government are regulated through the *Municipal Government Act*.

Mahone Bay has a significant history of land use planning with documented evidence of land use planning going back as far as 1975. The Municipal Planning Strategy and Land Use Bylaw that preceded this document, however, were adopted in 2008 and were developed over the course of a year. This process involved a comprehensive review of the 1994 Municipal Planning Strategy and included various meetings between stakeholders, Town Staff, and the Planning Advisory Committee. Through this process, the Municipal Planning Strategy and Land Use Bylaw's individual policies and regulations were reviewed and updated while also considering emerging issues and topics.

## 1.5. Statements of Provincial Interest

There are six Statements of Provincial Interest contained within the *Municipal Government Act*—five of which are applicable to the Town of Mahone Bay. These Statements outline the province’s vision for protecting land and water resources that are fundamental to the physical, social, and economic wellbeing in Nova Scotia as it relates to development. The six Statements of Provincial Interest are:

- 1) Statement of Provincial Interest Regarding Drinking Water
- 2) Statement of Provincial Interest Regarding Flood Risk Areas
- 3) Statement of Provincial Interest Regarding Agricultural Lands
- 4) Statement of Provincial Interest Regarding Infrastructure
- 5) Statement of Provincial Interest Regarding Housing
- 6) Statement of Provincial Interest Regarding the Development of the Nova Centre

The Statement of Provincial Interest Regarding the Development of the Nova Centre is not applicable to this Plan. The Plan considers the remaining five Statements of Provincial Interest as described below.

### 1.5.1. Statement of Provincial Interest Regarding Drinking Water

Drinking water in Mahone Bay is derived from both public and private systems that serve residents in the community. The public drinking water supply is located outside of the Town’s boundary in the Municipality of the District of Lunenburg and is protected under the *Environment Act*, meaning the Town has limited control over the quality of its water supply. The Town will continue to work with the Province and the Municipality of the District of Lunenburg to ensure Oakland Lake remains a viable source for drinking water while also enabling smaller and more flexible lot sizes in the town to use drinking water infrastructure more efficiently.

**Applicable MPS Policies: 4-6 and 4-8**

**1.5.2. Statement of Provincial Interest Regarding Flood Risk Areas**

The Statement of Provincial Interest Regarding Flood Risk Areas identifies five flood risk areas designated under the Canada-Nova Scotia Flood Damage Reduction Program. None of the five flood risk areas identified under this program are located in Mahone Bay; however, Council recognizes the intent of this Statement and has adopted policies that establish horizontal buffers along the watercourses and wetlands in the town as an additional measure to protect against flooding as well as vertical setbacks along the coast to protect against flooding caused by sea level rise.

**Applicable MPS Policies: 4-28 through 4-34**

**1.5.3. Statement of Provincial Interest Regarding Agricultural Land**

In Mahone Bay, lands that are not developed hold limited potential for agricultural uses. Lands are classified as Class 3, with moderately severe limitations, and as Class 7 that have no capacity for arable culture or permanent pasture. To support the Statement of Provincial Interest Regarding Agricultural Lands, Council supports crop-based agricultural uses on the unserviced lands, where possible, and has policy to consider supporting uses like crop processing. Council also supports urban agricultural uses including the keeping of hens, meat rabbits, and bees throughout the town to support the local food supply and reduce concerns of food (in)security.

**Applicable MPS Policies: 4-69, 4-95, 4-96**

**1.5.4. Statement of Provincial Interest Regarding Infrastructure**

The Statement of Provincial Interest Regarding Infrastructure seeks to ensure municipalities can adequately serve their communities with infrastructure without creating undue burdens for the municipality, its residents, or the Province. This Municipal Planning Strategy establishes policies that direct new growth to areas of existing infrastructure, such as roads or sewer, or where it can be easily extended to maximize the efficiency of the Town's existing infrastructure.

**Applicable MPS Policies: 4-6, 4-7, 4-16, 4-17, 4-18, 4-40**

**1.5.5. Statement of Provincial Interest Regarding Housing**

Housing is one of our most basic necessities of life. To address the Statement of Provincial Interest Regarding Housing, Council has enabled policies that support a wide range of housing styles and tenures throughout Mahone Bay, including special-care homes and nursing homes. This Plan also contains policies that establish multiple residential land use zones to support different densities, lot sizes, and types of housing development.

**Applicable MPS Policies: 4-45 through 4-59**



## **1.6. How to Use this Municipal Planning Strategy**

This Municipal Planning Strategy (“Plan”) establishes a set of policies that will guide and direct the growth of the Town over the next decade and beyond. These policies are accompanied by and implemented through the Land Use Bylaw, which contains the detailed land use regulations.

### **1.6.1. Interpretation**

In this Plan, where:

- » “may” is used in policies, the Town may, but is not obliged to undertake future action; and
- » “shall” is used in policies related to land use, the policy shall be implemented through the Land Use Bylaw.

Diagrams, sketches or photos in this Plan are provided for illustrative purposes only. Schedules form part of this Plan while Appendices are not part of this Plan and are meant for reference purposes only.

Nothing in this Plan shall affect the continuance of land uses that are lawfully established as of the date this Plan comes into effect.

## **2. Development of this Plan**

### **2.1. Plan Review Context**

The review of the Town of Mahone Bay's Municipal Planning Strategy and Land Use Bylaw, a project dubbed 'Plan Mahone Bay', was initiated by the Town in April, 2020. The Town's previous Municipal Planning Strategy and Land Use Bylaw, adopted in 2008, had served the town well over the preceding years; however, changing trends and circumstances in Mahone Bay warranted a new approach to land use planning.

Plan Mahone Bay was guided by the project's Steering Team, a composition of Town Council and the Planning Advisory Committee. The Steering Team was integral during each phase of the project and was involved in the design and implementation of the engagement strategy; development of the Guiding Principles, Vision, and Goals of this Municipal Planning Strategy; and the review the Background Report, engagement summary, and the draft Planning Documents.

### **2.2. Background Analysis**

To support the development of this Plan and the Land Use Bylaw, significant research and analysis was conducted by the project team between June, 2020 and October, 2020. The research and analysis culminated in a Background Report that was released to the public in November, 2020. The Background Report has been attached to this Plan as Appendix 'A'.

The Background Report explored some of the fundamental characteristics of Mahone Bay and was developed through the analysis of existing Town plans, Statistics Canada census information, GIS information, among many other sources of information. The Report analyzed characteristics of Mahone Bay and the surrounding areas including the natural environment; socio-economic characteristics including demographics and population trends; housing supply; the local economy; and built form and heritage.

## 2.3. Engagement

Multiple rounds of engagement were conducted throughout the planning process to ensure residents, community members, and other stakeholders had the opportunity to provide input regarding the future of Mahone Bay. The engagement was separated into two phases:

- (a) initial engagement; and
- (b) draft plan engagement.

A significant factor during engagement—and throughout the Plan Mahone Bay process for that matter—was the influence and impact the COVID-19 pandemic had on ‘traditional’ planning outreach and engagement. Due to the pandemic’s threat to public health and safety, in-person engagements had to be limited in their scope.

### 2.3.1. Initial Engagement

The initial phase of engagement sought to understand community members’ perspectives, insights, opinions and ideas regarding the growth and development of Mahone Bay.

To keep community members aware of engagement activities and any news related to Plan Mahone Bay, a website and email list were created and updated throughout the initial phase of engagement.

Information for the initial phase of engagement of Plan Mahone Bay was collected through the following means:

- » The Plan Mahone Bay Project Launch;
- » The Plan Mahone Bay Survey;
- » The Social Pinpoint Interactive Map;
- » The Engagement ‘Scavenger Hunt’; and,
- » Targeted stakeholder interviews and focus groups.

Plan Mahone Bay kicked off with a Project Launch, consisting of two socially-distanced pop-up events. The first was held at the playground in Jubilee Park, and the second was held at the Michael O’Connor Memorial Bandstand. At the pop-ups, community members were able to provide their feedback to a series of questions about the town and questions related to the priorities that should be considered in the planning documents. A short online video was also created and posted on the project website for any individuals who could not attend the Project Launch event.

Following the Project Launch, both the Plan Mahone Bay Survey and Interactive Map were opened to the public. Responses to the Survey and on the Interactive Map were collected between July, 2020, and October, 2020. The Survey asked respondents open- and closed-ended questions about the character of Mahone Bay, opportunities for the town and questions related to specific planning issues, including housing and the environment. On the Interactive Map, respondents could leave location-specific comments about a place in Mahone Bay and reply to comments left by other respondents.

Information from the community was also collected through the Engagement 'Scavenger Hunt'. Six plaques were placed around the town with a question regarding a specific topic written on each plaque. A map of the location of each plaque was on the project website, and respondents could text or email their responses to each question which would be sent to the Project Team. If community members did not wish to participate in the 'Scavenger Hunt', they could answer the same questions that were on the plaques through an online questionnaire.

Finally, the Project Team conducted targeted stakeholder interviews between August, 2020 and October, 2020. The interviews were held with various community organizations, in addition to cohort-specific stakeholder interviews with seniors, youth, and renters.

The information collected from the initial engagement was collated and summarized in a 'What We Heard Report'. This report has been included as Appendix 'B' of this Plan.

### **2.3.2. Draft Plan Engagement**

The second phase of engagement focused on the public drafts of the new Municipal Planning Strategy and Land Use Bylaw. This phase gave the public another opportunity to enrich the planning process with their input and expertise.

In order to reach a wide audience in the town, multiple methods of engagement were used, including:

- » Updates and documents posted to the project website
- » A series of Fact Sheets detailing key changes and policy directions
- » Two public open house meetings with 78 total attendees
- » An online interactive map with over 1,000 page visits, 358 unique users and 88 comments
- » An online feedback form with 24 submissions
- » 23 email submissions from residents
- » An engagement session with the Mahone Bay Tourism and Chamber of Commerce

These activities were promoted through:

- » The Town's website and social media
- » The project website ([www.planmody.ca](http://www.planmody.ca))
- » Email updates

## **2.4. Issues and Opportunities**

Throughout each phase of the review and update of the Town's planning documents, community members and stakeholders provided their input, ideas, opinions, and insights as to how the town should develop and grow into the future. As community members and stakeholders provided their input, several key issues and opportunities arose:

### **2.4.1. Environment**

With the tremendous number of natural assets within and surrounding Mahone Bay, the environment was one of the most frequently discussed themes throughout the engagement. There is an overwhelming consensus about the importance of the environment in Mahone Bay; it is foundational to the very nature of the town. The community holds the harbour, watercourses, forests, and the trails within the town's boundary in high regard.

### **2.4.2. Housing**

As a popular tourism destination and with changing demographics and housing preferences, the demand for adequate housing, including within Mahone Bay, has increased over the past several years. Some engagement participants frequently cited the lack of housing that is affordable in Mahone Bay, especially rental housing. There is also a growing sense of urgency to support more housing options in Mahone Bay. As was expressed during the engagement, the community members feel there is a shortage of housing options, especially for renters. Volatility and uncertainty in the housing market have made it challenging to establish roots in the community. Community members also feel a need to examine regulations to control short-term rentals in the community. As the town has grown in popularity as a tourism destination, some respondents feel the availability of adequate housing has decreased.



#### **2.4.3. Climate Change and Sea Level Rise**

As a coastal community, climate change and sea level rise are on the top of mind of many residents and community members in Mahone Bay. Part of ensuring the environment is prioritized in the future must also involve responding to the sense of urgency regarding the climate emergency. Community members feel an approach that promotes adaption and mitigation to climate change is needed. Some community members not only see this as a necessity but also as an opportunity to create jobs and support the local economy.

#### **2.4.4. Transportation and Mobility**

The small-scale, 'walkable', nature of Mahone Bay allows many community members to walk and wheel to their destinations with relative ease. It also provides a unique experience to visitors when spending time in Mahone Bay. Throughout the engagement, several community members expressed the need to prioritize the comfort and safety of pedestrians over automobiles.

There is also an appreciation and understanding of the connection between built form and physical, social, and environmental health. A community that is accessible as a pedestrian and readily has access to nature can support the physical and social health of humans, and the environment more broadly. Planning for the future of Mahone Bay must support a healthy community and should be built upon the town's walkability and access to nature.

## 3. Vision and Goals

### 3.1. Vision

In preparation of this Plan, eight guiding principles were established which led to the development of a Vision for the Town. The Vision, which is aspirational in nature, describes the ambitions of the Town and community. All the policies within this Plan and the regulations within the Land Use Bylaw shall, in some form or another, help achieve the Vision. The Vision Town Council has adopted for this Plan is:

*The Town of Mahone Bay will continue to be a place where people in all stages of life, and with different ambitions and aspirations, choose to live. The Town will protect, enhance, and be shaped by its relationship to the natural environment and, over the life of this Plan, will become a leader in climate change mitigation. The Town and the community will spearhead actions and be proactive in adapting to the climate crisis. The strongest asset in Mahone Bay will continue to be its residents who are actively engaged in Town decision-making. Growth and development will support an accessible built environment, where pedestrians are prioritized; will support housing and employment opportunities for anyone who chooses to live in Mahone Bay; will balance and nurture the needs of the human and natural environments; will only occur through a careful, transparent and systematic process; will recognize and protect cultural and built heritage while continuing to allow for change and evolution; and will emphasize the protection and expansion of public spaces and institutions integral to the daily lives of residents. The physical, social, and mental health and wellbeing of all residents will be supported and nurtured by the built and natural environments, and by the community itself.*

**Policy 3-1:** Council shall, through the policies and maps of this Municipal Planning Strategy, the Land Use Bylaw, and the Subdivision Bylaw, implement the Vision for the Town of Mahone Bay.

### 3.2. Goals

In addition to a Vision, a set of ten goals were established for this Plan. Goals represent long-term outcomes the Town and community would like to achieve, specifically related to land use planning. The ten goals established for this Plan are:

- 1) Preserve and enhance the natural environment.
- 2) Support the efficient use of municipal services.
- 3) Support the growth of long-term housing options.
- 4) Support development that mitigates climate change and minimizes the Town's impact on the environment.
- 5) Adapt to changing environmental and climactic conditions.
- 6) Support economic activities and entrepreneurship in Mahone Bay.
- 7) Preserve and enhance access to cultural and recreation spaces that contribute to a high quality of life.
- 8) Preserve, promote and enhance the protection of cultural and heritage resources and landscapes.
- 9) Support physical, social, and mental health and wellbeing of all residents.
- 10) Establish clear and transparent land use regulations that also promote flexibility and a diversity of land uses.

**Policy 3-2:** Council shall, through the policies and maps of this Municipal Planning Strategy, the Land Use Bylaw, and the Subdivision Bylaw, implement the Goals for the Town of Mahone Bay.

## **4. Town-Wide Policies**

### **4.1. Introduction**

Mahone Bay features a diversity of land uses, development patterns, and structures and buildings that have, throughout the town's history, come to define its unique characteristics and attributes. Although Mahone Bay is small in land area, the town's land uses, streetscapes, and natural areas have all evolved over the history of the town. Because of this, some planning issues and concerns in Mahone Bay are specific to individual areas, people, or neighbourhoods; however, many planning topics and issues that are integral to the future of the town apply to all of Mahone Bay. The provision of central services, protection of environmentally significant areas, support for home-based businesses, among others, are all shared issues and are applicable throughout Mahone Bay.

The following Part contains policies that apply to the entirety of Mahone Bay, and which will guide the issues that are shared among all residents and stakeholders.

### **4.2. Growth and Development**

This Municipal Planning Strategy, and accompanying Land Use Bylaw, represents a blueprint for how the town will grow and develop over the next decade, and beyond. The policies within this Plan are intended to direct and manage how land is developed and used in Mahone Bay. Within the context of land use planning, two fundamental elements are highly influential in how residents and visitors experience the spaces in the community:

- » the siting, scale, and orientation of buildings; and
- » the size of lots.

Mahone Bay features intimate streetscapes with a variety of land uses and building styles that contribute to the town's overall character and feel. In the 'core' commercial areas, buildings are oriented towards the water, on small lots, and often front directly on the street. In areas outside of this core, which are primarily dedicated to residential uses, buildings are located on larger lots and are set back farther from the street.

In Mahone Bay, just like the variety of building types, there is a variety of lot sizes. In the dense commercial core, characterized by smaller lots and a predictable rhythm of structures, distances between structures and land uses are much shorter compared to areas of Mahone Bay with less dense development. With smaller lots and the variety of storefronts and structures, residents and visitors can, as pedestrians, visit multiple destinations in the commercial area (town core) without necessarily needing to use an automobile. Outside of the commercial areas, large, primarily residential lots prevail. In these areas, distances between structures are larger due to more permissive lot standards and the number of 'destinations'—such as places to purchase goods or services—diminishes.

There are trade-offs that must be examined when considering minimum lot sizes. Smaller, denser lots enable and promote a greater density of people and services while larger lot requirements reduce density, ultimately serving fewer people. While concerns around density are generally related to its impact on generating higher automobile traffic and people in a given area, higher densities use municipal services more efficiently than less dense areas. The costs associated with servicing higher density are shared among more users, and, therefore, create a more efficient use of land and services such as central water and sewer systems.

There are also physical, environmental, and social trade-offs that are made when considering different densities. Residents and visitors may be more likely to choose other modes of transportation than an automobile in dense areas, such as walking, wheeling, or cycling. These forms of transportation contribute to overall physical health and reduce greenhouse gas emissions, while also providing opportunities for social interactions with community members. In consideration of these factors, Council, through the policies below, supports efforts to promote varying development densities and land uses through building and lot requirements.

**Policy 4-1:** Council shall, through the Land Use Bylaw, regulate the size, location, and number of buildings on a lot to carry out the intent of each specific land use zone.

**Policy 4-2:** Council shall, through the Land Use Bylaw, permit and establish requirements for accessory uses, buildings, and structures that are incidental and subordinate to the main use of land or building on a lot.

**Policy 4-3:** Council shall, through the Land Use Bylaw and the Subdivision Bylaw, regulate the size of lots created in keeping with the intent of each specific zone, and consistent with the availability of central services.

**Policy 4-4:** Council may, through the Land Use Bylaw, relax lot area and frontage requirements on existing undersized lots.

#### 4.2.1. Flag Lots

Flag lot development, sometimes known as backlot development, is a style of subdivision and development where an existing large lot that is only developed in the front portion is subdivided to enable development behind the existing structure—or vice versa. The resulting lot created through this style of development often resembles a flag and flagpole (Figure 4), where the ‘flagpole’ provides street frontage and lot access, and the ‘flag’ is developed as any other lot.

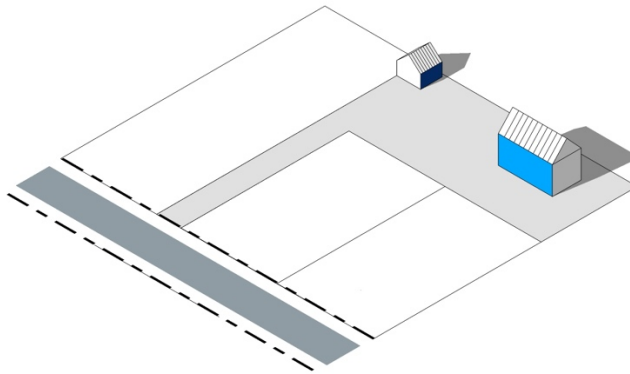


Figure 4: An example of a flag lot and flag lot development.

Council supports the creation of new flag lots in the town to enable increased density and to help maximize land use. To reduce any potential negative land use impacts of flag lot development, Council supports measures to limit land use conflicts including establishing minimum lot frontage standards and abutting access requirements.

**Policy 4-5:** Council shall, through the Land Use Bylaw, enable flag lot development within the town, subject to provisions within the Land Use Bylaw intended to reduce potential land use conflicts with surrounding uses.



### 4.3. Infrastructure

Infrastructure is essential to keeping our communities functioning, and in Mahone Bay there exists a combination of both public and private infrastructure systems. The Town provides streets and sidewalks that serve as conduits to travel within the town, water and sewer services to ensure the community has access to clean drinking water and to keep the waterways clean, electricity to heat and power residents' homes, among others. In contrast, there are also properties within Mahone Bay that are not connected to municipal infrastructure systems, such as those with on-site drinking water and septic systems. Nevertheless, infrastructure and services make our communities safe and enjoyable places to live and visit.

As one of the primary services provided by municipalities, the construction and maintenance of infrastructure is also one of the primary costs for any government. Roads, sidewalks, and other above- and below-ground infrastructure all require regular upkeep and, after time, total replacement. Initial implementation of infrastructure and its long-term recapitalization represent significant future costs for all municipalities across Canada.

Future considerations for the allocation of infrastructure must include how it can be planned in a way so that it does not place an undue burden on the Town or its taxpayers, but also how climate change may impact existing and future infrastructure, and how the Town can meet the needs of existing and future residents. The following sets of policies address existing and future infrastructure and services in Mahone Bay.

Planning for future infrastructure may also involve the Municipality of the District of Lunenburg, and where advantageous may include the sizing of services such that both municipalities can benefit and share the costs.

#### 4.3.1. Central Services

The Town of Mahone Bay is served by municipal water and sewer systems, but not every property within the Town is connected or has access to such services.

Central wastewater (sanitary sewer) systems use a network of pipes and other infrastructure to move waste from residential and commercial properties to a treatment facility. To move untreated wastewater, sanitary sewer systems can use gravity mains, where wastewater flows via the force of gravity to the wastewater treatment facility, which is located at a relatively low elevation in the community. However, where gravity mains are not feasible due to topography, lift stations (pumps) may be required to move waste.

Mahone Bay's sanitary sewer system consists of a network of over 10.5 kilometres of sewer mains and a total of three pumping stations, which pump effluent to the treatment facility from serviced properties. The Town's treatment facility is a wastewater lagoon built in 1994 and located at the top of the drumlin along Main Street towards Maders Cove.

While most properties in Mahone Bay are connected to the sanitary sewer system, a 2018 study completed by ABLE Engineering and the Bluenose Coastal Action Foundation<sup>14</sup> found there are approximately 30 properties in town that are not currently connected. These properties dispose of their waste through either on-site systems (e.g., septic beds), where the wastewater is treated on the property, or it is presumed some properties have straight pipe septic systems that discharge untreated sewage directly into Mahone Harbour. As outlined in their report, changes to the Nova Scotia *Environment Act* in 2007 eliminated the concept of legal non-conformance for straight pipe septic systems, meaning properties must comply with the regulations that prohibit the discharge of untreated sewage into the environment.

Drinking water in Mahone Bay is derived from Oakland Lake, which is located outside of the town's boundary in the Municipality of the District of Lunenburg. Oakland Lake and its watershed are protected from high-risk activities under the Oakland Lake Watershed Protected Water Area Regulations made under the authority of the Nova Scotia *Environment Act*. These Regulations establish strict controls on the types of activities that can be conducted within the protected area to ensure Oakland Lake remains a viable drinking water source for Mahone Bay. However, the Regulations do not regulate development, and any such controls will depend on the cooperation of the Municipality of the District of Lunenburg in establishing appropriate zoning controls.

From Oakland Lake, water is pumped nearly three kilometres to the Town's Water Treatment Plant located at 70 Zwicker Lane. To make the water safe for human consumption, the water is treated and stored in the water storage reservoir before it is transported via gravity to the town. Mahone Bay has over 14 kilometres of water mains, with the majority put in place during the 1940s. A 2008 hydrological assessment study found that the treatment plant could service a population of approximately 1,600 residents. Over the next decade, the Town will continue to work to connect all properties to the municipal water and sewer system.

**Policy 4-6:** Council shall, through the Land Use Bylaw, encourage the efficient use of central services by permitting smaller lot sizes and lot frontages in areas where central sewer, water, or both are present.

**Policy 4-7:** Council shall, through the Land Use Bylaw, require new development to connect to central sewer where such services are available.

**Policy 4-8:** Council shall continue to work with the Province of Nova Scotia and the Municipality of the District of Lunenburg to ensure Oakland Lake and its watershed remains a source of clean drinking water for the Town and its residents, and in particular shall work with the Municipality of the District of Lunenburg to establish appropriate zoning for lands within the Oakland Lake watershed.

#### 4.3.2. Utilities

Public utilities such as phone, water and sewer, internet, and electricity are important for the daily functioning of our communities, but these uses often do not have typical lot area and frontage requirements. An example of this can be seen when examining the location of electrical power poles. This type of infrastructure is often located in the front yard of a property and within a few feet of property lines—an area that is usually precluded from development. However, because of their importance, Council supports public utilities being exempt from zone requirements.

**Policy 4-9:** Council shall, through the Land Use Bylaw, permit public utilities in all zones and shall exempt such uses from zone requirements. For greater clarity, these exemptions shall only apply to the utility infrastructure itself, and not related uses such as utility offices or maintenance depots.

#### 4.3.3. Telecommunication Towers

Within Canada, the sole authority for issuing licenses for radiocommunication facilities lies with the Federal Government under the *Radiocommunications Act*. This Act takes precedence over local planning regulations and generally encourages colocation of equipment (e.g., installing new equipment on existing towers) before new towers are developed.

The *Radiocommunications Act* includes a requirement for public consultation before the development of new telecommunication towers, but municipalities can implement consultation protocols for the development of new telecommunication towers. Where no municipal protocol has been established, consultation occurs under the Industry Canada Default Public Consultation Process. Until such a time when the Town adopts a municipal protocol for consultation, the Town will defer to the default Industry Canada process for public consultation before the development of new telecommunication towers.

**Policy 4-10:** Until such a time when the Town has implemented a consultation protocol for the development of new telecommunication towers, Council shall defer to the Canadian Radiocommunication Information and Notification Service (CRINS) to conduct siting, review, and public consultation processes in accordance with Industry Canada standards.

#### 4.3.4. Solar Collector Systems

Solar collector systems are devices that collect solar radiation from the sun and turn solar energy into electricity, or systems that collect heat energy for space heating or domestic hot water purposes. These systems can be applied at many different scales including the individual or household level, up to large solar ‘farms’ that cover large areas of land.

**Policy 4-11:** Council shall, through the Land Use Bylaw, permit accessory solar collector systems in all zones and shall establish development standards within the Land Use Bylaw for such systems.

**Policy 4-12:** Council shall, through the Land Use Bylaw, limit the placement of accessory solar collector systems within the Architectural Control Overlay.

**Policy 4-13:** Council shall, through the Land Use Bylaw, permit commercial-scale solar collector systems in land use zones that prioritize industrial development.

#### 4.3.5. Wind Turbine Generators

Wind turbine generators, like solar collector systems, use the earth’s natural systems to generate electricity. Wind turbine generators use the movement of air (wind) to convert kinetic energy to electricity, often by using wind to spin blades, which in turn creates electricity. These generators can come in a range of sizes and be arranged and configured as individual generators or a collector of generators.

Mahone Bay, which owns its electric utility, is pursuing renewable energy production through the Alternative Resource Energy Authority (AREA), of which Mahone Bay is a partner and equity owner with the Towns of Antigonish and Berwick. This partnership runs the Ellershouse Windfarm, a 10-turbine wind farm with a maximum output of 23.15 Megawatts. This wind farm supplies approximately 40 percent of Mahone Bay’s and its partners’ electricity requirements.<sup>15</sup>

With its small footprint and relatively dense urban fabric, the appropriate size and scale of wind turbine generators permitted in Mahone Bay are limited. Council is supportive of small, domestic, wind generator systems for on-site electrical consumption that balance potential land use conflicts with the environmental and economic benefits derived from these systems.

**Policy 4-14:** Council shall, through the Land Use Bylaw, permit domestic wind turbines, which are limited in their size and scale and intended to generate electricity only for on-site consumption or are mechanical and are intended to pump water, as an accessory use in the Residential Unserved Zone. Wind turbine systems that are larger in size, scale, and/or production capacity than those permitted as a domestic wind turbine shall not be permitted.

**Policy 4-15:** Council shall, through the Land Use Bylaw, establish appropriate horizontal setbacks and standards for the siting of domestic wind turbines.



#### **4.4. Transportation and Mobility**

Like central water and sewer services, roads, sidewalks, and trails are an important part of the Town's infrastructure network. These assets are part of the larger transportation system that enables residents, community members, and visitors to travel to—and within—Mahone Bay. Because of its small footprint and dense urban form in some areas, there are many opportunities for people to walk, wheel, or cycle to places of employment, education, or pleasure.

Land use planning and transportation are closely linked. When dense, diverse land uses are associated with a variety of transportation options, community members can access many services and amenities in a single location via a mode of transportation that does not require an automobile.

Throughout the engagement for this Plan, one of the key themes to emerge was the need to prioritize pedestrians, their safety, and their comfort over people using private automobiles. The following set of policies will seek to elevate the needs of pedestrians in Mahone Bay, all the while ensuring a variety of transportation options continues to exist for all community members and visitors.

##### **4.4.1. Public and Private Roads**

While most roads in Mahone Bay are owned and operated by the Town, there are roads not owned and maintained by the Town that provide access to private lots. Generally, developed lots are required to front directly onto a public road, but exceptions to these standards have resulted in development occurring on lots without direct access to a public road. In order for these lots to have access to the transportation system, a 'private road' is needed. A private road is any road not owned by the Town or the Province and can include a legal right-of-way, a driveway, or a road designed by an engineer.

While private roads can be useful, such as in rural areas to provide access to agricultural, forestry or recreational uses, in denser areas, these roads can create challenges for future growth and emergency vehicle access. To ensure development occurs predictably and is supported by a safe and efficient transportation network, Council supports efforts to ensure new development is located on publicly maintained roads. While development on non-public roads is generally prohibited in the Town, any person wishing to subdivide a lot and create a development can contact the Town and speak with the planners and

the Development Officer about how to proceed with potential development options.

**Policy 4-16:** Council shall, through the Land Use Bylaw, require all new development to front onto a publicly maintained street. Council may, through the Land Use Bylaw, create exception to this standard for existing lots that lack minimum frontage and/or area requirements.

**Policy 4-17:** Council may, through the Subdivision Bylaw, require lands to be set aside as “road reserves” to connect new public streets to adjacent lands that have the potential to be subdivided and developed with future public streets.

#### **4.4.2. Sidewalks and Pedestrian Connections**

In addition to an extensive road network, some of Mahone Bay’s busiest streets are served by a sidewalk network that stretches almost the entirety of Main Street and extends along Edgewater Street. Sidewalks provide pedestrians a safe, protected, space on the road that is separated from automobiles. The Town’s sidewalk network also extends into its residential areas including along sections of Fairmont Street, Pleasant Street, Clairmont Street, and Clearway Street. Sidewalks are essential pieces of infrastructure that provide pedestrians a safe and comfortable space to move throughout Mahone Bay. Council is supportive of policies that help to connect new public streets to pedestrian connections.

**Policy 4-18:** Council may, through the Subdivision Bylaw, require pedestrian connections to connect new public streets to each other, and to important destinations such as commercial areas, schools, parks, and other amenities.

#### 4.4.3. Automobile Parking

Automobile parking challenges in Mahone Bay are created by the two distinct demand parking profiles throughout the year: the high demand in the summer months during the busy tourism season, and the low demand during the remainder of the year when it is mostly residents of Mahone Bay searching for parking. There are several dedicated public parking lots along the waterfront and on-street parking sites in Mahone Bay but, because of the demand for parking created during the summer months, the number of spaces available is often not enough and, in some instances, creates public safety concerns along some of the town's streets.

To ensure an adequate supply of parking is available, municipalities often implement minimum parking requirements. These requirements establish the minimum number of parking spaces a developer would need to provide to meet the approximate demand of the development. As a minimum standard, developers can supply additional parking spaces if their business plan requires them. However, in some areas of the town, providing parking is simply not possible due to the constraints created by the lot. This is especially relevant for commercial properties that back onto Mahone Harbor. In these specific cases, Council supports policies that eliminate minimum parking requirements for non-residential uses to ensure current and future economic opportunities are not lost due to parking requirements.

While there is often a desire to request additional parking spaces from a developer, careful consideration must be given to ensure the Town finds a balance between the year-round parking demand and minimum parking requirements. Establishing high minimum parking requirements reduces the amount of developable land in the town, and, in many instances, can act as a barrier for small businesses that cannot afford to supply the required number of parking spaces.

**Policy 4-19:** Council shall, through the Land Use Bylaw, establish minimum automobile parking standards aimed at reducing the impacts of parking overflow on neighbourhood streets during typical volumes, but not necessarily during peak demand.

**Policy 4-20:** Council shall, through the Land Use Bylaw, establish design requirements for required automobile parking spaces and areas.

**Policy 4-21:** Council shall, through the Land Use Bylaw, establish standards for off-site automobile parking requirements.

**Policy 4-22:** Council shall, through the Land Use Bylaw, establish the Parking Exemption Overlay which shall be applied to the core commercial areas of Mahone Bay. The Parking Exemption Overlay is intended to relieve non-residential uses in these areas of the parking requirements due to constraints created by development patterns, lot sizes, and limitations created by proximity to the coast.

**Policy 4-23:** Council may, through the Land Use Bylaw, consider proposals for parking lot developments as a main use through site plan approval in zones that prioritize commercial, industrial, and public uses.

**Policy 4-24:** Council may develop a Street Parking Bylaw to effectively manage and regulate automobile parking along Town streets to balance the parking needs of residents and visitors in Mahone Bay all the while promoting a safe and efficient street network.

**Policy 4-25:** Council shall, through the Land Use Bylaw, establish minimum bicycle parking standards and shall enable a reduction in minimum automobile parking spaces if a business owner provides bicycle parking spaces that meet standards of quality and usability.

**Policy 4-26:** Council shall, through the Land Use Bylaw, establish minimum loading areas standards intended to ensure businesses can appropriately manage the loading and unloading of goods and other business-related products.

#### 4.4.4. Drive-through Uses

Drive-throughs are facilities that provide automobile users access to amenities and services without the need to exit one's vehicle. Drive-throughs are traditionally comprised of a main structure with a pick-up window and associated lanes where people line up their automobiles before picking up the goods they are accessing, such as take-out food or financial institutions. Drive-throughs provide services that enable residents, especially those who have reduced mobility, to access goods and services quickly and easily without needing to leave their vehicle. Drive-throughs also often reduce onsite parking needs as the need to park and exit an automobile is reduced.

Despite the convenience and accessibility that drive-through uses provide, without consideration for their siting, design, and layout, drive-throughs can have a negative impact on the public realm, especially for pedestrians. Often, drive-through lanes and pick-up windows are located adjacent to public streets and sidewalks and create uncomfortable and unwelcoming environments. Drive-throughs can also create off-site traffic issues when not planned accordingly. While Council supports drive-throughs where appropriate, it wishes to ensure any future drive-through uses are properly sited and designed to maximize pedestrian comfort and safety, in addition to reducing automobile traffic issues.

**Policy 4-27:** Council shall, through the Land Use Bylaw, only permit drive-through uses through site plan approval and establish site design and layout requirements for elements of a proposed drive-through to limit negative impacts on surrounding areas.

## 4.5. Environment

Mahone Bay makes up a small part of the local and regional ecosystems along the South Shore. The coastal waters, inland rivers and forests within the town all interact and form part of larger ecosystems. First and foremost, these ecosystems are home to a diverse set of plant, animal, and aquatic species that live, populate, and occupy these spaces. Planning for the future must consider how the Town's and community's actions impact the ecosystems of these species.

These living species also provide many ecosystem services that ensure their ecosystems, as well as those around them, continue to exist and thrive. They regulate the quality of air, water, and soil and support the many cyclical processes that maintain these areas as habitable. In addition to the services that plant, animal, and aquatic species provide to the greater ecosystem, they provide services that benefit the quality of life of humans. Natural areas provide food that is required to sustain humans, while also improving the health and social well-being of residents who spend time in nature.<sup>16</sup>

As the Town looks towards the future, maintaining and enhancing the quality of the environment must be considered in the face of changing climatic conditions brought on by the climate crisis. As the climate changes, the town may face more severe storms, higher sea levels, coastal erosion, and more frequent flooding<sup>17</sup>. The environment must be considered for its potential impact on humans, buildings, and other infrastructure. The following Subsections introduce policies that look to protect the environment in Mahone Bay, while also protecting human development from potentially hazardous areas.

