

TOWN OF LUNENBURG COUNCIL MEETING MINUTES

TUESDAY, JUNE 22, 2021 AT 6:00 P.M.

ZOOM VIRTUAL MEETING AND LIVE BROADCAST

PRESENT: Mayor Matt Risser
Deputy Mayor Peter Mosher
Councillor Jenni Birtles
Councillor Melissa Duggan
Councillor Stephen Ernst
Councillor Ed Halverson
Councillor Susan Sanford

ALSO PRESENT: Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer
Dawn Sutherland, Planning/Development Manager
Ian Watson, Upland Planning and Design, Town Planning
Consultant

1. Call to Order

The Mayor called the meeting to order at 6:00 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Mayor recognized Lunenburg's location on the unceded territory of the Mi'kmaq people.

3. Agenda

Motion: moved and seconded approval of the agenda with the deletion of agenda item #9 e. which was earlier withdrawn by the applicant.

Council requested and agreed with the recommendation of the Planning/Development Manager that all letters submitted respecting and since the Planning Advisory Committee public information meeting for 101 Masons Beach Road Development Agreement extension application #8 a. (Schedule A) will be referred to the July 27 Council public hearing for consideration.

The motion was put and passed.

4. June 8, 2021 Council meeting minutes

Motion: moved and seconded approval of the June 8, 2021 Council meeting minutes.
Motion carried.

5. Public Hearings, Presentations and Questions
6. Correspondence, Petitions and Proclamations Consideration
 - a. 60 Day Public Engagement: NS Sustainable Development Goals Act and a new Climate Change Plan for Clean Growth
7. Business Arising from the Minutes/Unfinished Business
 - a. 2021 Heritage and Planning Advisory Committees Public Membership Applications

The following applications were received for Council consideration: Danielle Graham, E. Patricia MacDonald and Philip Mitchell for the Heritage Advisory Committee; and Virginia Stephen, Colin Whitcomb, Ronald Bachman and Philip Mitchell for the Planning Advisory Committee.

Motion: moved and seconded the appointment of E. Patricia MacDonald to the 2021 Heritage Advisory Committee as a citizen member. Motion carried.

Motion: moved and seconded the appointment of Colin Whitcomb to the 2021 Planning Advisory Committee as a citizen member. Motion carried.

Motion: moved and seconded that staff prepare for Council consideration a draft amendment to the Committees of Council Policy setting out an initial staff review and recommendation of all future citizen applicants for Town Committees. Motion carried.

- b. Comprehensive Community Plan Quarterly Report 2021/22

Staff presented the first quarterly work progress report for fiscal 2021/22 (**Schedule B**).

8. Committee Meeting Minutes, Recommendations, Reports and Notices of Motion
 - a. Planning Advisory Committee Public Information Meeting Minutes May 19, 2021

The Planning/Development Manager presented additional materials regarding the Planning Advisory Committee's recommendation and status of the Development Agreement amendment application (**Schedule C**). She advised that any public submissions received since the Committee's public information meeting and Council's potential July 27 public hearing would be referred to the latter for Council consideration at that time before a decision is made. She noted that the existing planning documents apply to this application as the proposed revisions have not yet been adopted.

Motion: moved and seconded the proposed amendment to the 101 Masons Beach Road Development Agreement by:

3.1 allowing for a two year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete "10" and insert "12" before *years from the date of this agreement*;

- b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

3.2 to reference multi-unit dwellings in 1. Use as follows:

a. after *bed resort hotel*; and delete

- sixty (60) residential condominium units; and
- thirty (30) apartments

insert

- multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); and
- before
- *other facilities ordinarily*;

and give first reading and set a public hearing date of July 27, 2021 to further consider this application.

Motion defeated. Councillors Duggan, Halverson, Birtles, Sanford and Ernst voted in the negative.

Council discussed the option of discharging the Development Agreement as a further alternative as set out by draft motion in the Planning Development/Manager's supplemental report (*Schedule C*).

Motion: moved and seconded that:

Whereas the Town of Lunenburg (the “Town”) entered into a development agreement with Stellar Investments Inc. (the “Developer”) dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “Development Agreement”);

And whereas Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

And whereas the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

And whereas Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

And whereas there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

Now therefore, Town Council by virtue of Section 229(2) of the *Municipal Government Act* (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, refuses the application to amend the development agreement, and orders that the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect.

The CAO asked that Council consider holding a recess for a legal review of this motion and implications of same as it was received along with the accompanying staff presentation materials (*Schedule C*) for the first time at this meeting. It does not contain reference to a public hearing before a final determination unless this is the intended effect. The Planning/Development Manager said a solicitor did review and prepare the draft motion for her.

The motion was put and passed. Mayor Risser voted in the negative.

It was agreed that this motion will be further considered at a July 27 public hearing before possible final adoption.

b. Planning Advisory Committee Public Information Meeting Minutes June 2, 2021

Ian Watson, Upland Planning and Design, Town Planning Consultant summarized the proposed replacement planning documents (*Schedule D*). He and the Planning/Development Manager advised that the draft Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw have been preliminarily reviewed by Provincial Planning staff who gave them an initial favorable response.

Motion: moved and seconded first reading of the proposed repeal of the Town of Lunenburg's 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications (*Schedule E*) to be scheduled and advertised for further consideration at the July 27, 2021 Council meeting. Motion carried.

Motion: moved and seconded first reading, scheduling and advertising of a public hearing on July 27, 2021 for the proposed adoption and public input regarding the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision Bylaw and draft Specifications for Subdivision dated June 2, 2021 (*Schedule F*) save for minor non-substantive changes and as posted on the Project Lunenburg website. Motion carried.

c. Audit Committee Meeting Minutes June 10, 2021

These minutes were received for information only.

9. New Business

a. Proposed Appointment of a Town Building Official pursuant to the NS Building Code Act

Motion: moved and seconded that Ryan Whynot be appointed as a Building Inspector for the Town of Lunenburg effective June 22, 2021. Motion carried.

b. Joint Building Inspection Planning and Implementation Steering Committee

Council Members (2 X) Appointments and an Alternate

Motion: moved and seconded that Mayor Risser and Councillor Halverson be appointed as the Town Council representatives on the Joint Inspection Planning and Implementation Steering Committee and Deputy Mayor Mosher as an alternate (Schedule G). Motion carried.

c. Proposed Electric Utility Temporary Borrowing Resolution

The Finance Director presented the report and recommendation to approve this borrowing (Schedule H).

Motion: moved and seconded Council approval of an Electric Utility Temporary Borrowing Resolution for \$500,000 as per the staff report (Schedule H). Motion carried.

d. Provincial Capital Assistance Program (PCAP)

The Finance Director gave an overview of the recommended funding application (Schedule I).

Motion: moved and seconded that staff apply to the Provincial Capital Assistance Program for the Town's 2021/22 Salt Water Intrusion Check Valve Installation project in the amount of \$105,000 (Schedule I). Motion carried.

e. Request of Garth Turner for a Special Event Permit Application Authorizing Partial Closure of King Street for a July 1, 2021 Canada Day Concert

The application was earlier withdrawn.

10. Meeting in camera

Motion: moved and seconded to meet in camera to consider contract negotiations pursuant to section 22 (2) (e) of the Municipal Government Act. Motion carried.

7:42 p.m. - Council recessed and met in camera.

11. Resumption of Council meeting in public session

The Mayor advised that there are no recommendations to report from the Council in camera meeting.

12. Adjournment

The meeting was adjourned at 8:35 p.m. by the Mayor.

Bea Renton, CAO

From: [Dr. D. Wilson](#)
To: [Dawn Sutherland](#)
Subject: some points about the building permit for masons beach road
Date: May-26-21 8:00:46 AM
Attachments: [masons beach permit.docx](#)

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Sent from [Mail](#) for Windows 10

When this plan was first presented, the councillors saw this as an increase in the tax base for the town. Mr. Riebling was unable to raise investors and the construction was not done. A convention centre is not feasible for this town and cannot be sustained. Consider Oak Island, White Point, Lunenburg Arms. These all struggle in the shoulder seasons and winter in NS. Few visitors travel to Lunenburg in the off season. Where would the staff come from and where would they live?

With a new strategy and bylaws set to be approved based on 2 years of work, it seems improvident to renew that kind of long-term agreement without understanding if it is consistent with the new strategy. The permit should be denied. Once the new strategy is in place. The applicants can reapply and the committee judge if the plan aligns with the new strategy.

The town needs housing. A large development with underground parking will be expensive. The average person will not be able to afford to buy into this. The housing will go to wealthy people who will come for 3 weeks in the summer and be empty for the rest of the year. This will not help the town, or businesses.

Who would want to buy an apartment or condominium knowing that there will be years of construction outside their door?

Even though the last council approved the development permit, it does not mean that it must be renewed. The committees and councillors have changed. Times have changed.

Lunenburg currently has new investors who are planning subdivisions (such as newly purchased land near Centennial Avenue, and along the 332 by Lilydale). Small subdivisions with affordable housing are what is needed.

Disruption along Mason's Beach Road over many years will affect homeowners and businesses including the Topmast Motel, a business that has been in operation for decades. The road provides access to a medical office and construction will make access a problem. Masons Beach Road is a narrow road that will not withstand a lot of traffic. There are narrow sections, and it passes through a school zone.

Lunenburg is fortunate that the Kaulbach family has leased the land for the Bluenose Golf Course. Construction will disrupt the beauty and peace of the course for many years. It would be a travesty if the Kaulbach's were to pull out their support of the golf course land because of these disruptions.

With a project of this size, an environmental assessment should be completed before any permit is allowed, especially with the town's view to having environmental issues at the forefront.

The sewage treatment system problems have finally been resolved. Will the sewage treatment plant be able to accommodate the addition of huge development? Who will pay for the upgrades to the sewage treatment plant?

A 10-year development permit is unreasonably long.