### 4.5.1. Coastal Flood Risk

As the earth's climate warmed through the 20<sup>th</sup> century—and continues to warm through the 21<sup>st</sup> century—global mean sea levels rose. It is predicted that they will continue to rise through the 21<sup>st</sup> century and beyond. Sea level rise can be attributed to two primary factors: as the earth's temperature has warmed, glaciers, ice sheets and ice caps have melted, adding significant amounts of water to the oceans. Earth's rising temperatures have also resulted in the thermal expansion of the oceans (as water is warmed, it takes up a greater volume) which has also contributed to sea level rise.<sup>18</sup> In Atlantic Canada, sea level rise is exacerbated by crustal subsidence (Figure 5), a process in which the coastlines are gradually subsiding due to the earth's surface rebounding from post-glacial conditions.<sup>19</sup>



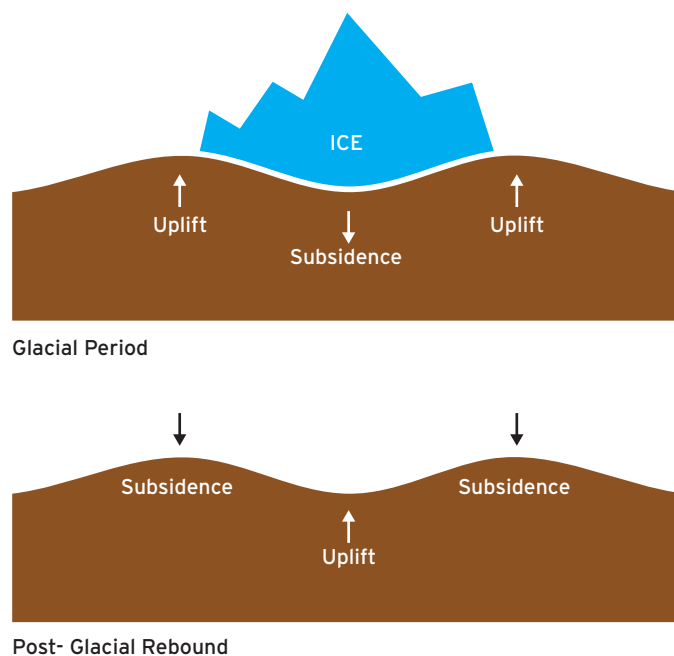


Figure 5: A simplified diagram of crustal subsidence.

As sea levels rise, the impacts of storm surge may also increase. Storm surge can be described as the difference in sea level between the predicted astronomical tide and the actual tide.<sup>20</sup> The primary cause of storm surge is the strong winds that push water towards the shore.<sup>21</sup> As the wind pushes water to the shore, the level of the tide increases, creating a storm surge.

In 2016, CBCL Limited completed the Mahone Harbour Flood Prevention and Shoreline Enhancement Plan<sup>22</sup> which identified how the town may be impacted by sea level rise and identified potential sea level rise adaptation techniques. Using various modelling methods and sea level rise scenarios, the Plan established a series of extreme sea level scenarios that account for sea level rise and storm surge events for various locations around the town. The Plan recommended the minimum elevation for waterfront structures be between 2.2 metres and 3.0 metres above sea level relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD 2013), depending on the building's projected lifespan. Using a principle of precautionary planning, the storm surge produced by Hurricane Juan in 2003 in Halifax was used to establish an upper limit for coastal structures at 3.5 metres (CGVD 2013).

Recognizing the threat of coastal flooding and erosion, the Province of Nova Scotia has acted on developing a province-wide approach to coastal development through the *Coastal Protection Act*. As of October, 2023, the regulations for the Act have not been implemented, leaving a potential gap between this Plan's and the Act's implementation. Council will establish a 3.5 metre (CGVD 2013) vertical coastal setback for habitable development, while enabling all other types of development below 3.5 metres (CGVD 2013) in elevation. For development below 3.5 metres (CGVD 2013) in elevation, Council will require applicants to sign an indemnification agreement and establish other requirements to reduce the potential risk for development in these areas. This approach to coastal development seeks to ensure the health and safety of people all the while preserving development potential along some of the town's most commercially productive areas.

**Policy 4-28:** Council shall, through the Land Use Bylaw, establish the Coastal Flood Risk Map which identifies the lands below 3.5 metres in elevation relative to the Canadian Geodetic Datum of 2013 (CGVD2013). The map shall show the areas that are at risk of flooding from sea level rise and storm surge, modelled to the year 2100 based on the Mahone Harbour Flood Prevention and Shoreline Enhancement Plan.

**Policy 4-29:** Council shall, through the Land Use Bylaw, prohibit the finished floor area of any new habitable development below 3.5 metres (CGVD2013) elevation.

**Policy 4-30:** Council shall, through the Land Use Bylaw, require that all development within the areas identified on the Coastal Flood Risk Map which are below 3.5 metres (CGVD2013) and their applicants:

- (a) acknowledge the potential risks of developing in areas that have been identified as those being susceptible to sea level rise and storm surge;
- (b) locate all central mechanical systems in the building above 3.5 metres in elevation (CGVD2013); and
- (c) include appropriate flood-resistant provisions for any hazardous materials and/or potential water pollutants kept in areas below 3.5 metres in elevation (CGVD2013).

**Policy 4-31:** Council shall, through the Land Use Bylaw, permit existing buildings located within any minimum vertical coastal setback to be moved so long as it improves the building's situation in relation to vertical elevation.

#### **4.5.2. Watercourse Buffers**

In addition to the shoreline, there are significant watercourses and wetlands in Mahone Bay. The Mush-a-mush River and Ernst Brook traverse the town and play an important role in the day-to-day lives of residents and the overall character of Mahone Bay. These watercourses, and the land adjacent to them, also play a critical role in keeping the waterways in town clean and free of pollution.

The lands surrounding watercourses serve several functions that not only benefit the overall environment, but they help to protect urban development that surrounds them. Various studies have found watercourse and ecological buffers to attenuate stormwater flows, attenuate sediment and nutrient flow, in addition to stabilizing riverbanks.<sup>23</sup>

Just as development along the ocean shoreline can pose a threat to human life, so can development along the rivers, streams, wetlands and other waterways. Land adjacent to waterways is prone to erosion and flooding, and therefore regulations should be in place to limit development within a certain distance of the watercourses and wetlands. With precipitation in Nova Scotia expected to increase as climate change impacts weather and climate patterns, Council supports increasing the horizontal buffer from 8 metres to 10 metres. The buffer will limit development to ensure these watercourses remain an asset in the community and protects developments from these sensitive, yet periodically hazardous areas. Council may also explore additional opportunities, including the development of a stormwater management bylaw which is mentioned elsewhere in this plan, to mitigate potential flooding along watercourses in Mahone Bay.

**Policy 4-32:** Council shall, through the Land Use Bylaw, prohibit development within ten (10) horizontal metres of the ordinary high watermark of inland watercourses in all zones. Exceptions shall be made for limited vegetation removal, recreational structures, safety structures, and buildings that functionally depend on access to the water.

**Policy 4-33:** Council shall, through the Land Use Bylaw, provide flexibility from the watercourse and shoreline buffers for existing undersized lots, and where an existing building is to be moved in a manner that improves the situation in relation to the buffer.

**Policy 4-34:** Council shall, through the Land Use Bylaw, allow for a reduction of the watercourse buffer on a lot where the property owner provides an appropriate study prepared by a qualified professional indicating the reduction will not present a hazard to development or an environmental risk.

#### **4.5.3. Landscaping, Trees, and Stormwater Management**

Mahone Bay's sanitary sewer system is a combined system, meaning that in addition to transporting and treating wastewater, it also treats precipitation run-off that flows into storm drains. This type of wastewater system is not uncommon, but during high precipitation events, the treatment plant may overflow. Combined wastewater treatment systems generally increase the cost to operate a wastewater system because they treat precipitation unnecessarily. There are solutions to preventing precipitation from being treated in a wastewater treatment facility such as separating wastewater and stormwater pipes, but this can be a costly fix for any municipality. A land use tool to help control stormwater runoff is landscaping requirements. Council is supportive of requiring a minimum level of landscaping for new development in Mahone Bay to help limit stormwater runoff and to maintain the character of the town.

Another important feature in the stormwater management network is public street trees and trees on private property. Trees make up one of the defining features of Mahone Bay and help to absorb precipitation when it reaches the soil. They also intercept precipitation before hitting the ground surface, thus preventing or delaying it from entering the stormwater treatment system. Because of their overall importance to the town and community, Council will require certain developments to submit a plan that identifies trees of a particular size on the lot and a prevention and replacement plan to ensure—where development occurs—trees are maintained or replaced for the long-term benefit of the town and community.

There are, however, limitations to what Council can regulate and require through planning documents with regards to landscaping, trees, and stormwater management. As per the requirements of the *Municipal Government Act*, Town Council can only apply regulations “in relation to development” as defined under the Act, meaning that landscaping, tree protection, and stormwater management cannot be regulated on their own through the Land Use Bylaw. To that end, Council may pursue a tree bylaw to manage and regulate trees within Mahone Bay and a stormwater management bylaw to further manage stormwater runoff. Developing these bylaws outside of the scope of the Land Use Bylaw gives Council the ability to enact standards and requirements for trees and stormwater management to an extent not possible within the Land Use Bylaw.

In the summer of 2023, a high rainfall event caused serious washouts all along the South Shore, and particularly in the vicinity of Mahone Bay. These washouts damaged homes, businesses, driveways, Town infrastructure, and transportation routes connecting Mahone Bay to surrounding communities. Repairs required tens of millions of dollars and the disruption to the daily lives of residents was immense. Such extreme weather is expected to only become more common in an era of climate change. As such, Council places a high priority on establishing a standalone stormwater management bylaw.

**Policy 4-35:** Council shall, through the Land Use Bylaw, permit mechanisms to reduce stormwater run-off in Mahone Bay, including pervious pavement and rooftop gardens.

**Policy 4-36:** Council shall, through the Land Use Bylaw, establish landscaping requirements for development within Mahone Bay.

**Policy 4-37:** Council shall, through the Land Use Bylaw, permit flat roofs and flat-roofed additions, where permitted, to include rooftop gardens as an additional mechanism to reduce stormwater runoff.

**Policy 4-38:** Council shall, through the Land Use Bylaw, establish tree protection and replacement provisions for development in the residential zones. These provisions shall indicate which developments require a plan prepared by a professional to verify that trees of a certain size are identified and replaced during development.

**Policy 4-39:** Council may develop a tree bylaw to manage and regulate the trees within the town in order to preserve, enhance, and grow the town's tree canopy cover, ensure trees remain safe and stable, and to encourage good urban forestry practices.

**Policy 4-40:** Council may develop a stormwater management bylaw, in accordance with the *Municipal Government Act*, to establish standards and requirements to manage the impacts of urban development on stormwater runoff within Mahone Bay.

**Policy 4-41:** Council shall, through the Land Use Bylaw, establish requirements and standards for fences in the Planning Area.



#### **4.5.4. Electric Vehicle Charging Stations**

As the adoption of electric vehicles across Canada and Nova Scotia increases, there will be increased opportunities to implement electric vehicle charging stations across the town at different scales and for different uses. While the contemporary application of electric vehicle charging stations is typically a single charging outlet for the public to use or situated within a household, there may come a time when commercial charging stations, not unlike a gas station, are commonplace. As such, Council is supportive of distinguishing between commercial-scale and non-commercial electric vehicle charging stations and permitting these uses in different locations.

**Policy 4-42:** Council shall, through the Land Use Bylaw, permit non-commercial electric vehicle charging stations as an accessory use in all zones.

**Policy 4-43:** Council shall, through the Land Use Bylaw, permit the development of commercial electric vehicle charging stations in the Industrial General Zone and the Commercial General Zone.

#### **4.5.5. Light Pollution**

As Mahone Bay grows, there may be concerns that light pollution associated with development could impact the quality of life in the town as well as having a negative impact on aquatic and terrestrial ecosystems. Council supports measures to ensure that where development occurs, any exterior lighting is appropriately designed for the town's context.

**Policy 4-44:** Council shall, through the Land Use Bylaw, establish controls on exterior lighting to help ensure it does not negatively impact adjacent properties and streets.

## 4.6. Housing

As one of the necessities of life, every person living in Mahone Bay needs access to housing that is affordable, in good condition, and appropriate for their life stage. Housing is fundamental to the health, dignity, and quality of life for all the town's residents.

Traditionally, housing style and tenure in Mahone Bay has been focused on single-unit dwellings occupied by a family. However, as housing preferences and needs change and other socio-economic factors impact the housing market, changes are needed to ensure there is a diversity of housing types, sizes, and tenures for current and future residents in the town.

This section focuses on policies specific to housing style, tenure, and diversity.

### 4.6.1. Housing Diversity and Affordability

As the town's demographic profile and community preferences change, a greater diversity of housing is needed in Mahone Bay.

According to 2016 Statistics Canada Census information, 65% of all housing in Mahone Bay consists of single detached dwellings.<sup>24</sup> The housing market is also skewed towards homeownership, where 63% of the town's housing stock is owner-occupied.<sup>25</sup>

Housing diversity not only includes different tenures of housing (owner vs. renter), but it includes different styles, sizes, and price points that people are able to choose from.

Despite most housing options in Mahone Bay consisting of single detached dwellings, there are numerous alternatives to these 'traditional' housing forms including backyard suites, mini homes, mobile homes, co-op housing, and cluster housing that could serve to increase housing diversity, density, and affordability. Council is supportive of enabling different forms and scales of housing throughout the town, including backyard suites, mobile homes, and mini homes, to promote housing diversity and affordability.

Recent amendments to the *Municipal Government Act* have enabled municipalities in Nova Scotia to implement, "inclusionary zoning", through which the Land Use Bylaw can require a certain percentage of new housing units meet affordability standards. Since this tool is (as of 2023) relatively new and un-tested in Nova Scotia, many questions

remain regarding how affordability should be defined and what administrative processes are necessary to monitor and ensure affordable units created through inclusionary zoning remain affordable. Council is supportive of the idea of inclusionary zoning as a tool to tackle housing affordability challenges but sees the need for additional study to establish the necessary systems to support this tool.

**Policy 4-45:** Council shall, through the policies of this Plan and through the Land Use Bylaw, enable diversity in the form, scale, and location of housing that is permitted in Mahone Bay.

**Policy 4-46:** Council shall, through the Land Use Bylaw, permit mini homes as a residential use in serviced and unserved residential zones that prioritize low-density residential development.

**Policy 4-47:** Council shall, through the Land Use Bylaw, permit mobile homes as a residential use in serviced and unserved residential zones that prioritize low-density residential development. To ensure their compatibility with surrounding uses and the general character of the town, Council shall establish requirements for the siting of mobile homes in the Planning Area.

**Policy 4-48:** Council shall, through the Land Use Bylaw, permit all dwelling types, excluding mobile homes and mini homes, to be of the modular variety whereby components of the dwelling are assembled off site and transported to the building site for final assembly to support affordable building methods and technologies.

**Policy 4-49:** Council may, following additional study, amend the Land Use Bylaw and/or adopt administrative policies or bylaws as necessary to implement inclusionary zoning.

#### 4.6.2. Accessory Dwellings

As the name suggests, accessory dwellings are dwellings that are “accessory” to a dwelling and are smaller in floor area than that main dwelling (Figure 6). Accessory dwellings can include dwellings that are located within the same structure as the main dwelling—commonly referred to as “secondary suites”, “basement suites”, or “in-law suites”—or accessory dwellings can be detached structures located in the rear of a lot – otherwise referred to as “backyard suites”, “carriage houses”, or “granny flats”.

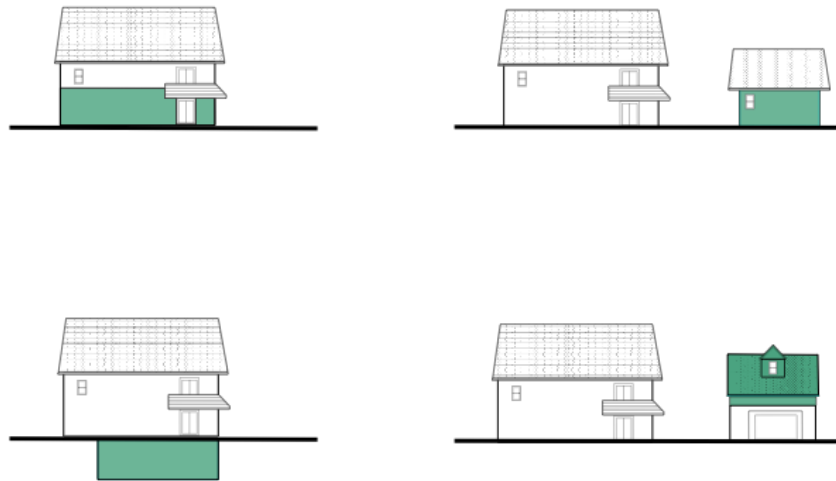


Figure 6: Examples of accessory dwellings in the same structure as the main dwelling (left) and accessory dwellings in a detached structure (right).

Accessory dwellings—whether they form part of the main dwelling or are a separate structure—represent a viable option to gently increase density within Mahone Bay without creating significant impacts on the built form of a neighbourhood. This form of development also helps to improve the overall efficiency of municipal services like sewer and water by utilizing capacity in existing systems.

Like all structures in Mahone Bay, accessory dwellings are subject to building code requirements and any other municipal, provincial, and federal regulations.

**Policy 4-50:** Council shall, through the Land Use Bylaw, permit accessory dwellings in land use zones that prioritize residential development.

**Policy 4-51:** Council shall, through the Land Use Bylaw, establish regulations and standards for accessory dwellings intended to limit their impact on the built form of existing and future neighbourhoods.

#### **4.6.3. Converted Dwellings**

With the current housing stock in Mahone Bay primarily composed of single dwellings and with changing demographics and housing preferences, there are opportunities for adaptive re-use of existing residential structures to accommodate additional residential units. The average household size in Mahone Bay shrank from 2.0 people per household in 2006 to 1.9 people per household in 2016<sup>26</sup>—a trend that is not unique to Mahone Bay. These factors provide homeowners the opportunity to convert their single dwellings into multiple units that can be rented or leased. Residential conversion not only supports the increase of additional rental units, but it provides homeowners additional—or supplemental—income. Conversion of existing dwellings to accommodate additional units also serves to maintain the built form of Mahone Bay without the need to demolish structures to accommodate growth.

**Policy 4-52:** Council shall, through the Land Use Bylaw, permit the conversion of dwellings and shall establish requirements to ensure converted dwellings fit into the general form and character of a neighbourhood.

**Policy 4-53:** Council shall consider, by development agreement, converted dwellings with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

**Policy 4-54:** Council may, through the Land Use Bylaw, permit fire escapes and exterior staircases to encroach into required rear and side horizontal setbacks, up to a specific distance established in the Land Use Bylaw, to support and enable buildings to be adapted to accommodate different uses.

#### 4.6.4. Supportive Housing

With Mahone Bay's small footprint and many services, it is an ideal location for people with supportive housing needs to reside. As of 2022, there is an existing 61-bed nursing home in Mahone Bay, which is in the process of being replaced by a larger 96-bed facility. However, throughout the development of this Plan, residents and community members expressed their desire to see greater support for additional forms of supportive housing in Mahone Bay.

Supportive housing need not be within large facilities but can be operated out of residential dwellings such as single dwellings, depending on the level of care residents of the supportive housing require. To ensure the current and future population of Mahone Bay have their needs met, Council supports enabling the development of supportive housing in residential areas that is in keeping with the general character of the surrounding areas.

**Policy 4-55:** Council shall, through the Land Use Bylaw, permit supportive housing options, including, but not limited to, residential care facilities and small options homes in all zones that permit residential uses and to a scale similar to the other residential uses permitted in those zones.

#### 4.6.5. Grouped Dwellings

Grouped dwellings are a style of residential development where two or more individual dwelling units are in separate buildings on a single lot. This style of development can have different types of ownership models. In one example, the residential dwellings and the lot can be owned under the same landowner who rents the units, or the units can be owned individually with the lot owned through mechanisms such as condominiums or housing trusts. Council supports the development of grouped dwellings in both serviced and unserved areas of the town.



**Policy 4-56:** Council may, through the Land Use Bylaw, permit a limited number of grouped dwellings in select serviced residential zones. Council shall require the implementation of a servicing plan to ensure any shared services, such as internal driveways, do not become the maintenance responsibility of the Town.

**Policy 4-57:** Council shall consider grouped dwelling development in the Residential Unserviced Zone, by development agreement, subject to the policies of Section 6.6 of this Plan and the implementation of a servicing plan to ensure any shared services, such as septic and internal driveways, do not become the maintenance responsibility of the Town.

#### **4.6.6. Boarding and Rooming Houses**

Boarding houses, which can also be referred to as “rooming houses” or “single room occupancies”, are a form of housing and part of the private rental market where individual rooms in a residential unit are rented. In a boarding house, tenants share other facilities in the dwelling such as the kitchen and the bathrooms.

Boarding houses offer an alternative form of housing and represent one of the least expensive options in the private housing market.<sup>27</sup> Council supports efforts to increase the number of affordable housing options in Mahone Bay by permitting boarding houses in serviced residential zones.

**Policy 4-58:** Council shall, through the Land Use Bylaw, permit boarding houses in serviced residential zones and in the Commercial General Zone.

**Policy 4-59:** Council shall consider, by development agreement, boarding houses with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

## 4.7. Economic Development

A strong local economy is essential in providing meaningful employment opportunities and in turn, it is integral in supporting a high quality of life for residents. While land use planning cannot directly result in economic development, it can support a strong local economy by ensuring an adequate supply of land to support economic initiatives while also supporting entrepreneurship and wayfinding through land use policies and regulations.

Although Mahone Bay initially developed primarily as a shipbuilding community, the local economy has diversified to include a much wider economic base, particularly around the tourism industry. The natural beauty of the region, the scenic landscapes, and the unique built form have made Mahone Bay a popular tourist destination, especially during the summer months. Mahone Bay also functions as one of the major service centres in Lunenburg County, providing services and amenities to those who live outside of the town's boundary.

### 4.7.1. Home-Based Businesses

Council recognizes and supports the benefits that home-based businesses bring to Mahone Bay. Small, local businesses provide many of the day-to-day services that residents receive such as childcare and haircare, while home-based businesses provide the venue for local artists, crafters, and artisans to perfect their craft and build their customer base. In many instances, local businesses began as a home-based business that gradually expanded and were able to grow into a brick-and-mortar location.

**Policy 4-60:** Council shall, through the Land Use Bylaw, permit home-based businesses in all zones that permit residential uses.

**Policy 4-61:** Council shall, through the Land Use Bylaw, establish criteria for businesses eligible to operate as a home-based business and establish regulations that the business must meet, including, but not limited to, parking requirements, signage requirements, and outdoor display requirements.

#### 4.7.2. Signs and Advertising

Despite the reliance on digital technology, advertising signage still plays an important role in the local economy of a community. Advertising signage provides information to the travelling public about the services and amenities that are available and where they can be accessed. However, if left unregulated, advertising signage can proliferate and create “sign pollution” and can also result in derelict, sometimes dangerous, signs being left erected. Through a balanced approach to signage, businesses in the community can be assured they have the opportunity to advertise their services while also maintaining the character of Mahone Bay.

**Policy 4-62:** Council shall, through the Land Use Bylaw, regulate the type, size, and location of signs in a manner that balances the aesthetics of neighbourhoods with the need to advertise businesses and provide information about the community.

**Policy 4-63:** Council shall, through the Land Use Bylaw, permit electronic message board signs in the Commercial General Zone, of a limited size and sign type to ensure they fit into the general context of the surrounding area.

#### 4.7.3. Accommodations

With tourism playing such an important role in Mahone Bay’s local economy, tourism accommodations are significant commercial assets that enable visitors to stay in the town. Mahone Bay features many ‘traditional’ accommodations including bed and breakfasts and inns; however, in recent years there has been an increase in the number of residential properties used for short-term rentals. While tourists and visitors are undoubtedly important to the local economy, the conversion of residential properties to short-term rentals has disrupted the local housing economy. Council is supportive of policies that help to protect the local housing market all the while supporting one of the town’s most significant economic industries—tourism.

**Policy 4-64:** Council shall, through the Land Use Bylaw, permit bed and breakfast operations, in which a resident owner or manager rents individual rooms in a dwelling to the travelling public, in residential zones and commercial zones.

**Policy 4-65:** Council shall consider, by development agreement, bed and breakfast operations with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

**Policy 4-66:** Council shall, through the Land Use Bylaw, permit hotels, motels, and inns (“fixed-roof accommodations”), as well as short-term rentals, in zones that prioritize commercial uses.

**Policy 4-67:** Council shall, through the Land Use Bylaw, limit the number of short-term rentals permitted on a lot in non-commercial zones and shall limit short term rentals in non-commercial zones to lots where proof of primary residency is provided to the Development Officer. Short-term rentals on lots where the occupier of the lot does not reside on the same property shall not be permitted in non-commercial zones.

**Policy 4-68:** Council may adopt a standalone “Short-term Rental” Policy to regulate short-term rentals in Mahone Bay.

#### 4.7.4. Agricultural Uses

Despite Mahone Bay's commercial and residential core, there remains a significant portion of the town that is largely undeveloped and has more of a 'rural fringe' feel. Many of the properties include residential uses on large lots, but some also have resource-based uses including agricultural and forestry uses, while others have no active use. Under the Canada Lands Inventory, these lands are classified as Class 3 ("moderately severe limitations") and Class 7 ("no capacity for arable culture or permanent pasture"), and, therefore, hold limited potential for agricultural development.

While these lands have the potential for commercial livestock production, the intensity of these uses could create land use conflicts for surrounding properties, especially residential uses. Commercial livestock operations are often associated with large demands for land and water, of which there is a limited supply of both in Mahone Bay. There are also environmental impacts of commercial livestock operations such as water table pollution that could create concerns for surrounding property owners who use on-site drinking water supply systems. It is therefore Council's intention to continue to prohibit commercial livestock operations but to consider proposals for agriculture-related uses in the Planning Area.

**Policy 4-69:** Council shall consider, by development agreement, proposals for agriculture-related uses, such as crop processing and storage, on lots in the Unserved Residential Zone subject to the policies in Section 6.6.

**Policy 4-70:** Council shall, through the Land Use Bylaw, prohibit commercial livestock operations.

## 4.8. Recreation and Open Spaces

There are numerous outdoor amenities for residents and visitors to enjoy within the town including the town's parks and trails that make up part of Mahone Bay's open space network. One of the key assets in the town's open space network is Jubilee Park. Jubilee Park consists of several amenities including a natural adventure playground, forests, and a network of trails that attracts people of all ages.

Two segments of the Rum Runners Trail (the Dynamite Trail and the Bay to Bay Trail) traverse and intersect within Mahone Bay. The Dynamite Trail, which connects Martin's River to Mahone Bay, connects with the Bay to Bay Trail, which connects Mahone Bay to the Town of Lunenburg. Where these two trails intersect is the beginning of the Adventure Trail that connects Mahone Bay to Bridgewater. There is also a trail along the waterfront that runs parallel to sections of Edgewater Street, providing residents and visitors access to Mahone Harbour.

Four other significant pieces of the open space network include the playing fields at the Mahone Bay Centre and Bayview School and the two cemeteries within Mahone Bay.

However, open space networks do not necessarily need to be 'natural'. The Michael O'Connor Memorial Bandstand is often a venue for musical concerts, performances, and a place to view the harbour and waterfront. Additionally, the Mahone Bay Pool, Mahone Bay Tennis Courts, and Town Wharf are vital assets to the community. Planning for the future of Mahone Bay must take into consideration how these assets can be preserved and enhanced for future generations.

### 4.8.1. Parks and Open Space Zone

In most instances, parks and open space uses are appropriate for most zones and can simply assume the zoning designation of surrounding lands. However, in some cases, Council may wish to communicate their intent to zone lands for parks and open space uses for their long-term preservation for the community. One such area is the playing field at the Mahone Bay Centre. This area was identified by the community during the engagement for this Plan as an important asset in the community. Council is supportive of the Parks and Open Space Zone and its application on current and future sites that are important to the open space and recreation network in Mahone Bay.



**Policy 4-71:** Council shall, through the Land Use Bylaw, establish the Parks and Open Space Zone. This zone shall be intended for lands that are meant to be preserved as part of the town's parks and open space network.

**Policy 4-72:** Council shall, through the Land Use Bylaw, permit parks and playground uses in all zones.

#### 4.8.2. Campgrounds

Although tourism in Mahone Bay is a significant contributor to the local economy, accommodations within the town are limited to 'traditional' accommodation types. While campgrounds could offer a different style of accommodations for visitors of Mahone Bay, campgrounds bring with them many concerns including automobile traffic, noise, and servicing capacities—concerns that may be exacerbated in Mahone Bay due to its small land area. Additionally, the areas where campgrounds, and other similar accommodation uses, could be accommodated—in the periphery of town—have been historically preserved for future residential growth. To reduce the potential of current, and future, land use conflicts, Council is not supportive of the establishment of recreational vehicle camping sites or campgrounds within the boundaries of the town.

**Policy 4-73:** Council shall, through the Land Use Bylaw, prohibit campgrounds in Mahone Bay.

## 4.9. Culture and Heritage

What is now the Town of Mahone Bay is within the traditional and unceded territory of the Mi'kmaq who continue to live here, and who have used the land and sea to harvest food. The later populations of French Acadians, followed by Foreign Protestants, also left a legacy on the area, seen in its architecture, before the incorporation of Mahone Bay as a town in 1919. The following policies are focused on supporting and encouraging future cultural and historical endeavours in Mahone Bay.

### 4.9.1. Guiding the Conservation of Mahone Bay's Heritage Resources

To some extent, Mahone Bay's heritage is reflected in the architectural built form that is present in the town. European and American influences in Mahone Bay have resulted in an eclectic mix of building styles.<sup>28</sup>

Many of the early dwellings in Mahone Bay were purely functional, built in the coulisse manner (no nails) – brought from Europe by the 'foreign protestants'. As Mahone Bay grew as a community and shipbuilding, fishing, and shipping became more important industries in the second half of the 19th century, the architectural style of housing also began to diversify beyond simpler styles of housing. Italianate, Gothic Revival, Classical Revival, Picturesque, and Renaissance Revival styles of architecture all influenced the built form in Mahone Bay. Unlike in other areas of Nova Scotia, however, Georgian style of architecture had limited influence in Mahone Bay, which was a struggling farming community in the Georgian period.

Past planning documents used pre-1919 (the year of incorporation as a Town) architecture as the focus for architectural preservation. At this time a comprehensive architectural analysis has not yet been completed to focus on more modern architectural periods. However, Mahone Bay can be described as a continuing evolved cultural heritage landscape. This description is based on an understanding of the community and acknowledges that the town is not only a straightforward relic from a past era. Rather, Mahone Bay is a place that continues to evolve to both reflect its past but also accommodate new and future uses that have been added without adversely impacting its heritage values and resources. Planning for the future requires that the continuing evolution of Mahone Bay should be built on an understanding of the variety of heritage values associated with the town that are expressed not only in the pre-1919 built resources but also in the cultural heritage landscape

features and built heritage from the past century that expresses additional information about the past. This Plan, therefore, broadens the focus on architectural heritage to consider the authenticity of renovations or additions in relation to the specific period in which the building was constructed.

Although a comprehensive architectural analysis of the town has not been completed, it is apparent even to the casual observer that the appearance of most structures within these areas contributes specifically to the overall attractiveness of the town. Council supports the establishment of an Architectural Control Overlay that includes development standards to encourage development that conforms to the surrounding areas and is sensitive in design and scale to the surrounding heritage properties and streetscapes. However, as best practices for heritage preservation change, the Town would also like to accommodate new development that is a product of our time while still being compatible with, subordinate to and distinguishable from the heritage fabric surrounding it.

A discussion of heritage architecture, however, must also be accompanied by a discussion of the symbolic representation of heritage architecture and its associated development and settlement patterns. Heritage architecture represents colonization and settlement activities by early Europeans that ultimately displaced the traditional people, the Mi'kmaw, from the area. Efforts to preserve and enhance architectural heritage must also acknowledge, to some extent, the effects of colonialism in the town and the region.

As the Town moves forward, and within the context of reconciliation with Indigenous Peoples, Council will seek to integrate and include Indigenous history, voices, practices, and ways of knowing into heritage conservation. Reconciliation, which is a long-term “commitment to establish and maintain a mutually respectful relationship between Indigenous and non-Indigenous peoples”<sup>29</sup> must first begin with confronting historical truths that are necessary for reconciliation.<sup>30</sup>

One of those truths is that land use planning, as it is currently practiced in Nova Scotia, is inherently colonial; it is founded on European concepts of land ownership, and legislative control over the use of that land. Council recognizes this truth, as well as the resulting legal responsibilities to which the Town is currently bound through the *Municipal Government Act*. However, in the spirit of reconciliation Council seeks to adapt the current colonial system to the extent possible in enabling Indigenous development proposals.

Council also recognizes that Mahone Bay's long history of human settlement raises the possibility of the presence of archaeological artefacts, both Indigenous and European. Such artefacts are provincially protected under the *Special Places Protection Act* and landowners, developers, and their staff have a legal duty to obtain an appropriate permit to disturb any such artefacts. Council encourages anyone undertaking development in Mahone Bay to understand their obligations under the *Special Places Protection Act* and to exercise appropriate due diligence prior to undertaking such development activities

**Policy 4-74:** Council shall, through the Land Use Bylaw, establish the Architectural Control Overlay intended to guide the architectural style of façades visible from the public realm and other architectural features to help preserve the built form of existing streetscapes in Mahone Bay.

**Policy 4-75:** Council shall, through the Land Use Bylaw, establish development standards for development within the Architectural Control Overlay to ensure development conforms to the surrounding areas and is sensitive in design and scale to the surrounding heritage properties and streetscapes.

**Policy 4-76:** Council shall, through the Land Use Bylaw, allow proposals to forgo the requirements of the Architectural Control Overlay for any alteration or addition to an existing structure within the Architectural Overlay where the proposed alteration or addition intends to restore the character of the structure in manner that is period-appropriate to its construction. Any proposed alteration or addition shall be accompanied by verified documentation, including, but not limited to, photographs, sketches, or written documents, to the satisfaction of the Development Officer.

**Policy 4-77:** Council shall consider, by development agreement, a proposed development within the Architectural Control Overlay that does not conform to the architectural design regulations of the Overlay. The proposed development shall:

- (a) be compatible with, subordinate to, and distinguishable from the heritage built form and architecture surrounding the proposed development;
- (b) conform to all Bylaw requirements other than those of the Architectural Control Overlay;
- (c) and
- (d) meet all other provisions of Section 6.6.

**Policy 4-78:** Council shall consider, by development agreement, a proposed development within the Architectural Control Overlay that does not conform to the architectural design regulations of the Overlay if the proposal is for an Indigenous development and meets all other provisions of Section 6.6.

**Policy 4-79:** Council may conduct a comprehensive architectural analysis to understand the defining architectural elements within Mahone Bay. The analysis should not only focus on traditional architectural elements, but it should seek to identify additional heritage properties, resources, and values that have not already been identified and/or registered. Such an analysis may identify pre-European resources in addition to those after the Town's incorporation in 1919.

**Policy 4-80:** Council may, through the Land Use Bylaw, permit architectural features such as, but not limited to, sills, cornices, eaves, and chimneys, to encroach into any required horizontal setback, up to a specific distance established in the Land Use Bylaw, to promote architectural diversity.

#### 4.9.2. Heritage Properties

The eastern entrance into the town is dominated by a unique collection of historic buildings and features: the three churches, Bayview Cemetery, and an intact historic view of Mahone Harbour.

The generally narrow setbacks of the commercial buildings create a comfortable pedestrian scale to the commercial core area. The original street layout and placement of buildings took advantage of the topography of the area with the land rising gently from the shore. Most of the earliest buildings were oriented to the harbour and built on the higher terraces that provided views to the bay. Edgewater Street winds through the town, curving in organic alignment to the bay. Leading from the main intersection are the key streets heading inland and connecting the core area with the lands beyond.

The town currently has 18 municipally-registered heritage properties, each of which is accompanied by a Statement of Significance that lists and describes the historic resources. A review of these Statements tells the story of the settlement of the community. The earliest properties were developed in the late 1700s by Protestant German speaking settlers. The early land grant was subdivided and developed by families who prospered and expanded their holdings. By 1860 a large survey laid out an expansive plan for the town that is still evident today in the property layout and divisions.

The listed municipally-registered buildings are of different types: a number of historic churches; a rectory; and residences of a variety of colours, dates and architectural styles including vernacular, Gothic revival, and Neo-classical. The range of built and landscape features creates a picturesque composition highlighted by the landmark churches. In general, the scale of buildings is one to three storeys except for the church steeples that punctuate the view. This compact scale adds to the scenic visual character of the town.



Heritage properties in Nova Scotia are regulated under the *Heritage Property Act*. This Act gives municipalities a wide range of powers regarding heritage properties including permitting municipalities to establish a heritage bylaw and a heritage advisory committee to register and protect municipal heritage properties. Before alteration or demolition of a municipally-registered heritage property, the owner must have an application approved by the council; however, under the *Heritage Property Act*, regardless if a municipality denies an approval for the alteration or demolition of a municipally-registered heritage property, a property owner may still demolish said property after three years of the initial application. Council supports policies that encourage property owners to register heritage properties and to maintain the status of existing municipally-registered heritage properties. However, as a means to ensure existing registered heritage properties remain part of the fabric of the community, Council may seek to explore opportunities for the rehabilitation and restoration of registered heritage properties.

**Policy 4-81:** Council may encourage the continued use of existing heritage properties while retaining the character of the buildings.

**Policy 4-82:** Council may seek future opportunities aimed at rehabilitating and restoring existing heritage properties.

**Policy 4-83:** Council may, through the Land Use Bylaw, reduce development requirements for municipally-, provincially-, or federally-registered heritage properties as a means to incentivize the registration of additional properties in Mahone Bay and to maintain the status of existing registered heritage properties.

**Policy 4-84:** Council shall consider proposals to enable a municipally-registered heritage property or building to assume a use not permitted by the land use zone in which the property or building is located, but permitted within the designation in which the property or building is located, by development agreement, subject to the following considerations:

- (a) the building covered by the development agreement shall not be altered in any way that diminishes its heritage value, as identified in the property's Statement of Significance;
- (b) that any adjacent uses are not unduly impacted as a result of the development agreement, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements;
- (c) that the development adheres to the policies in Section 6.6 of this Plan;
- (d) this policy shall not apply where a use permitted in the Industrial General Zone is proposed within the Unserved Designation; and
- (e) that any use substantially complies with all other policies of this Plan.

#### **4.9.3. Open Shoreline Zone**

The shoreline of the harbour is foundational to the character of the town and contributes to the uniqueness of Mahone Bay. Preserving the visual access to these water assets and the appearance of the waterfront is important in preserving the character of the town. The open shoreline, by its very nature, also prevents development in areas that would otherwise be prone to sea level rise and climate change. As a means of preserving visual access to these features, Council supports the Open Shoreline Zone to limit development in these areas.

**Policy 4-85:** Council shall, through the Land Use Bylaw, establish the Open Shoreline Zone which is intended to protect and enhance the open nature of Mahone Bay's waterfront. The Open Shoreline Zone shall permit a limited number of uses that do not interfere with the general scenic nature of the town -- including, but not limited to, parking lots and parks. Development standards in the Open Shoreline Zone shall be restrictive, including the permitted height of structures, to protect existing views and to preserve the open character of the area.

#### 4.9.4. Arts and Cultural Uses

Artistic and cultural ventures have long played an important role in Mahone Bay and continue to be cultivated today. There are many opportunities for residents and visitors to participate and take in artistic and cultural events and exhibits in town, including museums, galleries, and festivals. Council supports the continuation of the artistic and cultural sector in the town's economy by enabling teaching activities as a home-based business and main uses dedicated to these facilities.

**Policy 4-86:** Council shall, through the Land Use Bylaw, permit the teaching of students in activities such as dance and music, art gallery sales, and craft workshops as home-based businesses.

**Policy 4-87:** Council shall, through the Land Use Bylaw, permit cultural uses, such as, but not limited to, theatres and museums in a wide variety of zones that prioritize commercial or public uses.

#### 4.9.5. Cemeteries

There are two cemeteries within Mahone Bay: Park Cemetery and Bayview Cemetery. Both of these cemeteries are managed by the Town. With a limited supply of land available in the town and the challenges associated with private cemeteries, Council is not supportive of the development of new cemeteries in Mahone Bay, nor does Council support enabling existing cemeteries to expand in lot area beyond their existing boundaries.

**Policy 4-88:** Council shall, through the Land Use Bylaw, prohibit the establishment of new cemeteries in the Planning Area.

**Policy 4-89:** Council shall, through the Land Use Bylaw, prohibit existing cemeteries from expanding beyond the lot boundaries as they existed on [adoption date].

## 4.10. Community Uses

The foundations of Mahone Bay have been built upon the people, volunteers, and institutions that provide a range of services, amenities, and opportunities to the community. These institutions often serve the broader public and contribute to a common good in the community. They work to build social, economic, and cultural ties and relationships.

### 4.10.1. Institutional Zone

In Mahone Bay, there is a diversity of institutions that are integral to the social and cultural fabric of the town. Children and families have access to Bayview School, a kindergarten to grade nine school within the town, and the Mahone Bay Centre—a former school—provides a range of services and spaces for the community to use. Within Mahone Bay also exists a Fire Hall and ambulance depot for Emergency Health Services (EMS) workers.

Three of the most significant institutions in the town are the “Three Churches”—St. James Anglican Church, St. John’s Evangelical Lutheran Church, and Trinity United Church. While these churches, and others, have played an important role in the history of the community, the role of churches and other places of worship are changing across Nova Scotia and Canada. By 2025, it is estimated that one third of the 27,000 places of worship across Canada will close as congregations age and the number of people with religious affiliations decreases.<sup>31</sup> Increasingly, places of worship are being adapted to alternative uses such as residential or commercial uses. To support the long-term preservation of these institutions, among others in town, Council supports the implementation of the Institutional Zone.

**Policy 4-90:** Council shall, through the Land Use Bylaw, establish the Institutional Zone to permit a wide variety of institutional uses including, but not limited to, government facilities, academic and health facilities, day care centres, and cultural institutions.

#### 4.10.2. Adaptive Reuse of Institutional Buildings

Occasionally an institutional use, such as a school or medical facility, will cease operation. This often leaves behind a building and property that is functionally distinct from those for other land uses. Rather than see such buildings decay or be torn down, Council would like to encourage their adaptive reuse. However, given the often-unique structures or properties associated with such uses, conversion is not always straightforward. Therefore, Council will provide an opportunity for such adaptive reuse through the development agreement process to provide sufficient flexibility for such conversions.

**Policy 4-91:** Council shall consider proposals to repurpose vacant institutional buildings for uses not otherwise permitted in the zone, by development agreement. In considering such proposals, Council shall be satisfied:

- (a) the proposal respects and enhances the history of the building;
- (b) the use and any structural additions are appropriate to the surrounding context and the zone in which they are located, either by their nature or by the conditions placed upon them in the development agreement;
- (c) that any adjacent uses are not unduly impacted as a result of the development agreement, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements;
- (d) that the development adheres to the policies in Section 6.6 of this Plan; and
- (e) that any use substantially complies with all other policies of this Plan.

## 4.11. Healthy and Accessible Communities

### 4.11.1. Accessibility

As Mahone Bay plans for its future, it must also consider how the town can become more accessible for all. Nova Scotia has the highest percentage, among Canadian provinces, of adults that identify having at least one disability. Nova Scotia is also among the provinces with the highest percentage of adults over the age of 65.<sup>32</sup> Recognizing this, in 2017, the Province of Nova Scotia passed the *Accessibility Act* which, “recognizes accessibility as a human right, and sets a goal to make Nova Scotia an accessible province by 2030.”<sup>33</sup>

As part of the *Accessibility Act*, municipalities are required to establish an Accessibility Advisory Committee and to develop an Accessibility Plan. Mahone Bay, in partnership with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Lunenburg, and the Municipality of the District of Chester established a joint committee to develop a County-wide Accessibility Plan, but Council supports additional efforts that enable a more accessible Mahone Bay, including those within the built environment.

**Policy 4-92:** Council shall continue to work with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Lunenburg, and the Municipality of the District of Chester as part of a joint effort to develop an Accessibility Plan for the municipalities within Lunenburg County.

**Policy 4-93:** Council may amend the *Building Bylaw* to require at least one dwelling unit be completely ground-floor accessible where a certain number of dwelling units are proposed as part of a development in Mahone Bay.

**Policy 4-94:** Council may, through the Land Use Bylaw, permit barrier-free access structures to encroach into any required horizontal setback, to the lot line, to promote and enable structures becoming more accessible.



#### 4.11.2. Urban Agriculture and Community Gardens

Access to safe and nutritious food that is grown in a sustainable manner can be challenging, especially in the urban environment. Urban agriculture represents an opportunity to improve the community's access to healthy, local, food while also contributing to the social and mental health of community members. Urban agriculture can include a range of activities such as the keeping of bees, hens, and rabbits, and can also include the sale of agricultural products. Council is supportive of enabling urban agricultural practices in Mahone Bay.

**Policy 4-95:** Council shall, through the Land Use Bylaw, enable urban agricultural uses, which may include the keeping of bees, hens, and rabbits, in all zones except the Open Shoreline (OS) Zone and Conservation (C) Zone.

**Policy 4-96:** Council shall, through the Land Use Bylaw, establish appropriate provisions for urban agricultural uses to limit their impact on neighbouring uses and to protect the health and well-being of any bees, hens, or rabbits kept as an urban agricultural use.

#### 4.11.3. Alcohol, Tobacco, and Cannabis Sales

According to the Government of Nova Scotia, there is general consensus that supply reduction is “among the most effective forms of prevention”<sup>34</sup> for use of legally available products such as alcohol and tobacco. However, prevention, which refers to “to preventing and reducing immediate and long-term harms related to substance use”,<sup>35</sup> may “also be achieved by increasing access to the broad determinants of health across a population, and promoting child and youth development.”<sup>36</sup> Such determinants of health may also include access to safe, affordable, and adequate housing.

To some extent, municipalities in Nova Scotia can control and limit where the sale of legally available products can be located through the policies and regulations of the municipal planning strategy and land use bylaw. However, in Nova Scotia, the retail sale of alcohol, tobacco, and cannabis, are all controlled under legislation controlling their production, sale, and use. Additionally, in the case of alcohol and cannabis, the Province has the sole authority to retail such products (with minor exceptions), and as a higher order of government, the Province is not compelled to adhere to municipal land use regulations. Despite this, Council will seek to work the Province when determining the location for any alcohol or cannabis sale outlets that are operated by the Province in Mahone Bay.

Where Council does have the authority to control the private sale of alcohol—such as in bars and lounges—it supports policies and regulations that give Council greater control of such uses. For this Municipal Planning Strategy and associated Land Use Bylaw, Council is supportive of policies that promote a higher level of oversight for proposals for licensed liquor establishments.

**Policy 4-97:** Council shall work with the Province of Nova Scotia when determining the location for proposed retail outlets for alcohol and cannabis that are operated by the Province.

**Policy 4-98:** Council shall, through the Land Use Bylaw, permit licensed liquor establishments with a gross floor area less than 111 square metres by site plan approval in commercial zones.

**Policy 4-99:** Council shall consider, by development agreement, in commercial zones, licensed liquor establishments, outdoor areas associated with licensed liquor establishments, and any expansion or additions to licensed liquor establishments that results in a gross floor area of 111 square metres or greater, in accordance with the policies in Section 6.6 and the following criteria:

- (a) the proposed use includes provisions for sound insulation, location requirements for doors, windows, fire escapes, and other architectural features that will reduce the emission of noise or lessen the effect of any other nuisance on neighboring properties;
- (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; and
- (c) the proposed use is not located on a lot that is adjacent to a residential dwelling or an institutional use.

#### **4.11.4. Adult Entertainment Uses**

With Mahone Bay's small footprint, residential character, and significant places of worship, Council is not supportive of the development of adult entertainment uses in the town due to the potential for land use conflicts. Adult entertainment uses include services or entertainment intended to appeal to sexual appetites but does not include the retailing of adult material, such as an adult bookstore.

**Policy 4-100:** Council shall, through the Land Use Bylaw, prohibit the establishment of adult entertainment uses.

#### **4.11.5. Outdoor Wood-burning Furnaces and Water-stoves**

Outdoor wood-burning furnaces and water-stoves are popular and cost-effective appliances to heat homes and water. These wood-burning appliances, which are located outside of a main structure, work by circulating hot water, heated in the furnace or water-stove, throughout the structure. Despite their cost-effectiveness and ability to be easily retrofitted to an existing structure, the smoke they produce through the burning of wood can create health concerns and land use conflicts for surrounding uses and therefore Council supports prohibiting outdoor wood-burning furnaces and water-stoves within the Town.

**Policy 4-101:** Council shall, through the Land Use Bylaw, prohibit outdoor wood-burning furnaces and water-stoves.

## 5. Town Structure

### 5.1. Land Use Designations

Land use designations are one of the primary policy tools to guide how development will occur in Mahone Bay over the life of this Municipal Planning Strategy. Represented on the Future Land Use Map in Schedule 'A', the land use designations broadly depict and describe the future land use of an area. For example, areas within the Residential Land Use Designation of this Municipal Planning Strategy are intended to be primarily residential in nature; however, the designation can allow additional land use zones or uses that complement and are compatible with the residential nature of the area. Council is supportive of the establishment and application of multiple land use designations and land use zones to accommodate a variety of land uses and developments.

**Policy 5-1:** Council shall, within this Municipal Planning Strategy and on Schedule 'A', the Future Land Use Map, establish the following land use designations:

- (a) Residential Designation,
- (b) Commercial Designation,
- (c) Industrial Designation,
- (d) Unserved Designation, and
- (e) Parks and Conservation Designation.

## 5.2. Residential Designation

Mahone Bay is known for the high quality of life for its residents, and outside of Mahone Bay's commercial areas there are significant serviced areas dedicated to residential uses. These areas are intended to meet the long-term housing needs of current and future Mahone Bay residents. These residential areas have developed throughout the town's history, developing beyond Main Street into more peripheral areas of the town. As such, the form and style of housing in the town differs from location to location.

Although there exists developable land outside of these serviced residential areas, its development depends on the future allocation of municipal services. Because of this, residential areas that are currently serviced need to be carefully planned to make the best use of available land and services and to further enable the town to meet future housing needs.

**Policy 5-2:** Council shall, on Schedule 'A', the Future Land Use Map, designate residential lands in serviced and unserviced areas intended to give priority to residential development. These areas shall also accommodate uses that complement residential uses including, but not limited to, parks, trails, public educational uses, places of worship, among others.

**Policy 5-3:** Council shall, through the Land Use Bylaw, permit the following zones within the Residential Designation:

- (a) Residential Core Zone
- (b) Residential General Zone
- (c) Residential Multi-unit Zone
- (d) Parks and Open Space Zone
- (e) Institutional Zone
- (f) Conservation Zone

### 5.2.1. Residential Core Zone

Along Main Street and the directly adjacent areas, residential land uses conform to the traditional form and architecture that is found in Mahone Bay. Residential land uses are typically in the form of single-unit dwellings, located on small lots, with a mix of small and large front yard setbacks. With some of the oldest residences in Mahone Bay, these areas are home to established neighbourhoods with few opportunities for infill development. Where infill development potential does exist, it depends on the future extension of services, such as roads, and the subdivision of existing properties. To support these established neighbourhoods, this Municipal Planning Strategy establishes the Residential Core Zone. The permitted uses in this zone, and the associated zone development standards, shall seek to support development that helps to maintain the built form of the area while also enabling new housing forms in these residential areas.

**Policy 5-4:** Council shall, through the Land Use Bylaw, establish the Residential Core Zone intended to accommodate lower-density residential development that is generally in keeping with the existing residential development pattern throughout the zone.

**Policy 5-5:** Council shall, through the Land Use Bylaw, permit limited residential uses in the Residential Core Zone including single- and two-unit dwellings, triplexes, small multi-unit dwellings, mini homes, mobile homes, and small options homes. This zone shall also permit uses that complement lower-density residential uses, including, but not limited to places of worship and academic schools.

**Policy 5-6:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Core Zone:

- (a) Grouped dwellings with three (3) or four (4) units.



### 5.2.2. Residential General Zone

Outside of the core residential areas, there is a greater diversity of residential dwellings, both in style and type, and lots are generally larger. These areas feature a diversity of post-war housing and have been the location of infill development for smaller multi-unit developments. Recent subdivision development has also occurred outside of the core residential areas, in Hawthorn Hill. Because of the distinctly different development pattern and style in these areas, Council is supportive of the establishment of the Residential General Zone.

The intent of the Residential General Zone is to support the established neighbourhoods that exist in these areas, all the while supporting low- and medium-density residential development that fits into the context of the area.

**Policy 5-7:** Council shall, through the Land Use Bylaw, establish the Residential General Zone intended to accommodate a mix of low- and medium-density residential development outside of the core residential areas of Mahone Bay.

**Policy 5-8:** Council shall, through the Land Use Bylaw, permit a mix of low- and medium-density residential uses including, but not limited to, single- and two-unit dwellings, mini homes, mobile homes, triplex dwellings, grouped dwellings limited to two (2) dwellings, and multi-unit dwellings limited to eight (8) units.

**Policy 5-9:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Core Zone:

- (a) Grouped dwellings with three (3) to eight (8) units.

### 5.2.3. Residential Multi-unit Zone

In addition to lower-density developments, there are several multi-unit residential developments in Mahone Bay. Multi-unit residential developments, whether they are apartments or condominiums, offer an alternative form of housing to current and prospective residents of Mahone Bay. This style of development, when planned accordingly, uses municipal services more efficiently than residential development that is spread over a larger area.

Under the preceding land use planning documents in Mahone Bay, most proposed developments with more than two dwelling units on a lot were required to proceed by development agreement, creating obstacles for the potential development of this style of housing. To support multi-unit residential development in Mahone Bay, Council supports the establishment of the Residential Multi-unit Zone. This zone will initially be applied to existing multi-unit residential development in Mahone Bay including nursing homes.

**Policy 5-10:** Council shall, through the Land Use Bylaw, establish the Residential Multi-unit Zone intended to accommodate multiple-unit residential developments in serviced and unserviced areas.

**Policy 5-11:** Council shall, through the Land Use Bylaw, limit the permitted residential uses in the Residential Multi-unit Zone to medium- and high-density dwellings including triplex dwellings, grouped dwellings with three (3) to eight (8) units, and multi-unit dwellings with eight (8) or fewer units.

**Policy 5-12:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Multi-unit Zone:

- (a) Multi-unit dwellings with more than eight (8) units;
- (b) Grouped dwellings with nine (9) to 12 units; and
- (c) Residential care facilities.

**Policy 5-13:** Council shall consider, by development agreement, proposals for the following in the Residential Multi-unit Zone, subject to the policies in Section 6.6:

- (a) Nursing homes.

#### 5.2.4. Rezoning

**Policy 5-14:** Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation, as identified by Policy 5-3. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy of this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
- (c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

### 5.3. Commercial Designation

Commercial activity in Mahone Bay is primarily conducted along Main Street and Edgewater Street; however, smaller commercial sites away from these core areas are also present. These areas, especially those along Main Street and Edgewater Street, are frequently visited by residents and visitors to the town. Uses range from dine-in restaurants, small-craft shops, to professional services. It is Council's intention to continue to encourage commercial uses within the commercial core, all the while recognizing and supporting commercial development outside of the core.

There are also areas in Mahone Bay which could gradually transition from their primarily residential land uses to commercial uses. To support this potential transition, the commercial land use designation has also been applied to some areas along Main Street that are predominantly residential in nature but could see their use change over the life of this planning document.

**Policy 5-15:** Council shall, on Schedule 'A', the Future Land Use Map, designate commercial lands in serviced and unserved areas intended to give priority to a wide range of commercial uses.

**Policy 5-16:** Council shall, through the Land Use Bylaw, permit the following zones within the Commercial Designation:

- (a) Commercial Core Zone
- (b) Commercial General Zone
- (c) Conservation Zone
- (d) Parks and Open Space Zone
- (e) Open Shoreline Zone

**Policy 5-17:** Council shall, through the Land Use Bylaw, consider legally existing residential uses in the Commercial Core Zone and the Commercial General Zone as fully conforming land uses, which shall be permitted to expand.

### 5.3.1. Commercial Core Zone

The commercial 'downtown' core of Mahone Bay is well-defined, extending along the central areas of Main Street and Edgewater Street, and exhibits the characteristics of a traditional 'Main Street'. This area not only serves the residents of Mahone Bay, but it is the location of many of the shops and restaurants that visitors enjoy when they come to the town. As one of Mahone Bay's most significant characteristics, the Commercial Core Zone seeks to reinforce the traditional aspects of the downtown core of Mahone Bay through the Land Use Bylaw by permitting a range of commercial uses, which support the existing small-scale commercial businesses. The Commercial Core Zone has been applied to many of the properties fronting onto Main Street from Fairmont Street to Cherry Lane.

Additional provisions within the Land Use Bylaw have also been included to support the commercial downtown in Mahone Bay. Fifty percent of street level frontage and street level floor area in the Commercial Core Zone is required to be dedicated to a commercial use that is permitted in the zone. This provision has been carried over, and expanded, from the previous Land Use Bylaw which had similar requirements for properties on the seaward side of Main Street from approximately Fauxburg Road to Clairmont Street.

**Policy 5-18:** Council shall, through the Land Use Bylaw, establish the Commercial Core Zone intended to accommodate a range of commercial uses that reinforce traditional 'Main Street' characteristics.

**Policy 5-19:** Council shall, through the Land Use Bylaw, permit a range of commercial uses within the Commercial Core Zone including, but not limited to, banks and financial institutions, dine-in restaurants, personal service shops, and retail developments up to 300 square metres in floor area. Automobile-oriented uses including, but not limited to, drive-throughs, automobile sales, automobile body shops, and automobile repair shops shall not be permitted.

**Policy 5-20:** Council shall, through the Land Use Bylaw, permit single- and two-unit dwellings, and triplex dwellings in the Commercial Core Zone, within commercial buildings, intended to support mixed used development in the downtown core.

**Policy 5-21:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Commercial Core Zone:

- (a) marine recreation providers;
- (b) commercial schools; and
- (c) multi-unit dwellings in commercial buildings.

**Policy 5-22:** Council shall consider, by development agreement, proposals for the following uses in the Commercial Core Zone, and subject to the policies in Section 6.6:

- (a) nursing homes;
- (b) boat and marine sales;
- (c) marinas;
- (d) stand-alone multi-unit dwellings; and
- (e) extended care facilities.

**Policy 5-23:** Council shall, through the Land Use Bylaw, require a minimum of 50 percent of street level frontage and street level floor area in the Commercial Core Zone to be dedicated to a commercial use permitted in the zone to reinforce and support the evolution and expansion of the commercial downtown in Mahone Bay.

**Policy 5-24:** Council may only consider rezoning from the Commercial Core (CC) Zone to the Commercial General (CG) Zone where the Commercial Core (CC) Zone abuts the Commercial General (CG) Zone.

### 5.3.2. Commercial General Zone

Outside of the core commercial areas exists a scattering of commercial uses and businesses that provide a range of services to Mahone Bay residents and visitors. These businesses are sometimes located in residential buildings that have been converted and adapted to support a commercial use. Additionally, there are a number of sites occupied by uses that could be classified as 'large-format' commercial uses. These uses are typically located on larger lots with structures that are generally much larger than those commercial uses found elsewhere in town. These structures may also be associated with uses, such as drive-throughs, that are generally not appropriate for the core commercial areas of Mahone Bay. Despite their size and land requirements, these uses provide important services to the residents of Mahone Bay, such as the grocery store.

The Commercial General Zone is intended to accommodate and enable a wide range of commercial uses, including larger commercial uses and commercial uses associated with residential buildings. Larger or more intensive uses may also be subject to additional requirements through the site plan approval and development agreement processes.

**Policy 5-25:** Council shall, through the Land Use Bylaw, establish the Commercial General Zone intended to accommodate a range of commercial uses outside of the commercial core and/or to support uses that may require larger lots for their structures, uses, outdoor storage, or a combination thereof. Lot standards shall be flexible to enable a range of uses.

**Policy 5-26:** Council shall, through the Land Use Bylaw, permit a range of commercial uses within the Commercial General Zone including, but not limited to, animal care, automobile repair and sales, automobile service stations, commercial recreation uses, commercial electric vehicle charging, funeral homes, and taxi and bus stations.



**Policy 5-27:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Commercial General Zone:

- (a) garden centres;
- (b) marine recreation providers;
- (c) drive-through restaurants
- (d) drive-through financial institutions; and
- (e) retail lumber and home improvement yard.

**Policy 5-28:** Council shall consider, by development agreement, proposals for the following in the Commercial General Zone, and subject to the policies in Section 6.6:

- (a) animal shelters;
- (b) automobile body shops;
- (c) stand-alone multi-unit dwellings;
- (d) retail developments with a gross floor area greater than 300 square metres; and
- (e) funeral homes that include crematoriums.

### **5.3.3. Rezoning**

**Policy 5-29:** Council shall consider proposals to rezone lands in the Commercial Designation to any other zone permitted in that designation, as identified by Policy 5-16. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy of this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands;
- (c) and the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

## 5.4. Industrial Designation

Mahone Bay has a significant industrial history. The town was founded and grew on an economy based on woodworking and shipbuilding. However, over time, as these industries declined so did the significance of industrial activities in Mahone Bay. Today, industrial development is limited to a select number of sites within the town's boundary, including one manufacturing plant along Main Street. Council intends to continue to encourage manufacturing operations within the town's boundary, while also applying the Industrial Designation to areas with uses that have the potential to create land use conflicts for surrounding areas, such as the Town's wastewater treatment facility.

**Policy 5-30:** Council shall, on Schedule 'A', the Future Land Use Map, designate industrial lands in serviced and unserviced areas intended to accommodate existing industrial uses and give priority to future industrial development.

**Policy 5-31:** Council shall, through the Land Use Bylaw, permit the following zones within the Industrial Designation:

- (a) Industrial General Zone
- (b) Parks and Open Space Zone
- (c) Conservation Zone
- (d) Open Shoreline Zone

**Policy 5-32:** Council shall not permit heavy industrial uses within the town due to their potential to create significant impacts on neighboring properties and the natural environment. Heavy industrial uses may include, but are not limited, to salvage yards.

### 5.4.1. Industrial General Zone

**Policy 5-33:** Council shall, through the Land Use Bylaw, establish the Industrial General Zone, intended to permit a range of industrial uses, excluding heavy industrial uses, which shall be prohibited.

**Policy 5-34:** Council shall, through the Land Use Bylaw, permit a range of industrial uses in the Industrial General Zone including, but not limited to, manufacturing, fishery related industries, service and repair shops, Town-owned utilities and services, and large-format solar gardens. Community uses including outdoor commercial recreation, emergency services, government building and uses, recreation centres and recreation uses shall also be permitted in the Industrial General Zone. Zone standards shall be flexible to accommodate a range of industrial uses.

**Policy 5-35:** Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Industrial General Zone:

- (a) micro-brewery uses, and
- (b) micro-distillery uses.

**Policy 5-36:** Council shall, on PID 60419538, only consider by development agreement proposals for commercial or industrial uses otherwise permitted in the Industrial General Zone, subject to the policies of Section 6.6.

#### 5.4.2. Rezoning

**Policy 5-37:** Council shall consider proposals to rezone lands in the Industrial Designation to any other zone permitted in that designation, as identified by Policy 5-31. Council shall not approve such a rezoning unless Council is satisfied:

- (a) the proposed change is not prohibited by any other policy of this Plan;
- (b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
- (c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

## 5.5. Unserviced Designation

Outside of the serviced residential and commercial areas of Mahone Bay, there are areas that are more rural in character. Some rural areas include residential uses on large lots, while others host uses that include agricultural uses, forestry uses, pits and quarries, and large land holdings with no active uses. Some of these lands are classified in the Canada Land Inventory as part of a complex Class 3 (“moderately severe limitations”) and Class 7 (“no capacity for arable culture or permanent pasture”), and, therefore, hold limited potential for agricultural development.

As identified in previous iterations of the Town’s Municipal Planning Strategy, these lands cannot be preserved as agricultural lands in the long term as they are required for future residential growth as municipal servicing becomes available. The intended use of these lands is to accommodate this future residential growth while offering opportunities for limited small-scale crop-based agriculture and forestry uses.

**Policy 5-38:** Council shall, on Schedule ‘A’, the Future Land Use Map, designate unserviced lands in the unserviced areas of town that are intended to accommodate future residential growth as municipal services become available.

**Policy 5-39:** Council shall, through the Land Use Bylaw, permit the following zones within the Unserviced Designation:

- (a) Residential Unserviced Zone
- (b) Parks and Open Space Zone
- (c) Conservation Zone
- (d) Residential General Zone
- (e) Residential Multi-unit Zone
- (f) Institutional Zone

### 5.5.1. Residential Unserviced Zone

The intent for these lands, as expressed by Council and in previous iterations of the Municipal Planning Strategy, is to be preserved for future residential development and growth of the town. However, for residential development to occur at a scale greater than what is currently existing, municipal services must first be expanded into these areas. Council is, therefore, supportive of also enabling small-scale resource based industries in the Unserviced Residential Zone, such as forestry uses, as interim land uses.

**Policy 5-40:** Council shall, through the Land Use Bylaw, establish the Residential Unserviced Zone, intended to permit a limited number of residential development types in the unserviced areas of Mahone Bay.

**Policy 5-41:** Council shall, through the Land Use Bylaw, permit single- and two-unit dwellings, mobile homes, mini-homes, among other low-density residential uses. This zone shall also accommodate forestry uses, which are limited in size, in this Zone.

**Policy 5-42:** Council shall consider, by development agreement, proposals for the following in the Unserviced Residential Zone, and subject to the policies in Section 6.6:

- (a) commercial solar collector systems.

### 5.5.2. Rezoning

**Policy 5-43:** Council shall consider proposals to rezone lands in the Unserved Designation to any other zone permitted in that designation, as identified by Policy 5-39. Council shall not approve such a rezoning unless Council is satisfied:

- (a) When being rezoned to another residential land use zone, the area is shown on an approved tentative plan of subdivision that is serviced by the municipal water and sewer systems and is intended to be subdivided for residential development;
- (b) the proposed change is not prohibited by any other policy of this Plan;
- (c) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
- (d) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

## 5.6. Parks and Conservation Designation

While there are large tracts of developed land in Mahone Bay, there are areas that remain untouched and undisturbed. Many of areas should not only be protected because they are ecologically sensitive and significant, but development in these areas could pose a threat to humans and their property. In addition to these ecologically sensitive and significant ecosystems, there are outdoor parks, trails, and coastal areas that play an important role in the day to day lives of Mahone Bay residents. These areas include the multiple trails systems, such as the Dynamite Trail and Bay to Bay Trail, and the Jubilee Woods. Preventing and limiting development in these areas and ensuring they remain part of the community over the life of this Plan is a priority of Council.

**Policy 5-44:** Council shall, on Schedule 'A', the Future Land Use Map, designate as parks and conservation lands intended to preserve the natural and cultural landscape of Mahone Bay.

**Policy 5-45:** Council shall, on the zoning map of the Land Use Bylaw, permit the following zones within the Parks and Conservation Designation:

- (a) Conservation Zone
- (b) Open Shoreline Zone
- (c) Parks and Open Space Zone

### 5.6.1. Conservation Zone

**Policy 5-46:** Council shall, through the Land Use Bylaw, establish the Conservation Zone which is intended to safeguard the ecological integrity of land and to limit human development from occurring in these areas.

**Policy 5-47:** Council may amend the zoning maps of the Land Use Bylaw to adjust the boundaries of the Conservation Zone to increase the total amount of land protected under this land use zone.

### 5.6.2. Rezoning

**Policy 5-48:** Council shall not rezone lands within the Parks and Conservation Designation without an amendment to this Plan except for boundary adjustments enabled by Policy 5-47, which shall not require an amendment to this Plan.



## 6. Implementation and Administration

### 6.1. Administration

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Mahone Bay. This Plan and its associated Land Use Bylaw are enabled and consistent with the *Municipal Government Act*, as amended.

#### 6.1.1. Document Administration

This Municipal Planning Strategy and the Land Use Bylaw are structured and reinforce ease of reference and to track changes in content of the documents over time. The referencing system employed for both the Municipal Planning Strategy and Land Use Bylaw are as follows:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Municipal Planning Strategy or the text of the Land Use Bylaw, the Town will use the following practices:

- » The date of Council adoption, the effective date of the amendment, the general nature of the change, and the reference file or project will be noted in the changelog at the end of the Municipal Planning Strategy and Land Use Bylaw.
- » Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- » Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- » Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- » If additions would normally require the renumbering of following text, the “highway interchange” system will be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.’

### 6.1.2. Policy Statements

This Municipal Planning Strategy contains policy statements of Council regarding the growth and development of Mahone Bay. Policy statements are denoted by the text, "**Policy #-#**". All content of this Plan not contained within a policy are considered preamble and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

**Policy 6-1:** Policy statements of Council shall be denoted in this Plan with the text "**Policy #-#**", with the number signs (hash) replaced by the appropriate policy number.

**Policy 6-2:** Written content of this Municipal Planning Strategy not contained within a Policy statement of Council shall be considered preamble. Preamble may be considered to interpret the intent of Policy statements of Council, but do not form a part of the Policy statement.

### 6.1.3. Effective Date

**Policy 6-3:** This Municipal Planning Strategy and implementing Land Use Bylaw shall come into effect on the date that a notice is published in a newspaper, circulating in the town, informing the public that the planning documents are in effect.

## 6.2. Regional Cooperation

### 6.2.1. Consultation with Adjacent Municipalities

Since Mahone Bay is surrounded by the Municipality of the District of Lunenburg, land use planning decisions that are made within Mahone Bay can impact areas outside of the town's municipal boundary. Council supports efforts to ensure a strong cooperative relationship between the Town of Mahone Bay and the Municipality of the District of Lunenburg when considering amendments to this Municipal Planning Strategy and when adopting new Municipal Planning Strategies in the future.

**Policy 6-4:** Council shall, when adopting or amending a municipal planning strategy as required in the *Municipal Government Act*, consult and engage with the Municipality of the District of Lunenburg when:

- (a) adopting a new Municipal Planning Strategy to replace this one; and
- (b) considering amendments to this Municipal Planning Strategy that would affect lands that share a common boundary with the Municipality of the District of Lunenburg.

**Policy 6-5:** Consultation undertaken through Policy 6-4 shall:

- (a) invite comment on matters of municipal interest;
- (b) invite comment in relation to Statements of Provincial Interest;
- (c) be considered by Council or the Planning Advisory Committee as its designate as part of the body of feedback received on the proposed amendment or new Municipal Planning Strategy; and
- (d) be completed prior to Council publishing its first notice for a Public Hearing on the proposed amendment or new Municipal Planning Strategy.

## 6.3. Land Use Bylaw and Subdivision Bylaw

### 6.3.1. Adoption

The vision, goals, and land use policies of this Municipal Planning Strategy are implemented through the Land Use Bylaw. The Land Use Bylaw includes the legal requirements and regulations regarding land use decision-making in Mahone Bay.

Another significant document that guides land use in the town is the Subdivision Bylaw. This Bylaw contains the legal requirements with respect to subdividing land, the development of new public roads, and dedication of public open space. The Subdivision Bylaw, like the Municipal Planning Strategy and Land Use Bylaw, is guided by the *Municipal Government Act*. Within the Act, there are regulations that represent a minimum standard for municipalities with respect to subdivision regulations.