How much does the development permit add to the sale price of the now dilapidated home that sits on that property?

LUNENBURG WATERFRONT ASSOCIATION INC.

June 3, 2021

Your Worship Mayor Matt Risser
And Members of Town Council,
Town of Lunenburg
P.O. Box 129,
Lunenburg, NS B0J 2C0

Reference: Stellar Investments' request to extend the development agreement
for 101 Mason's Beach Rd.

Dear Mayor and Councillors:

The Lunenburg Waterfront Association (LWAI) Board met after the Planning Advisory Committee had voted to recommend a two year extension of the 10 year old unexecuted development agreement with Stellar Investments for 101 Mason's Beach Rd. That decision was not well received, and we agreed we should write urging Council to discharge it.

In February LWAI had presented to the newly elected Council advising of the need to consider the surroundings of the whole harbour when planning this culturally sensitive gem of a Town and its working waterfront. That concept has been endorsed by UNESCO and supported by millions of dollars from Canadian tax payers. To exercise that trust, the people of Lunenburg fully engaged with Project Lunenburg. We voted strongly for this Council believing it ran on the "Project Lunenburg ticket".

LWAI believe that a development that adds to, or alternatively detrimentally appropriates, the Town and waterfront view into which so much has been invested, should be judged not by the old rules but by the aspirations and eventual new rules of Project Lunenburg.

This Council, with its upcoming decision, has the chance to endorse the mandate upon which it ran and was elected. We urge Town Council to let the old development agreement continue to lapse. We understand that Stellar Developments has the opportunity to resubmit its development plans and that any subsequent application would be reviewed in the spirit of the Project Lunenburg.

Respectfully yours;

Sandy

W. A. Sandy Marshall
Chair, LWAI Board of Directors

M. Stuart Gourley & E. Jane Gourley
Lot 00-4 Masons Beach Road
Lunenburg, N. S.
Tel: 902 880-8706 E-Mail: Mgourley@eastlink.ca

Dear Mayor and Councillors

May 28th, 2021

My name is Stuart Gourley and my wife (Jane) and I own the property which adjoins the property owned by the Rieblings. As such we have an interest in the development of the property.

Let me say right away that we are guided by a number of beliefs:

- the town of Lunenburg must always seek to increase its tax base
- the business community in Lunenburg is, and always must be, in search of increased customer traffic and sales
- the parcel of land in question will be developed, one way or another

The development proposal in question was developed and put forward ten years ago; a great deal has changed and evolved in Lunenburg, indeed all of Nova Scotia, in the intervening years. As such I believe the development proposal should be revisited to ensure that the premises upon which it was put forward and accepted are still valid and that it is both economically and socially acceptable to the citizens of the Town of Lunenburg.

As it relates to our concerns regarding **this** project, they fall into four broad categories:

Infrastructure

The impact of this project on the infrastructure of the Town is very significant. Roads within the town will be subjected to very significant amounts of heavy equipment traffic, from dump trucks to floats hauling heavy excavators and bulldozers. Roads will have to be dug up for the purposes of installing water and

sewer lines. Clearances (“pinch points”) for the passage of this heavy hauling will need to be looked at, along with the need to straighten out some of the corners so large vehicles can move through.

Traffic patterns as they relate to both the construction period and post construction will need to be assessed especially in regard to the school, other businesses, and residences along the streets leading to the site.

I am very sure that Peter Baker has a much clearer understanding of the impact of such a large development on the water system, (eg. pipe sizes beyond the hook up point, water reserves for handling peak flow demands, impact of our changing climate and the reduction in rainfall that we have seen and will continue to see in the future, etc), and the sewer system (eg. treatment capacity, pipe sizes beyond the hookup point, etc.). What additional hidden costs to the Town are buried within these questions, assuming that the developer is prepared to shoulder the costs to bring these services to the site - a very considerable capital cost that will have to be built into room rates, facility rental rates, condominium sales prices and rents for apartments, etc..

Development Planning

The Town of Lunenburg has just spent a considerable amount of money, staff time and public feed back efforts in order to develop a new set of planning and development guidelines and, presumably by-laws. We can only assume this was done because Town Leadership felt there was a strong need to undertake this effort.

Now, after a ten year wait for something (construction) to happen with this project, the Town is considering the nulification of this new development work by “grandfathering” a project planned and designed ten years ago under rules the Town

Leadership felt needed to be up dated and brought into the present in order to guide future development.

Viability of This Project

As the Rieblings stated in their presentation to the Planning Advisory Committee, they need time to go back and “work the numbers”. This is an absolute necessity as the capital costs for this project have exploded over the ten years , indeed over the last year. Construction material costs have sky rocketed in the last year, (re-bar alone has gone up 41.3 % in the last few months alone, and we all know what lumber costs now). Labour costs have gone up as well and the shortages of skilled trades people is an on-going issue in Nova Scotia as a whole.

All of this additional cost must be reflected in the cost of rates at the Hotel, rents in the apartments and sales costs for the condominiums.

The attraction of users for a conference centre is predicated on a wholesome market for these services in the area and the province as a whole. This market must be there all 12 months of the year. It is also predicated on the availability of amenities and attractions in the area beyond those at the facility itself. These also must be available 12 months of the year.

A very quick and not particularly scientific look at these two requirements would suggest that the market for conferences in the winter months on the South Shore as a whole is not robust (as could be attested to by the Atlantica Oak Island Inn and White Point Beach Lodge, both of whom have considerable on-site attractions that this Hotel would not). Additionally the availability of amenities and attractions in the Lunenburg area during the shoulder and winter months is limited. Simply put, there must be a draw for customer traffic and the traffic must be there before the hotel is built.

With regard to the apartments which, purportedly, will help with the rental housing situation in Lunenburg, would suggest to me a mis-calculation. The capital cost of the apartments and there location viewing a world famous UNESCO heritage site would lead one to realize that the rental rates for these units would be at a premium level and not suited to the middle and lower middle class renters that are disadvantaged in the Lunenburg area. The “value proposition” for these units would suggest to me that the would be “condoized” or “B&B’d” in a very short period of time. One need only look to Bridgewater to see where rental rates have gone. A one bedroom at the back , ground floor level, in a brand new building is starting at C\$1200 a month. An apartment in this location would be well beyond that in my estimation.

As it relates to condominiums, it is my belief that this is the direction the town should be looking. Their construction is not as intensive, if appropriately controlled, and they would not be as service intensive, as the number of units would be limited by the “luxury” aspect of the sales pitch. They would add significantly to the tax base of the town due to their value and they would bring in wealthy owners who would certainly add to the service/merchandise dollars spent in the town. The market place for these units would likely be Montreal/Toronto, the southern United States and , possibly, Europe. Notably, it is my understanding that this could be accomplished under the new planning program and not involve an extended Development agreement or a long drawn out construction effort.

The impact of COVID19 on the hospitality industry, tourism, construction methodologies and businesses in general is an open question and one which will take many years to figure out. Certainly the impact on travel, hotels and restaurants has been and will continue to be broad and life changing. Will people go back to travelling, will they want to stay in hotels with many people in them, will they go back to large restaurant venues or even to small ones if there is not physical distancing in place. All these questions and many more will need time, effort and

active management to get under control. COVID19, its many variants, and other pathogen based infections are not going away. They and their consequent affects will be with us for many years to come. We are not going to return to the “good old days” of normal but rather to a new normal that is yet undefined in the hospitality and tourism industry- and indeed in all public service contact businesses.

I noted an article the other day which described the explosion in the Yacht and super yacht business. The jist of the article was that those that can afford to acquire their own space, their place of safety, are doing so. I would refer you, also, to the numerous architectural trade publications where the “new” standards of design and built out spaces are being discussed. These involve such things as touch less elevators and washrooms, space segmentation using plexi-glass and plant walls, limited height buildings to avoid vertical travel and rotational workforces. These new ideas and potential norms must be taken into account in any planning effort or major development project.

Impact on the Town tax base and other Businesses in Lunenburg

Any new project is an exciting time for people, but one that has to be entered into with eyes wide open. By this I refer to the potential impacts on other businesses and recreational facilities. If I may, I will use a few examples to illustrate my point.

A new hotel is opened: what impact will that have on existing hotels/motels in Lunenburg; would they benefit? would they close? (there goes the tax base increase), would it cause them to up grade their facilities? All unknowns in **today's** context.

A big development goes ahead in the area in question. How does it impact the operation and continuation of the golf course; will it impact physically on the footprint and infrastructure of the course; will it enhance the developments saleability?

What impact does the arrival of a wealthy condo owner or tourist (on their yacht) have on the Marine services sector in this area? Do we see more boats needing service, supplies and other items. I don't know but I would like to, before anything gets set in stone.

On a last note I would like to thank you for your patience in wading through this piece, I am sure you are all very busy . I would also like to thank the Reiblings for including in their development plan a significant green space between my property and theirs. I am likely putting that at risk if a new developer were to come in, but in my mind it is worth it to say "Is there something better, for the town and for the Reiblings, than a ten year old plan that may or may not fit today's context."

Respectfully submitted:

Jane & Stu Gourley

Ann Covey

Subject: 3 Coun Jun 22 21 Formal Objection to 101 Masons Beach Road: Application to extend Development Agreement
Attachments: attachment 1.pdf

From: blaynelcollins [<mailto:blaynelcollins@aol.com>]

Sent: June 18, 2021 1:44 PM

To: Matt Risser <MRisser@explorelunenburg.ca>; Peter Mosher <PMosher@explorelunenburg.ca>; Jenni Birtles <jBirtles@explorelunenburg.ca>; Melissa Duggan. <MDuggan@explorelunenburg.ca>; Stephen Ernst <SErnst@explorelunenburg.ca>; ED Halverson <EHalverson@explorelunenburg.ca>; Susan Sanford <SSanford@explorelunenburg.ca>

Cc: Bea Renton <brenton@explorelunenburg.ca>; Dawn Sutherland <DSutherland@explorelunenburg.ca>; Daniel Keeler <dan.keeler@ntlworld.com>

Subject: Formal Objection to 101 Masons Beach Road: Application to extend Development Agreement

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Dear Mayor Risser, Deputy Mayor Mosher and Town Councillors

Re: Formal Objection to [101 Masons Beach Road](#): Application to extend Development Agreement.