As legal documents, both the Land Use Bylaw and Subdivision Bylaw require a person or persons to administer the contents of the document. At the municipal level, this responsibility is given to the Development Officer. The Development Officer, as the person(s) responsible for administering the documents, also has the responsibility to issue, refuse, amend and revoke permits under the terms of these Bylaws.

**Policy 6-6:** Council shall adopt a Land Use Bylaw and a Subdivision Bylaw consistent with the intent of this Municipal Planning Strategy.

**Policy 6-7:** Council shall appoint one or more Development Officers to administer the Land Use Bylaw and the Subdivision Bylaw and to issue, refuse, amend, and revoke permits under the terms of these Bylaws.

**Policy 6-8:** Council shall, through the Land Use Bylaw, require a development permit for all development within the town, except for development where it is stated in the Land Use Bylaw that a development permit is not required.

**Policy 6-9:** Council shall, through the Land Use Bylaw, permit temporary development permits for specific uses identified in the Land Use Bylaw for an established time period.

**Policy 6-10:** The Subdivision Bylaw shall:

- (a) apply to the whole of the Town of Mahone Bay;
- (b) ensure that any subdivision, with the exception of lots created using the variance provision of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use Bylaw;
- (c) establish locations and standards for the development of roads, central services, and other publicly owned infrastructure;
- (d) contain provisions intended to ensure that lots are suitable for onsite sewage disposal where there is no central sewer system;
- (e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
- (f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
- (g) contain any other provisions needed to fulfill the intent of this Plan.

#### **6.3.2. Variances**

Under the *Municipal Government Act*, Development Officers can grant 'variances' from the requirements of the Land Use Bylaw. A variance can be thought of as a relaxation of one or more requirements of the Land Use Bylaw to accommodate development. However, Development Officers are limited in the scope, according to the Act, in which they are able to grant variances, and the Act also defines circumstances for which a variance may not be granted. According to the Act, a variance may not be granted where the:

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

**Policy 6-11:** Council shall, in accordance with the *Municipal Government Act*, permit the Development Officer to grant variances for:

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

**Policy 6-12:** Council shall, through the Land Use Bylaw, establish thresholds for the maximum permitted variances from the requirements of the Land Use Bylaw.

### **6.3.3. Amending the Land Use Bylaw**

Although this document and the Land Use Bylaw are meant to be comprehensive in nature, there may be instances where Council is required to amend the Land Use Bylaw to enable a certain development within the town or on a specific piece of property. Conversely, there may be instances where mapping errors on the maps of the Land Use Bylaw are made that may require edits. These errors, which are not reflected in the policies of this Plan, will be corrected through Bylaw amendments.

**Policy 6-13:** Council shall amend the text of the Land Use Bylaw if the proposed amendments meet the general criteria established in Policy 6-26.

**Policy 6-14:** Council shall consider amendments to the maps of the Land Use Bylaw when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:

- (a) the proposed zone is enabled by this Plan for use within the same designation; or
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use Bylaw preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan.

**Policy 6-15:** Council shall not amend the map of the Land Use Bylaw unless Council is satisfied that:

- (a) the proposal meets any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and
- (b) the proposed zone and the uses it permits meet the general criteria set out in Policy 6-26.



## 6.4. Development Agreements

### 6.4.1. Context

Development agreements are written legal agreements between Town Council and a property owner, allowing Council to have a finer-grained level of control over a proposed development that would otherwise not be permitted by the standards of the zone, and to implement specific measures to mitigate potential impacts.

As development agreements are registered upon the title of the land, the agreement does not cease if the land is sold or if the property owner dies.

To ensure the community is aware of the possible applications of development agreements, the *Municipal Government Act* requires the types of development that may be considered by development agreement to be identified in the Municipal Planning Strategy.

### 6.4.2. Adopting and Amending Development Agreements

**Policy 6-16:** Council shall consider entering into a development agreement where such an agreement is enabled by the policies within this Municipal Planning Strategy.

**Policy 6-17:** Where Council approves a development agreement, the development agreement shall:

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

**Policy 6-18:** Council shall not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-26.

**Policy 6-19:** Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Policy 6-26. Such conditions may include, but are not limited to:

- (a) servicing;
- (b) the type, location, and orientation of structures;
- (c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (d) the provision of open space and amenities;
- (e) the type, size, and location of signage;
- (f) the type and orientation of exterior lighting;
- (g) management of solid waste, compost, and recycling;
- (h) pedestrian, bicycle, and vehicular circulation;
- (i) connections to existing or planned pedestrian, bicycle, and vehicular networks;
- (j) the location and number of bicycle and vehicular parking and loading spaces;
- (k) access for emergency vehicles;
- (l) the location and type of landscaping, including fences and other forms of screening;
- (m) stormwater management;
- (n) grading and erosion control;
- (o) the emission of noise, odour, light, liquids, gases, and dust;
- (p) the type of materials stored and/or sold on site;
- (q) hours of operation;
- (r) the phasing of development;
- (s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (t) mitigation measures for construction impacts;
- (u) time limits for the initiation and/or completion of development; and
- (v) all other matters enabled in Section 227 of the *Municipal Government Act*.

#### **6.4.3. Legacy Development Agreements**

**Policy 6-20:** Council may consider amendments to any development agreement that was signed before the effective date of this Municipal Planning Strategy and which is not enabled by a policy in this Plan, in accordance with the Section 6.6 of this Plan.

**Policy 6-21:** Council may consider discharging any development agreement when requested by the owner of the affected property or when changes to the Land Use Bylaw make the development agreement redundant.

#### **6.4.4. Development Agreement Applications During Transition to This Plan**

**Policy 6-22:** Complete applications for development agreements on file with the Town that were received on or before October 26, 2023, shall continue to be considered under the policies in effect on October 25, 2023. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By-law. Applications that have not proceeded to public hearing within 36 months of October 26, 2023 shall be subject to all applicable requirements of this Plan and the Land Use By-Law.

**Policy 6-23:** Development agreements approved pursuant to Policy 6-22 shall have a commencement date not exceeding 24 months, and completion date not exceeding 48 months, from the date on which the development agreement is filed with the Land Registry Office.

## 6.5. Site Plan Approval

Site plan approval is a development process where an applicant must meet additional standards established in the Land Use Bylaw. Uses permitted through the site plan approval process are prescribed in this Municipal Planning Strategy and the Land Use Bylaw. Additional standards may include those related to landscaping, layout and design, and the provision of parking. In many instances, the additional standards are qualitative in nature, giving the Development Officer the ability to negotiate a proposal with a developer.

Once a Development Officer is satisfied the proposal meets all applicable requirements, a site plan approval is established, and the Development Officer can give permits for the proposal. Just like the case with development agreements, the provisions of a site plan approval must be followed, as stipulated in the *Municipal Government Act*.

**Policy 6-24:** Council shall, through the Land Use Bylaw, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is a benefit to providing flexibility in the ways land use controls are implemented.

**Policy 6-25:** Council shall, through the Land Use Bylaw, establish a notification area of 30 horizontal metres for the approval of site plan approval within the town.

## 6.6. Criteria for Amending the Land Use Bylaw or Adopting a Development Agreement

### 6.6.1. Amending the Land Use Bylaw and Adopting Development Agreements

Amending the Land Use Bylaw and/or the adoption of a development agreement can have significant impacts on a community and, therefore, require consideration for potential short- and long-term impacts of a proposal. As such, any proposed amendment to the Land Use Bylaw or proposed development agreement must be carefully considered to ensure they comply with this Plan and are appropriate.

**Policy 6-26:** Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not conflict with any Town or Provincial programs, bylaws, or regulations in effect in the municipality;
- (c) has obtained all necessary permits required by Federal, Provincial, and Municipal government agencies, or Council is satisfied the required permits will be issued;
- (d) is adequately landscaped with a combination of natural and human-made landscaping features;
- (e) if within the Architectural Control Overlay, has regard to the established architectural character of pre-1919 buildings within Mahone Bay in terms of height, bulk, scale, roof shape, relationship of windows and doors, and architectural detail unless the proposal is otherwise exempt from the provisions of the Architectural Control Overlay; and
- (f) is not premature or inappropriate due to:
  - i. the ability of the Town to absorb costs related to the proposal;
  - ii. impacts on existing drinking water supplies, both private and public;
  - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;

- iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
- v. the adequacy of fire protection services and equipment;
- vi. the adequacy and proximity of schools and other community and recreation facilities;
- vii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- viii. site-specific climate change risks;
- ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- x. the potential to 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;
- xi. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way;
- xii. proposed outdoor lighting and/or signage;
- xiii. the proposed surface of any vehicular traffic, outdoor storage, or outdoor display area so as to create dust or drainage issues;
- xiv. the height of any main building does not exceed 16.7 metres;
- xv. the proposed number and orientation of automobile parking spaces, outdoor storage and outdoor display; and
- xvi. negative impacts on existing residences and neighbourhoods in the surrounding area..

**Policy 6-27:** Council may, in addition to any other required information, require any or all of the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for amending the Land Use Bylaw or adopting a development agreement have been met:

- (a) a detailed plot plan showing features such as, but not limited to:
  - i. topography;
  - ii. location and dimensions of existing and proposed property and/or unit lines;
  - iii. location of zoning boundaries;
  - iv. use, location, and dimensions of existing and proposed structures;
  - v. existing and proposed watercourses and wetlands;
  - vi. location of minimum coastal elevation;
  - vii. location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
  - viii. location and dimensions of driveways, parking lots, and parking spaces;
  - ix. type and amount of site clearing required, if any;
  - x. location of buffers;
  - xi. location and dimensions of existing and proposed parks and recreation lands, whether public or private;
  - xii. location of utilities;
  - xiii. development densities;
- (b) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
- (c) a site grading plan;
- (d) a landscaping plan, including for the protection, retention, and replacement of trees;
- (e) a drainage and stormwater management plan;
- (f) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre- and post-development;
- (g) a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
- (h) a geotechnical study;



- (i) environmental studies, including, but not limited to, studies addressing climate change and environmental contamination;
- (j) a shadow study;
- (k) an exterior lighting study;
- (l) a wind study;
- (m) a vibration study; and
- (n) a noise study.

**6.6.2. Notification to Amend the Land Use Bylaw or Adopt a Development Agreement**

**Policy 6-28:** Where Council has given notice of its intention to adopt an amendment to the Land Use Bylaw, including its maps, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, Council shall serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within 30 metres of the property which is the subject of the proposed amendment or development agreement. A notification shall also be posted on the property which is the subject of the proposed amendment or development agreement.

**Policy 6-29:** Notification of an amendment to the Land Use Bylaw or the adoption of a development agreement shall:

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

## 6.7. Non-conforming Uses and Structure

The *Municipal Government Act* guarantees protections for non-conforming uses and structures that were legally developed or initiated under previous land use planning documents and which would not be permitted under new planning regulations. In addition to protecting these uses, the Act enables municipalities to relax certain requirements and provisions of for non-conforming uses such as the period of time a non-conforming use is considered to be discontinued and where it must adhere to the new planning regulations.

**Policy 6-30:** Council shall, through the Land Use Bylaw, extend the period before a non-conforming use is considered discontinued, as provided by the *Municipal Government Act*.

**Policy 6-31:** Council shall, through the Land Use Bylaw, regulate non-conforming uses according to the provisions of the *Municipal Government Act*.

**Policy 6-32:** Council shall, through the Land Use Bylaw, establish controls for non-conforming structures and shall also establish controls for the expansion of non-conforming structures.

## **6.8. Monitoring, Reviewing, and Updating this Plan**

### **6.8.1. Plan Updates**

**Policy 6-33:** Council shall initiate a housekeeping review of this Plan within two years of its adoption. The intent of this review is to identify errors, omissions, or ways to streamline the Plan.

**Policy 6-34:** Council shall initiate an interim review of this Plan within five years of its adoption. The intent of this review is to identify emerging policy issues and gaps in the Plan and adopt new or modified Plan policies to address these issues and gaps.

**Policy 6-35:** Council shall initiate a comprehensive review of this Plan within 10 years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the Vision and Goals of the Plan, and update or replace components of the Plan as necessary to support the new Vision and Goals.

### **6.8.2. Municipal Planning Strategy Amendments**

While this Plan is comprehensive in nature, its contents are not set in stone. Municipal Planning Strategies are living documents and periodically must be amended to reflect changing values, issues, and opportunities. Council will consider the following policies to guide decisions about updating the Municipal Planning Strategy.

**Policy 6-36:** Council shall consider an amendment to this Municipal Planning Strategy when:

- (a) any policy intent is to be changed;
- (b) an amendment to the Land Use Bylaw or Subdivision Bylaw would conflict with any portion of the Municipal Planning Strategy; or
- (c) when this Municipal Planning Strategy is inconsistent with any Statements of Provincial Interests.

**6.8.3. Public Participation Program for Municipal Planning Strategy Amendments**

Amendments to the Municipal Planning Strategy are typically substantial undertakings and have the potential to attract public interest. An appropriate engagement program specific to the scope of the proposal is therefore required.

**Policy 6-37:** Council shall establish a public participation program consistent with the Town's Public Engagement Policy and the Minimum Planning Requirements Regulations for any amendment to, or replacement of, this Municipal Planning Strategy.

## **7. Schedules and Appendices**

### **Schedule 'A'**

Future Land Use Map

### **Appendix 'A'**

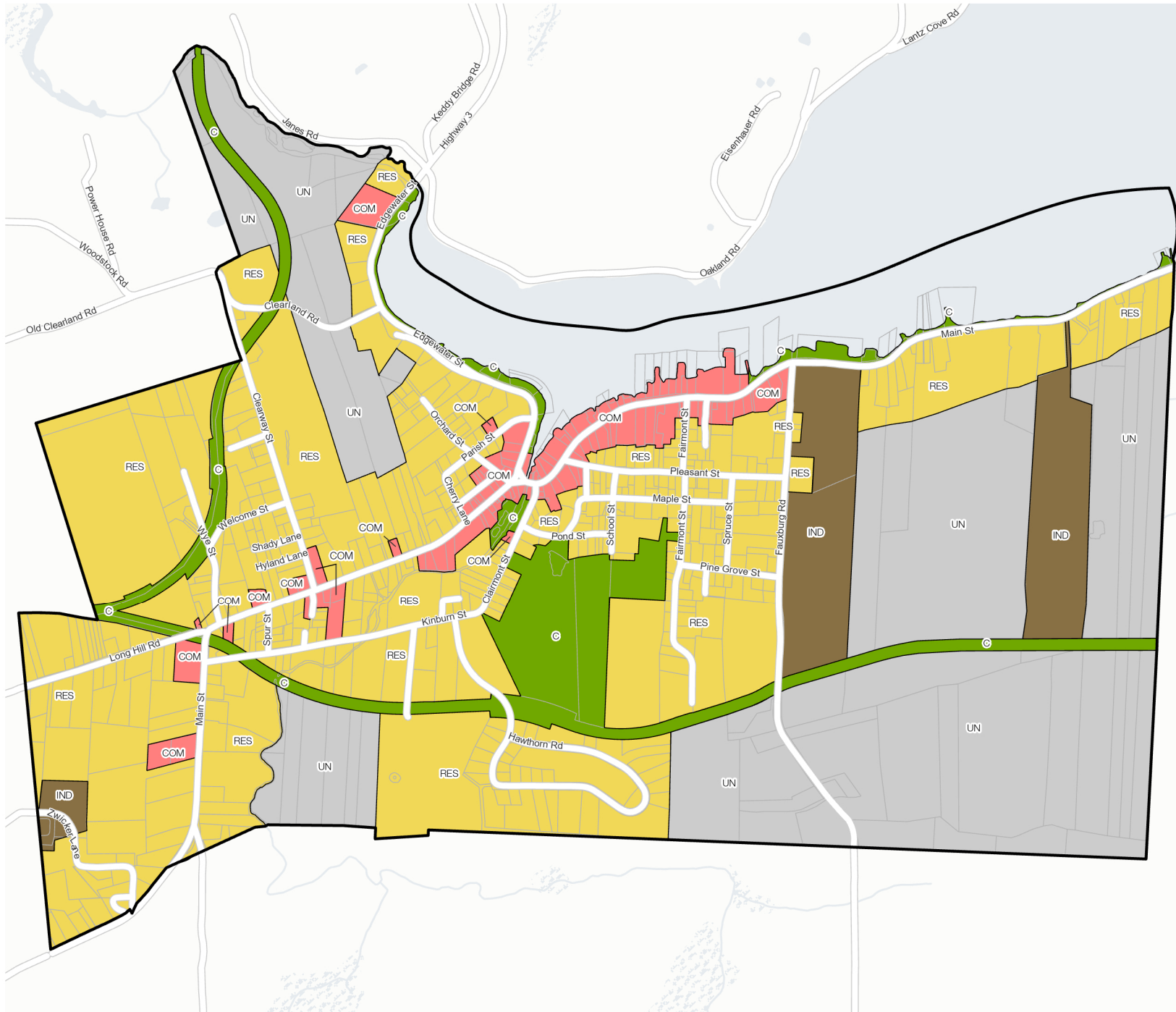
Plan Mahone Bay Background Report

### **Appendix 'B'**

Plan Mahone Bay What We Heard Report













MAP  
**Future Land Use**

SCHEDULE A	LAST UPDATED 9/27/2023
---------------	---------------------------

NORTH  


SCALE  
1:14,000

LEGEND

	COM	Commercial
	RES	Residential
	IND	Industrial
	UN	Unserviced
	C	Parks & Conservation

## 8. Summary of Amendments

Council Adoption Date	Effective Date	Reference Number	File or Project	General Nature of the Change

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prepared by  
**UPLAND**  
for

*TOWN OF*  
**Mahone Bay**





# Town of Mahone Bay

Land Use Bylaw

2023.10.26 First Reading DRAFT

## Credits

This Plan was initially prepared by  
UPLAND Planning and Design and the  
Town of Mahone Bay.



PLAN  
MAHONE BAY

UPLAND



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## How to use this Land Use Bylaw

The Land Use Bylaw is a legal document that is adopted by Town Council for the purpose of managing growth in the Town. The Land Use Bylaw divides the Town into Zones, each of which has an associated set of rules and regulations.

If you wish to conduct development in Mahone Bay, please follow this generalized process:

### **1. Determine the property's land use zone**

The Town of Mahone Bay is divided into land use zones, and each property has a designated zone or zones. Land use zones control development in an area to ensure future development is in keeping with the general area and to reduce potential conflicts with neighbouring uses. Refer to Schedule 'A', the Zoning Maps, to determine the use zone or zones applicable to your property.

Structures or uses that do not comply with this Bylaw, but legally existed on the day the Bylaw became effective, may continue their operation as a non-conforming structure or use. If a structure or use becomes non-conforming, there are provincial and municipal regulations that should be considered to ensure it can continue to operate. However, if a non-conforming use ceases to operate for one year, it will be subject to the new planning rules.

### **2. Find out if you need a development permit**

By default, development in the town requires a "development permit". However, some uses or developments do not require a permit, as outlined in the applicable use sections of this Bylaw. If a development permit is not required, please be aware all regulation do still apply. You can find out more by contacting the Town.

### **3. Review the Rules for the land use zone**

The Land Use Bylaw considers development either as a Permitted use, permitted through Site Plan Approval, or permitted through a Development Agreement. Permitted uses are those that are allowed if they meet all the requirements of the Land Use Bylaw. Site Plan Approval is a process through which an applicant must meet additional standards established within the Land Use Bylaw. Finally, Development Agreements are written legal agreements between Council and a property owner, allowing Council to have a finer-grained level of management over the proposed development, and to implement specific measures to mitigate potential impacts.

#### **4. Review the general regulations and regulations for specific uses**

In addition to the regulations for specific land use zones, there are regulations that apply to all development, such as **Overlays**, and regulations that apply only to specific uses.

Many uses and types of structures are defined within the Land Use Bylaw. Review the definitions to ensure any proposed development coincides with the definition.

# 1. Title and Purpose

## 1.1. Title

- 1.1.1. This Bylaw may be cited as the “Town of Mahone Bay Land Use Bylaw.”
- 1.1.2. This Bylaw shall apply to all the lands within the Town.

## 1.2. Purpose

- 1.2.1. The purpose of this Bylaw is to carry out the intent of the Municipal Planning Strategy in order to facilitate sustainable, efficient, and systematic development and use of land within the Town, and for that purpose the Bylaw, among other things:
  - (a) divides the Town into zones;
  - (b) prescribes and regulates for each zone the purposes for which land and buildings may be used;
  - (c) establishes standards for the dimensions of land within each zone and the positioning of buildings thereon;
  - (d) establishes the office of one or more Development Officers;
  - (e) establishes a method of making decisions on applications for development permits, including the issuing of development permits; and
  - (f) establishes a method for making decisions on applications for site plan approval.
- 1.2.2. This Bylaw shall be applied in a manner consistent with the Town’s Municipal Planning Strategy and the *Municipal Government Act* (“Act”), as amended from time to time.

## 2. Zones

### 2.1. Zones

- 2.1.1. For the purpose of this Bylaw, the Town is divided into the following zones, the boundaries of which are show on the attached Schedule 'A'. Such zones may be referred to by the appropriate symbols:

**Table 2-1. Zone Names and Symbols.**

Zone Name	Zone Symbol
Commercial Core	CC
Commercial General	CG
Conservation	C
Industrial General	IG
Institutional	I
Open Shoreline	OS
Parks and Open Space	PO
Residential Core	RC
Residential General	RG
Residential Multi-Unit	RM
Residential Unserviced	RU

### 2.2. Reference to Zone

- 2.2.1. The reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone.

### 2.3. Zoning Maps

- 2.3.1. Schedule 'A' attached hereto may be cited as the "Zoning Map".
- 2.3.2. The Zoning Map shall form part of this Bylaw.

### 2.4. Zones Not on the Maps

- 2.4.1. The Zoning Maps of this Bylaw may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this Bylaw, regardless of whether or not such zone had previously appeared on the Zoning Maps.



## **2.5. Interpretation of Zone Boundaries**

2.5.1. Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Registry of Deeds, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centreline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centreline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or saltwater body, the mean high water mark shall be the boundary; and
- (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

## **3. Interpretation**

### **3.1. Certain Words**

3.1.1. In this Bylaw:

- (a) the word "shall" means mandatory compliance;
- (b) the word "may" means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

3.1.2. Words not otherwise defined in this Bylaw shall have the meaning assigned to them in the Act.

### **3.2. Conflict**

3.2.1. In the case of any conflict between the text of this Bylaw and any maps or drawings used to illustrate any aspect of this Bylaw, the text shall take priority.

3.2.2. Colour coding throughout this Bylaw and the maps within is for ease of reference only and the text of the Bylaw shall take priority.

3.2.3. In case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

3.2.4. In case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

### **3.3. Definitions**

3.3.1. For the purpose of this Bylaw, words shall have their meaning or meanings assigned to them in the Part of this Land Use Bylaw titled, "Definitions." Where a word is not defined in "Definitions", the word shall have the meaning or meanings assigned by accepted English dictionaries.

### **3.4. Units of Measurement**

- 3.4.1. This Land Use Bylaw uses the metric system of measurement. Numerical measurements in this Bylaw may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.
- 3.4.2. Any application made under this Bylaw shall include measurements using the metric system.

### **3.5. Severability**

If any provision of this Bylaw is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Bylaw.

## **4. Administration of this Bylaw**

### **4.1. Administration of Bylaw**

- 4.1.1. Council shall appoint one (1) or more Development Officer(s) for the Town.
- 4.1.2. The Development Officer shall be responsible for the administration of this Bylaw.

### **4.2. Right of Entry**

- 4.2.1. The Development Officer is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this Bylaw in accordance with the *Municipal Government Act* ("Act"), as amended from time to time.

### **4.3. Enforcement and Penalty**

- 4.3.1. In the event of any contravention of the provisions of this Bylaw, the Town may act as provided in the *Municipal Government Act*.

### **4.4. Compliance with Other Legislation**

- 4.4.1. Nothing in this Bylaw shall exempt any person from complying with the requirements of any other bylaw in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other bylaw of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 4.4.2. Where provisions in this Bylaw conflict with those of any other bylaw of the Town or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

### **4.5. Restoration to a Safe Condition**

- 4.5.1. Nothing in this Bylaw shall prevent the restoration of any building or structure to a safe condition, as determined by the Building Official.

### **4.6. Effective Date**

- 4.6.1. This Bylaw shall come into force and take effect upon the date a notice is published in a newspaper, circulating in the Town, informing the public that the Bylaw is in effect.

#### **4.7. Existing Structures and Uses**

- 4.7.1. A structure or use of land shall be deemed to be existing on the effective date of this Bylaw if:
- (a) it has lawfully been constructed;
  - (b) it has lawfully commenced;
  - (c) it is lawfully under construction;
  - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 18 months after the date of the latest issuance of the required permits.
- 4.7.2. For the purposes determining existence under 4.7.1(d), development permits for structures or uses subject to an appeal of a variance or site plan approval shall be considered in effect as of the date the Development Officer initially granted the variance or site plan approval provided the appeal decision upholds the Development Officer's decision to grant the necessary variance or site plan approval.

#### **4.8. Repeal of Bylaw**

- 4.8.1. As of the effective date of this Land Use Bylaw, the Land Use Bylaw for the Town of Mahone Bay, passed and adopted June 10, 2008, as amended, is repealed.

#### **4.9. Development Permit**

- 4.9.1. Unless otherwise stated in this Bylaw, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.
- 4.9.2. The Development Officer shall only issue a development permit in conformance with this Bylaw and any development agreement or site plan agreement in effect on the site, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.
- 4.9.3. A development permit shall be effective for a period of 18 months and shall expire within 18 months from the date issued if the development has not commenced, and the Development Officer shall, at the applicant's request, renew a development permit for 18 months if:
- (a) the development permit has not been renewed previously; and

- (b) the Development Officer is satisfied that the development permit is consistent with the current Land Use Bylaw and any proposed amendments to the Land Use Bylaw for which Council has advertised their intent to adopt.
- 4.9.4. Notwithstanding Subsection 4.9.3, a development permit may be issued for a temporary period and may be renewed for a temporary period on a one-time-only basis to a maximum of six (6) months provided the Development Officer is satisfied that the development permit is consistent with the current Land Use Bylaw and any proposed amendments to the Land Use Bylaw for which Council has advertised their intent to adopt.
- 4.9.5. The Development Officer may revoke a development permit issued under this Bylaw where:
  - (a) information provided on the application is found to be inaccurate;
  - (b) the permit was issued in error; and/or
  - (c) the requirements of the permit are not met.
- 4.9.6. The Development Officer shall notify the applicant in writing of any refusal of a development permit.
- 4.9.7. Any decision of the Development Officer to revoke a development permit shall be given by written notice served by any method in which proof of delivery is provided and the revocation shall become effective upon the delivery of such notice.

#### **4.10. Application Requirements**

- 4.10.1. Every application for a development permit shall be made in writing on an approved form and shall include:
  - (a) the signature of the registered land owner or their duly authorized agent;
  - (b) application fees in conformance with the fee schedule prescribed by Council;
  - (c) a statement of the proposed use of land;
  - (d) a statement of the estimated commencement and completion date of development;
  - (e) a plot plan, as detailed in Subsection 4.10.2;
  - (f) a tree identification and retention plan if required by Section 5.50; and
  - (g) any other information required by this Land Use Bylaw or the Development Officer.

### **Plot Plan Requirements**

4.10.2. Plot plans prepared for a development permit application shall be drawn to an appropriate scale and showing information as required by the Development Officer, such as, but not limited to:

- (a) the true shape and dimensions of all lots for which development is proposed;
- (b) the location of every building or structure already erected on or partly erected on such lot;
- (c) the proposed location, height, and dimensions of any building, structure, or work for which the permit is applied;
- (d) identification of all abutting streets and private roads;
- (e) identification of rights-of-way and easements within the subject property;
- (f) the proposed location and dimensions of parking spaces, loading spaces, driveways, and landscaping areas;
- (g) a north arrow, scale, date of drawing, and identity of the drawing author; and
- (h) other such information as may be necessary to determine whether or not every such development conforms with the requirements of this Bylaw.

### **Additional Plan Information**

4.10.3. Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, they may require that the plot plan submitted under Subsection 4.10.2 shows:

- (a) the location of every building erected upon any abutting lot;
- (b) the location of all watercourses on or abutting the property;
- (c) existing and proposed services; and/or
- (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.

### **Confirmation of Vertical Setbacks**

4.10.4. Applications for development within the Coastal Flood Risk Area, as shown on Schedule 'E', Coastal Flood Risk Map, shall be accompanied by a letter or plan stamped by a Nova Scotia Land Surveyor confirming the development complies with the standards established in Section 5.12 of this Bylaw.



**Additional Plans or Studies**

4.10.5. Where necessary to determine conformance with this Land Use Bylaw, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by an appropriately qualified professional. Such additional information may include, but is not limited to:

- (a) site survey and/or plot plan prepared and stamped by a Nova Scotia Land Surveyor;
- (b) location certificate;
- (c) topography and soil conditions of the subject site;
- (d) watercourse delineation study;
- (e) stormwater management plan;
- (f) floor plans and elevation drawings of any proposed structures;
- (g) geotechnical study;
- (h) site grading plan;
- (i) traffic impact assessment or study;
- (j) groundwater supply study; and/or
- (k) any other information deemed necessary by the Development Officer.

#### 4.11. Variances

4.11.1. Notwithstanding anything in this Bylaw, the Development Officer may grant a variance subject to the *Municipal Government Act*. Specifically, the Development Officer may vary:

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

4.11.2. In accordance with the requirements of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:

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

4.11.3. The Development Officer shall not grant a variance that exceeds:

- (a) for yard setbacks, not including any watercourse or coastal setback or buffer, 50 percent of the zone requirements set out in this Bylaw; or
- (b) for all other types of variances outlined in Subsection 4.11.1, 25 percent of the zone requirements set out in this Bylaw.

4.11.4. Where the Development Officer has granted a variance of the requirements of this Bylaw, notification of the variance shall be served upon all assessed property owners within 30 metres of the property subject to the variance.

4.11.5. Notification of a variance shall:

- (a) describe the variance granted;
- (b) identify the property(s) subject to the variance; and
- (c) set out the right to appeal the decision of the Development Officer to Council.

4.11.6. Variance requests shall be made in writing on an approved form.

#### **4.12. Site Plan Approval**

- 4.12.1. Some zones in this Land Use Bylaw permit certain uses only by site plan approval. Unless specifically addressed in a different manner by the applicable criteria of Part 16, all other applicable criteria of this Land Use Bylaw shall still apply to any development proposed and undertaken through site plan approval.
- 4.12.2. For greater clarity, the provisions of Part 16 shall only apply to uses permitted by site plan approval.

#### **Application Requirements**

- 4.12.3. In addition to the requirements of Section 4.10, Application Requirements, applications for site plan approval shall meet the following requirements:
- (a) The plot plan shall be fully and accurately dimensioned and shall be made under the stamp of a professional architect, planner, engineer, or surveyor licensed to practice in Nova Scotia.
  - (b) The application shall be accompanied by a written rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Part 16 of this Bylaw.
  - (c) The application shall be accompanied by a fee, in the amount prescribed by Council.

#### **Site Plan Approval Review**

- 4.12.4. The Development Officer shall review applications for new uses permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use Bylaw and the applicable criteria in Part 16 of this Bylaw.

#### **Notification**

- 4.12.5. Where the Development Officer has granted a site plan approval, notification of the approval shall be served upon all assessed property owners within 30 metres of the property subject to the site plan approval. Notification of a site plan approval shall:
- (a) describe the site plan approval;
  - (b) identify the property(s) subject to the site plan approval; and
  - (c) set out the right to appeal the decision of the Development Officer to Council.

**Appeal of Site Plan Approval**

- 4.12.6. Appeals of the Development Officer's decision regarding a site plan approval request shall be made to Council, as provided for by the *Municipal Government Act*.

## **5. General Provisions**

### **5.1. Scope of General Provisions**

- 5.1.1. The provisions of this Part shall, unless otherwise specified in this Bylaw, apply to all uses and zones and shall prevail over all zone requirements except where expressly stated otherwise.

### **5.2. Accessory Buildings and Structures**

- 5.2.1. Accessory buildings and structures shall be permitted in any zone, but shall not:
- (a) be used for human habitation except where an accessory dwelling is a permitted accessory use, and a permit has been issued for such use;
  - (b) be built within 1.5 metres of the main building, except that a fence or wall may join an accessory building or structure with a main building;
  - (c) be built closer than 1.2 metres to any rear or side lot line, excluding the Industrial General (IG) Zone which shall be subject to zone requirements for rear and side setbacks for accessory buildings and structures;
  - (d) exceed the height of the main building on the lot, unless otherwise specified in this Land Use Bylaw; and
  - (e) be considered an accessory structure if located completely underground.
- 5.2.2. Each accessory building and structure on a lot shall not have a gross floor area greater than 70 square metres, except in the Industrial General (IG) Zone.
- 5.2.3. The combined lot coverage for all accessory buildings and structures on a lot, which shall not include area dedicated to signs and/or fences, shall not exceed 10% of the total lot area.
- 5.2.4. Accessory buildings and structure shall comply with any other applicable requirements of this Bylaw.

5.2.5. Notwithstanding zone requirements in all zones except the Open Shoreline (OS) Zone:

- (a) Where approval has been granted by appropriate provincial and/or federal authorities, a personal storage building less than six (6) metres in height without plumbing and with a building footprint no greater than 20 square metres, wharves, and docks may be built across a lot line when said lot line corresponds to the water's edge.
- (b) Children's play structures, playground equipment, pet houses, clothes poles, garden trellises, solid waste receptacles, cold frames, pergolas, monuments, and interpretive displays shall be permitted to be located in any part of any yard except within the corner vision triangle of a lot and shall not require a development permit.

### **5.3. Accessory Dwellings**

5.3.1. Accessory dwellings shall meet the following requirements:

- (a) Only one (1) accessory dwelling shall be permitted on a lot.
- (b) If the accessory dwelling is located in a separate building from the main dwelling:
  - i. the accessory dwelling shall be subject to the height requirements for accessory buildings and all other requirements for accessory buildings;
  - ii. the accessory dwelling shall be located in the side yard or rear yard; and
  - iii. windows and other perforations shall not be located on any elevations closer than 1.2 metres from any adjacent lot.
- (c) The gross floor area of the accessory dwelling shall not exceed 70 square metres.
- (d) Accessory dwellings shall not be used as short-term rentals.

### **5.4. Accessory Uses**

5.4.1. Uses accessory to a permitted use shall be permitted in all zones and shall not require a development permit except where an accessory structure is used for human habitation.

## **5.5. Adaptive Reuse of Former Institutional Buildings**

- 5.5.1. A former institutional building may assume a use not permitted by the land use zone in which building is located through a development agreement, in accordance with Policy 4-91 of the Municipal Planning Strategy.

## **5.6. Architectural Control**

- 5.6.1. All development, including alterations and additions to existing structures, within the Architectural Control Overlay, as shown on Schedule 'B', shall meet the requirements of this Section.
- 5.6.2. Notwithstanding Subsection 5.6.1, the construction and alteration of accessory structures with a building footprint of 20.0 square metres or less in the Architectural Control Overlay shall be exempt from the requirements of this Section, except the provisions of Subsections 5.6.10, 5.6.11, and 5.6.12 shall apply.
- 5.6.3. Carports shall be prohibited in front and flankage yards in the Architectural Control Overlay.

### **Alterations and Additions in the Architectural Control Overlay**

- 5.6.4. The requirements of this Section shall not apply to any alteration or addition to restore the appearance of an existing building or structure, within the Architectural Control Overlay, in a manner that is authentic to the period in which it was constructed provided the proposal is accompanied by appropriate and verified documentation, which may include, but is not limited to, photographs, original blueprints, sketches, or written documents, detailing the period-appropriate appearance of the building or structure.

### **Building Height**

- 5.6.5. Every new main building in the Architectural Control Overlay shall have a minimum height of 6.0 metres, except within the Open Shoreline (OS) Zone where there shall be no minimum building height.