We understand the above item is due to go before Council for First Reading [on Tuesday June 22nd](#) with a public hearing tentatively set for [July 27th](#) with possible second reading to follow that evening. We wish to formally object, to the above application by the developer Stellar Investments to alter the terms of the development agreement for the proposals known as 'The Top' on [101 Masons Beach Road](#) for a 120-bed resort hotel, 60 residential condominium units, 30 apartments with a minimum of 227 parking spaces.

Please see attached letter outlining the details of our objection to the proposed extension of the development agreement.

We respectfully request that the contents of our letter of objection could be considered at the [June 22nd](#) town council meeting as we understand council will be voting on this matter at that time.

Unfortunately, we cannot attend that meeting as we will be in Bridgewater receiving our second covid shot and could not change this appointment without difficulty. We look forward to watching the YouTube video of meeting.

Thankyou for reading our letter. If you have any questions for us, please feel free to contact us.

Blayne Collins
Dan Keeler
[267 Pelham St](#)
[Lunenburg](#)
[B0J 2C0](#)
blaynelcollins@aol.com

Sent from my iPad

‘Forgotten Corner’
267 Pelham Street
Lunenburg
B0J 2C0

June 18th, 2021

Lunenburg Town Council
119 Cumberland Street
Lunenburg
B0J 2C0

FAO Mayor Risser

Dear Mayor Risser, Deputy Mayor Mosher and Town Councillors

Re: 101 Masons Beach Road: Application to extend Development Agreement.

We understand the above item is due to go before Council for First Reading on Tuesday June 22nd with a public hearing tentatively set for July 27th with possible second reading to follow that evening. We wish to formally object, to the above application by the developer Stellar Investments to alter the terms of the development agreement for the proposals known as ‘The Top’ on 101 Masons Beach Road for a 120-bed resort hotel, 60 residential condominium units, 30 apartments with a minimum of 227 parking spaces.

The Town Council approved a development agreement on April 05, 2011, which gave the landowners, Stellar Investments up to 10 years to commence the development. The agreement, under section 9, also provides the Town of Lunenburg the option to terminate and discharge the development agreement: **‘if no use has been commenced within sixty (60) months of the date of this agreement.’** The ‘Termination of Agreement’ clauses are notably included in the Development Agreement to allow the Town of Lunenburg the option and ability to discharge the agreement should circumstances change over the intervening period ie. any time after 5 years. Any such circumstances should include other developments happening within the town area, potential impact on services infrastructure and changes in local planning policies to the benefit of the town.

On March 22nd, just 2 weeks before the development agreement expired on April 5th, Stellar Investments submitted a request to Town Council for the development agreement to be extended from 10 to 20 years.

On May 19th, the Planning and Advisory Committee meeting was held online at which Stellar Investments made a presentation to Town Council on the merits of their development but failed to adequately demonstrate why nothing had been done for the last 10 years. It also failed to explain why the existing mid-century modern house, intended to be at the heart of their proposals appears to have been neglected for so many years through lack of maintenance. The presentation by Stellar Investments attempted to show personal commitment from the family owners to implement their late fathers’ vision for the proposals when the right economic circumstances arise. According to the listing history on Viewpoint it is worth noting that between August 2016 and February 2018 this development site was on the market for \$2M but failed to attract a suitable buyer. Furthermore, it was confirmed at the PAC meeting that the benefit of the development agreement (ref. section 10) could be transferred and reassigned to successors of the property if sold on.

The proposals approved 10 years ago are now outdated and inappropriate in scale, scope and use for the site context, landscape environment and town infrastructure. The developer should therefore be encouraged to consider alternative proposals more appropriate in scale for the site and in doing so embrace the emerging MPS policies.

The Planning and Advisory Committee were presented with a bewildering ‘menu’ of options and after much discussion settled on Option 3 – to vary the time extension to the Development Agreement by 24 months to April 05, 2023. This motion was carried to recommend to full council, and we understand will be before Council for First Reading next Tuesday June 22nd.

The Town Council and Project Lunenburg team must be congratulated on the excellent and substantial work on shaping and implementing the carefully planned policies and guidelines within the new MPS and Project Lunenburg documents. Whilst we acknowledge this specific application relates to the current MPS policies in force it is quite clear that the PAC recommendation to extend the development agreement for this site flies in the face of the emerging MPS and Project Lunenburg objectives soon to be adopted. The key priority for good quality housing in appropriate locations is clearly identified in the MPS and Project Lunenburg. Crucially this will avoid piecemeal development and ensure the town grows in a sustainable manner. Indeed, one of the key drivers on the front page for Project Lunenburg asks, ‘Why is a plan needed?’ and states:

‘Choosing not to plan is accepting that the future simply happens or is beyond our influence. It assumes that it will be alright to go in different directions at the same time, or that we can make each decision one by one and hope for the best. Plans can give us a constant direction that will help us take control over our own fate.’

Yes, ‘The Future Will Happen No Matter What’ but with the visionary plans of Project Lunenburg ready to serve the Town and community, why spoil it now and go in a different direction? The Town of Lunenburg are under no obligation to extend this development agreement so we would urge the Town Council to take control and make a good decision for this community and future generations. We urge you to discharge this development agreement. Thank you for your time and consideration.

Yours sincerely

Blayne Collins

Email: blaynelcollins@aol.com

Daniel Keeler

Email: dan.keeler@ntlworld.com

CC (by email)
Deputy Mayor Peter Mosher
Cllr Jenni Birtles
Cllr Melissa Duggan
Cllr Stephen Ernst
Cllr Ed Halverson
Cllr Susan Sanford
Bea Renton (CAO/Town Clerk)
Dawn Sutherland (Development Planning)
Gerry Rolfsen; Derek Kinsman; Peter Goforth (PAC)

June 16, 2021

Town Council
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS B0J 2C0

Re: Development Agreement Amendment Application – Stellar Investments Inc.

Dear Mayor Risser and Members of the Town Council:

My brothers, Matthew and Timothy, and I would like to take this opportunity to thank you and the other Members of the Town Council for your consideration of our request to extend the Development Agreement that was previously awarded to our father for our property at 101 Masons Beach Road. We are very appreciative of the time the Planning Advisory Committee committed to discussing our request at last month's meeting and found the feedback of the other town residents extremely valuable.

While the purpose of our application is limited to a request to extend the previously approved Development Agreement for an additional 10 years, the details of the development plan itself inevitably became the focus of that meeting. Several local residents, as well as a few of the committee members, expressed a variety of concerns including: questioning why the development plan hadn't commenced during the initial 10 year term; construction traffic and increased traffic long term; the suitability of the building aesthetics and appropriate landscaping; additional strain on the towns infrastructure; and the development agreement's alignment with Lunenburg's new Municipal Planning Strategy. We understand that any development, particularly one of this size and complexity is going to generate as many questions and concerns as we can list benefits.

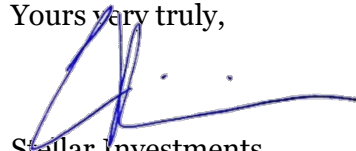
With the support of several community and Committee Members in attendance at that meeting, the Committee was gracious enough to put forth a recommendation to extend the Development Agreement by 24 months. We take this decision to mean that the Committee, to some degree, recognizes the viability and benefits of the project for the Town, but wants to encourage a faster development of the site than we initially proposed.

It is the purpose of this letter to request the Town Council reconsider the recommendation of the Committee and consider reusing the terms agreed to in the initial Agreement, a 10-year term with the Councils right to discharge the Agreement if construction hasn't commenced within the first 5 years. While we greatly appreciate the Committee's support of the development plan, we believe that they have greatly underestimated the amount of time it's going to take to get this project shovel-ready. We understand there are questions as to why we haven't started yet. The best we can respond is that my brothers and I have yet to be given the chance. The original Agreement was a passion project of our father's, that he had been looking forward to focusing on in his retirement. My brothers and I would appreciate the opportunity to make his vision a reality.

As highlighted in last month's Committee meeting, there are a number of questions that we need to thoroughly evaluate during the pre-development phase of this project. We will want to do everything we can to minimize the projects effects on local infrastructure, which we understand might require us to improve some of the local roadways or contribute to additional water/sewer services as we apply for individual building permits. We will want to thoughtfully design landscaping that is both cost effective and esthetically pleasing for our adjacent neighbors as well as from Town. We will need to fully understand the long-term effects Covid will have on the cost of construction materials and access to labor. We will also need to identify the correct development/operating partner for the hotel phase of the property, which in a post-Covid environment is going to take some time.

All this said, we believe in the potential of this project and that it will be accretive to the Town's new planning strategy, not a distraction. We believe that the town will benefit directly from the increased tax base as well as employment. It will help address the towns immediate need for additional housing and the proposed hotel/conference space will attempt to create a truly year-round destination. We respectfully ask the Council to recognize that we do not want to rush into the construction phase of the project and that we want to build an asset that the Town of Lunenburg is going to be proud of.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'C. Reibling', with a long horizontal flourish extending to the right.