### **Building Proportions**

- 5.6.6. Every new main building in the Architectural Control Overlay shall be rectangular in plan for its principal component.
- 5.6.7. Every new main building in the Architectural Control Overlay shall not in plan exceed a width-to-depth ratio or depth-to-width ratio of 3:1.



### **Exterior Siding and Cladding**

- 5.6.8. Exterior siding and cladding that forms part of the public façade for main buildings shall:
- (a) be horizontal in orientation;
  - (b) have an exposed face width between 10.0 centimetres and 23.0 centimetres; and
  - (c) consist of wood shingles; wood siding; wood clapboard; or wood- or cellulose-composite panels, such as MDF or fibre-cement board, designed to mimic the appearance of traditional wood siding.
- 5.6.9. Exterior siding and cladding that forms part of the public façade for accessory buildings may include a combination of horizontal and vertical siding and cladding and shall consist of wood shingles; wood siding; wood clapboard; or wood- or cellulose-composite panels, such as MDF or fibre-cement board, designed to mimic the appearance of traditional wood siding.
- 5.6.10. The following external siding and cladding materials shall not be permitted in the Architectural Control Overlay:
- (a) unfinished concrete, except for foundation walls no greater than 0.6 metres above grade;
  - (b) unfinished plywood;
  - (c) particleboard, chipboard, or strand board;
  - (d) corrugated plastic, corrugated fibreglass, or corrugated metal;
  - (e) metal siding utilizing exposed fasteners.
- 5.6.11. Building mechanical and servicing equipment, including, but not limited to, air handling units, electrical equipment, and fuel tanks, shall not form part of the facade along the front lot line.
- 5.6.12. Within the Architectural Control Overlay accessory solar collector systems shall not be located on part of a structure that forms part of the public façade, except when integrated into roof cladding materials following the elevation and plane of the roof.

### **Chimneys**

- 5.6.13. Notwithstanding Subsection 5.6.8 and Subsection 5.6.9, stone masonry materials, including, but not limited to, brick or other stonework, may be used for any chimney or detailing which form part of a building.

- 5.6.14. Nothing in this Section shall prevent a chimney from being constructed that complies with requirements and standards set out in the Fire Code, Building Code, or any other applicable building code and safety legislation.

### **Roof Style**

- 5.6.15. Roofs within the Architectural Control Overlay shall not have a ratio of rise to run shallower than 2:12 on lands within the Commercial Core Zone or Commercial General Zone, and not shallower than 6:12 on lands within any other zone.

### **Windows**

- 5.6.16. Windows in the Architectural Control Overlay shall be rectangular and vertically oriented with a minimum width-to-height ratio 1:1.5 to a maximum width-to-height ratio of 1:2.
- 5.6.17. Notwithstanding 5.6.16, wider, horizontal window openings may be achieved by combining sash windows in a mullioned frame.
- 5.6.18. Notwithstanding 5.6.16, windows may deviate from being rectangular and vertically-oriented in the following situations:
- (a) Bathroom windows except those on the front principal façade.
  - (b) Windows on the first storey level of commercial or industrial buildings.
  - (c) Windows located directly below the gable peak of a roof.
  - (d) Transom windows and piano windows that do not exceed a vertical dimension of 0.5 and shall be located directly above and joined with the transom that separates a window or door from the transom window or piano window.

### **Architectural Control Exemptions**

- 5.6.19. Notwithstanding Subsection 5.6.1, Council may consider by development agreement, Indigenous developments or developments that do not meet the specific architectural design standards established for the Architectural Control Overlay, in accordance with Policy 4-77 or Policy 4-78 of the Municipal Planning Strategy.

## **5.7. Automobile Body Shops and Automobile Repair Shops**

- 5.7.1. Outdoor storage for automobile body shops and automobile repair shops shall:
- (a) not be located in the front or flankage yard; and
  - (b) be fully screened from view by an opaque wooden or wooden simulated fence a minimum of 2.0 metres in height.

## **5.8. Automobile Service Stations**

5.8.1. Automobile service stations shall meet the following requirements:

- (a) the lot frontage shall be a minimum of 45.0 metres and shall directly abut a public street;
- (b) the main building shall have at least one façade parallel and adjacent to the front lot line;
- (c) no portion of any pump island shall be located closer than 6.0 metres from any street line; and
- (d) ingress and egress to and from any automobile service station shall be approved by the Town's Traffic Authority.

## **5.9. Buildings or Structure to be Moved**

5.9.1. No person shall move any building within or into the area regulated by this Bylaw without first obtaining a development permit from the Development Officer.

## **5.10. Campgrounds**

5.10.1. Campgrounds shall be prohibited.

## **5.11. Cemeteries**

5.11.1. Cemetery uses existing on [adoption date] shall not be permitted to expand beyond the lot boundaries as they existed on [adoption date].

5.11.2. The development of new cemetery uses shall not be permitted, except in association with cemetery uses managed by the Town existing on [adoption date].

5.11.3. Accessory buildings and structures for a cemetery shall not exceed 6.0 metres in height and shall meet all other requirements for accessory buildings and structures.

## **5.12. Coastal Elevation**

- 5.12.1. No building shall be constructed in any zone with the finished floor level of any habitable area located below a vertical elevation of 3.5 metres, relative to the Canadian Geodetic Vertical Datum of 2013.
- 5.12.2. Any development within the Flood Risk Area, identified on Schedule 'E', shall:
- (a) acknowledge the potential risks of developing in areas identified as being susceptible to sea level rise and storm surge by signing an indemnification agreement with the Town;
  - (b) locate all central mechanical systems, including, but not limited to, electrical panels, central water, and HVAC systems, above 3.5 metres (CGVD2013); and
  - (c) locate all areas that store hazardous materials and/or potential water pollutants, including, but not limited to, fuel storage tanks, above 3.5 metres (CGVD 2013) or include provisions, approved by a qualified professional at the applicant's cost, that include safety and containment provisions in the event of flooding.
- 5.12.3. Notwithstanding Subsection 5.12.1, existing buildings within the Flood Risk Area, identified on Schedule 'E', may be reconstructed, renovated, repaired, moved, or replaced provided that the work does not increase the floor area within the minimum coastal elevation or reduce the building's existing elevation and all other applicable requirements of this Bylaw are met.

## **5.13. Conformity with Existing Setbacks**

- 5.13.1. The Development Officer may approve a front setback less than the minimum front setback required in a zone if:
- (a) the proposed setback is not less than the smallest front setback of any main building within 60.0 metres on the same street and within the same zone as the proposed building; and
  - (b) the proposed setback is not less than 1.5 metres.

## **5.14. Commercial Livestock**

- 5.14.1. Commercial livestock operations shall be prohibited.

### **5.15. Connection to Central Services**

- 5.15.1. New plumbed buildings shall be connected to public sewer systems where such services are available. Where service availability is disputed or unclear, the Town Engineer shall decide based on site conditions and available capacity prior to the issuance of a development permit.

### **5.16. Conservation Uses**

- 5.16.1. Conservation uses shall be permitted in all zones and shall not require a development permit.

### **5.17. Construction Accessories**

- 5.17.1. Nothing in this Bylaw shall prevent the use of land for the use or construction of temporary buildings or structures incidental to construction, such as, but not limited to, a mobile office, tool shed, site washrooms, or scaffold incidental to construction.
- 5.17.2. Temporary structures incidental to construction shall be removed no more than 60 days after the completion of construction and shall not require a development permit.
- 5.17.3. Temporary buildings incidental to construction shall be permitted, provided a temporary development permit has been issued by the Development Officer for each temporary building.

### **5.18. Converted Dwellings**

- 5.18.1. A variance for a converted dwelling, or a dwelling that is being converted, that would extend the building closer to the front or flankage lot line, shall not be permitted.
- 5.18.2. The gross floor area of a converted dwelling, or a dwelling that is being converted, shall not be increased by more than 20 percent compared to the gross floor area on [adoption date].
- 5.18.3. The minimum gross floor area of each dwelling unit in a converted dwelling shall be 50.0 square metres and at least one dwelling unit in a converted dwelling shall have a gross floor area of at least 60.0 square metres.

### **5.19. Drive-through Uses**

- 5.19.1. Drive-through uses shall be permitted, or not, as indicated in each zone's permitted use tables.

## **5.20. Electrical Vehicle Charging**

- 5.20.1. Nothing in this Bylaw shall prevent the installation of a non-commercial electric vehicle charging station, including within the Architectural Control Overlay, where the station is for the exclusive domestic use of a dwelling unit, and shall not require a development permit.
- 5.20.2. Non-commercial electric vehicle charging stations that are not for the exclusive use of a dwelling unit shall be permitted as an accessory use in all zones and shall not require a development permit.
- 5.20.3. Commercial electric vehicle charging stations shall be permitted, or not, as indicated in each zone's permitted use tables.

## **5.21. Existing Lots Lacking Minimum Area**

- 5.21.1. Notwithstanding minimum lot area requirements established elsewhere in this Bylaw, a lot which does not satisfy these minimum requirements for lot area may be used for a purpose permitted in the zone in which the lot is located, and a structure may be constructed on the lot, provided that all other applicable provisions of this Bylaw are satisfied, and the lot satisfies one or more of the following requirements:
  - (a) the lot was in existence on or before April 16, 1987; or
  - (b) the lot was created after April 16, 1987, but before [adoption date] through subdivision approval under any provision of the Subdivision Bylaw or by any division of land for which subdivision approval is not required.
- 5.21.2. Where specific area requirements are established for a use, structure, or building in this Land Use Bylaw, Subsection 5.21.1 shall not apply.

## **5.22. Fences**

- 5.22.1. Fences shall be permitted in all zones and the maximum height of a fence shall be no greater than 2.0 metres and a development permit shall not be required.
- 5.22.2. Notwithstanding Subsection 5.22.1, fences in the Industrial General (IG) Zone may be permitted to a maximum height of 3.0 metres and a development permit shall not be required.
- 5.22.3. The use of barbed wire shall be prohibited except at the top of fences in the Industrial General (IG) Zone.
- 5.22.4. On a corner lot, no fence shall be erected or permitted to a height greater than 0.6 metres above grade within the corner vision triangle.

## **5.23. Flag Lots**

- 5.23.1. Where a lot is considered a flag lot, and a use, listed as a Permitted Use in the zone in which the lot is located, is proposed, development approvals shall proceed through the Site Plan Approval process and shall meet the requirements of Subsection 5.23.2.
- 5.23.2. Where a lot is considered a flag lot, development shall be subject to the following requirements:
  - (a) the proposed use must be within the main portion of a flag lot; and
  - (b) minimum front setbacks shall be measured from the lot line on the main portion of the flag lot that is closest to parallel with the street on which the flag lot fronts.



## 5.24. Fronting on a Public Street

- 5.24.1. Unless otherwise permitted by this Bylaw, the Development Officer shall only issue a development permit if the lot intended for development abuts and fronts upon a public street.
- 5.24.2. Notwithstanding Subsection 5.24.1, a lot existing on [adoption date] which does not have frontage directly abutting a public street, but which has legal access to the either of a private road created before [adoption date] or a public street, by a right-of-way or easement of no less than 6.0 metres in width, may be used for a purpose permitted in the zone in which the lot is located, and a structure may be constructed on the lot, provided that all other applicable provisions of this Bylaw are satisfied.
- 5.24.3. Where a specific frontage requirement is established for a use, structure, or building in this Land Use Bylaw, Subsection 5.24.2 shall not apply.
- 5.24.4. Notwithstanding other regulations of this Bylaw, development fronting on private roads created after [adoption date] shall be prohibited.

## 5.25. Habitation of Vehicles

- 5.25.1. No automobile, truck, bus, coach, streetcar, recreational vehicle, trailer, camper, or other motor vehicle or part thereof, with or without wheels, shall be used for human habitation or for commercial occupancy, except where a permit has been issued for temporary vending under the *Temporary Vending Bylaw* and for which a development permit shall not be required.
- 5.25.2. Notwithstanding Subsection 5.25.1, recreational vehicles or campers may be used for human habitation provided that:
- (a) such vehicle is not connected to Town services;
  - (b) such use does not extend for longer than a total of 30 days within any calendar year;
  - (c) such use is not used or intended to be used by the travelling public;
  - (d) such use is not located in the minimum front or flankage yard setback; and
  - (e) such use occurs only on a property with an established main dwelling.

## 5.26. Heavy Industrial Uses

- 5.26.1. Heavy industrial uses shall be prohibited.

## 5.27. Height Requirements

5.27.1. The height requirements of this Bylaw shall not apply to church spires, water tanks, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, cupolas, steeples, telecommunication towers, and any construction used for the mechanical operation of the building or structures such as a mechanical penthouse or elevator enclosures. For greater clarity, any construction used for the mechanical operation of a building or structure, such as a mechanical penthouse, shall not include any area dedicated to a use other than the mechanical operation of the building or structure.

## 5.28. Heritage Incentives

5.28.1. A property or building that is a municipally-, provincially-, or federally-registered heritage property shall be eligible for relaxations of Bylaw requirements as outlined in Table 5-1, Heritage Incentives.

**Table 5-1. Heritage Incentives.**

Use	Permitted Relaxation
(a) All uses	The minimum automobile parking space requirements of Part 6 shall not apply.
(b) Bed and Breakfast	The number of sleeping units permitted as-of-right increases by one (1) unit.
(c) Boarding House	The number of sleeping units permitted as-of-right increases by one (1) unit.
(d) Converted Dwelling	The number of dwelling units permitted as-of-right increases by one (1) unit.

5.28.2. A municipally-registered heritage property or building may assume a use not permitted by the land use zone in which the property or building is located, but permitted within the designation in which the property or building is located, through a development agreement, in accordance with Policy 4-84 of the Municipal Planning Strategy.

## **5.29. Home Offices and Studios**

- 5.29.1. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as a personal office or studio for residents of the dwelling unit provided the personal office or studio is not intended to be visited by members of the public.
- 5.29.2. No development permit shall be required for a personal office or studio that has no visiting members of the public.

## **5.30. Instruction of One or Two Students at a Time**

- 5.30.1. Nothing in this Bylaw shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of two (2) students at a time.
- 5.30.2. No development permit shall be required for the instruction of two (2) students at a time.

## **5.31. Home-based Businesses**

### **Home-based Business in Accessory Buildings**

- 5.31.1. Accessory buildings may be used to contain a home-based business provided the floor area of the business does not exceed the maximum area outlined in Subsection 5.31.4.

### **Home-based Businesses**

- 5.31.2. Home-based businesses shall not emit gas, fumes, dust, or objectionable odour, or create noise, vibrations, or light that would be considered uncustomary in a residential neighbourhood.
- 5.31.3. No portion of a home-based business shall be located outside of a main dwelling or accessory building.

5.31.4. Home-based businesses shall meet the following requirements:

**Table 5-2. Home-based businesses**

Regulation	Requirement
(a) Permitted uses in all zones	Art Gallery / Studio Business or Professional Office Commercial School – six (6) or fewer students Craft Product Workshop Day Care Centre Medical Clinic Personal Service Shops Animal Care - Pet Grooming Service and Repair Shop – excluding vehicle or small engine repair
(b) Maximum Floor Area of Home-based Business	25 percent of the gross floor area of the dwelling unit or 50 square metres, whichever is less. For greater clarity, home-based businesses shall be conducted entirely indoors.
(c) Outdoor Storage and Display	Outdoor storage and display shall not be permitted.
(d) Retail Sales	Retail sales shall be limited to the sale of products made, assembled, refined, or repaired on the premises; and the sale of goods or materials associated with the business.

### Home-based Businesses Signage

5.31.5. Notwithstanding Part 7 of this Bylaw, Signage, home-based business shall be permitted a maximum of one (1) non-illuminated ground sign or one (1) non-illuminated wall sign, with a sign area no greater than 1.0 square metre.

## 5.32. Illumination

5.32.1. Exterior lighting on any lot shall be directed away from, and shall not cause glare on, adjoining properties or adjacent streets.

### **5.33. Landscaping and Stormwater Management**

#### **General Landscaping Requirements**

- 5.33.1. The requirements of this Section shall apply to all development, except a change of use in a legally existing structure shall be exempt.
- 5.33.2. Any disturbed area of a site, which does not form part of a development, shall be restored at minimum with grass, ground covers, or nature meadow mixtures.
- 5.33.3. Any developed land not used for structures or devoted to a main use on the lot, parking and circulation areas, patios, outdoor storage and/or display, or urban agriculture, shall be landscaped with sod, trees, grasses, shrubs, flowers, creeping plants, street level rain gardens, and/or decorative pavers.
- 5.33.4. All landscaping required in this Land Use Bylaw shall be maintained in a healthy condition and shall be replaced if any required landscaping perishes.

#### **Stormwater Management**

- 5.33.5. Flat roofs and flat-roofed additions may be used as a rooftop garden.
- 5.33.6. Where in this Bylaw stable surfaces are required for means of transportation or parking or loading spaces, pervious pavement or pavers may be used.

### **5.34. Multiple Main Buildings**

- 5.34.1. Unless otherwise prohibited in this Bylaw, any number of main buildings may be located on the same lot, subject to applicable zone requirements.

### **5.35. Multiple Uses**

- 5.35.1. In any zone, where any land or building is used for more than one (1) purpose, all the provisions of this Bylaw relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot area or lot frontage, the higher more stringent standard shall prevail.

### **5.36. Non-conforming Uses**

- 5.36.1. Non-conforming uses shall be subject to the provisions for non-conforming uses of the *Municipal Government Act*, except a non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.

### **5.37. Non-conforming Structures**

- 5.37.1. Notwithstanding lot area, lot frontage, and minimum setback requirements of this Bylaw, the use of a non-conforming structure may be changed to any other use permitted in that zone, provided all other requirements of this Bylaw are met.
- 5.37.2. Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:
- (a) any such construction does not further infringe on the Bylaw requirements(s) that created the non-conformity; and
  - (b) all other requirements of this Bylaw are met.

### **5.38. Parking and Loading**

- 5.38.1. Parking and loading areas shall be provided in accordance with the applicable requirements of Part 6, Parking, of this Bylaw.

### **5.39. Parks and Playgrounds**

- 5.39.1. Parks and playground uses shall be permitted in all zones and shall not require a development permit.

## 5.40. Permitted Encroachments in Minimum Setbacks

- 5.40.1. Every part of any minimum setback required by this Bylaw shall be open and unobstructed by any structure, except those structures permitted in a minimum setback in this Bylaw, from the ground to sky.
- 5.40.2. Notwithstanding zone requirements and Subsection 5.40.1, the following structures may project into or be located in a required minimum setback in accordance with the distances set out in Table 5-3, below:

**Table 5-3. Permitted Setback Encroachment**

Structure	Required Setback in which Projection is Permitted	Permitted Encroachment Distance
(a) Barrier-free access (accessibility) structures	Any	To lot line
(b) Fire escapes	Rear and side	1.5 m
(c) Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m

## 5.41. Personal Storage Buildings

- 5.41.1. Where there is no other main building on a lot, a personal storage building less than 6.0 metres in height without plumbing and with a building footprint no greater than 20.0 square metres, but not including a shipping container, shall be permitted in any zone except the Open Shoreline (OS) Zone, provided the building is a minimum of 5.0 metres from the front lot line and that all other provisions of Section 5.2 of this Bylaw are satisfied as if the personal storage building were regarded as an accessory building or structure.



## **5.42. Public Utilities**

- 5.42.1. Unless otherwise stated, any public utility that is essential for the actual provision of a service, but not including wind turbine generators, solar collector systems, and telecommunication towers, shall be permitted in any zone and shall be exempt from lot requirements, from setbacks, and the requirements of 5.24 related to road frontage. These utilities include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.
- 5.42.2. For greater clarity, uses not directly related to the provision of service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such uses include, but are not limited to, administrative offices and maintenance depots.

## **5.43. Salvage Yards**

- 5.43.1. Salvage yards shall not be permitted in any zone.

## **5.44. Shipping Containers**

- 5.44.1. Shipping containers shall not be used for human habitation.
- 5.44.2. Notwithstanding Subsection 5.44.1, modified shipping containers may be integrated as building material into dwellings, except within the Architectural Control Overlay, indicated on Schedule 'B'.
- 5.44.3. Shipping containers shall not be used as accessory buildings or structures, with the following exceptions:
- (a) Temporary storage for a period not exceeding a total of 60 days in a calendar year, for which a temporary development permit has been issued by the Development Officer.
  - (b) In the Industrial General (IG) Zone, where the container(s) are not located in any front, flanking, or side yard.
  - (c) Buildings or structures accessory to an emergency services use or a hospital.

## **5.45. Short-term Rentals**

5.45.1. Short-term rentals in the Commercial Core Zone and Commercial General Zone shall:

- (a) require a development permit; and
- (b) shall not be permitted on the first floor.

5.45.2. Short-term rentals in all other zones, where permitted, shall be subject to the following requirements:

- (a) Short-term rentals shall require a development permit.
- (b) Short-term rentals shall be limited to one (1) unit per lot.
- (c) Short-term rentals shall not be permitted in an accessory dwelling.
- (d) Signage associated with a short-term rental shall not be permitted.
- (e) For this Subsection, where a lot contains a two-unit dwelling, triplex dwelling, or multi-unit dwelling, each individual dwelling shall be considered separate lots.
- (f) Short-term rentals shall only be permitted where proof of primary residency is provided to the Development Officer. Where there is more than one (1) dwelling on a lot, per Clause 5.45.2(e), the occupier of each dwelling unit shall be required to provide proof of primary residency.

## **5.46. Side Yard Requirements - Exceptions**

5.46.1. Notwithstanding anything else in the Bylaw, where buildings on adjacent lots share a common fire wall, the applicable side setback requirements shall be waived.

## **5.47. Signs and Advertising**

5.47.1. All signs shall be subject to the applicable requirements of Part 7, Signs, of this Bylaw.

## **5.48. Special Uses Permitted**

5.48.1. Nothing in this Bylaw shall prevent the use of land or the construction of temporary buildings, structures or signs for special occasions and holidays not to exceed two (2) weeks in duration and no development permit shall be required for such temporary uses, provided that such uses or structures remain in place for no more than seven (7) days following the termination of the special occasion or holiday.

#### **5.49. Solar Collector Systems - Accessory**

- 5.49.1. Accessory solar collector systems shall be permitted in all zones and shall require an interconnection agreement prior to the issuance of a development permit.
- 5.49.2. Accessory solar collector systems may be mounted as free-standing structures or on buildings.
- 5.49.3. Accessory solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2.0 metres.
- 5.49.4. Accessory solar collector systems mounted as free-standing structures shall:
  - (a) not exceed a height of 2.0 metres;
  - (b) not be located in any front or flankage yard; and
  - (c) not exceed a panel area of 5.0 square metres.

#### **5.50. Tree Identification and Replacement**

- 5.50.1. In any residential or unserviced zone, where a development with a lot coverage of greater than 20% is proposed, the applicant shall submit a tree identification and replacement plan, completed by a qualified professional, at the applicant's expense. Prior to the issuance of a development permit, the Town shall be satisfied the plan:
  - (a) identifies all trees on a plot plan with a diameter at breast height of 30 centimetres or greater that are to be removed or destroyed as a result of construction and development;
  - (b) outlines a replacement plan to replace each tree which has a diameter at breast height of 30 centimetres or greater, on the proposed lot, that are to be removed or destroyed as a result of construction and development, with a tree that has the potential to grow to a minimum of 30 centimetres in diameter at breast height; and
  - (c) if, in the opinion of the Development Officer, replanting trees is not possible on the site, for reasons including, but not limited to, lack of usable space on the lot, the Development Officer may require the planting of trees on another suitable location within the Town as identified by the Town Engineer.

## **5.51. Urban Agriculture Uses**

### **Urban Agricultural Use Requirements**

- 5.51.1. The sale of urban agricultural products grown or produced on-site, shall be permitted as an accessory use to an urban agricultural use.
- 5.51.2. Accessory structure associated with an urban agricultural use, such as, but not limited to, greenhouses, sales stands, and chicken coops, shall not exceed a height of 6.0 metres and shall be subject to all other accessory structure requirements of Section 5.2 and all other relevant zone restrictions for urban agricultural uses.

### **Keeping of Bees**

- 5.51.3. The keeping of bees as an urban agriculture use shall be permitted provided all beehives are located at least 3.0 metres from any lot line and shall be located in the rear yard or a side yard that is not a flankage yard.

### **Keeping of Chickens and/or Meat Rabbits as an Accessory Use**

- 5.51.4. The keeping of chickens and/or meat rabbits shall be permitted as an urban agriculture use shall be subject to the following requirements:
- (a) The number of chickens and/or meat rabbits permitted on a lot shall not exceed a combined total of six (6).
  - (b) The keeping of chickens and/or meat rabbits shall only be permitted where there is a main dwelling on the lot.
  - (c) Chickens shall be limited to laying hens.
  - (d) Chickens and meat rabbits shall be kept within an accessory structure subject to the provisions of Subsection 5.51.2 which shall be located in the rear yard or a side yard that is not a flankage yard, and shall not be permitted to run at large.

## **5.52. Visibility of Intersections**

- 5.52.1. Notwithstanding anything else in this Bylaw, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush, or tree, or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 metres above grade within the corner vision triangle.

## **5.53. Watercourse Buffer**

- 5.53.1. All development, with the exception of those developments listed in Subsection 5.53.3, shall be prohibited within 10.0 horizontal metres of the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- 5.53.2. In relation to a development, no person shall alter land levels and no natural vegetation shall be removed within 10.0 horizontal metres of the ordinary high water mark of watercourses identified on Schedule 'C', except:
- (a) to the extent necessary to accommodate developments listed in Subsection 5.53.3; and
  - (b) removal of vegetation to a maximum of 25 percent of the water frontage to facilitate views.
- 5.53.3. Development permitted within the watercourse buffer (subject to zone requirements and other requirements of this Bylaw) are:
- (a) Accessory buildings or structures, personal storage buildings, docks, wharves, piers, and slipways.
  - (b) Boardwalks, walkways and trails with a maximum width of 3.0 metres.
  - (c) The removal of vegetation and alterations to grade necessary to erect erosion control and flood control measures above the ordinary high water mark. Where vegetation has been removed in excess of that permitted, natural vegetation shall be reinstated.
  - (d) The removal of windblown, diseased, or dead trees deemed to be hazardous or unsafe.
  - (e) The limbing of tree branches for improved view plane and ventilation.
  - (f) Safety fences that do not exceed a height of 2.0 metres.
  - (g) Public streets and public infrastructure.

5.53.4. Where the size and configuration of a lot created prior to [adoption date] is such that no main building could be located on the lot the Development Officer may reduce the zone standards for minimum setbacks to the extent necessary to accommodate a main building not exceeding a footprint of 100 square metres, provided:

- (a) the watercourse or shoreline buffer has already been reduced to the maximum amount possible through the use of Section 5.54; and
- (b) all other requirements of this Bylaw are met.

5.53.5. Existing buildings located within the watercourse buffer may be reconstructed, renovated, repaired, moved, or replaced provided the work does not increase the building's footprint within the buffer or reduce the depth of the shoreline buffer and all other applicable requirements of this Bylaw are met.

#### **5.54. Watercourse Buffer Reduction**

5.54.1. Notwithstanding Subsection 5.53.1 and Subsection 5.53.2, the Development Officer may issue a Development Permit for a development within the watercourse buffer provided a detailed study, including a plot plan, prepared by a qualified person clearly demonstrates:

- (a) the proposed development is at least 2.0 metres in elevation above the ordinary high watermark and conforms with the vertical coastal elevation requirements of Section 5.12 of this Bylaw;
- (b) the proposed development is set back a minimum of 4.0 horizontal metres from the ordinary high watermark; and
- (c) the reduction of the buffer area does not increase the hazard posed by erosion, as determined by a qualified professional.

#### **5.55. Wind Turbines**

5.55.1. Wind turbines with a production capacity greater than 0.01 megawatts (10 kilowatts) are prohibited.

5.55.2. Wind turbines with a production capacity of 0.01 megawatts (10 kilowatts) or less shall be permitted in the Residential Unserved (RU) Zone subject to the following requirements:

- (a) the wind turbine height shall not exceed 7.0 metres;
- (b) wind turbines shall be limited to one (1) per lot; and
- (c) the wind turbine shall be a minimum of three (3) times the wind turbine height from any adjacent property lines or structure on the lot.

**5.56. Wharves, Piers, and Other Coastal Access Uses**

- 5.56.1. Wharves, piers, slipways, launching ramps and similar coastal access uses shall be permitted, without a development permit, in all zones.

**5.57. Wood-burning Furnaces and Waterstoves - Outdoor**

- 5.57.1. Outdoor waterstoves and outdoor wood-burning furnaces shall be prohibited in all zones.



## **6. Parking**

### **6.1. Exemption from Parking Requirements**

- 6.1.1. The requirements of this Part shall not apply to any land use that was legally in existence on the effective date of this Land Use Bylaw.
- 6.1.2. Where a change in use would require parking that could not be accommodated on the lot without the demolition, in whole or in part, of a main building legally existing on [adoption date] the Development Officer may consider a reduction in the number of parking spaces via the variance process as provided by Section 4.11.

### **6.2. Minimum Number of Parking Spaces Requirements**

- 6.2.1. No development permit shall be issued for any development unless off-street parking, located within the same zone and within 100.0 metres of the location it is intended to serve, is provided. The parking shall be provided and maintained in conformity with Table 6-1.
- 6.2.2. Where a development proposes to provide any required number of automobile parking spaces off-site, the parking spaces shall be subject to the following requirements:
  - (a) Off-site parking shall not be permitted for a residential use;
  - (b) Off-site parking shall only be permitted where four (4) or more parking spaces are required.
  - (c) The Development Officer shall be satisfied the proposed off-site parking cannot be reasonably provided on the same lot that requires the parking for reasons including, but not limited to, lack of usable space on the lot for parking, inadequate or unsafe access/egress to the lot, the presence of mature trees, or threat of natural hazards.
  - (d) Off-site parking shall only be permitted as a Parking Lot use and shall require a development permit.
  - (e) Prior to the issuance of a development permit for a Parking Lot use for off-site parking, in addition to the requirements of Part 16, a parking easement must be registered with the Nova Scotia Land Registry, registering the automobile parking spaces for the exclusive use of the benefited premise. For greater clarity, an off-site parking area may be used to service multiple premises or lots.
  - (f) The parking easement may be released when:

- i. the parking requirement is met through an alternate proposal, or the required number of parking spaces has been reduced; or
- ii. the use that requires off-site parking permanently ceases to operate and is confirmed in writing to the Development Officer.

6.2.3. Where the number of required parking spaces that is required is not defined in Table 6-1, the Development Officer shall determine the minimum number of automobile parking spaces based on the needs of the proposed development.

**Table 6-1. Minimum Automobile Parking Requirements**

Use	Parking Spaces Required
(a) Art Gallery / Studio	One (1) space
(b) Automobile Body or Repair Shop	Two (2) spaces per service bay
(c) Banks and Financial Institutions	One (1) space per 25 m <sup>2</sup> GFA
(d) Bed and Breakfast	One (1) space per every sleeping unit
(e) Boarding House	One (1) space plus one (1) additional space per every three (3) sleeping units
(f) Business or Professional Office	One (1) space per 50 m <sup>2</sup> GFA
(g) Commercial Recreation	One (1) space per 50 m <sup>2</sup> GFA
(h) Convenience Store	Three (3) spaces
(i) Dwellings – Converted, Two-unit, Single-unit, Triplex	Two (2) spaces per dwelling unit if located within an area identified on Appendix 'A'; or One (1) space per dwelling unit otherwise.
(j) Dwellings – Multi-unit	1.25 spaces per dwelling unit.
(k) Fixed-roof Overnight Accommodations	One (1) space per suite or rental unit.
(l) Funeral Home	One (1) space per 20 m <sup>2</sup> GFA dedicated to public use
(m) Home-based Business	One (1) space
(n) Licensed Liquor Establishment	One (1) space per 25 m <sup>2</sup> GFA
(o) Personal Service Shop	One (1) space per 50 m <sup>2</sup> GFA
(q) Post Office	Four (4) spaces
(r) Private Club	One (1) space per 30 m <sup>2</sup> GFA

(s) Restaurant – Drive-through, Eat-in	One (1) space per 20 m <sup>2</sup> GFA
(t) Restaurant – Take-out	Three (3) spaces
(u) Retail Store	One (1) space per 30 m <sup>2</sup> GFA
(v) School – Commercial	One (1) space per 50 m <sup>2</sup> GFA
(w) Service and Repair Shop	Three (3) spaces
(x) Veterinary Clinic	Three (3) spaces

6.2.4. Where a lot contains more than one (1) use, the number of required parking spaces shall be the sum of the number of parking spaces required for each use.

6.2.5. Where the number of automobile parking spaces required includes a fraction or fractions of whole spaces, the number of spaces for all uses shall be totaled before rounding, and then the total shall be rounded to the nearest whole number but shall not be zero (0). Half spaces shall be rounded down except where rounding would cause the number of required spaces to be zero (0).

6.2.6. Required automobile parking spaces shall be:

- (a) a minimum of 2.5 metres wide by 5.5 metres long for 90-degree spaces; and
- (b) a minimum of 3.6 metres wide by 5.7 metres long for angled spaces.

### **6.3. Parking Exemption Overlay**

6.3.1. For all non-residential uses, the minimum parking requirements of Section 6.2 and the loading space requirements of Section 6.6 shall not apply to areas within the Parking Exemption Overlay, as shown on Schedule 'D'.

### **6.4. Parking Location**

6.4.1. Automobile parking spaces shall not be located in the front or flankage yard in the Commercial Core (CC) Zone or the Residential Multi-unit (RM) Zone.

6.4.2. No more than three (3) parking spaces shall be located in the front yard of any dwelling.

## **6.5. Automobile Parking Area Standards**

- 6.5.1. Where parking facilities for more than four (4) automobiles are required or provided, the facilities shall meet the following requirements:
- (a) The parking area shall be maintained with a stable surface, including, but not limited to, asphalt, concrete, and permeable pavers, that is treated to prevent the raising of dust or loose particles.
  - (b) Any lights used for illumination of the parking lot shall be arranged as to divert light away from streets, adjacent lots and buildings.
  - (c) Any structure for the use of a parking attendant shall not be permitted.
  - (d) When the parking area is of permanent hard surface, each parking space and the direction of travel shall be clearly marked and maintained as such.
  - (e) All means of ingress and egress shall be approved by the Town's Traffic Authority.
  - (f) The width of a driveway leading to parking or loading areas or a driveway or aisle in a parking area, shall be a minimum of 3.0 metres for one-way traffic and a minimum of 6.0 metres for two-way traffic, and the maximum width of a driveway shall be 9.0 metres.

## 6.6. Loading Spaces

- 6.6.1. In every zone except the Commercial Core (CC) Zone, no person shall erect or use any building or structure for manufacturing, non-residential storage, warehouse, department store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary, or other use involving the frequent shipping, loading, or unloading of persons, animals or goods, unless there is maintained on the same premises one (1) off-street space of standing loading and unloading for every 2,700.0 square metres or fraction thereof of gross floor area used for any such purpose.
- 6.6.2. Each loading space shall be at least 4.0 metres wide by 12.0 metres long, with a minimum of 4.3 metres height clearance.
- 6.6.3. Notwithstanding Subsection 6.6.1, the provision of a loading space for any building or use with less than 300 square metres of gross floor area shall be optional.
- ~~6.6.4.~~ Loading spaces shall not be located within any required minimum front setback or be located within any yard that abuts the Residential Core (RC) Zone, the Residential General (RG) Zone, the Residential Multi-unit (RM) Zone, or the Conservation (C) Zone unless, in the opinion of the Development Officer, the minimum front setback or the rear yard that abuts the aforementioned zones is the only possible option due to the structure's placement on the lot or because of abutting zone restrictions.
- 6.6.5. Loading space areas, including driveways leading thereto, shall be constructed and maintained with a stable surface treated so as to prevent the raising of dust or loose particles.
- 6.6.6. Access and egress for the required loading space areas shall be provided by means of unobstructed driveways of a minimum wide of 3.0 metres for one-way traffic or a minimum of 6.0 metres for two-way traffic.