Stellar Investments
Christopher Reibling
creibling@tigroup.us
904-540-9689

Cc: Members of the Lunenburg Town Council
Ms. Bea Renton
Ms. Dawn Sutherland
Mr. Patrick Burke

COMPREHENSIVE COMMUNITY PLAN: QUARTERLY REPORT

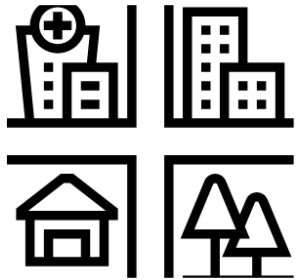
Q1 2021/22: June 22, 2021



PROJECT LUNENBURG – HIGH-LEVEL STATUS

- ▶ **Planning documents:** Municipal Planning Strategy (MPS), Land Use Bylaw (LUB), and Subdivision Bylaw
 - ▶ 1st Draft release: May 7, 2021
 - ▶ Public Presentation: May 13, 2021
 - ▶ Public Information Meetings: May 26 and June 2, 2021
 - ▶ 2nd Draft release: June 2, 2021
 - ▶ First Reading at Council: June 22, 2021 (projected)
- ▶ **Heritage documents:** Heritage Conservation District (HCD) Plan & Bylaw
 - ▶ Drafting scheduled to begin in September
- ▶ **Town Budget 2021/22**
 - ▶ Passed on May 25, 2021; enables some CCP Action Item projects
- ▶ **Annual Work Plan 2021/22:** Passed on June 8, 2021
- ▶ **Quarterly Reports to date:** Q4 2020/21 March 23, 2021

10 STRATEGIC DIRECTIONS – STATUS



Community
Structure



Housing



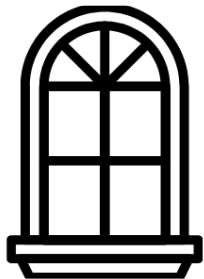
Servicing &
Facilities



Mobility



Economic
Development



Heritage



Urban Design



Environment &
Sustainability



Culture &
Recreation



Governance



COMPREHENSIVE COMMUNITY PLAN (CCP) | 5-YEAR PLAN

35 CCP ACTION ITEMS - Summary of Work Plans

Estimated Time Line ** Q2 21/22: June 2021

= in process, but will require funding or other resources to complete; shades indicate phases

= start up dependant on funding, legislative or other resources; shades indicate phases

= overlapping phases

As of June 16, 2021

Activity		Est Start	Est Finish	Lead Dept	Lead Staff	2021	2022	2023	2024	2025
#	35 Action Items for 5-Year Plan**									
1	SERVICING & FACILITIES: Upgrades to wastewater collection & discharge	2019	2025	PW	Town Eng					
2	SERVICING & FACILITIES: Upgrades to Wastewater Treatment Plant	2021	2025	PW	Town Eng					
3	GOVERNANCE: Reform municipal committees to build a culture of inclusion	2021	2022	PD/Htg/Rec	Asst Ciek					
4	ECONOMIC DEVT: Enhance relations with surrounding municipalities	Underway	Ongoing	CS	CAO/As					
5	ENVIRON & SUSTAIN: Partnerships to encourage energy efficiency retrofits	2021	2022	CS/EU	Finance Dir					
6	SERVICING & FACILITIES: Plan for long-term of all municipal facilities	2021	2023	EU/PW	Town Eng/ Facilities					
7	GOVERNANCE: Deepen work with region re provision of shared services	Underway	Ongoing	CS	CAO					
8	COMMUNITY STRUCTURE: Study and planning for sustainable energy district	2021	TBD	EU/PW	Finance Dir/ Town Eng					
9	GOVERNANCE: Expand communications to incl. a public participation strategy	2021	2022 +	CS	Asst Ciek					
10	COMMUNITY STRUCTURE: Site planning for Blockhouse Hill	2021	2024	LBOT/PD	Planner					
11	CULTURE & REC: Foster inclusivity in programming and leadership	2021	2022 +	CS/Htg/Rec	Recreation Dir					
12	CULTURE & REC: Build relations with Town and M/K/mag/Black residents & orgs	Underway	Ongoing	CS/Htg/Rec	Asst Ciek					
13	HOUSING: Feasibility study of mechanisms to encourage long-term residency	2022	TBD	PD	Planner					
14	GOVERNANCE: Organizational review to identify changes req. to implement CCP	2021	2022	CAO	CAO					
15	ENVIRON & SUSTAIN: Facilitate community learning/dialogue re sea level rise	2023	2024 +	PD	Planner					
16	URBAN DESIGN: Policies/actions to improve accessibility throughout town (2022)	2021	2022	Htg/PD	Heritage Mgr					
17	HOUSING: Regulate short-term rentals	Underway	Ongoing	PD	Planner					
18	CULTURE & REC: Create a special committee to promote anti-racism	2021	2022 +	CR/Htg/Rec	Asst Ciek					
19	URBAN DESIGN: Activate streetscapes through design and programming	2021	2022 +	PD/PW	Planner/ Town Eng					
20	HOUSING: Foster relations with housing stakeholders re collaboration/data sharing	2021	Ongoing	PD	Planner					
21	ENVIRON & SUSTAIN: Regulate buildings near shoreline re sea level rise	Underway	TBD	PD	Planner					
22	HERITAGE: Encourage accessibility and provide heritage design guidance	Underway	2023	Htg	Heritage Mgr					
23	ECONOMIC DEVT: Establish a staff position to support economic dev't initiatives	2021	Ongoing	CS	CAO					
24	CULTURE & REC: Partnerships/opportunities to increase waterfront access	2021	TBD	PD/PW/Rec	Recreation Dir					
25	HOUSING: Study/policy/actions toward alternative housing models	2021	2022	PD	Planner					
26	ECONOMIC DEVT: Create an inventory of economic information	2024	Ongoing	PD	Planner					
27	ENVIRON & SUSTAIN: Policies for wind and solar energy at multiple scales	2021*	2022	CS/EU/PW	Planner/Finance Dir/Town Eng					
28	URBAN DESIGN: Policies/programs for street trees and urban forest	2022	Ongoing	PW	Town Eng					
29	MOBILITY: New visitor, employee, and bus parking areas outside Old Town	2022	TBD	PW/PD	Planner/ Town Eng					
30	MOBILITY: Improve connectivity between Old/New Town for all modes of transport	2021	2023	PW/Rec	Recreation Dir/ Town Eng					
31	HERITAGE: Accommodate new additions to heritage structures such as solar panels	Underway	2023	Htg/PD	Heritage Mgr					
32	CULTURE & REC: Assess arts/recreation facility needs and develop plan	2021	2025	PD/Rec	Recreation Dir/ Facilities Super					
33	HOUSING: Monitor and analyze housing demand, demographics, dev't trends	2021	Ongoing	PD	Planner					
34	GOVERNANCE: Identify performance indicators to annually evaluate activities	2021	Ongoing	All Depts	Asst Ciek/ Planner					
35	HERITAGE: Ensure infil/hew are visually compatible/distinguishable from historic	Underway	2022	Htg	Heritage Mgr					
** ESTIMATED TIMELINE DEPENDENT ON RESOURCE AVAILABILITY. Subject to change due to resourcing and as interconnected actions develop over the five years.										

STATUS

 Community Structure	Action 8	Study and planning for a <u>sustainable energy district</u> ▶ Solar Assessment Study approved in the 2021/22 Town Budget – Finance Director and Facilities Superintendent are collaborating on project targeted for completion March 2022 ▶ Report regarding additional considerations being prepared by Facilities Superintendent for an upcoming Council meeting ▶ Funding: possible FCM green funding application
	Action 10	Site planning for <u>Blockhouse Hill</u> ▶ Comprehensive zoning is part of the new Draft Planning documents (MPS, LUB, Subdivision) currently under review ▶ Development plan initiation for the site is now getting started ▶ Funding: 2021/22 Town Budget approved additional for preliminary phase

STATUS



Action 13

Feasibility study of mechanisms to encourage long-term residency

- ▶ Issues: non-resident buyer tax, empty home tax require enabling legislation – long-term initiative
- ▶ Scheduled to begin work in 2022/23

Action 17

Regulate short-term rentals

- ▶ Policies and regulations are included in MPS/LUB currently under review

Action 20

Relationships with housing stakeholders to foster collaboration and data sharing

- ▶ Nova Scotia Affordable Housing Commission report released May 31 – Lunenburg participated in public consultation and focus groups
- ▶ Presentation by Western Regional Housing Authority to be scheduled for Committee of the Whole
- ▶ Stakeholder informal consultation planned for the summer – Housing NS, South Shore Housing Action Coalition, and others

STATUS

 Housing	Action 25	Study, policy, and other actions toward <u>alternative housing models</u> ▶ Alternative housing models are enabled through Planning documents currently under review ▶ “Plan B” Housing Society Joint Task Force Proposal – Committee of the Whole recommendation to submit members to PAC and HAC ▶ Educational materials – joint workshop proposed for spring 2022
	Action 33	Monitor and analyze <u>housing demand and supply</u>, <u>demographic indications</u>, and relevant <u>development trends</u> ▶ National census taking place now – results will be released in 2022 ▶ Nova Scotia Affordable Housing Commission report released May 31 – Lunenburg participated in public consultation and focus groups ▶ Presentation by Western Regional Housing Authority to be scheduled ▶ Funding: 2021/22 Town Budget approved Economic Development Manager and Planning Technician positions budgeted and advertised for; these provide capacity to help facilitate future housing information

STATUS



Servicing &
Facilities

Action 1

Upgrades to the wastewater collection and discharge system

- ▶ Capital projects approved in 2021/22 Town Budget include lift station and catch basin work – enhanced preventative maintenance program
- ▶ GIS system development in progress
- ▶ Dalhousie polymer study first stage completed; second stage enhanced testing in progress
- ▶ Funding: 2021/22 Town Budget approved for this project

Action 2

Upgrades to the wastewater treatment plant

- ▶ The Wastewater Plant and Outfall Pre-design report July 2021, including treatment process upgrade components of the project
- ▶ CBCL interim report 1 to Council on Building Condition: April 27; final report received on June 1 to be presented to Council
- ▶ CBCL interim report 2 to Council on Outfall and Upgrades: May 25
- ▶ Work continuing on the near-term and long-term scopes of work
- ▶ Funding: PCAP received for pre-design work