## 6.7. Commercial Vehicles in Residential Zones

- 6.7.1. Commercial vehicles parked overnight in the Residential Core (RC) Zone, the Residential General (RG) Zone, or the Residential Multi-unit (RM) Zone shall be subject to the following conditions and no development permit shall be required:
- (a) Not more than two (2) commercial vehicles, including taxis, shall be parked overnight per lot.
  - (b) The commercial vehicle shall be personally used by a tenant, resident, or owner of the lot.
  - (c)** The commercial vehicle shall not include an operating refrigeration unit.

## 6.8. Minimum Number of Bicycle Parking Spaces

- 6.8.1. Within the Commercial Core (CC) Zone, the Commercial General (CG) Zone, and the Institutional (I) Zone, for every building or structure to be erected or enlarged, or for any change of use, bicycle parking spaces shall be provided in accordance with Table 6-2, Minimum Bicycle Parking Requirements.

**Table 6-2. Minimum Bicycle Parking Requirements**

Use	Bicycle Parking Spaces Required
(a) Business or Professional Office	Two (2) spaces
(b) Commercial Recreation	Two (2) spaces
(c) Convenience Store	Two (2) spaces
(d) Dwellings – Grouped, Multi-unit	One (1) space per every two (2) units
(e) Fixed-roof Overnight Accommodations	One (1) space per every 10 suites or rental unit.
(f) Personal Service Shop	Two (2) spaces
(g) Post Office	Two (2) spaces
(h) Private Club	Two (2) spaces
(i) Restaurant – Drive-through, Eat-in	Two (2) spaces
(j) Restaurant – Take-out	Two (2) spaces
(k) Retail Store	Two (2) spaces
(l) School – Commercial	Two (2) spaces

## **6.9. Bicycle Parking Instead of Automobile Parking Spaces**

- 6.9.1. The minimum number of automobile parking spaces required for a use, as outlined in Section 6.2, shall be reduced by one (1) for every four (4) bicycle parking spaces provided in excess of the requirements of Section 6.8 and that meets the standards of Section 6.10. This substitution shall not apply to single-unit dwellings, two-unit dwellings, triplex dwellings, or short-term rentals.
- 6.9.2. The maximum reduction of automobile parking spaces provided by Subsection 6.9.1 shall be limited to three (3) automobile parking spaces or 10 percent of the required automobile parking spaces, whichever is greater.

## **6.10. Bicycle Parking Space Standards**

- 6.10.1. Each bicycle parking space provided shall:
- (a) be located between the main building and the front lot line unless the building is a grouped or multi-unit dwelling or unless, in the opinion of the Development Officer, this location is not possible due to the main building being located on or near the front lot line;
  - (b) be accessible to the public;
  - (c) have a minimum width of 0.6 metres and a minimum length of 2.0 metres;
  - (d) be free of obstructions to a height of 3.0 metres;
  - (e) be surfaced with asphalt, concrete, interlocking paving stones or with a stable surface treated so as to prevent the raising of dust or loose particles;
  - (f) not obstruct automobile or pedestrian circulation;
  - (g) be accessed by an access lane with a minimum unobstructed width of 1.2 metres;
  - (h) include an "inverted U" or "post-and-ring" bicycle rack that:
    - i. is located on one side of the parking space and oriented parallel to the length of the parking space;
    - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space;
    - iii. is made of metal.
- 6.10.2. For greater clarity, one (1) bicycle rack may be used to fulfill the rack requirements for two (2) adjacent bicycle parking spaces by placing it on the shared border of the two (2) spaces.



## 7. Signs

### 7.1. Signage Provisions for All Zones

- 7.1.1. All signs and all parts thereof, including copy, framework, supports, background, and anchors shall be kept in a good state of repair and working order.
- 7.1.2. Any sign that no longer advertises a bona fide business conducted or a product sold are deemed to be obsolete and shall be removed once the use has been discontinued for a period exceeding 60 days. In the case of seasonal businesses, the use shall be considered discontinued on December 31<sup>st</sup> of a calendar year if the use was not operated in that calendar year.
- 7.1.3. Where this Part is inconsistent with the regulations made or administered by the Province of Nova Scotia respecting advertising signs on or near public highways, the more restrictive regulations shall apply.
- 7.1.4. No person shall erect or relocate any signs, except those permitted under Section 7.3, Signs Permitted in All Zones, without first obtaining a development permit from the Development Officer, and no development permit shall be issued to erect a sign unless all the provisions of this Bylaw are satisfied.
- 7.1.5. A development permit shall not be required for:
  - (a) a changeable copy sign with a valid development permit, where the changeable portion of the sign is altered so long as the sign or sign structure is not modified in any other way; or
  - (b) the repainting, cleaning, or repairing of a sign or sign structure, for which has a valid development permit, so long as the sign or sign structure is not modified in any other way. For greater clarity, this provision shall not apply where the repainting, cleaning, or repairing of a sign results in a wholly new business or organization being advertised.

## **7.2. Signs Prohibited in All Zones**

7.2.1. Notwithstanding any other provision of this Bylaw, the following signs shall not be permitted in any zone:

- (a) signs or sign structures that constitutes a hazard to public health or safety;
- (b) signs that obstruct free ingress to or egress from a fire escape door, window or other required exit way;
- (c) signs that obstruct access to any fire hydrant or firefighting hose connection;
- (d) signs which have any visible moving part or mechanical movement of any description;
- (e) flashing or animated signs;
- (f) signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or other similar words, phrases, symbols, lights, or characters displayed in such a manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) signs on public property or within a public right-of-way, unless erected by a government body or unless written permission to do so has been obtained from the governmental body and it conforms to any applicable policies;
- (h) signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object;
- (i) signs that, by reason of size, location, content, colouring or manner of illumination, obstruct the vision of automobile drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
- (j) portable signs, except those permitted under Section 7.11, Sandwich Board Signs;
- (k) signs located on the roof of any structure; and
- (l) all signs that are not expressly permitted in this Bylaw.

### **7.3. Signs Permitted in All Zones**

7.3.1. Notwithstanding any other provisions of this Bylaw, the following signs are permitted in all zones without the requirement for a development permit:

- (a) "No Trespassing" signs or other such signs regulating the use of a property, and of not more than 0.2 square metres in sign area.
- (b) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, safety signs, signs identifying public schools, public election lists, signs giving legal notice, planning application signs, and public identification and information signs.
- (c) Election signs on private property.
- (d) Memorial signs or tablets and signs denoting the date of erection of a structure.
- (e) A maximum of two (2) real estate signs on a property, each one not exceeding 0.5 square metres in sign area, which advertise the sale, rental, or lease of the premise.
- (f) Signs identifying the name and occupation of the resident, and of not more than 0.2 square metres in sign area.
- (g) Signs bearing the name or civic number of a building, and of not more than 0.2 square metres in sign area.
- (h) Signs mounted on the interior surface of sporting facilities such as, but not limited to, signs mounted on baseball diamond fences.
- (i) Signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function of various parts of a building or premise, provided that such signs are less than 0.5 square metres in sign area.
- (j) The flag, pennant, or insignia of any nation, province, or state or of any religious, charitable, or fraternal organization.
- (k) Interpretive panels describing the history, science, or cultural relevance of a location and bearing no commercial advertising.
- (l) A sign incidental to the construction of a residential, commercial, or industrial building, which is located on the same lot as the structure under construction. Such sign shall have a sign area of no more than six (6) square metres and shall be removed within sixty days following the completion of construction.

- (m) Temporary signs associated with a specific event and bearing no commercial advertising, which does not exceed 1.5 metres in sign area that is located on the lot which the event is taking place upon. Such signs shall not be placed more than 14 calendar days before an event and shall be removed within seven (7) of the event's conclusion.
- (n) Signs erected in compliance with any Town of Mahone Bay signage program and holding a valid permit as may be required by any bylaw or Council policy applicable to any such program.

#### **7.4. Illumination**

- 7.4.1. Signs, except within residential zones, may be internally illuminated or illuminated through the use of shielded downlighting, but such illumination shall not flash.
- 7.4.2. Any sign, or part thereof, which is illuminated, shall not project illumination onto adjacent properties.

#### **7.5. Non-commercial Signs**

- 7.5.1. Signs which are not associated with a special occasion and are not otherwise permitted by the Bylaw may be permitted in any zone, but:
  - (a) shall not exceed 1.0 square metre in sign area on each side;
  - (b) shall not display any commercial advertising; and
  - (c) shall require a temporary development permit issued by the Development Officer for which the sign may remain on display for a maximum of 30 days in a calendar year.

#### **7.6. Ground Signs**

- 7.6.1. Ground signs:
  - (a) shall not exceed a height of 6.0 metres, from grade to the highest part of the sign;
  - (b) shall not exceed 2.2 square metres in sign area for each side of the sign;
  - (c) shall not exceed the limit on the total area of all ground signs on a lot which is 0.09 square metres for each 0.3 metre of the front wall of the building in which the business is located;
  - (d) shall not project over a corner lot sight triangle or a lot line; and
  - (e) shall have a minimum setback of 1.0 metre between any supporting sign structure and lot lines.

## **7.7. Electronic Message Board and Changeable Copy Signs**

- 7.7.1. Any permitted sign, or portion thereof, may be a changeable copy sign panel, subject to all applicable criteria for the type of permitted sign.
- 7.7.2. In the Commercial General (CG) Zone, a maximum of 25 percent of the permitted area for ground signs may be dedicated as an electronic message board sign, subject to all applicable criteria for ground signs and electrical message board signs.
- 7.7.3. Electronic message board shall:
- (a) display a black, non-illuminated screen outside of the business' normal operating hours;
  - (b) not flash or display animation;
  - (c) not exceed 1100 lumens; and
  - (d) not change messages more often than once every 10 seconds.

## **7.8. Projecting Wall Signs**

- 7.8.1. A projecting wall sign shall not:
- (a) exceed 1.9 square metres in sign area for each side of the sign;
  - (b) project over a public street or highway beyond the curb line or highway shoulder at a height less than 4.15 metres;
  - (c) exceed the limit on the total area of all projecting wall signs on a lot which is 0.09 square metres for each 0.3 metres of the front wall of the building in which the business is located;
  - (d) project over a corner vision triangle;
  - (e) project above the eaves, parapet, or roof line of a building;
  - (f) be permitted to swing freely on its supports without the installation of a suitable catch, chain, or other control device; and
  - (g) be less than 2.5 metres above grade at its lowest point.
- 7.8.2. Where any projecting wall sign projects over any street or street right-of-way, a permit issued by the Town's Traffic Authority shall be required.

## **7.9. Wall Signs**

### **7.9.1. Wall signs:**

- (a) shall not exceed a sign area of 0.1 square metre per 0.3 lineal metre of the wall on which the sign is affixed. The total sign area for a wall sign shall not exceed 9.25 square metres, except in the case of multiple tenancy buildings, where the limit shall be 11.6 square metres.
- (b) shall not extend beyond the wall to which they are affixed.

## **7.10. Window Signs**

### **7.10.1. Window signs:**

- (a) shall not exceed 50 percent of the window's total area.

## **7.11. Sandwich Board Signs**

### **7.11.1. In all zones except the Residential Core (RC) Zone, the Residential General (RG) Zone, or the Residential Multi-unit (RM) Zone, where sandwich board signs shall be prohibited, sandwich board signs shall be permitted without a development permit, provided:**

- (a) such signs shall not exceed 1.2 metres in height and 1.0 metre in width;
- (b) the number of such signs shall not exceed one (1) per lot;
- (c) the sign shall not be located within the boundaries of a public street without a permit issued by the Town's Traffic Authority.

## **7.12. Off-Premise Signs**

### **7.12.1. Except as provided for by Section 7.11, no sign shall be erected or used for commercial advertising except where the sign is located on the same lot as the establishment which it advertises.**

## **7.13. Signs in Residential Zones**

### **7.13.1. Other than those signs identified in Section 7.3, Signs Permitted in all Zones, no sign shall be located within any residential zone, unless:**

- (a) the sign advertises a bona fide home-based business, per Section 5.31 of this Land Use Bylaw.

#### **7.14. Abutting Zone Requirements for Signs**

- 7.14.1. Where a commercial zone or an industrial zone abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, or the Parks and Open Space (PO) Zone, signs located in abutting yards shall be subject to the following requirements:
- (a) signs shall not be illuminated; and
  - (b) all signs shall be set back at least 3.0 metres from the abutting property lines.



## 8. Residential Zones

### 8.1. Special Requirements for Residential Zones

- 8.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Residential Core (RC) Zone, the Residential General (RG) Zone, and the Residential Multi-unit (RM) Zone shall be subject to the requirements of this Section.

#### **Bed and Breakfasts**

- 8.1.2. Bed and breakfast establishments shall meet the following requirements:
- (a) No structural alterations shall be made to increase the number of entrances in the front or side of the dwelling, except for those required by the Building Code.
  - (b) Two (2) parking spaces shall be permitted in the front and flanking yard. All other parking shall be provided in the side or rear yard and shall be screened or fenced from abutting residential properties.

#### **One Main Building on a Lot**

- 8.1.3. Notwithstanding Section 5.34, only one main building shall be permitted on a lot, with the following exceptions, where the use is permitted in a zone:
- (a) nursing homes;
  - (b) residential care facilities; and
  - (c) grouped dwellings.

#### **Mobile and Mini Homes**

- 8.1.4. Mobile homes and mini homes, where permitted, shall:
- (a) be limited to one (1) mobile home or mini home per lot;
  - (b) have a length to width ratio no greater than 1:3;
  - (c) remove any towing apparatus before occupation; and
  - (d) be placed on a permanent foundation or include visual skirting around the base of the dwelling to screen the area located from grade to the base of the structure.

#### **Grouped Dwellings**

- 8.1.5. Council shall require a shared servicing plan, prepared by a qualified professional, to ensure any shared services do not become the maintenance responsibility of the Town.

## **8.2. Permitted Uses in the Residential Zones**

- 8.2.1. The following tables shall outline the permitted uses in the Residential Core (RC) Zone, the Residential General (RG) Zone, and the Residential Multi-unit (RM) Zone, subject to the following scheme:
- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
  - (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
  - (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
  - (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

## Residential Uses in the Residential Zones

	RC	RG	RM
Accessory Dwelling	P	P	P
Bed and Breakfast			
» 6 or fewer sleeping units	P	P	P
» More than 6 sleeping units	-	DA	DA
Boarding House			
» 4 or fewer sleeping units	P	P	P
» More than 4 sleeping units	-	DA	DA
Converted Dwelling			
» 5 or fewer dwelling units	DA	P	P
» More than 5 dwelling units	-	DA	DA
Grouped Dwelling			
» 2 dwelling units	P	P	-
» 3 to 4 dwelling units	S	S	P
» 5 to 8 dwelling units	-	S	P
» 9 to 12 dwelling units	-	-	S
Home-based Business	P	P	P
Mini Home	P	P	-
Mobile Home	P	P	-
Multi-unit Dwelling			
» 4 dwelling units	P	P	P
» 5 to 8 dwelling units	-	P	P
» More than 8 dwelling units	-	-	S
Nursing Home	-	-	DA
Residential Care Facility	-	-	S
Two-unit Dwelling	P	P	-
Short-term Rental	P	P	P
Single-unit Dwelling	P	P	-
Small Options Home	P	P	-
Triplex Dwelling	P	P	P

P = permitted | S = site plan | DA = development agreement

## Other Uses in the Residential Zones

	RC	RG	RM
Emergency Services	-	-	P
Government Buildings and Uses	P	P	P
Parks and Playgrounds	P	P	P
Places of Workshop	P	P	P
Recreational Uses	P	P	P
School – Academic	P	P	P
Conservation Uses	P	P	P
Urban Agricultural Uses	P	P	P

P = permitted | S = site plan | DA = development agreement

### 8.3. Residential Core Zone Development Standards

- 8.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Core (RC) Zone unless the following requirements are met:

Requirement	Grouped Dwelling	All Other Permitted Uses
(a) Minimum Front/Flanking Setback	4.5 m	4.5 m
(b) Minimum Rear Setback	4.5 m	4.5 m
(c) Minimum Side Setback	2.0 m	2.0 m
(d) Maximum Structure Height	13.5 m	13.5 m
(e) Maximum Lot Coverage	40%	40%

- 8.3.2. The following minimum standards shall apply to lots in the Residential Core (RC) Zone:

Requirement	Grouped Dwelling	All Other Permitted Uses
(a) Minimum Lot Area i. Serviced lot ii. Unserviced lot	250.0 m <sup>2</sup> /DU Minimum required by NSE for septic approval	450.0 m <sup>2</sup> Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	12.0 m	12.0 m

NSE = Nova Scotia Department of Environment and Climate Change

DU = Dwelling Unit

## 8.4. Residential General Zone Development Standards

- 8.4.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential General (RG) Zone unless the following requirements are met:

Requirement	Triplex, Multi-unit, Grouped Dwelling	All Other Permitted Uses
(a) Minimum Front/Flanking Setback	4.5 m	4.5 m
(b) Minimum Rear Setback	4.5 m	4.5 m
(c) Minimum Side Setback	3.0 m	3.0 m
(d) Maximum Structure Height	13.5 m	13.5 m
(e) Maximum Lot Coverage	40%	40%

- 8.4.2. The following minimum standards shall apply to lots in the Residential General (RG) Zone:

Requirement	Triplex, Multi-unit, Grouped Dwelling	All Other Permitted Uses
(a) Minimum Lot Area i. Serviced lot ii. Unserviced lot	165.0 m <sup>2</sup> /DU Minimum required by NSE for septic approval	500.0 m <sup>2</sup> Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	12.0 m	12.0 m

NSE = Nova Scotia Department of Environment and Climate Change  
DU = Dwelling Unit

## 8.5. Residential Multi-unit Zone Development Standards

- 8.5.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Multi-unit (RM) Zone unless the following requirements are met:

Requirement	Triplex, Multi-unit, Grouped Dwelling; Residential Care Facilities	All Other Permitted Uses
(a) Minimum Front/Flanking Setback	5.0 m	5.0 m
(b) Minimum Rear Setback	5.0 m	5.0 m
(c) Minimum Side Setback	5.0 m	3.0 m
(d) Maximum Structure Height	13.5 m	13.5 m
(e) Maximum Lot Coverage	50%	50%

- 8.5.2. The following minimum standards shall apply to lots in Residential Multi-unit (RM) Zone:

Requirement	Triplex, Multi-unit, Grouped Dwelling; Residential Care Facilities	All Other Permitted Uses
(a) Minimum Lot Area i. Serviced lot ii. Unserviced lot	125.0 m <sup>2</sup> /DU Minimum required by NSE for septic approval	400.0 m <sup>2</sup> Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	15.0 m	12.0 m

NSE = Nova Scotia Department of Environment and Climate Change

DU = Dwelling Unit



## 9. Commercial Zones

### 9.1. Special Requirements for Commercial Zones

- 9.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Commercial Core (CC) Zone and the Commercial General (CG) Zone shall be subject to the requirements of this Section.

#### Abutting Requirements

- 9.1.2. Where a commercial zone abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, the Open Shoreline (OS) Zone, or the Parks and Open Space (PO) Zone, the following restrictions shall apply to an abutting yard for commercial zones:

- (a) the minimum side and rear yard setbacks for main buildings and structures and uses, excluding fences, in an abutting yard shall be 6.0 metres;
- (b) the minimum side and rear yard setback for outdoor storage and outdoor display shall be 8.0 metres;
- (c) no parking, driveway or travel surfaces shall be permitted within the abutting yard setbacks;
- (d) side and rear yards shall be screened from view by an opaque wooden or simulated wooden fence with a maximum spacing of 5.0 centimetres between slats and a minimum of 2.0 metres high or by a mixture of coniferous and deciduous trees, to provide screening of the commercial use, parking and driveways, and outdoor storage.

#### Outdoor Storage and Display

- 9.1.3. Outdoor storage and display shall be prohibited in the front and flankage yards.
- 9.1.4. The combined total area of any outdoor storage and outdoor display shall not exceed 50 percent of the ground floor area of the main building or structure on the lot.

### **Awnings and Canopies**

9.1.5. Notwithstanding other regulations of this Bylaw, an awning or canopy may be permitted within the Commercial Core (CC) Zone and the Commercial General (CG) Zone by development permit provided a permit has been issued by the Town for the awning or canopy, but the awning or canopy shall not:

- (a) project over a public street beyond the curb line or edge of the travelled way; or
- (b) project over a public street below a height of 2.5 metres above grade.

### **Ground Floor Commercial Uses Required**

9.1.6. In the Commercial Core (CC) Zone and Commercial General (CG) Zone, the following portions of any main building shall be retained for non-residential uses permitted in the zone:

- (a) at least 50% of the façade width on the building level closest in elevation to the street from which the building gains its principal access, and extending horizontally back from that street a minimum of 6 metres measured perpendicularly from the outside wall of that façade; and
- (b) at least 50% of the floor area of the level closest in elevation to the street from which the building gains its principal access.

9.1.7. Within the Commercial Core (CC) Zone, sleeping units for fixed-roof overnight accommodation uses shall not be permitted within the area reserved for non-residential uses, as identified in Subsection 9.1.6.

9.1.8. Where multiple main buildings are located on a lot, the requirements of Subsection 9.1.6 shall only apply to the main building(s) located closest to the front lot line and the main building(s) located closest to the flankage lot line (where applicable).

### **Existing Residential Uses**

9.1.9. Legally existing residential uses existing on [adoption date] in the commercial zones shall be considered fully conforming uses and shall be permitted to expand.

### **Density of Multi-unit and Grouped Dwellings**

9.1.10. In the Commercial General (CG) Zone, multi-unit dwellings and grouped dwellings located in the rear yard of commercial buildings shall be permitted to a density of one dwelling unit per 125.0 square metres of total lot area.

## 9.2. Permitted Uses in the Commercial Zones

9.2.1. The following tables shall outline the permitted uses in the Commercial Core (CC) Zone and the Commercial General (CG) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

## Residential Uses in the Commercial Zones

	CC	CG
Bed and Breakfast		
» 6 or fewer sleeping units	P	P
» More than 6 sleeping units	DA	-
Boarding House		
» 4 or fewer sleeping units	-	P
» More than 4 sleeping units	-	DA
Grouped Dwellings – in rear yard of a commercial building	-	S
Home-based Business	P	P
Multi-unit Dwelling		
» In rear yard of a commercial building	-	S
» With no commercial use on the lot	DA	DA
» Within a commercial building	S	S
Nursing Home	DA	DA
Short-term Rental	P	P
Single-unit Dwelling – Existing	P	P
Single-unit Dwelling – within a commercial building	P	P
Two-unit Dwelling – within a commercial building	P	P
Triplex Dwelling – within a commercial building	P	P

P = permitted | S = site plan | DA = development agreement

## Commercial and Industrial Uses in the Commercial Zones

	CC	CG
Animal Care	P	P
Animal Shelter	-	DA
Art Gallery / Studio	P	P
Automobile Body Shop	-	DA
Automobile Repair Shop	-	P
Automobile Sales	-	P
Automobile Service Station	-	P
Banks and Financial Institutions		
» With drive-through	-	S
» Without drive-through	P	P
Boat and Marine Sales	DA	-
Business or Professional Office	P	P
Commercial Recreation		
» Indoor	-	P
» Outdoor	-	P
Convenience Store	P	P
Craft Shop	P	P
Day Care Centre	P	P
Electric Vehicle Charging – Commercial	-	P
Farm Market	P	P
Fixed-roof Overnight Accommodation	P	P
Funeral Home		
» Without crematorium	-	P
» With crematorium	-	DA
Garden Centre	-	S
Licensed Liquor Establishments		
» GFA less than 111 m <sup>2</sup>	S	S
» GFA 111 m <sup>2</sup> or greater	DA	DA
Marina	DA	-
Marine Recreation Provider	S	S

P = permitted | S = site plan | DA = development agreement

	CC	CG
Personal Service Shop	P	P
Post Office	P	P
Radio and Television Stations	-	P
Restaurant		
» Drive-through	-	S
» Eat-in	P	P
» Take-out	P	P
Retail Lumber and Home Improvement Yard	-	S
Retail Development		
» Less than 300 m <sup>2</sup> GFA	P	P
» 300 m <sup>2</sup> or greater GFA	-	DA
Service and Repair Shop	P	P
Taxi and Bus Station	-	P
Veterinary Clinic	P	P

P = permitted | S = site plan | DA = development agreement

## Other Uses in the Commercial Zones

	CC	CG
Community Centre	-	P
Cultural Facilities	P	P
Emergency Services	P	P
Extended Care Facility	DA	P
Government Buildings and Uses	P	P
Hospital	-	P
Interpretive Centre	P	P
Medical Clinic	P	P
Commercial Parking Lot	-	S
Parks and Playgrounds	P	P
Places of Worship	P	P
Recreation Centre	-	P
Recreational Uses	P	P
School		
» Academic	-	-
» Commercial	S	P
» Post-secondary	-	P
Conservation Uses	P	P
Urban Agricultural Uses	P	P

P = permitted | S = site plan | DA = development agreement



### 9.3. Commercial Core Zone Development Standards

- 9.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Commercial Core (CC) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front Setback	1.5 m
(b) Minimum Flanking Setback	0.0 m
(c) Maximum Front/Flanking Setback	3.0 m
(d) Minimum Rear Setback	3.0 m
(e) Minimum Side Setback	1.5 m
(f) Maximum Structure Height	13.5 m

- 9.3.2. The following minimum standards shall apply to lots in Commercial Core (CC) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area i. Serviced lot	375.0 m <sup>2</sup>
(b) Minimum Lot Frontage	6.0 m

## 9.4. Commercial General Zone Development Standards

- 9.4.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Commercial General (CG) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front/Flanking Setback	3.0 m
(b) Minimum Rear Setback	3.0 m
(c) Minimum Side Setback	1.5 m
(d) Maximum Structure Height	13.5 m

- 9.4.2. The following minimum standards shall apply to lots in Commercial General (CG) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area	
i. Serviced lot	500.0 m <sup>2</sup>
ii. Unserviced lot	Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	12.0 m

NSE = Nova Scotia Department of Environment and Climate Change

## 10. Industrial Zones

### 10.1. Special Requirements for Industrial Zones

10.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Industrial General (IG) Zone shall be subject to the requirements of this Section.

#### **Abutting Requirements**

10.1.2. Where an industrial use abuts a residential zone, the Conservation (C) Zone, the Institutional (I) Zone, the Open Shoreline (OS) Zone, or the Parks and Open Space (PO) Zone, the following restrictions shall apply to an abutting yard for industrial zones:

- (a) the minimum side and rear yard setbacks for all buildings and structures and uses, excluding fences, in an abutting yard shall be 12.0 metres;
- (b) the minimum side and rear yard setback for outdoor storage and outdoor display in an abutting yard shall be 15.0 metres;
- (c) no parking, driveway or travel surface shall be permitted within the abutting yard setbacks;
- (d) side and rear yards shall be screened from view by an opaque fence a minimum of 2.0 metres high or by a mixture of coniferous and deciduous trees, to provide screening of the industrial use, parking and driveways, and outdoor storage.

#### **Open Storage and Outdoor Display**

10.1.3. The following restrictions shall apply to open storage and outdoor display in the Industrial General (IG) Zone:

- (a) open storage or outdoor display shall not be permitted within the required minimum front or flankage yard setback; and
- (b) the area devoted to open storage or outdoor display shall not exceed 50 percent of the lot area.

## 10.2. Permitted Uses in the Industrial Zone

10.2.1. The following tables shall outline the permitted uses in the Industrial General (IG) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

10.2.2. Notwithstanding Subsection 10.2.1, on PID 60419538 commercial and industrial uses identified as permitted or permitted by site plan approval in the following tables shall only be considered via development agreement, subject to the appropriate policy in the Municipal Planning Strategy.

## Commercial and Industrial Uses in the Industrial Zones

	IG
Animal Care	P
Automobile Body Shop	P
Automobile Repair Shop	P
Automobile Sales	P
Automobile Service Station	P
Boat and Marine Sales	P
Building Material and Equipment Depots	P
Electric Vehicle Charging – Commercial	P
Electricity Production Industries	P
Fishery Related Industries	P
Heavy Equipment Sales and Rentals	P
Light Manufacturing	P
Manufacturing	P
Marina	P
Micro-brewery	S
Micro-distillery	S
Post Office	P
Recycling Depot	P
Retail Lumber and Home Improvement Yard	P
Retail Store	P
Self-Storage Facility	P
Service and Repair Shop	P

P = permitted | S = site plan | DA = development agreement

	IG
Solar Collector System – Commercial	P
Taxi and Bus Station	P
Transportation Services	P
Warehouse	P

P = permitted | S = site plan | DA = development agreement

### Other Uses in the Industrial Zones

	IG
Commercial Recreation, Outdoor	P
Emergency Services	P
Parks and Playgrounds	P
Government Buildings and Uses	P
Commercial Parking Lot	S
Recreation Centre	P
Recreational Uses	P
School	
» Post-Secondary, limited to trade schools	P
Conservation Uses	P
Urban Agricultural Uses	P

P = permitted | S = site plan | DA = development agreement

### 10.3. Industrial General Zone Development Standards

10.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Industrial General (IG) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front/Flanking Setback	5.0 m
(b) Minimum Rear Setback	
i. Main Structure	4.5 m
ii. Accessory Structure	4.5 m
(c) Minimum Side Setback	4.5 m
(d) Maximum Structure Height	13.5 m

10.3.2. The following minimum standards shall apply to lots in Industrial General (IG) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area	
i. Serviced lot	1,860.0 m <sup>2</sup>
ii. Unserviced lot	Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	30.0 m

NSE = Nova Scotia Department of Environment and Climate Change



## 11. Unserved Zones

### 11.1. Special Requirements for Unserved Zones

11.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Residential Unserved (RU) Zone shall be subject to the requirements of this section.

#### **Bed and Breakfasts**

11.1.2. Bed and breakfast establishments shall meet the following requirements:

- (a) No structural alterations shall be made to increase the number of entrances in the front or side of the dwelling, except for those required by the Building Code.
- (b) Two (2) parking spaces shall be permitted in the front yard. All other parking shall be provided in the side or rear yard and shall be screened or fenced from abutting residential properties.

#### **One Main Building on a Lot**

11.1.3. Notwithstanding Section 5.34, only one main building shall be permitted on a lot, with the following exceptions, where the use is permitted in a zone:

- (a) Grouped dwellings

#### **Forestry Uses**

11.1.4. Forestry uses shall be subject to the following requirements:

- (a) A separation distance of 150.0 metres shall be required between any sawmill, shingle mill, or wood finishing mill adjacent to a residential or institutional use.
- (b) Outdoor storage relating to sawmills, shingle mills, or wood finishing mills shall be screened from view by fence a minimum 1.5 metres in height or vegetative screen, where the yard used for storage abuts a residential or institutional use
- (c) The maximum total area devoted to forestry uses (including indoor and outdoor areas) shall be 200.0 square metres.

## **Mobile Homes**

11.1.5. Mobile homes, where permitted, shall:

- (a) be limited to a single mobile home per lot;
- (b) remove any towing apparatus before occupation; and
- (c) be placed on a permanent foundation to the satisfaction of the Building Official or include visual skirting around the base of the dwelling to screen the area located from grade to the base of the structure.

## **11.2. Permitted Uses in the Unserviced Residential Zones**

11.2.1. The following tables shall outline the permitted uses in the Residential Unserviced (RU) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

## Residential Uses in the Unserviced Zones

	RU
Accessory Dwelling	P
Bed and Breakfast	
» 4 or fewer sleeping units	P
» More than 4 sleeping units	-
Grouped Dwellings	DA
Home-based Business	P
Mini Home	P
Mobile Home	P
Short-term Rental	P
Single-unit Dwelling	P
Two-unit Dwelling	P
Small Options Home	P

P = permitted | S = site plan | DA = development agreement

## Commercial and Industrial Uses in the Unserviced Zones

	RU
Forestry Uses	P

P = permitted | S = site plan | DA = development agreement

## Other Uses in the Unserviced Zones

	RU
Agriculture-related Uses	DA
Conservation Use	P
Government Buildings and Uses	P
Parks and Playgrounds	P
Solar Collector Systems – Commercial	DA
Urban Agricultural Uses	P

P = permitted | S = site plan | DA = development agreement

### 11.3. Residential Unserviced Zone Development Standards

11.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Residential Unserviced (RU) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front/Flanking Setback	5.0 m
(b) Minimum Rear Setback	5.0 m
(c) Minimum Side Setback	3.5 m
(d) Maximum Structure Height	13.5 m

11.3.2. The following minimum standards shall apply to lots in Residential Unserviced (RU) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area i. Unserviced lot	Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	21.0 m

NSE = Nova Scotia Department of Environment and Climate Change

## 12. Open Shoreline Zone

### 12.1. Special Requirements for Open Shoreline Zone

12.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Open Shoreline (OS) Zone shall be subject to the requirements of this section.

#### Existing Residential Uses

12.1.2. Existing residential shall be considered non-conforming.

### 12.2. Permitted Uses in the Open Shoreline Zone

12.2.1. The following tables shall outline the permitted uses in the Open Shoreline (OS) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the appropriate policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

## Residential Uses in the Open Shoreline Zone

	OS
Home-based Business	P

P = permitted | S = site plan | DA = development agreement

## Other Uses in the Open Shoreline Zone

	OS
Parking Lot	S
Parks and Playgrounds	P
Conservation Uses	P

P = permitted | S = site plan | DA = development agreement

## 12.3. Open Shoreline Zone Development Standards

12.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Open Shoreline (OS) Zone unless the following requirements are met:

Requirement	Existing Dwellings	All Permitted Uses
(a) Minimum Lot Area i. Serviced lot ii. Unserviced lot	650.0 m <sup>2</sup> Minimum required by NSE for septic approval	650.0 m <sup>2</sup> Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	21.0 m	21.0 m
(c) Minimum Front/Flanking Setback	4.5 m	1.5 m
(d) Minimum Rear Setback	4.5 m	1.5 m
(e) Minimum Side Setback	2.0 m	2.0 m
(f) Maximum Structure Height	8.0 m	1.0 m measured from the surface of the adjacent street

NSE = Nova Scotia Department of Environment and Climate Change

## **13. Parks and Open Space Zone**

### **13.1. Special Requirements for Parks and Open Space Zone**

13.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Parks and Open Space (PO) Zone shall be subject to the requirements of this section.

### **13.2. Permitted Uses in the Parks and Open Space Zone**

13.2.1. The following tables shall outline the permitted uses in the Parks and Open Space (PO) Zone, subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the applicable policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.



## Residential Uses in the Parks and Open Space Zone

	PO
Home-based Business	P

P = permitted | S = site plan | DA = development agreement

## Other Uses in the Parks and Open Space Zone

	PO
Government Buildings and Uses	P
Parking Lot	S
Parks and Playgrounds	P
Recreational Uses	P
Conservation Uses	P
Urban Agricultural Uses	P

P = permitted | S = site plan | DA = development agreement

### 13.3. Parks and Open Space Zone Development Standards

13.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Parks and Open Space (PO) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front/Flanking Setback	4.5 m
(b) Minimum Rear Setback	4.5 m
(c) Minimum Side Setback	3.5 m
(d) Maximum Structure Height	10.0 m

13.3.2. The following minimum standards shall apply to lots in the Parks and Open Space (OS) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area	
i. Serviced lot	650.0 m <sup>2</sup>
ii. Unserviced lot	Minimum required by NSE for septic approval
(b) Minimum Lot Frontage	15.0 m

NSE = Nova Scotia Department of Environment and Climate Change

## 14. Institutional Zone

### 14.1. Special Requirements for Institutional Zone

14.1.1. In addition to all other applicable requirements of this Bylaw, uses in the Institutional (I) Zone shall be subject to the requirements of this section.

#### Existing Residential Uses

14.1.2. Existing residential shall be considered non-conforming.

#### Buildings on Abutting Lots

14.1.3. Notwithstanding other parts of this Bylaw, buildings on abutting lots within the Institutional (I) Zone, which are under the same ownership, may be joined or physically attached.