STATUS



Servicing &
Facilities

Action 6

Plan for long-term of all municipal facilities

- ▶ Capital facilities maintenance projects funded in 2021/22 Town Budget include Town Hall, Annex, Arena, Skate Park, and Fire Hall
- ▶ Facilities report presented
- ▶ Municipal properties future use analysis in progress
- ▶ Water meter study in progress
- ▶ Management of Town leases
- ▶ *See Culture & Recreation Action 32 re regional arts and recreation facilities*
- ▶ Funding: incorporated within the 2021/22 Operating Budget approval

STATUS



Mobility

Action 29

Plan for new visitor, employee, and bus parking areas outside Old Town

- ▶ Scheduled to initiate in 2022/23
- ▶ Lunenburg Academy's Lot Development Plan implementation scheduled for 2023/24 in 10-Year Capital Budget

Action 30

Improve connectivity between Old/New Town for all modes of transportation

- ▶ Capital projects funded by 2021/22 Town Budget: Tannery Road sidewalk surveying and legal, Back Harbour trail resurfacing
- ▶ The 2019 "Bikeway Concept Designs" report from Blue Route/Bicycle NS referred to Public Works for internal feasibility assessment
- ▶ Recreation and Public Works working collaboratively with Bicycle NS for a Project Team to increase active transportation within the Town
- ▶ "Share the Roads" signs x 4 installed
- ▶ *See also Culture & Recreation Action 24 on waterfront accessibility.*
- ▶ Funding: Bicycle NS is pursuing a funding application through Provincial "Healthy Community Initiative"

STATUS



**Economic
Develop-
ment**

Action 4

Enhance relationships with surrounding communities and municipalities

- ▶ New joint services: Fire Inspection; IT services; Accessibility Coordinator; and Parking enforcement
- ▶ Ongoing joint services: Building Inspection coordination expansion; REMO; Fire Protection mutual aid; Solid Waste Management
- ▶ Lunenburg County Mayors and Warden discussion forum
- ▶ Lunenburg County CAOs projects
- ▶ Lunenburg/Queens Recreation Directors/Coordinators Association
- ▶ Lunenburg university/college student bursary funding
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

STATUS



**Economic
Develop-
ment**

Action 23

Establish a staff position that can support economic development initiatives

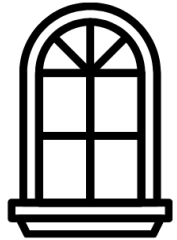
- ▶ 2021/22 Town Budget provided for a FT Economic Development and Funding Manager – budget approved and advertised for
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

Action 26

Create an inventory of economic information

- ▶ Lunenburg data from defunct South Shore REN secured from MODC
- ▶ This will be a priority for the new Economic Development Manager, with support from Planning Technician
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

STATUS



Heritage

Action 22

Policy to encourage accessibility and provide heritage design guidance

- ▶ Lunenburg County Joint Accessibility Plan approved by all units; the Town's Accessibility Operational Plan to be facilitated by shared Accessibility Coordinator
- ▶ Heritage design guidelines are included in HCD Plan and Bylaw, in development with consultants
- ▶ Funding: Provincial inquiries for accessibility funding being coordinated by MODC on behalf of Lunenburg County municipal units

Action 31

Accommodate new additions to heritage structures e.g. solar panels

- ▶ Included in new HCD Plan and Bylaw, in development with consultants

Action 35

Ensure infill/new development is visually compatible/subordinate/distinguishable

- ▶ Included in new HCD Plan and Bylaw, in development with consultants

STATUS



Urban
Design

Action 16

Improve accessibility throughout the town

- ▶ Lunenburg County Joint Accessibility Plan approved by all units; the Town's Accessibility Operational Plan to be facilitated by shared Accessibility Coordinator
- ▶ Capital projects in 2021/22 Town Budget include: re-gravelling of Back Harbour Trail; and Skate Park accessible entrance and surface upgrades
- ▶ Lunenburg Arena and Community Centre accessibility audits scheduled for Fall 2021
- ▶ RFQ to be drafted for development of accessible sidewalk standards and guidelines
- ▶ Funding: Provincial and private funding applications; and Lunenburg/Queens Recreation Association grant for Community Centre accessibility audit

STATUS

 Urban Design	Action 19	Activate <u>streetscapes</u> through design and programming ▶ Tannery Road sea wall and trail beautification completed with improved landscaping and outdoor furniture ▶ Funding: Projects and related applications deferred to 2022/23
	Action 28	Policies and programs for street trees and <u>urban forest</u> ▶ Annual tree trimming took place in March 2021; to be repeated March 2022 ▶ Funding: Projects and related applications deferred to 2022/23; also private sector funding opportunities

STATUS



Environment
& Sustain-
ability

Action 5

Partnerships to encourage energy efficient retrofits

- ▶ RFP to be drafted for study on opportunities, risks, partners, funding, and implementation – targeted for Fall 2021
- ▶ Recreation LED interior light upgrades and temperature controls to be installed
- ▶ Funding: Federal Infrastructure Retrofit and Efficiency NS sources being investigated as possible sources of funding

Action 15

Ongoing community learning/dialogue about sea level rise and climate change

- ▶ Scheduled to begin 2023
- ▶ Modeling tool developed for Flood Study available online

STATUS



Environment
& Sustain-
ability

Action 21

Regulate buildings near the shoreline as part of sea level rise adaptation

- ▶ Control of building location/migration measures are part of Planning documents currently under review
- ▶ Provincial Coastal Protection Act regulations are not yet in place; amendments to Planning documents may be required
- ▶ GIS layer in TownSuite to be handled by new Planning Technician
- ▶ Funding: Town budget 2021/22 additional staff monies approved

Action 27

Policies for wind and solar energy at multiple scales

- ▶ Wind and solar infrastructure consideration included in Planning and Heritage documents, in development with consultant

STATUS

 Culture & Recreation	Action 11	Foster <u>inclusivity</u> in programming and leadership ▶ Referred to Action #18 (Anti-Racism Special Committee) ▶ Continue to host annual special events in collaboration with diverse stakeholders such as the Pride, Mi'kmaq Grand Council, Transgender, and Pan-African flag raisings ▶ Continue Seniors' Fitness and COVID-19 adaptations ▶ Cricket pitch development ▶ Funding: Youth Employment Experience funding for a summer student to assist in recreation and active transportation planning initiatives
	Action 12	Build relationships with <u>BIPOC residents</u> and organizations in the area ▶ Referred to Action #18 (Anti-Racism Special Committee) ▶ Funding: increased Town Budget 2021/22 in support of the Committee's work

STATUS

 Culture & Recreation	Action 18	Special committee to promote <u>anti-racism</u> and decolonization ▶ Anti-Racism Special Committee began its work in February 2021 to develop a Municipal Action Plan Against Racism and Discrimination ▶ Engaged expert equity, diversity and inclusivity facilitator to assist in developing an action plan ▶ Funding: increased Town Budget 2021/22 in support of the Committee's work
	Action 24	Facilitate partnerships and opportunities to <u>increase waterfront access</u> ▶ Action #30 (Connectivity between Old/New Town) to be completed first; partnership will be needed with Develop NS as the majority landowner ▶ 2021/22 Capital projects furthering this goal include: Tannery Road seawall beautification project completion, Back Harbour Trail re-surfacing ▶ Funding: initial inquiries made of ACOA for potential support of a women's memorial and related working waterfront profile

STATUS

 Culture & Recreation	Action 32	Assess <u>regional arts and recreation facility</u> needs and develop an integrated strategy ▶ Action #6 (Long-term facilities plan) to be completed first; regional cooperation will be needed for a joint asset map ▶ Local arts facility discussions ▶ Lunenburg Cultural Collective's "Cultural Action Plan" to be evaluated by Town staff in upcoming quarter
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STATUS



Governance

Action 3

Reform municipal committees to build a culture of inclusion

- ▶ Referred to Action #18 (Anti-Racism Special Committee)
- ▶ Calls for Town Committee volunteers included a diversity statement; and further equity and diversity initiatives under discussion
- ▶ Funding: Town budget 2021/22 additional Committee project monies approved

Action 7

Deepen work with local/regional partners in the provision of shared services

- ▶ Ongoing local/regional shared services discussions with neighbouring municipalities
- ▶ 2021/22 additions include Accessibility, IT services, Fire and Building inspection, and Parking enforcement
- ▶ Mayors and Warden meetings to discuss opportunities
- ▶ CAOs meetings to discuss HR, diversity and inclusion, procurement, risk management, and safety opportunities
- ▶ Funding: DMA funding application for joint IT services project was unsuccessful; and 2021/22 Town budget supports various joint projects

STATUS

 Governance	Action 9	Undertake an <u>organizational review</u> that will identify changes required for implementation of CCP ▶ RFP research and preparation in progress to select a consultant ▶ Funding: 2021/22 Town Budget approved for this project and an associated Bylaw and Policy review with potential Provincial assistance. ACOA inquiry unsuccessful; and will seek Provincial funding
	Action 14	Expand communication plan to include a <u>public participation strategy</u> ▶ Public Participation Strategy development to begin in next quarter (internal)
	Action 34	Identify <u>performance indicators/measurements</u> to evaluate activities of the Town ▶ RFP research and preparation in progress to select a consultant ▶ Funding: 2021/22 Town Budget approved to start Bylaw and Policy review. ACOA inquiry unsuccessful; and will seek Provincial funding

NEXT STEPS

- ▶ Upcoming Quarterly Reports :
 - 3. Q2 2021/22 – Council Meeting of September 28, 2021
 - 4. Q3 2021/22 – Council Meeting of December 14, 2021 or January 11, 2022
 - 5. Q4 2021/22 – Council Meeting of March 22, 2022