### 14.2. Permitted Uses in the Institutional Zone

14.2.1. The following tables shall outline the permitted uses in the Institutional (I) Zone subject to the following scheme:

- (a) Uses denoted with a "P" shall be permitted subject to all requirements of this Bylaw.
- (b) Uses denoted with an "S" shall be permitted by site plan approval and subject to Part 16, of this Bylaw.
- (c) Uses denoted with a "DA" shall be considered by development agreement, subject to the applicable policy in the Municipal Planning Strategy.
- (d) Uses denoted with a "-" or not listed in the table shall not be permitted.

### Residential Uses in the Institutional Zone

	I
Home-based Business	P
Nursing Home	P
Residential Care Facilities	P
Small Options Home	P

P = permitted | S = site plan | DA = development agreement

### Commercial and Industrial Uses in the Institutional Zone

	I
Business or Professional Office	P
Commercial Recreation - Outdoor	P
Day Care Centre	P
Restaurant	
» Drive-through	-
» Eat-in	-
» Take-out, less than 20 m <sup>2</sup> GFA	P
» Take-out, 20 m <sup>2</sup> GFA or more	-

P = permitted | S = site plan | DA = development agreement

### Other Uses in the Institutional Zone

	I
Cemetery	P
Community Centre	P
Cultural Facility	P
Emergency Services	P
Government Buildings and Uses	P
Hospital	P
Medical Clinic	P
Parking Lot	S
Private Club	P
Place of Worship	P

P = permitted | S = site plan | DA = development agreement

	I
Parks and Playgrounds	P
Recreation Centre	P
Recreational Uses	P
School	
» Academic	P
» Post-secondary	P
» Commercial	P
Conservation Uses	P
Urban Agricultural Uses	P

P = permitted | S = site plan | DA = development agreement

### 14.3. Institutional Zone Development Standards

14.3.1. Except as otherwise permitted in this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Institutional (I) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Front/Flanking Setback	4.5 m
(b) Minimum Rear Setback	4.5 m
(c) Minimum Side Setback	3.5 m
(d) Maximum Structure Height	13.5 m

14.3.2. The following minimum standards shall apply to lots in the Institutional (I) Zone:

Requirement	All Permitted Uses
(a) Minimum Lot Area	
i. Serviced lot	650.0 m <sup>2</sup>
ii. Unserviced lot	Minimum required by NSE for septic
(b) Minimum Lot Frontage	21.0 m

NSE = Nova Scotia Department of Environment and Climate Change

## 15. Conservation Zone

### 15.1. Conservation Zone

#### Uses Permitted As-of-Right

15.1.1. The following uses shall be permitted in the Conservation (C) Zone, subject to all applicable requirements of this Bylaw:

- (a) Permanent or temporary structures owned or installed by the Town.

#### Development Standards

15.1.2. Except as otherwise permitted by this Bylaw, the Development Officer shall not issue a development permit for a use on a lot in the Conservation (C) Zone unless the following requirements are met:

Requirement	All Permitted Uses
(a) Minimum Lot Area	0.0 m <sup>2</sup>
(b) Minimum Lot Frontage	0.0 m
(c) Minimum Front/Flanking Setback	0.0 m
(d) Minimum Rear Setback	0.0 m
(e) Minimum Side Setback	0.0 m
(f) Maximum Structure Height	10.0 m

## 16. Site Plan Approval

### 16.1. Commercial, Industrial, and Institutional Site Plan Criteria

16.1.1. Where a zone permits a commercial, industrial, or institutional use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

#### **Sewage Disposal**

- (a) The authority having jurisdiction for sewage disposal shall approve either an on-site sewage disposal system, connection to the Town's central sewer, or a connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council.

#### **Access to Town Streets**

- (b) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.

#### **Easements**

- (c) The location of all easements shall be identified on the site plan.

#### **Emergency Services**

- (d) The development shall have adequate emergency service access.
- (e) The development shall have adequate on-site potable water supply for fire suppression so as not to negatively impact the Town's water supply or adjacent properties.

#### **Location of New Structure**

- (f) New buildings and additions to existing buildings shall be located within the permissible building envelope with optimal separation from development on adjacent lots, while conforming with the current and historical streetscape; and no less than 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- (g) The main building shall have its primary façade and public entrance located facing the street.



### **Parking and Outdoor Storage**

- (h) Required parking areas shall be located at the side or rear of any new building.
- (i) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (j) Parking areas, driveways, and outdoor storage areas shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these materials.
- (k) Outdoor storage shall not be located in the front or flankage yards.
- (l) Parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a fence at least 1.2 metres high or an equivalent combination of berms and landscaping.

### **Pedestrian Access**

- (m) There shall be a clear and distinct separation of vehicular and pedestrian traffic to minimize potential conflicts. Pedestrian walkways shall be provided to allow safe access to the building entrance(s) from both the parking lot and the street/sidewalk.
- (n) Signage shall not obstruct pedestrian routes.

### **Servicing and Utilities**

- (o) All utility equipment shall be enclosed within a building or screened from the street and adjacent properties.
- (p) Solid waste handling areas shall be located in the main building or screened from view with a wall of sufficient height to conceal solid waste receptacles.
- (q) Noise impacts on adjacent properties shall be reduced through the use and careful siting of physical noise buffers, including, but not limited to, berms and sound walls.

### **Landscaping and Vegetation**

- (r) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (s) Areas not used for structures or dedicated to a main use, solid waste handling, outdoor storage, automobile parking and circulation, pedestrian walkways, outdoor eating areas, or drive-through infrastructure shall be landscaped. Such landscaping shall consist, at a minimum, a combination of sod, decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers, and a minimum of 25 percent of the total land area shall be landscaped.
- (t) Landscaping, paving patterns, raised walkways, and/or other design treatments shall be used to differentiate pedestrian walkways to and from the building from driving surfaces.

### **Site Grading and Land Alterations**

- (u) Measures including lot grading and stormwater management practices shall be integrated to adequately dispose, retain, and manage stormwater and surface water.
- (v) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

### **Exterior Lighting**

- (w) All exterior lighting shall be equipped with full cut-off light fixtures
- (x) Exterior lighting shall not cause glare on adjacent properties.

### **Drive-through Uses**

- (y) Where a drive-through forms part of the development:
  - i. Only one (1) drive-through service shall be permitted on a lot.
  - ii. When a drive-through service or drive-through restaurant is within 60.0 metres of a dwelling, any intercoms, speakers, and services windows shall be located in a manner so as to minimize noise along with the use and careful siting of physical noise buffers, including, but not limited to, berms and sound walls.
  - iii. Drive-through stacking lanes, and all associated entrances and exits to stacking lanes, shall be separated from parking areas, points of access, and the street using landscaped strips and islands.

- iv. Stacking lanes shall not be located closer to the front lot line than the main building.
- v. Entrances to stacking lanes shall be configured as to minimize conflict with vehicle access points from the street or on-site automobile parking.
- vi. Stacking lanes shall provide an adequate number of queuing spaces, determined by a qualified professional and confirmed by the Town's Traffic Authority, to accommodate peak demand for the proposed use.
- vii. Each space within a stacking lane shall be a minimum of 6.5 metres in length and 3.0 metres in width.
- viii. At least two (2) waste and recycling bin stations shall be placed outside a drive-through restaurant, with at least one in a visible/ accessible area near the drive-through lane.

#### **Licensed Liquor Establishments**

(z) Where a licensed liquor establishment forms part of a development:

- i. Outdoor decks and patios shall be located and screened as appropriate to minimize their effect on adjacent uses and their visibility from any street.
- ii. Parking lots shall be screened from adjacent dwellings, academic schools, and places of worship by privacy fences.
- iii. Parking lots and driveways for the use of patrons shall not be located in any minimum setback that abuts a dwelling, academic school, or place of worship.

#### **Micro-brewery and Micro Distillery**

(aa) Where a micro-brewery or micro-distillery forms part of a development:

- i. Parking lots shall be screened from adjacent dwellings, academic schools, recreational uses, and places of worship by privacy fences.
- ii. Parking lots and driveways for the use of patrons shall not be located in any minimum setback that abuts a dwelling, recreational use, academic school, or place of worship.

16.1.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.

## **16.2. Residential Site Plan Criteria**

16.2.1. Where a zone permits residential uses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

### **Sewage Disposal**

- (a) The authority having jurisdiction for sewage disposal shall approve either an on-site sewage disposal system, connection to the Town's central sewer, or a connection to a sewage disposal system satisfying the design and construction requirements of the Town Specifications adopted by Council.

### **Access to Town Streets**

- (b) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.

### **Easements**

- (c) The location of all easements shall be identified on the site plan.

### **Emergency Services**

- (d) The development shall have adequate emergency service access.
- (e) The development shall have adequate on-site potable water supply for fire suppression and domestic supply, so as not to negatively impact the Town's water supply or adjacent properties.

### **Location of New Structure**

- (f) New buildings and additions to existing buildings shall be located within the permissible building envelope with optimal separation from development on adjacent lots, while conforming with the current and historical streetscape; and no less than 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw.
- (g) The main building(s) which is closest to the front lot line shall have its primary façade and public entrance located facing the street.
- (h) Any building with decks or balconies above a height of 2.0 metres shall not be permitted within 10.0 metres of any lot line adjacent to a single dwelling, double dwelling, or triplex dwelling existing at the time of the site plan approval application.

### **Parking and Outdoor Storage**

- (i) Required parking areas shall be located at the rear of any new building, with the exception of grouped dwellings.
- (j) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (k) Parking areas, driveways, and outdoor storage areas shall be surfaced with asphalt, concrete, bricks, decorative pavers, permeable pavers, or a combination of these materials.
- (l) Outdoor storage shall not be located in the front or flankage yards.
- (m) Parking and outdoor storage areas shall be screened from adjacent properties and from public streets by a fence at least 1.2 metres high or an equivalent combination of berms and landscaping.

### **Pedestrian Access**

- (n) The primary entrance(s) of all dwelling units shall be connected to the nearest street right-of-way and to any adjacent active transportation route identified in a town active transportation plan by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres in width and paved with asphalt, concrete, bricks, or interlocking pavers.

### **Servicing and Utilities**

- (o) All utility equipment shall be enclosed within a building or screened from the street.
- (p) Enclosed facilities for solid waste shall be provided for the use of residents. These facilities shall accommodate the number of waste stream collection (e.g., garbage, compost, recycling) provided in the town at the time of permitting. These may be provided as a central collection point or, where appropriate, individual facilities for each dwelling unit. Adequate access shall be provided to the solid waste collection facilities.

### **Landscaping and Vegetation**

- (q) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (r) Areas not used for structures, solid waste handling, automobile parking and circulation, pedestrian walkways shall be landscaped. Such landscaping shall consist, at a minimum, a combination of sod, decorative grasses, trees, shrubs, flowers, mulch, fountains, ponds, and/or decorative pavers, and a minimum of 25 percent of the total land area shall be landscaped.

**Site Grading and Land Alterations**

- (s) Measures including lot grading and stormwater management practices to adequately dispose and retain storm and surface water.
- (t) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

**Exterior Lighting**

- (u) All exterior lighting shall be equipped with full cut-off light fixtures.
- (v) Exterior lighting shall not cause glare on adjacent properties or dwellings.

16.2.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.



### **16.3. Parking Lots**

16.3.1. Where a zone permits parking lots as a main use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use Bylaw and the following matters have been addressed:

#### **Access to Town Streets**

- (a) The Town Engineer shall approve any access to a public street, considering adequacy of sight distances, driveway entrances, traffic safety, and any other traffic concerns including pedestrian safety.
- (b) The number of vehicular access points shall be determined by the Town Engineer.
- (c) The Town Engineer shall determine the appropriate width for all vehicular accesses and driveways.
- (d) Pedestrian access points shall be separated from vehicular access points by a minimum of 2.0 metres.
- (e) A minimum of one (1) pedestrian access point shall be provided per street frontage.
- (f) Pedestrian access points shall be between 1.5 and 2.0 metres wide.

#### **Easements**

- (g) The location of all easements shall be identified on the site plan.

#### **Parking Areas**

- (h) All parking spaces and access aisles shall be surfaced with asphalt, concrete, bricks, decorative pavers, or a combination of these materials.
- (i) Individual parking spaces shall be delineated with painted lines or through the varying of surface materials.
- (j) Parking lots with more than 20 parking spaces shall be divided into separate parking areas, each of not more than 20 parking spaces, through the use of curbed and vegetated “landscaped islands” that are a minimum of 1.5 metres wide.
- (k) At least one (1) bicycle parking space meeting the standards of this Bylaw shall be provided for every 10 parking spaces.

#### **Landscaping**

- (l) Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.
- (m) Plant species used shall be salt-tolerant.
- (n) Landscaped areas shall provide visual interest through the mixing of plant species with different heights.



**Perimeter**

- (o) Parking lot edges adjacent to dwellings shall be screened by a privacy fence a minimum of 2.0 metres in height.
- (p) Except for access points, parking lot edges adjacent to streets shall be delineated with appropriately spaced shade trees, for which the Town Engineer shall approve the location and species of trees, interspersed with low shrubs, decorative planters, decorative walls/fences not exceeding 1.0 metre in height, or a combination of these treatments.

**Site Grading and Land Alterations**

- (q) Measures including lot grading and stormwater management practices to adequately dispose and retain storm and surface water.
- (r) Other than the minimum infilling required for construction of wharves and bridges, land levels within 10.0 horizontal metres from the ordinary high water mark of watercourses identified on Schedule 'C' of this Bylaw or the ocean shall not be altered by the filling in of the land to a depth greater than 0.3 metres above the natural ground surface.

**Exterior Lighting**

- (s) All exterior lighting shall be equipped with full cut-off light fixtures.
- (t) Exterior lighting shall not cause glare on adjacent properties.

16.3.2. The applicant shall enter into a written undertaking to carry out the terms of the site plan approval.

## 17. Definitions

### A

**Abattoir** means the use of a building, structure, or part thereof, for slaughtering animals but does not include the slaughtering of game animals for personal use.

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

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

**Accessory Use** means a use subordinate and naturally incidental to a main use of land or building located on the same lot.

**Adult Entertainment** means premises providing services or entertainment intended to appeal to sexual appetites, such as adult cabarets, adult theatres, and massage parlours, but excludes the standalone retailing of adult material.

**Affordable Housing** means housing that costs less than 30% of before-tax household income. For the purposes of this definition, housing costs include the following:

For renters: rent and any payment for electricity, fuel, water, and other municipal services.

For owners: mortgage payments (principal and interest), property taxes, and any condominium fees along with payments for electricity, fuel, water, and other municipal services.

**Agriculture-related Uses** means the use of land, buildings, or structures for processing and storage of agricultural crops, the production of farm products, and the sale of farm products and agricultural products produced on the land, but does not include commercial livestock operations or abattoirs.

**Animal Care** means the use of buildings or structures for the care of domestic animals and includes veterinary care and grooming, but does not include the breeding of animals, animal day care, or overnight boarding. No outside area may be devoted to or used as part of an animal care use, including, but not limited to, kennels, fenced areas, or any other outdoor space.

**Animal Shelter** means a facility that holds or boards seized, surrendered, abandoned, or lost domestic pets (e.g., dogs, cats, birds), but does not include livestock. No outside area may be devoted to or used as part of an animal shelter use, including, but not limited to, kennels, fenced areas or any other outdoor space.

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

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

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

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

**Awning or Canopy** means an overhead structure supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework, used to shelter a window or doorway.

## B

**Bed and Breakfast** means a single unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.

**Boarding House** means a dwelling in which the proprietor supplies either room or room and board for monetary gain and which is not open to the public.

**Building** means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

**Building and Construction Contractor** means the use of buildings or land for the storage of materials and small tools in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, and plumbers, but does not include the storage of heavy equipment.

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

**Business of Professional Office** means the use of a building or portion of a building where business may be transacted, a service performed or consultation given, and includes, but is not limited to, offices, lawyers, architects, engineers, planners, accountants, real estate agents, and photographers but shall not include any place where manufacturing of any product or selling of goods is carried on.

# C

**Campground** means the use of land, or part thereof, for providing an overnight camping experience to the travelling public in tents, yurts, bunkies, travel trailers, recreational vehicles, campers, and similar structures and/or vehicles.

**Carport** means a structure enclosed with canvas, tarping, or similar materials, or a roofed open-side structure, intended for the sheltering of automobiles from the elements and may include decorative screening.

**Cemetery** means the land used for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

**Commercial Livestock Operation** means an operation in which farm animals, including, but not limited to, horses, swine, fox, emu, llama, roosters and ruminants, are kept in a building, feedlot or other facility for feeding, breeding, milking, holding for riding, meat, or egg production, but does not include urban agricultural uses.

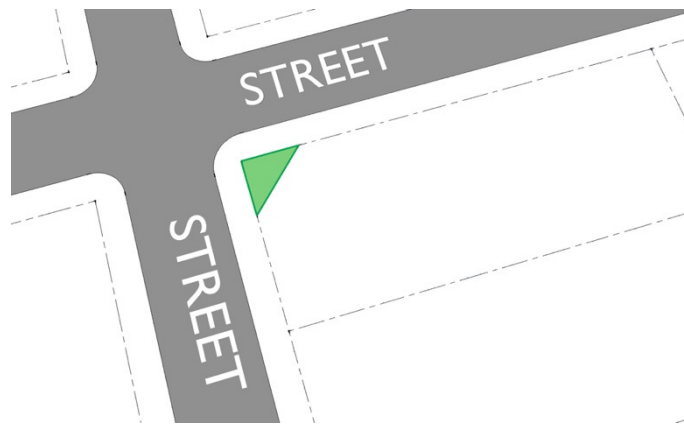
**Commercial Recreation, Indoor** means a building or part of a building used for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

**Commercial Recreation, Outdoor** means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, but does not include campgrounds, RV parks, outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; "pro shops" and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

**Conservation Use** means the use of land intended for the protection and preservation of water, soil, plants, and animals.

**Convenience Store** means a building or part of a building used for the retail sale of a limited line of grocery and confectionary items, which serve the needs of the local neighbourhood.

**Corner Vision Triangle** means that triangular portion of a corner lot established by measuring along the street lines a distance of six (6) metres from their point of intersection and joining the points so established with a straight line, and includes the space situated vertically above said triangular area.



**Council** means the Council of the Town of Mahone Bay.

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

**Craft Shop** means a building or part of a building where craft products are offered for sale to the general public.

**Cultural Facilities** means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, theatres, visual arts centres, and other similar uses.

# D

**Day Care Centre** means a place where people are cared for without overnight accommodation but does not include a school.

**Development** means any erection, construction, alteration, placement, replacement, location, relocation of, or addition to any structure and any change or alteration in the use made of land or structures.

**Development Agreement** means a legal agreement between Council and a property owner governing the use of the property owner's land, as enabled by the *Municipal Government Act* and Municipal Planning Strategy and registered on title.

**Development Officer** means the person or persons, or designate, appointed by Council from time to time to administer the Land Use Bylaw and Subdivision Bylaw.

**Development Permit** means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land Use Bylaw.

**Dwelling** means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units, and shall include a modular home but shall not include a fixed-roof overnight accommodation, mobile home, mini home or recreational vehicle.

**Dwelling, Accessory** means a subservient dwelling either located within a single-unit dwelling or a two-unit dwelling or in a building on a lot with a single-unit dwelling, a two-unit dwelling, or a triplex dwelling.

**Dwelling, Converted** means a single-unit dwelling converted to contain a greater number of dwelling units than the dwelling contained prior to that conversion.

**Dwellings, Grouped** means two or more dwelling units contained in two or more dwellings located on a single lot.

**Dwellings, Multi-unit** means a dwelling containing four or more dwelling units, but does not include a converted dwelling or a dwelling that is part of grouped dwellings.



**Dwelling, Single-unit** means a dwelling containing one dwelling unit or one dwelling unit and an accessory dwelling.

**Dwelling, Two-unit** means a dwelling divided horizontally or vertically into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**Dwelling, Triplex** means a dwelling divided horizontally or vertically into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.

**Dwelling Unit ("DU")** means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

# E

**Electrical Vehicle Charging** means infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles.

**Electrical Vehicle Charging, Commercial** means a building or part of a building or a clearly defined space on a lot used for the retail sale of energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop

**Electrical Vehicle Charging, Non-commercial** means a premise with infrastructure that supplies energy for the charging of electric vehicles such as plug-in electric and hybrid vehicles without charging a fee.

**Emergency Services** means a building or use of land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

**Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**Existing** means legally existing on the effective date of this Bylaw.

**Extended Care Facility** means a medical institution that provides prolonged care (as in cases of prolonged illness or rehabilitation from acute illness) or end-of-life (hospice) care.

# F

**Farm Market** means the use of land, buildings, structures, or part thereof for the purpose of selling seasonal fresh produce, craft products, and ready-to-eat food by independent vendors.

**Fishery Related Industries** means the use of land, buildings, or part thereof in support of the fishery and without limiting the generality of the foregoing includes commercial storage of fishing vessels, gear, and other related materials; docks; boat launches; and repair facilities; but does not include fish processing.

**Fishing Vessel** means any watercraft engaged on a part-time or full-time basis for use in the commercial fishery.

**Fixed-roof Overnight Accommodation** means a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation, for a period of 30 days or less, with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, cottage or cabin rentals.

**Footprint** means the total ground floor area of a building enclosed within the exterior faces of the exterior main walls, and for the purpose of this definition, the walls forming a courtyard shall be deemed exterior main walls.

**Forestry Uses** means uses associated with the forestry industry, including sawmills, maple sugaring operations, Christmas tree u-picks, shingle mills, vehicle and equipment storage, maintenance buildings and yards, and retail and wholesale outlets for wood and wood products but shall not include uses for the production of pulp.

**Funeral Home** means a building used for the preparation, temporary display, and/or funeral ceremony of deceased persons and may include a crematorium.

## G

**Garden Centre** means a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements and that are sold at retail from such buildings or lot to the general public.

**Grade** means:

- (a) when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of foundation of the building or structure, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a street, road, or highway, the elevation of the street, road, or highway established by the Town or other designated authority.

**Gross Floor Area ("GFA")** means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, and for the purpose of this definition, the walls forming a courtyard shall be deemed to be exterior walls.

## H

**Habitable Area** means an enclosed area of a building designed and/or used for any purpose other than parking of vehicles (including boats), building access, or commercial/industrial storage.

**Heavy Equipment Sales and Rentals** means a building or part of a building or structure in which heavy equipment and machinery are offered or kept for sale, rent, lease or hire under agreement for compensation.

**Height** means the vertical distance on a building or structure between the established grade and:

- (a) the highest point of the roof surface or the parapet, whichever is greater, of a flat roof;
- (b) the deck line of a mansard roof;
- (c) the mean level between the eaves and ridges of gabled, hip, gambrel, or other type of pitched roof;

and excluding any construction used as ornament or for the mechanical operation of the building or structures, a mechanical penthouse, chimney, tower, cupola, or steeple.

**Home-based Business** means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury and may or may not include a medical clinic.



**Interpretive Centre** means the use of a building or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

**Industrial Use** means the use of a building or part thereof, or the use of land for the manufacturing, processing, fabrication or assembly of raw materials or goods, warehousing, or bulk storage of goods, equipment, and machine servicing and related accessory uses.

**Heavy Industrial Use** means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

J

K

**Kennel** means a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold or kept for sale or a boarding, or animal day care.

L

**Licensed Liquor Establishment** means a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

**Lot** means any parcel of land described in a deed or as shown on a registered plan of subdivision.

**Corner Lot** means a lot situated at the intersection of land abutting on two or more streets or private roads.

**Flag Lot** means a lot characterized by the main body of the lot generally to the rear of another lot and with access provided by a driveway that is part of the flag lot, and that runs beside the lot or lots between the main portion of the flag lot and the street or private road that provides access to the driveway. A lot shall not be considered a flag lot where the portion of the lot providing access via the street or private road is greater than 20 meters in width along its whole length.

**Lot Area** means the total horizontal area within the lot lines of a lot.

**Lot Coverage** means the combined area of land covered by buildings and roofed structures on a lot, including land over which buildings project, but excluding any area below the eaves of the roof. Portions of a building which are not covered by a roof such as an unsheltered step, a veranda, or a deck, are excluded from the calculation for lot coverage.

**Lot Depth** means the average horizontal distance between the front lot line and the rear lot line.

**Lot Frontage** means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road.

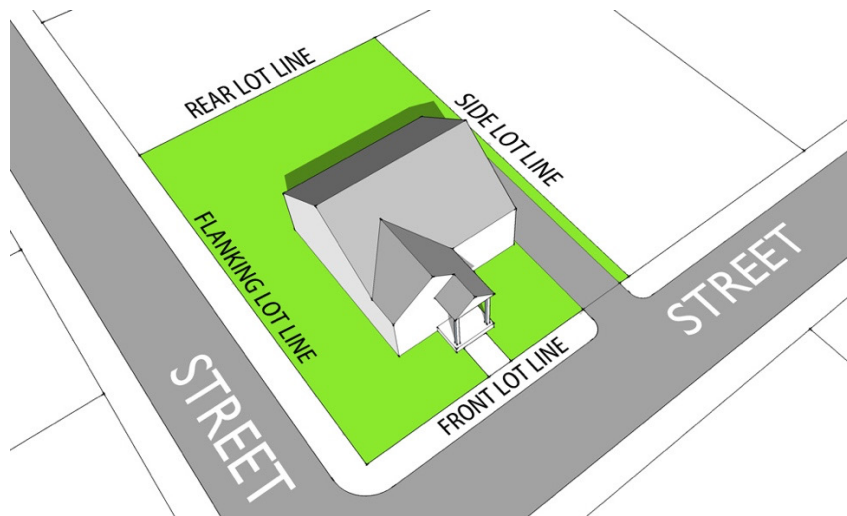
**Lot Line** means a boundary line of a lot.

**Flankage Lot Line** means a side lot line that abuts the street or private road on a corner lot.

**Front Lot Line** means the line dividing the lot from the street or private road. In the case of a corner lot or a lot with more than one line abutting a single street or private road the shorter boundary line abutting the street or private road shall be deemed the front lot line. In the case of a through lot the longer boundary dividing the lot from the street or private road shall be deemed to be the front lot line. In the case of a lot which does not abut a street or private road, the front lot line shall be determined by the orientation of the front door of the main building on the lot.

**Rear Lot Line** means the lot line furthest from or opposite to the front lot line.

**Side Lot Line** means a lot line other than a front, flankage, or rear lot line.





# M

**Main Building** means the building designed or used for the principle use on the lot.

**Main Wall** means the exterior front, side, or rear wall of a building or structure, and includes but is not restricted to all structural members essential to the support of a fully or partially enclosed space or roof and any decks, bay windows, steps, porches, verandas, and balconies.

**Manufacturing** means the production and/or assembly and/or packaging of goods and/or materials, including processed food and/or drink not intended for immediate consumption but shall not include micro-brewery or micro distillery uses.

**Manufacturing, Light** means manufacturing where the use is conducted entirely within an enclosed building and the use is not obnoxious, and may include accessory retail or wholesale sales of products produced on-site.

**Marina** means a commercial establishment or premise, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale or rent and may include the sale of fuel and incidental supplies for the boat owners, crews and guests

**Marine Recreation Providers** means a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, jet ski rentals, but does not include uses related to the commercial fishing industry.

**Medical Clinic** means a building or part of a building where medical or therapeutic diagnosis and/or treatment services are provided to the general public but does not include a public or private hospital or a professional office located in the practitioner's home.

**Micro-brewery** means the use of a building or land for a craft brewery or cidery engaged in the production and packaging of less than 15,000 hectolitres of beer, cider, ale, or other related beverages per calendar year.

**Micro-distillery** means the use of a building or land for a craft distillery engaged in the production and packaging of less than 75,000 litres of liquor and spirits, other than beer, wine, or cider, per calendar year.

**Mini Home** means a detached single dwelling designed for transportation after fabrication that arrives at the site on a flatbed or other trailer where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes or mobile homes.

**Mobile Home** means a detached dwelling designed for transportation after fabrication on its own wheels that arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks, or permanent foundation, and which may be connected to utilities and a septic disposal system. The foregoing shall not include modular homes or mini homes.

**Modular Home** means any dwelling unit constructed in accordance with the standards set out in the National Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Municipal Government Act ("Act")** means the *Municipal Government Act*, SNS 1998, Chapter 18 and amendments thereto.

**Municipal Planning Strategy** means the Municipal Planning Strategy of the Town of Mahone Bay.

## N

**Nursing Home** means an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

## O

**Ordinary High Watermark** means the highest level reached by a body of water that has been maintained for a sufficient period of time to leave evidence on the landscape. It may be indicated by the destruction of dry-land vegetation, the presence of marks on trees or debris deposits. It is usually the point at which natural vegetation shifts from predominantly water-dependent species to dry-land species.

**Outdoor Display** means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.

**Outdoor Storage** means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

**Outdoor Waterstove/Wood-burning Furnace** means any individual furnace located outdoors and outside the structure it serves that is designed to burn wood and wood products for the purpose of heating liquid and air which is piped into said structure.

## P

**Parks and Playgrounds** means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, walking paths, play structures, ponds, fountains, and dog parks.

**Personal Service Shop** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

**Personal Storage Building** means an enclosed or partially enclosed structure for the storage of materials or goods in which no business, occupation, or service is conducted for profit.

**Pet Grooming** means a use wholly contained within a building or part of a building for the hygienic care and cleaning of domestic pets for which there is financial remuneration. No outside area may be devoted to or used as part of a pet grooming use, including, but not limited to, kennels, fenced areas or any other outdoor space.

**Place of Worship** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

**Private Club** means a building or part of a building used as a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

**Private Road** means any road or throughfare accessible to motor vehicles which is not owned and maintained by the Town of Mahone Bay or the Nova Scotia Department of Public Works.

**Public Façade** means that part of the exterior of a building or structure which can be seen from public property such as streets, the harbour and public wharves

**Public Road or Street** means the whole and entire right-of-way of every highway, road or road allowance, vested in the Province of Nova Scotia or the Town, but does not include a controlled-access highway.

## Q

**Qualified Person** means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in the professional body representing and/or regulating the profession in Nova Scotia.

# R

**Reconstruct** when used with reference to a building or structure, means to build a wholly or substantially new building or structure in the same location as an existing building or structure, where the original existing building or structure has been wholly or partially removed and the resulting building or structure is of substantially the same dimensions and volumes as the original building or structure as demonstrated by photographs or measured drawings of the original structure.

**Recreation Centre** means a building or part of a building used for recreation facilities such as, but not limited to, indoor swimming pools, indoor ice arenas, indoor curling rinks, gymnasiums, weight rooms, and changing facilities.

**Recreational Use** means the use of land for tennis courts, lawn bowling greens, outdoor skating rinks, outdoor skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and non-commercial uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including recreation centres or indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

**Recreational Vehicle ("RV")** means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that meets the definition of a derelict vehicle under the *Municipal Government Act*.

**Recycling Depot** means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

**Repair** when used with reference to a building or structure means to renovate or mend by replacing or repairing parts without altering the size or volume of the building or structure.

**Replace** when used with reference to a building or structure means to build a wholly or substantially new building or structure on a lot where the original building or structure has been partially or wholly demolished.

**Residential Care Facility** means a family home, group care facility, or similar facility for the non-medical care of more than four persons, but not exceeding nine persons, in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

**Restaurant** means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

**Restaurant, Drive-through** means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

**Restaurant, Eat-in** means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

**Restaurant, Take-out** means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities such as picnic tables.

**Retail Lumber and Home Improvement Yard** means the outdoor storage and display of lumber and other building supplies for sale. For greater clarity, retail sale contained wholly within a building shall be considered as a retail store.

**Retail Store** means a building or part of a building in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, retail lumber and home improvement supplies, or heavy equipment sales and rentals.

# S

**Salvage Yard** means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

**School, Academic** means an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

**School, Commercial** means an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, cosmetology, computer schools, and other similar schools, but does not include post-secondary schools.

**School, Post-secondary** means a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

**Service and Repair Shop** means a shop for servicing, repairing, installing, or renting things and equipment, including but not limiting the generality of the foregoing, the following: radio or television service or repair shops, locksmith shops, small appliance service or repair shops, small engine repair shops, household and carpenter tool service and repair shops, but shall not include industrial, manufacturing, or motor vehicle repair shops.

**Setback** means the horizontal distance between the specified lot line and the nearest main wall of any building or structure, excluding any encroachments permitted in this Bylaw, and extending the full width or length of the lot.

**Setback, Flankage** means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

**Setback, Front** means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot.

**Setback, Rear** means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.

**Setback, Side** means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.

**Sign** means any structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto or painted, projected, or represented thereon, which shall be used to identify, or advertise, any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an identification or advertisement.

**Changeable Copy Sign** means a section of an otherwise permanent sign that allows the message to be amended, updated, or otherwise modified using manual means.

**Electronic Message Board Sign** means a section of a permitted ground sign that allows the message to be amended, updated or otherwise modified using digital means including, but not limited to, light-emitting diode (LED) displays, liquid crystal diode (LCD) displays, or plasma displays.

**Ground Sign** means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, and shall include commercial flag signs.



**Projecting Wall Sign** means a sign that is attached to and projects from a structure or building face.

**Sandwich Board Sign** means a sign consisting of two surfaces attached to each other at the top and designed so as to stand temporarily without foundation or other support on a lot or sidewalk without electric or other service connection.

**Wall Sign** means a sign attached to, painted on, or erected against a wall of a building, with the face horizontally parallel to the building or street.

**Window Sign** means a sign displayed inside of a window or glass door and is legible from off the premise.

**Sign Area** means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.

**Short-term Rental** means the use of a dwelling unit where guest sleeping facilities are contained within one building on a lot, intended to provide accommodation to the traveling public, and where the facilities on the lot are only rented to one party at a time. The short-term rental may include the provision of private cooking facilities but shall not include facilities that are open to the general public such as meeting rooms, restaurants, or entertainment facilities.

**Sleeping Unit** means a lockable room or rooms provided for the use of a single party and may or may not include an en suite washroom and/or a fridge and microwave.

**Small Option Home** means a family home, group care facility, or similar facility for the non-medical care for up to four persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

**Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

**Solar Collector System, Accessory** means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.

**Solar Collector System, Commercial** means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.

**Structure** means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building.

## T

**Town** means, where the context dictates, either the Body Corporate of the Town of Mahone Bay, or the geographical area incorporated as the Town of Mahone Bay

**Transportation Service** means a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

## U

**Urban Agriculture** means the use of land and accessory buildings for agricultural activities on a hobbyist scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or meat rabbits, but shall not include the keeping of any other livestock.

**Use** means the purpose for which any land, building, or structure is utilized.

## V

**Variance** means a relaxation or reduction of the Land Use Bylaw requirements for a specific site, as stipulated in the *Municipal Government Act*.

**Veterinary Clinic** means indoor premises designed or used for the care, observation, and treatment of animals.

## W

**Watercourse** means the bed and shore of a lake, river, stream, pond, wetland, or other natural body of water, and the water therein, but this definition does not include the ocean.

**Warehouse** means a building or part of a building where goods or wares are stored but shall not include a retail store or production or assembly of goods or materials.