PROJECT
LUNENBURG

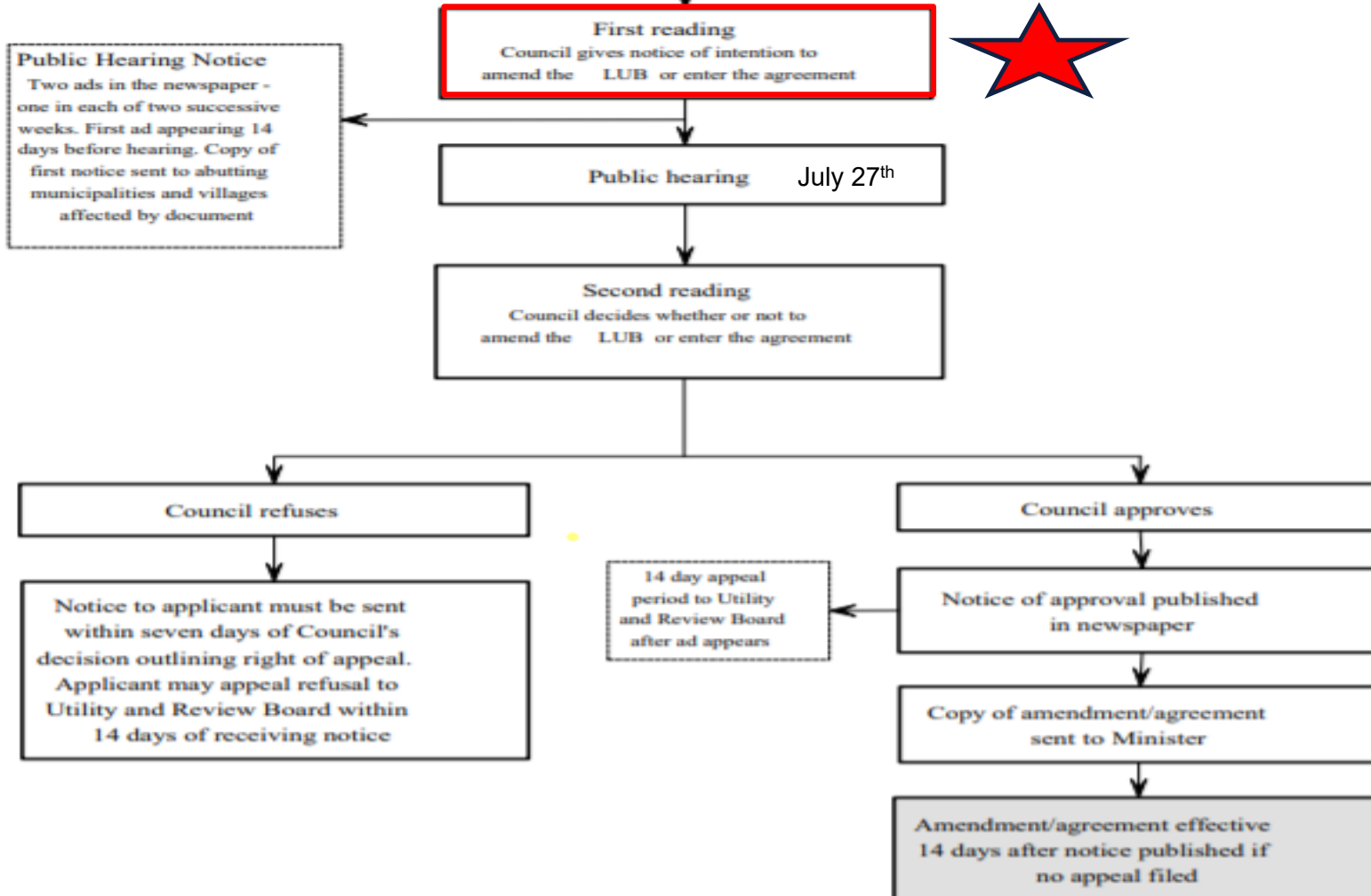
TOWN COUNCIL - FIRST READING APPLICATION FOR DEVELOPMENT AGREEMENT AMENDMENT, 101 MASONS BEACH ROAD

22 JUNE 2021, VIA ZOOM.



PAC hosted a Public Information Meeting that was advertised, letters to owners within 100 ft. PAC recommendation forwarded to Council

The planning report and PAC minutes with PIM from the May 19th are in today's agenda package.



THE PROCESS

1. Town of Lunenburg Public Participation Process
COMPLETE

2. MGA

PUBLIC ADVERTISEMENTS



- Advert published in Progress Bulletin on 12 May 2021.
- Neighbour notification letters

is a vital source of revenue and employment across the country for Indigenous communities, the federal government announced it's investing in projects to equip Acadia First Nation with tools to help it promote further economic opportunity in the forest sector and within its communities.

eries, Oceans and the Canadian Coast Guard and the MP for South Shore-St. Margarets, made the announcement on behalf of the Honourable Seamus O'Regan Jr., Minister of Natural Resources, May 6 that the government would be giving \$48,000 in funding for Acadia First Nation for a variety of projects.

purchasing a firewood processor to increase the safety and efficiency of the communities' production of firewood.

"This project will help the Acadia First Nation build capacity and support the transfer of knowledge through their forest management plan and understanding of potential sales of timber in their woodlot. It will further benefit the diversification of wood products available in Nova Scotia's forest sector," according to a news release issued by Natural Resources Canada on that day.

The funding is provided through the Indigenous Forestry Initiative (IFI) program, which supports Indigenous-led economic development opportunities in Canada's forest sector, according to the release. "By investing in forest sector technologies, we provide greener solutions that tackle climate change

"Indigenous Peoples are taking economic development into their own hands and succeeding. The Indigenous Forestry Initiative supports Indigenous forestry workers and businesses with new opportunities to expand operations and grow while bringing local benefits to their communities," O'Regan said in the release.

Jeff Purdy, a councillor with Acadia First Nation, was quoted as saying the activities supported under the program "will assist Acadia First Nation's strategic management decisions in enhancing economic return from harvesting while promoting the concept of Netukulimk — achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of our environment and enhancing forest health."



TOWN OF LUNENBURG

PUBLIC INFORMATION MEETING

Date/Time: Wednesday, May 19, 2021 at 6:00 p.m.

Location: Zoom Webinar (allows for two-way interaction):
<https://zoom.us/j/93107266740>

The information meeting is being held to provide an opportunity for the public to learn about the application and provide comments on the request.

1. Application to amend a development agreement to extend commencement of construction, 101 Mason's Beach Road, Lunenburg.

Stellar Investments Inc. has applied to amend its development agreement to extend the commencement of construction of a 120 bed resort hotel and multi-unit residential buildings (60 condominium units and a 30 unit apartment building) along with associated facilities such as a restaurant, conference room, spa, pools, etc. on three lots at 101 Masons Beach Road, Lunenburg. (PIDs 60053097, 60388097, 60388105). The request is to extend the allowable commencement date for 10 years.



For further information, copies of staff reports and questions about making a submission, please contact Dawn Sutherland, Manager of Planning & Development at 902-634-4410 x 255, dsutherland@explorelunenburg.ca. Everyone is welcome to attend.

Lunenburg restaurateur hooks Old Fish Factory

By GAYLE WILSON
gayle.wilson@lighthouse.ca
[@wilsonLHNews](https://twitter.com/wilsonLHNews)

Adam Bower, owner of the Grand Banker Bar and Grill in Lunenburg, announced recently that he and his wife are now the new owners of another waterfront landmark eatery in the town, The Old Fish Factory Restaurant.

"We are taking over the business from Mike and Selena Mawhinney, and are proud to continue on the outstand-

ing legacy they have built along with past owner Alan Creaser over the last 28 years," Bower reported on Facebook April 27.

Bower bought Grand Banker from Creaser after moving back in 2014. "I couldn't be happier to have this opportunity to bring both businesses back together," he said.

Bower indicated he will be transferring his Shipwright Brewing Company to the Old Fish Factory wharf-side premises. Plans are to open for the season at the beginning of June.

Visit lighthouse.ca
for the latest in local news.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



REQUEST:

**TO AMEND THE DEVELOPMENT AGREEMENT TO EXTEND
THE ALLOWABLE COMMENCEMENT DATE FOR 10 YEARS.**

**101 MASONS BEACH ROAD, LUNENBURG
PIDS 60388105, 60388097, 60053097**

DEVELOPMENT AGREEMENT



WHAT IS A DEVELOPMENT AGREEMENT?

- a contract between the Town and an owner that allows specific uses that are not normally permitted under land use zoning.
- There must be enabling policy in the Municipal Planning Strategy to allow for the consideration of the specific uses.

DEVELOPMENT AGREEMENT



WHAT IS A DEVELOPMENT AGREEMENT?

- It is registered at the Land Registration Office and runs with the title of the land.
- A new owner must abide by the terms of the development agreement if the property is sold.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT

101 MASONS BEACH ROAD



Applicant	Stellar Investments Inc.
Land Owner	Stellar Investments Inc.
Proposal	Application to extend the allowable commencement date for 10 years.
Lot Area	PID 60388105 Lot 00-1 1.21 acres PID 60388097 Lot 00-2 1.16 acres PID 60053097 Lot 00-3 <u>7.24 acres</u> TOTAL 9.61 acres or 418,611.6 ft ²
Designation	Rural
Zone	Rural Residential (RR)
Surrounding uses	Recreation (Golf Course), vacant lands, residential, tourist accommodations
Heritage	Not a designated heritage property, or within an area of architectural control or heritage conservation district.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Drone footage:

Lawrence, S. (2017, August 11). *Drone over Lunenburg Nova Scotia during a Tall Ship Visit*. You Tube. <https://www.youtube.com/watch?v=3d9CnWgDiiw>

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



From the
original
presentation
dated 30
October 2010

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



From the
original
presentation
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October 2010

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



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PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



From the
original
presentation
dated 30
October 2010

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



On 5 April 2001, the Town entered into a development agreement with Stellar Investments Inc. to allow for the construction of:

- 120 bed resort hotel,
- 60 condominium units,
- 30 unit apartment building
- with associated facilities such as a restaurant, conference room, spa, pools, etc. on three lots at 101 Masons Beach Road.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



ASK:

Timothy Reibling, President, Stellar Investments Inc., has requested a 10 year extension to the existing 10 year commencement timeframe.

- Under the 2011 agreement, commencement of construction was to begin by 5 April 2021.
- Mr. Reibling noted the delay in construction was as a result of several factors including the downturn in the economy after the 2008 global crisis and the rise in popularity of short term rentals.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



- He related that his late father, Guenther Riebling, former president of the business, expressed interest in beginning the project just prior to his passing in 2020.
- Stellar Investments Inc. wishes to evaluate the feasibility of the proposal and requests a 10 year extension to the commencement timeframe.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



The 2011 agreement was negotiated under the policies of the 1996 Municipal Planning Strategy, as amended, which is in effect today.

The agreement was **found to meet the intent** of the Municipal Planning Strategy and, therefore, was approved and entered into by Town Council

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT

101 MASONS BEACH ROAD



Existing development agreement

Form 26
*Purpose: to record an interest in a parcel; or
to record a power of attorney in the power of attorney roll*

Registration district: Lunenburg
Submitter's user number: 1728
Submitter's name: John R. Cameron

In the matter of Parcel Identification Number (PID)

PID	60053097	60388097
PID	60388105	

(Expand box for additional PIDs, maximum 9 PIDs per form.)

Power of attorney *(Note: completion of this section is mandatory)*

☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
☐ recorded in the attorney roll
☐ recorded in the parcel register
☐ incorporated in the document

OR

☒ No power of attorney applies to this document

This form is submitted to record the attached document (select applicable box):

☒ in the parcel register as a recorded interest
☐ in the power of attorney roll
☐ in the power of attorney roll as a duplication of a power of attorney registered under the *Registry Act*

The following information relates to the interest being recorded:

Instrument type	<i>Agreement re Use of Land (Development Agreement)</i>
Expiry date (if applicable)	
Interest holder and type to be added (if applicable) Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable	<i>Town of Lunenburg Party to Agreement</i>
Mailing address of interest holder to be added (for power of attorney, provide mailing address for donee)	<i>P.O. Box 129 Lunenburg, Nova Scotia, B0J 2C0</i>

For Office Use

LUNENBURG COUNTY LAND REGISTRATION OFFICE
I certify that this document was registered as shown below.
Date Registered, Register:
98133185 LR ROD
Document #
APR 13 2011. 15:30
MIN. BY: XXXX

See Document Attachment:
Document # 98133375

This Development Agreement made this 5 day of ^{April} ~~January~~, A. D., 2011

BETWEEN: Stellar Investments Inc.,
hereinafter called the “DEVELOPER”
OF THE ONE PART

AND

Town of Lunenburg, a municipal body corporate pursuant to the
Municipal Government Act
hereinafter called the “TOWN”

OF THE OTHER PART

WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #'s 60053097, 60388097, and 60388105; and

WHEREAS the properties described in Schedule A are situated within an area designated Rural on the Future Land Use Map of the Municipal Planning Strategy (1996), and zoned Rural Residential (RR), on the Zoning Map of the Land Use By-law (1996); and

WHEREAS Policy 6.4 of the Municipal Planning Strategy requires that multi-unit dwellings be considered only by development agreement in the Rural Residential (RR) Zone, and policy 6.5 of the Municipal Planning Strategy requires that tourist accommodations be considered only by development agreement and Part 8 of the Land Use By-law provides that multi-unit residential uses and tourist accommodations be considered only by development agreement in the Rural Residential (RR) Zone; and

WHEREAS the Town by resolution of Town Council passed at a meeting on December 7, 2010, approved the proposed development subject to the execution of this development agreement by the parties hereto; and

WHEREAS the Developer is the owner of the properties described in Schedule A;

Now this agreement witnesseth that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:



PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
- (b) the use of the properties for the development of :
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and
- (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



2. **Parking and Driveway Area**

- (a) that driveways and a minimum of two hundred and twenty-seven (227) parking spaces be developed and maintained in a manner which meets the requirements of the Town Engineer and Traffic Authority, with a minimum of 227 parking spaces located in an underground parking garage approximately as shown on Schedule B; and
- (b) that the driveways and parking area be surfaced to prevent the raising of dust due to wind or vehicular movement and that these areas be resurfaced or treated from time to time to ensure that dust will not be generated; and
- (c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



3. Landscaping, Lighting and Screening

- (a)** that any exterior lighting be limited to lighting for safety and security only, and be focused on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result;
- (b)** that landscaping in keeping with the nearby golf course and the neighborhood be developed and maintained on all portions of the property which are not built on; and more particularly that the landscaping be substantially as provided on the landscaping plan annexed as Schedule D; and
- (c)** that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as "height" is defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) temporary advertising signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property. The temporary signs must be removed within thirty-six (36) months of the issuance of the occupancy permit for the hotel, condominiums and apartment structures; and
- (b) that a maximum of two (2) permanent signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:
 - (i) the maximum number of rental units within the hotel; and
 - (ii) the maximum number of residential condominium units; and
 - (iii) the maximum number of one-bedroom apartments.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; any development which commences more than 10 years from the date of this agreement requires an amending agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if no use described herein has been commenced within sixty (60) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if there is no use described in Section 1 (b) for a period of sixty (60) months or longer; and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



10. Other

That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the Developer, its successors and assigns and the owner or owners from time to time of the property described in Schedule A, until discharged.

11. Compliance with Other By-laws and Regulations

That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD

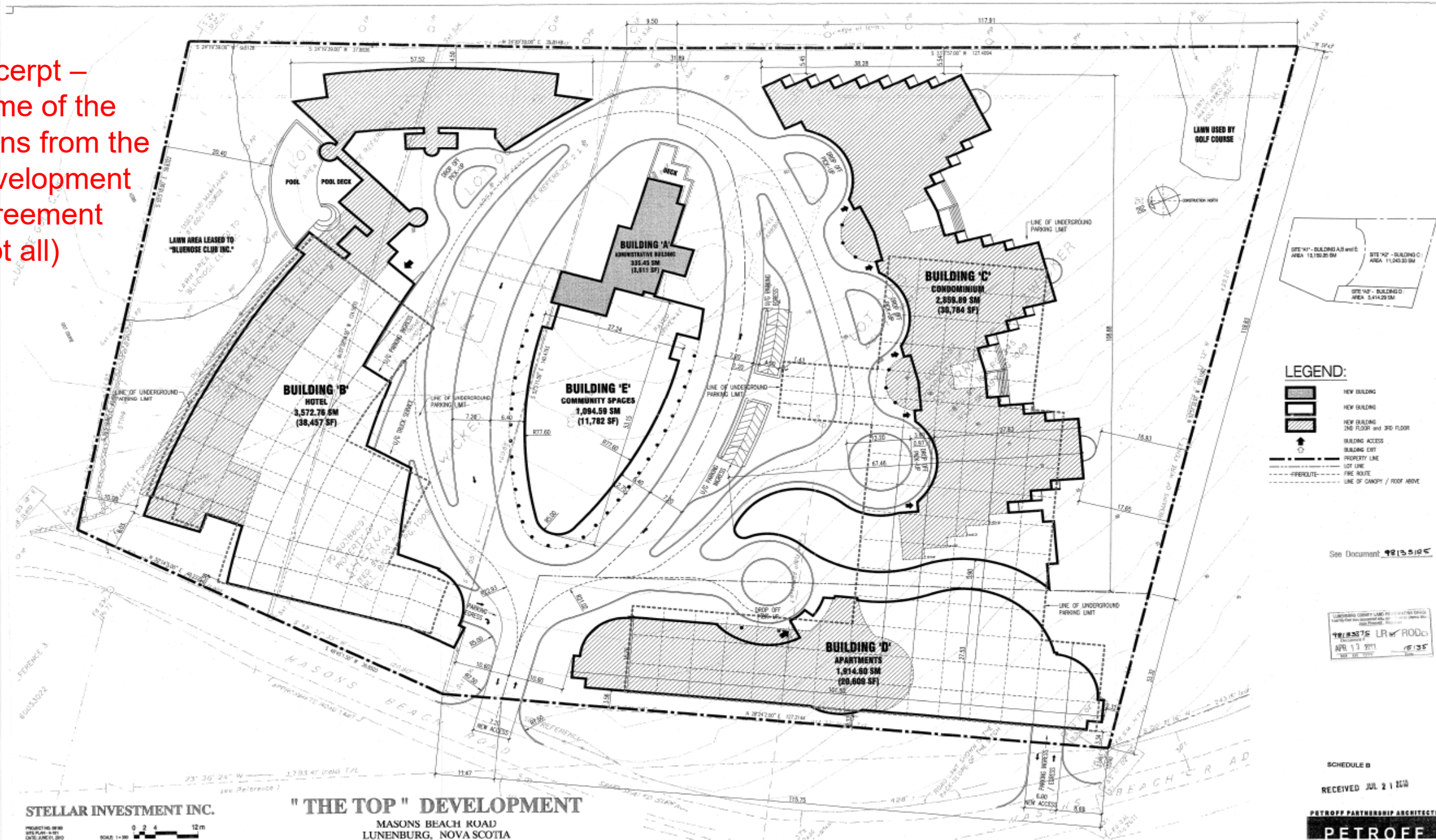


12. Ownership

We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as Document #4029 on July 4, 2003. Stellar Investments Inc. has not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.

A handwritten signature in black ink, appearing to be "A. M.", is located below the text of section 12.