**Wind Turbine** means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

## X

# Y

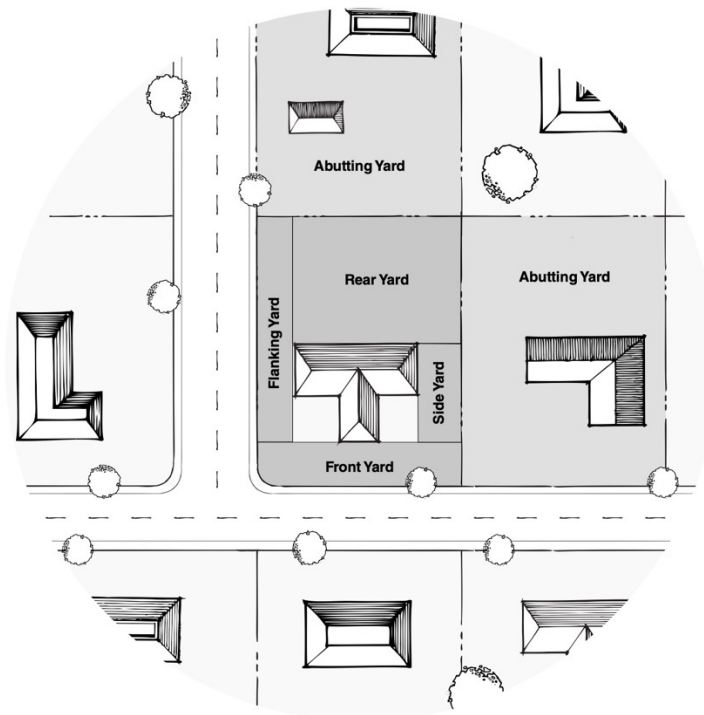
**Yard** means an open, uncovered space on a lot appurtenant to a building or structure or a specified land use, and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used; and for greater certainty:

**Yard, Flankage** means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

**Yard, Front** means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

**Yard, Rear** means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

**Yard, Side** means the area of land extending from the front yard to the rear yard and between the side lot line and the nearest main wall of any main building on the lot.



# Z

**Zone** means a specified area of land shown on Schedule 'A' of this Bylaw.

## Summary of Amendments

Council Adoption Date	Effective Date	Reference Number	File or Project	General Nature of the Change

## 18. Schedules and Appendices

18.1.1. Schedules form an official part of this By-law.

18.1.2. Appendices may be changed by resolution of Council without formally amending this Bylaw.

### **Schedule 'A'**

Zoning Maps

### **Schedule 'B'**

Architectural Control Overlay

### **Schedule 'C'**

Watercourse and Waterbodies Map

### **Schedule 'D'**

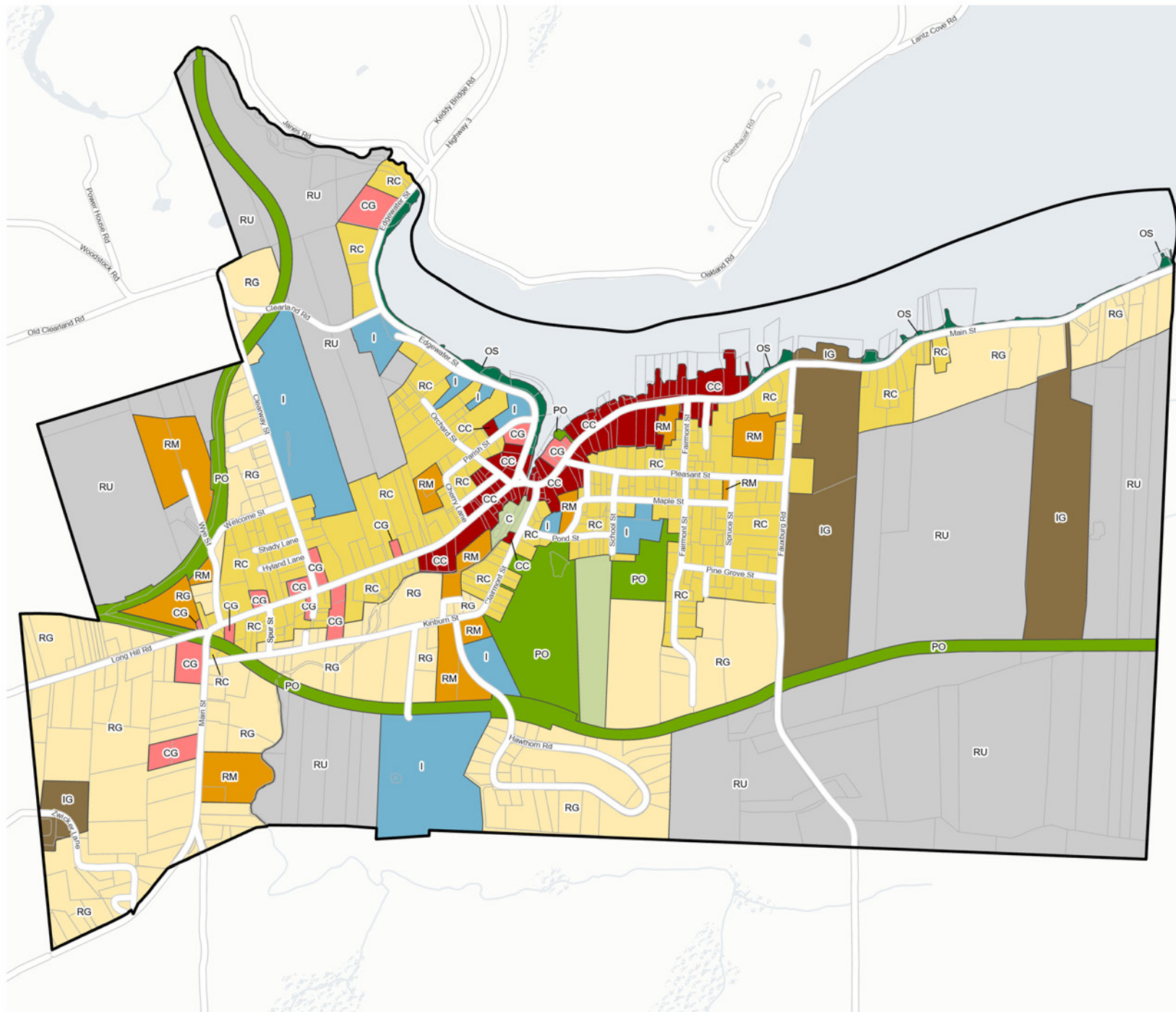
Parking Exemption Area

### **Schedule 'E'**

Coastal Flood Risk Map

### **Appendix 'A'**

Areas of Increased Parking Requirements



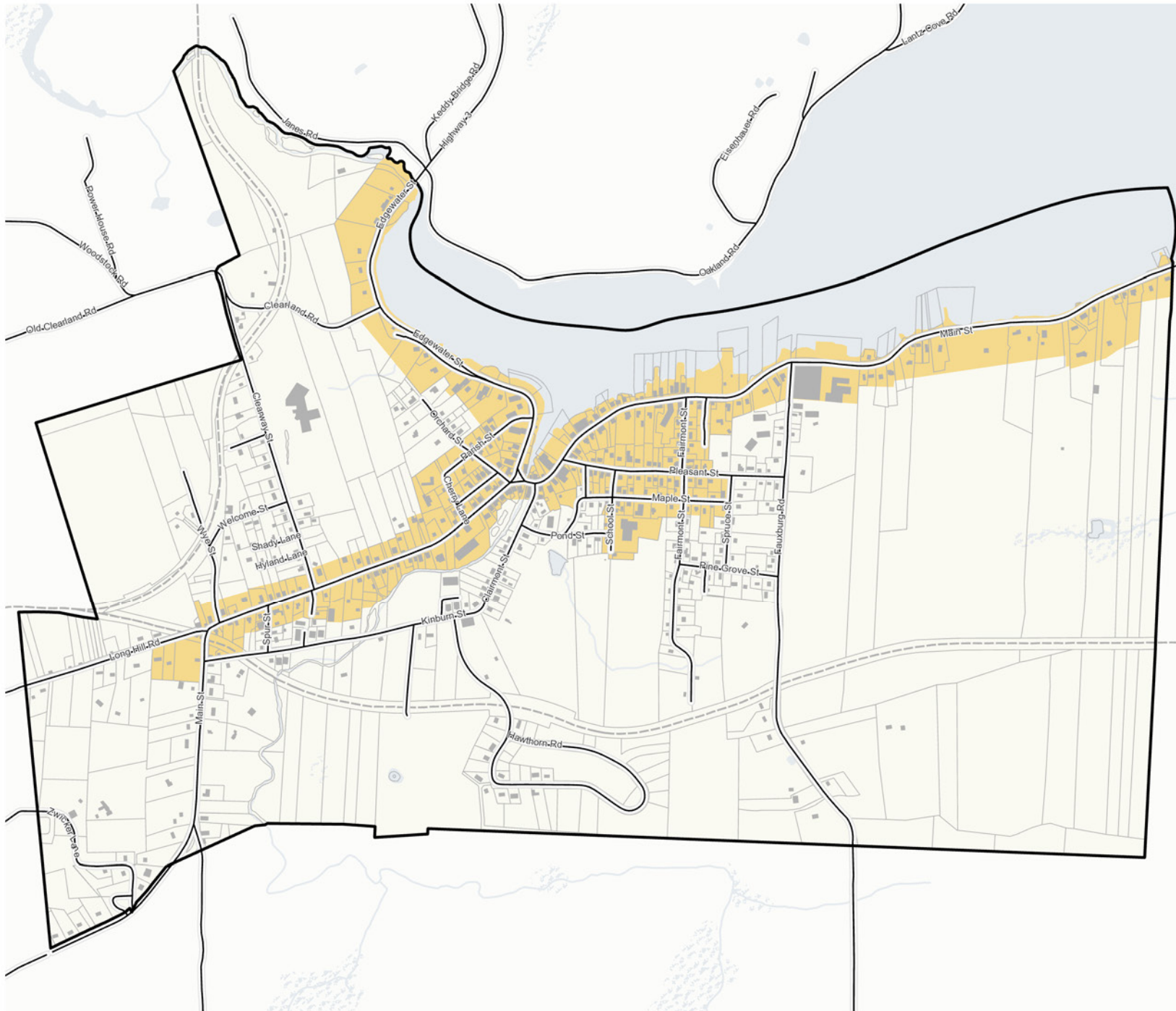
MAP  
Zoning

SCHEDULE	LAST UPDATED
A	10/4/2023

NORTH	SCALE
	1:14,000

- LEGEND
- CC Core Commercial
  - CG General Commercial
  - IG General Industrial
  - I Institutional
  - RC Core Residential
  - RM Multi Unit Residential
  - RG General Residential
  - RU Unserved Residential
  - PO Parks and Open Space
  - OS Open Shoreline
  - C Conservation





MAP

## Architectural Control Area

SCHEDULE	LAST UPDATED
B	9/27/2023

NORTH	SCALE
	1:14,000

LEGEND

Architectural Control Area



MAP

## Watercourses

SCHEDULE  
C

LAST UPDATED  
9/8/2023




NORTH

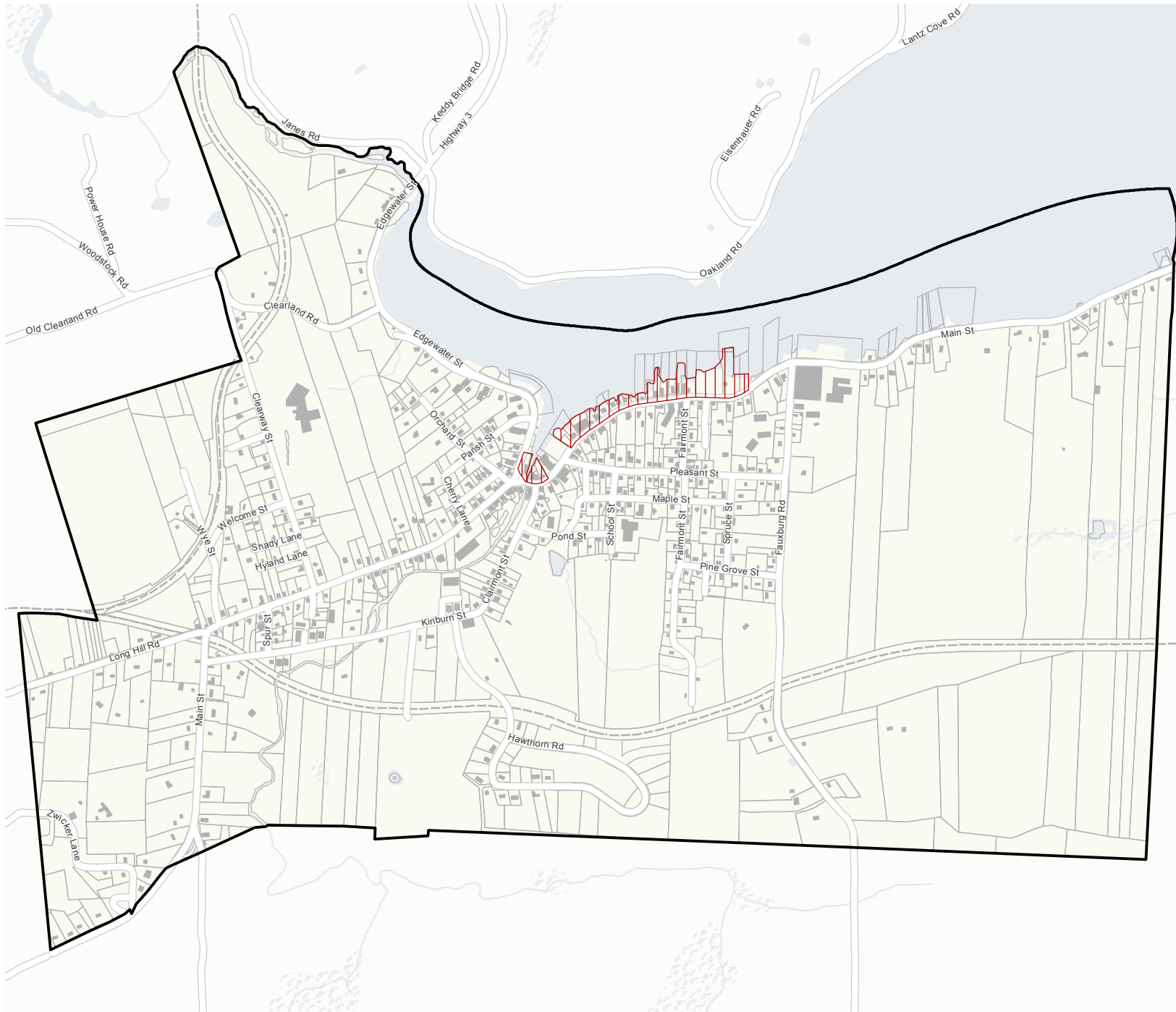


SCALE

1:14,000

### LEGEND


-  Watercourse
-  Waterbody
-  Wetland




MAP

## Parking Exemption Area

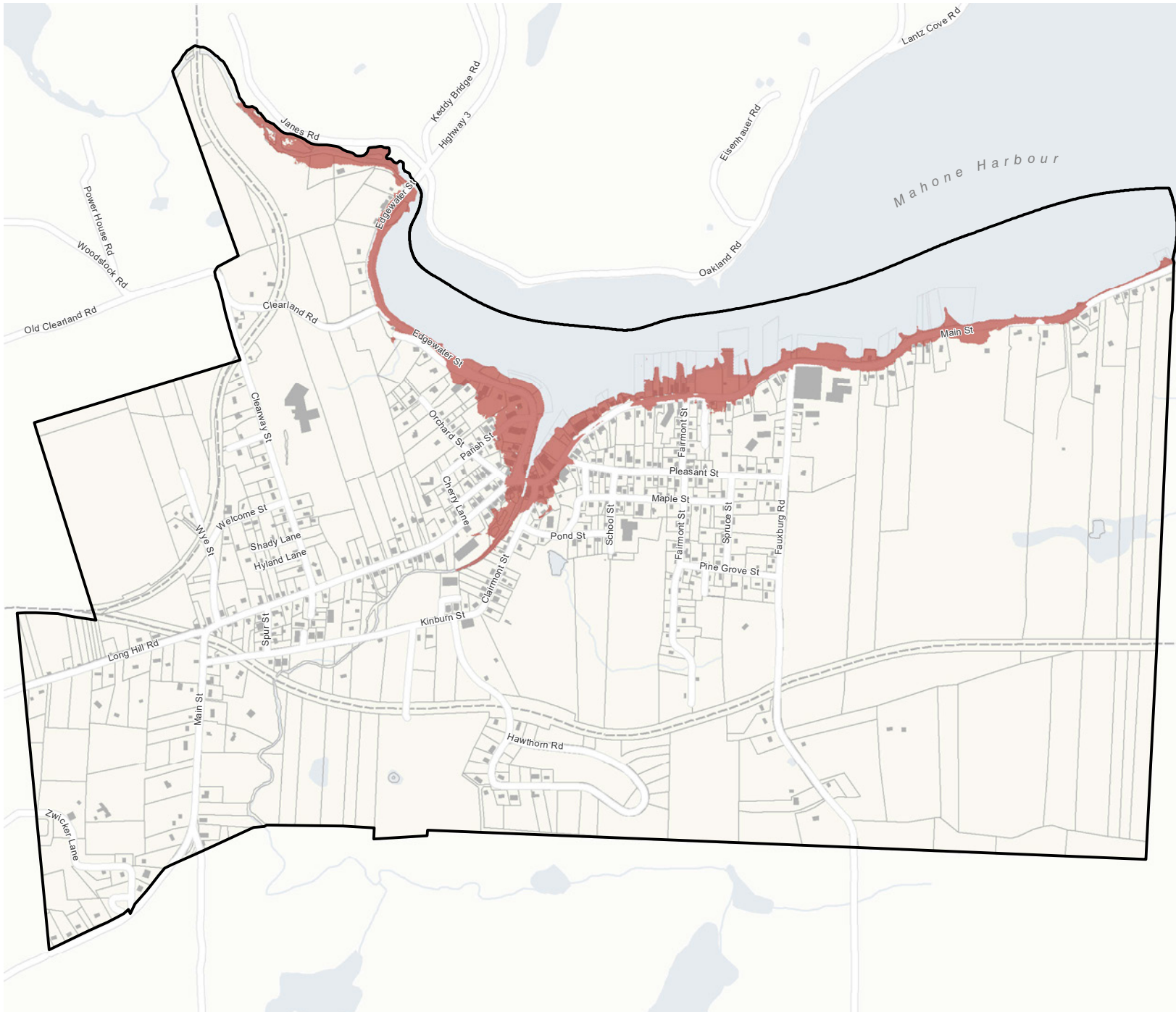
SCHEDULE	LAST UPDATED
D	2022.10.17

NORTH	SCALE
	1:14,000

### LEGEND

-  Parking Exemption Area





MAP

## Coastal Flood Risk

SCHEDULE	LAST UPDATED
E	2022.10.17

NORTH	SCALE
	1:14,000

### LEGEND

	0 metres - 3.5 metres
--	-----------------------

## **Appendix 'A' – Areas of Increased Parking Requirements**

- (a) Properties fronting on Longhill Road
- (b) Properties fronting on Clearland Road
- (c) Properties fronting on Hawthorne Road
- (d) Properties fronting on Aberdeen Lane
- (e) Properties fronting on Cherry Lane
- (f) Properties fronting on Garden Lane
- (g) Properties fronting on Hedge Row
- (h) Properties fronting on Hyland Lane
- (i) Properties fronting on Shady Lane
- (j) Properties fronting on Stovepipe Lane







prepared by  
**UPLAND**  
for

*TOWN OF*  
**Mahone Bay**

---

A meeting of the Climate and Environment Advisory Committee for the Town of Mahone Bay was held on Wednesday, October 4, 2023 at 9:02 a.m. in Council Chambers

Present

Councillor Carver (Chair)  
Amanda Montgomery  
Richard Wilson  
Vernan Haysom  
Gregg Little  
Dylan Heide, CAO (Recording Secretary)  
Lauren Clark, Climate & Energy Program Manager

Absent:

Councillor Wilson (with regrets)  
John Evarts (with regrets)  
James Tilley

1. Approval of Agenda

A motion by Mr. Haysom, seconded by Mr. Wilson, "THAT the agenda be approved as amended to add item – Mahone Bay Adaptable & Resilient Community as item #6."  
Motion carried.

2. Approval of the Minutes

A motion by Mr. Haysom, seconded by Mr. Little, "THAT the minutes of the September 6, 2023 meeting of the Climate and Environment Committee be approved as amended to include "Climate Change & Adaptation" as 5(a) and to reflect – under this item – that Vernan provided notice to add an item to the next meeting agenda."  
Motion carried.

3. Updates

a. Sustainability Summit Events

Members debriefed on the Summit; several attended and shared positive feedback. Councillor Carver mentioned that a formal debrief of the conference planning committee is likely in the near future. The question was raised if the summit would become an annual event.

b. A group visit to the Sustane Facility

Lauren Clark ran doodle poll suggesting October 18<sup>th</sup> from 10-12 Noon was the best date/time for the tour, to which members agreed.



4. CLIMAtlantic Toolkits for shoreline assessment and remediation/adaptation

Members discussed the tool, which some members had tried. Lauren Clark & CAO Dylan Heide reviewed the Town's experience with adaptation planning. Members agreed that the limitations of the Town's adaptation planning to date concern interactions between public infrastructure and private property / adjacent private properties with each other. Members further agreed that it may be helpful to promote the Toolkit to residents.

Members discussed the possibility of a community climate adaptation session in the coming months.

5. Reconciliation of parking lot items with upcoming meetings agenda

Members reviewed the parking lot items list and Lauren Clark amended the upcoming meetings' agenda accordingly. With respect to adaptation, the Committee will consider developing a Community Engagement Plan on the subject to recommend to Council. Adaptation discussion will be broad enough to encompass subjects such as wave suppression and local food production.

6. Mahone Bay Adaptable & Resilient Community

Mr. Haysom spoke to the need for "big picture" adaptation conversations with multiple community actors (focused on listening and engagement, not providing answers). At the Committee's next meeting the plan will be to develop a Community Engagement Plan on "Initiating the Community Adaptation Conversation".

7. Discuss/promote upcoming solar garden open house

Moved to the Committee's November meeting agenda.

Adjourned on motion at 11:06 am

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Chair, Councillor Penny Carver

Recording Secretary, Dylan Heide

A meeting of the Heritage Advisory Committee for the Town of Mahone Bay was held on Wednesday, October 11, 2023 at 9:00 a.m. in Council Chambers.

Present:

Councillor Joseph Feeney  
Councillor Penny Carver  
Annette St. Onge (arrived at 9:30 a.m.)  
Garry Macey  
Deborah Trask, Heritage Researcher  
Kelly Munroe, Town Clerk

Absent:

Bryan Palfreyman (regrets)

1. Approval of Agenda

A motion by Councillor Carver, seconded by Mr. Macey, "THAT the agenda be approved as presented." Motion carried.

2. Minutes

A motion by Mr. Macey, seconded by Councillor Carver, "THAT the minutes of the September 13, 2023 meeting of the Heritage Advisory Committee be approved as presented." Motion carried.

3. Grant Request – Founders Society

The committee received a request from the Founders Society for a Heritage Property Grant Fund grant.

A motion by Mr. Macey, seconded by Councillor Carver, "THAT the committee recommend that Council approve the grant request in the amount of \$500 from the Founders Society." Motion carried.

4. Heritage Trust Presentation

The committee discussed the possibility of the Heritage Trust of Nova Scotia providing a presentation in Mahone Bay.

5. Document Review

The committee reviewed heritage property forms and hand-outs as well as the Heritage Property Grant Fund Policy.

A motion by Ms. St Onge, seconded by Mr. Macey, "THAT the committee recommend that Council adopt the amended Heritage Property Grant Fund Policy as presented."  
Motion carried.

Next Agenda

Annual Plaquing Ceremony

The meeting adjourned at 11:47 a.m. at the conclusion of business.

TOWN OF MAHONE BAY

TOWN OF MAHONE BAY

Chair, Councillor Joseph Feeney

Town Clerk, Kelly Munroe

**Town of Mahone Bay  
Heritage Property Grant Fund**

**Application**

**Application Deadline: March 1<sup>st</sup>**

Applications will be accepted between January 1<sup>st</sup> and March 1<sup>st</sup> of each calendar year and on a first-come-first-served basis after March 1<sup>st</sup> until funds for the year have been expended.

---

**Applicant Information**

Name of Property Owner (full legal name is required)      First \_\_\_\_\_ Middle \_\_\_\_\_  
Last \_\_\_\_\_

Mailing Address      \_\_\_\_\_  
Street #      Street      Suite/Apt  
  
PO Box      City/Town      Province      Postal Code

Contact      Phone \_\_\_\_\_  
Email \_\_\_\_\_

---

**Property Information**

Address of Registered Property      \_\_\_\_\_ Mahone Bay, NS  
Civic #      Street

**Is your property a Municipally Registered Heritage Property?**      **Yes**      **No**  
If yes, you must provide a copy of the Notice of Registration.

**What is the property used for?**      Single-family residence  
Multi-family residence  
Commercial

---

## Project Information

Briefly describe the scope of work in the box below.

Eligible projects are limited to pre-approved repair or restoration work on the exterior façade.

**Contractor's Quote attached** ☐ Yes ☐ No contractor required

If this work might be considered a substantial alteration to your municipally registered heritage property, approval will be required from Town Council. Please contact Town Hall for more information on this process.

**Please provide a copy of all required development and/or building permits.**

Development Permit ☐ Included ☐ Not required

Building Permit ☐ Included ☐ Not required

## Financial Information

All applicants are required to complete the financial table below and provide quotes for expenses.

Revenues				
Source	Cash	In-Kind	Subtotals	%
<b>Totals</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>100%</b>

\* Please note that labour cannot be listed as an In-Kind contribution.

[illegible]

**What is the anticipated cost for materials (including HST)?**      \$ \_\_\_\_\_

**What is the anticipated cost for labour (including HST)?**      \$ \_\_\_\_\_

**What is the anticipated cost for this project (including HST)?**      \$ \_\_\_\_\_

**What is the total grant request for this project?**      \$ \_\_\_\_\_

Please note the Heritage Property Grant Fund is based on the anticipated costs to complete the project. Eligible costs are outlined in the Heritage Property Grant Fund Policy.

The maximum grants for a registered municipal heritage property will be up to 50% of the anticipated project to a maximum grant of \$500. Eligibility criteria can be found in the Heritage Property Grant Fund Policy.

**When will work begin?**      \_\_\_\_\_

**When is the expected completion date?**      \_\_\_\_\_

All project work must be completed within the fiscal year (April 1<sup>st</sup> – March 31<sup>st</sup>).

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

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**Send Application to:**

**Town of Mahone Bay  
PO Box 530  
493 Main Street  
Mahone Bay, NS    B0J 2E0**

For further information contact Town Hall by phone at 902-624-8327 or by email at [clerk@townofmahonebay.ca](mailto:clerk@townofmahonebay.ca).

**Grants will be disbursed upon review of appropriate receipts for completed project work.**



**ESTIMATE TO MAHONE BAY MUSEUM**  
**Maintenance and Repairs to Mahone Bay Museum**

February 10, 2023.

Antony Richards

Registration Number ~~70000~~ HST 136507019

Contact: 902 212 1913

Consultation/ Assessment with Anne Palfreyman Chair MBFS And Building Committee.

*Anne Palfreyman Feb. 13. 2023.*

**OVERVIEW**

**1. Windows- overview**

**Big plan is to get all the windows repaired.** Most of the old wooden windows are in good shape

- some windows - sills and uprights need replacing
- windows need putty ( ie Dap glazing)
- some glass panes need replacing
- exterior outer storm window work well but need caulking jobs outside and panes of glass where the glass is missing
- some need an annual job of foam weather stripping tape on the bottom of the window frame for insulation and water barrier
- for some windows - wood preservative and wood filler will fix the windows
- clean up all windows for a fresh clean look.
- Inside - Remove filters and that will get rid of the black around the panes- the black is simple caused by old plastic filters. At the same time, putty and scrap the clean the edges and **reapply filters.**

90% of window repairs can be done from outside

Material: \$ 395.25

Labour : \$3,300.00 *includes HST.*

Total \$3,695.25

**2. Front Stairs Repairs. Overview**

Antony Richards confirmed he will complete the repairs of the front stairs by Mid May  
Repair Plan -

- Replace rotted out end posts and joints
- Replace boards on stairs as needed
- Level the verandah
- Paint as needed

Material \$ 400.00

Labour \$ 520.00

**Front Door Repair**

- Rehang Front Door

*Completed*

# STATEMENT OF INCOME & EXPENSES

April 1, 2021 to March 31, 2022 (with Comparisons March 31, 2021)

REVENUE	2022	2021	
Public Donations (general purpose)	\$11,520	\$15,610	
Fund Raising	\$15,972	\$6,094	B
Grant-CMAP	\$17,966	\$17,966	
Grant - Town of MB (utilities & taxes)	\$7,916	\$7,662	
Grant - Municipal	\$3,000	\$1,200	
Grant - Provincial Employment	\$2,424	\$0	
Grant - Federal Youth Employment	\$12,920	\$25,796	
Grant - COVID Wage Subsidy	\$11,783	\$22,412	
Grant - MAP Covid Relief	10000.	\$10,669	
Grant - Other	\$3,260	\$0	
Grant - Archive	\$7,750	\$0	
Other Income	\$1,657	\$0	
Interest Income	\$0	\$70	
Membership Dues	\$690	\$955	
<b>Total Income</b>	<b>\$106,858</b>	<b>\$108,435</b>	
<b>EXPENSES</b>			<b>SCH</b>
Founders Museum	\$63,419	\$69,528	A
Fund Raising Activities	\$2,332	\$574	B
Occupancy Costs	\$16,124	\$14,761	C
Administration	\$4,918	\$4,810	D
<b>Total Expenses</b>	<b>\$86,793</b>	<b>\$89,673</b>	
<b>SURPLUS (DEFICIT)</b>	<b>\$20,065</b>	<b>\$18,762</b>	

## 1.0 Purpose

The purpose of this policy is to provide guidelines for the awarding of cash and in-kind grants to owners of registered Heritage Properties in the Town of Mahone Bay. ~~that apply to the Town of Mahone Bay for financial assistance under the Heritage Property Grant Fund.~~ The goal of this policy is to preserve the built heritage of the Town of Mahone Bay, to treat all applicants fairly and consistently, and to promote transparency in government decision-making.

## 2.0 Definitions

- 2.1 Façade – the face of a building, especially the side that faces onto a street or open space.
- 2.2 Heritage Advisory Committee – the committee of the Town of Mahone Bay established in accordance with the Heritage Property Bylaw.
- 2.3 Registered Heritage Property – a municipally registered heritage property registered with the Town of Mahone Bay pursuant to the Heritage Property Bylaw of commercial or residential use and not exempted from taxation.

## 3.0 Policy

It is the policy of the Town of Mahone Bay to provide, within its financial capacity, financial support to owners of registered heritage properties under the Heritage Property Act, in support of their efforts to protect the built heritage of the Town of Mahone Bay.

Owners of registered heritage properties within the Town of Mahone Bay may make application for funds from the Heritage Property Grant ~~Fund~~ program toward the cost of repair or restoration work on the exterior façade of registered heritage properties within the Town of Mahone Bay.

Eligible applicants may apply for a matching grant of 50% of costs up to a total cost of ~~\$1000 \$2000~~, exclusive of HST, for a maximum grant of ~~\$500 \$1,000~~. Grants will be disbursed upon review of appropriate receipts for completed work.

#### 4.0 Basic Eligibility Requirements

- a) Applications will be accepted from owners of Registered Heritage Properties. A completed, signed and dated application must be received by the Town before a project can be considered for funding.
- b) Applications will be accepted ~~between January 1<sup>st</sup> and until~~ March 1<sup>st</sup> of each ~~fiscal calendar~~ year and on a first-come-first-served basis thereafter until funds for the year have been expended.
- c) ~~Applications should be received eight weeks prior to project commencement. All project work must be completed within the fiscal year (April 1 – March 31).~~ Applications must be submitted prior to the commencement of work. Work must be completed within the fiscal year the grant was awarded.
- d) Eligible projects are limited to pre-approved repair or restoration work on the exterior façade.
- e) All grants are provided at the discretion of Council.
- f) Property Owners will be eligible to apply to the Heritage Property Grant annually, but any one property would be eligible for only one grant under the Heritage Property Grant ~~Fund program~~ once in any five-year period.

#### 5.0 Application Process

- a) Applications must include:
  - i. Completed Application Form
  - ii. ~~Proof of registration under the Heritage Property Bylaw~~
  - iii. Building permit approval where required
- b) Applications will be reviewed by the Heritage Advisory Committee for recommendation to Council. Applications will be reviewed ~~at the Committee's first meeting following March 1<sup>st</sup> each year and thereafter~~ at the next available Committee meeting following the receipt of an application.

#### 6.0 Prioritization of Applications

All applications will be given fair consideration and priority will be assigned as follows:

- a) Preference will be given to first-time applicants.
- b) Preference will be given to preservation and restoration of historic structural and weather-proofing elements than to cosmetic improvements, e.g. The restoration of cladding, windows, doors or roof has greater priority than painting.
- c) Preference will be given to restoration of publicly visible features (e.g. Restoration of a front porch would have greater priority than a rear porch).
- d) Preference will be given to applicants with a family income level below the maximum qualifying income level specified by Council in the Low Income Tax Exemption for the fiscal year in which the application is received. Applicant(s) shall provide proof of income. Income from all persons of the same family residing in the household shall be taken into account when determining family income levels.

## 7.0 Council Approval

An annual budget for the Heritage Property Grant **Fund Program** will be established at the discretion of Council as part of the annual budget process.

Council reserves the right to grant partial requests or grant or reject any application that may or may not qualify in accordance with the guidelines set out in this policy. Applicants are not guaranteed funding. Grants under the Heritage Property Grant **Fund program** will be considered public information.

Applicants will be notified following Council's approval with a Letter of Award which will state, if any, restrictions apply to the grant.

Clerk's Annotation for Official Policy Book	
Date of notice to Council Members of Intent to Consider	
[minimum 7 days notice]	_____
Date of Passage of Policy	_____
_____	_____
Town Clerk	Date



## Updates for September 2023

13 intakes were completed in September 2023.  
In total, 403 intakes have been completed from  
May 25, 2022 to September 30, 2023.

### Current State of Homelessness

- 124 households currently experiencing homelessness
- 65 children currently experiencing homelessness/housing insecurity
- 50 households currently experiencing chronic homelessness

### Breakdown of households from total intakes



Families - 158  
Seniors - 98  
Veterans - 10  
Indigenous - 45  
African NS- 11  
Youth( 25 & under) - 56  
Latin Hispanic - 1  
Other - 18

### Origin of household from total intakes

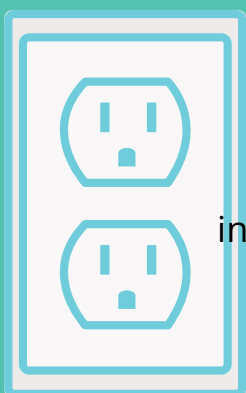
183 residing in Bridgewater  
111 residing in MODL  
43 residing in Queens  
13 residing in Lunenburg  
18 residing in Chester  
14 residing in Mahone Bay  
21 did not disclose

### Top reasons for housing loss

- Building being Sold
- Leaving home due to Domestic Violence
- Eviction due to Renovations
- Eviction due to Breach of Conditions

\*A breach of conditions includes a breach by either the property owner or the tenant.

### Energy Poverty



135 identified as experiencing energy poverty.  
Totalling \$107,656.98 in NS power arrears.

### Community Referrals

Part of our delivery of services includes ensuring households engaging in the Coordinated Access System have access to local resources offered by our partners, requiring a collaborative approach. Here are the total number of referrals to SSODA from the Community since our opening date:

Self Referral - 255  
Harbour House - 21  
Schools Plus - 12  
St Vincent De Paul - 3  
YMCA Youth Outreach - 4  
Income Assistance - 43  
Police/RCMP - 1  
Senior Safety - 4  
Souls Harbour Rescue Mission - 11  
Agency outside of Lunenburg County - 17  
Hospital -20  
Justice / Probation - 4  
Legion - 2

Average number of months experiencing homelessness

4

### Most common sleeping arrangements at time of intake

- Renting - Pending Eviction 103
- Couch Surfing - Safe 80
- Hotel Stay 42



SINCE MAY 2022, 96 OF SSODA CLIENTS HAVE BEEN CONNECTED TO HOUSING.

Email: [INTAKE@SSODA.ORG](mailto:INTAKE@SSODA.ORG)

Phone: (902)521-0994