Excerpt –
some of the
plans from the
development
agreement
(not all)



HOTEL COMPONENTS

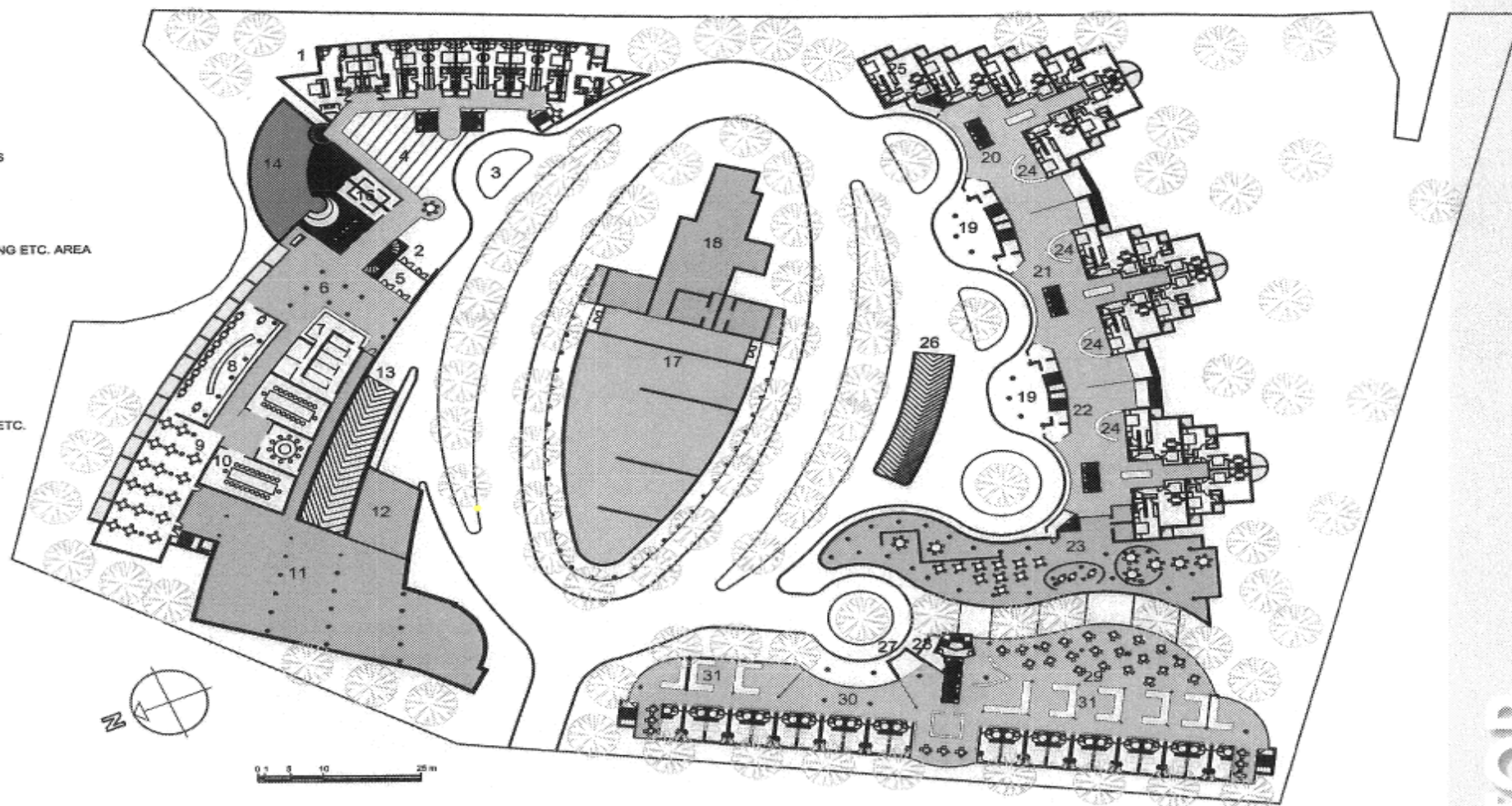
- 1 HOTEL PHASE 2
- 2 MAIN ENTRANCE
- 3 VEHICULAR ACCESS, DROP OFF-PICK UP
- 4 LANDSCAPED COURTYARD
- 5 VESTIBULE
- 6 MAIN LOBBY AND CIRCULATION AREA
- 7 FRONT DESK AND MANAGEMENT OFFICES
- 8 LOBBY BAR, LOUNGE AREA
- 9 RESTAURANT CAFE AREA
- 10 CONFERENCE MEETING ROOMS AREA
- 11 B.O.T.H. KITCHEN STAFF AREA
- 12 SHIPPING, RECEIVING GARBAGE HANDLING ETC. AREA
- 13 U.G. PARKING ACCESS-EGRESS RAMP
- 14 POOL
- 15 POOL DECK
- 16 CHANGING ROOMS

COMMON FACILITIES, RESIDENCES AND LONG TERM CARE

- 17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
- 18 RESTAURANTS, SHOPS, ETC.
- 19 TERRACES
- 20 LOBBY OF PHASE 1
- 21 LOBBY OF PHASE 2
- 22 LOBBY OF PHASE 3
- 23 PARTIES, GAMES, CONTRACT BRIDGE, TV LOUNGES ETC.
- 24 CONCIERGE
- 25 CARETAKER'S FLAT
- 26 U.G. PARKING ACCESS-EGRESS RAMP
- 27 MAIN ENTRANCE
- 28 SERVICE ENTRANCE
- 29 DINING AND MAIN ACTIVITIES AREA
- 30 LOBBY AND VISITORS AREA
- 31 SPECIFIC ACTIVITIES AREA

UNITS ON GROUND LEVEL

HOTEL UNITS	9
RETIREMENT APARTMENTS	14
LONG TERM CARE UNIT	22



GROUND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

LUNENBURG NOVA SCOTIA

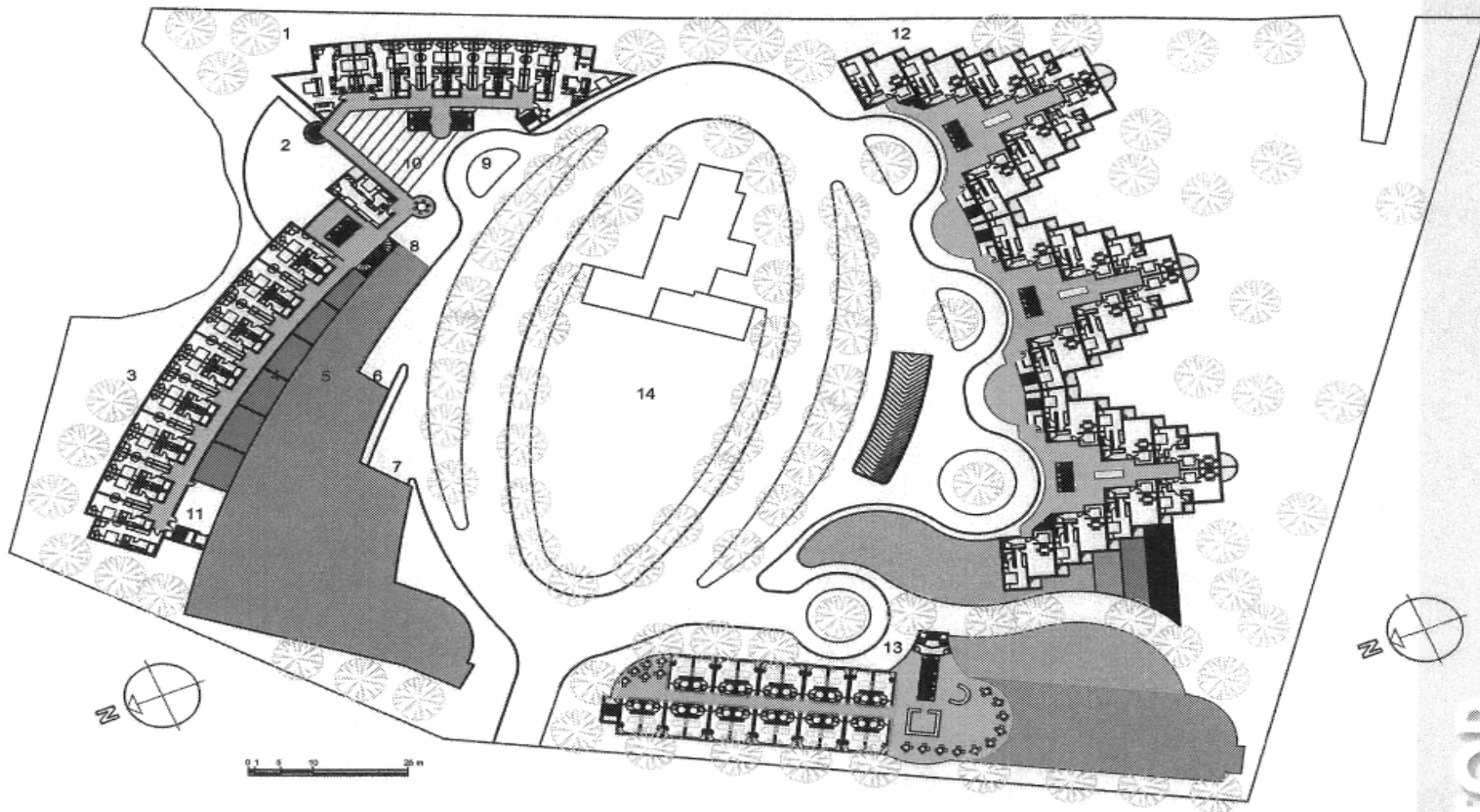
THE TOP

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 2nd LEVEL

HOTEL UNITS	26
RETIREMENT APARTMENTS	20
LONG TERM CARE UNIT	22



2ND FLOOR LEVEL

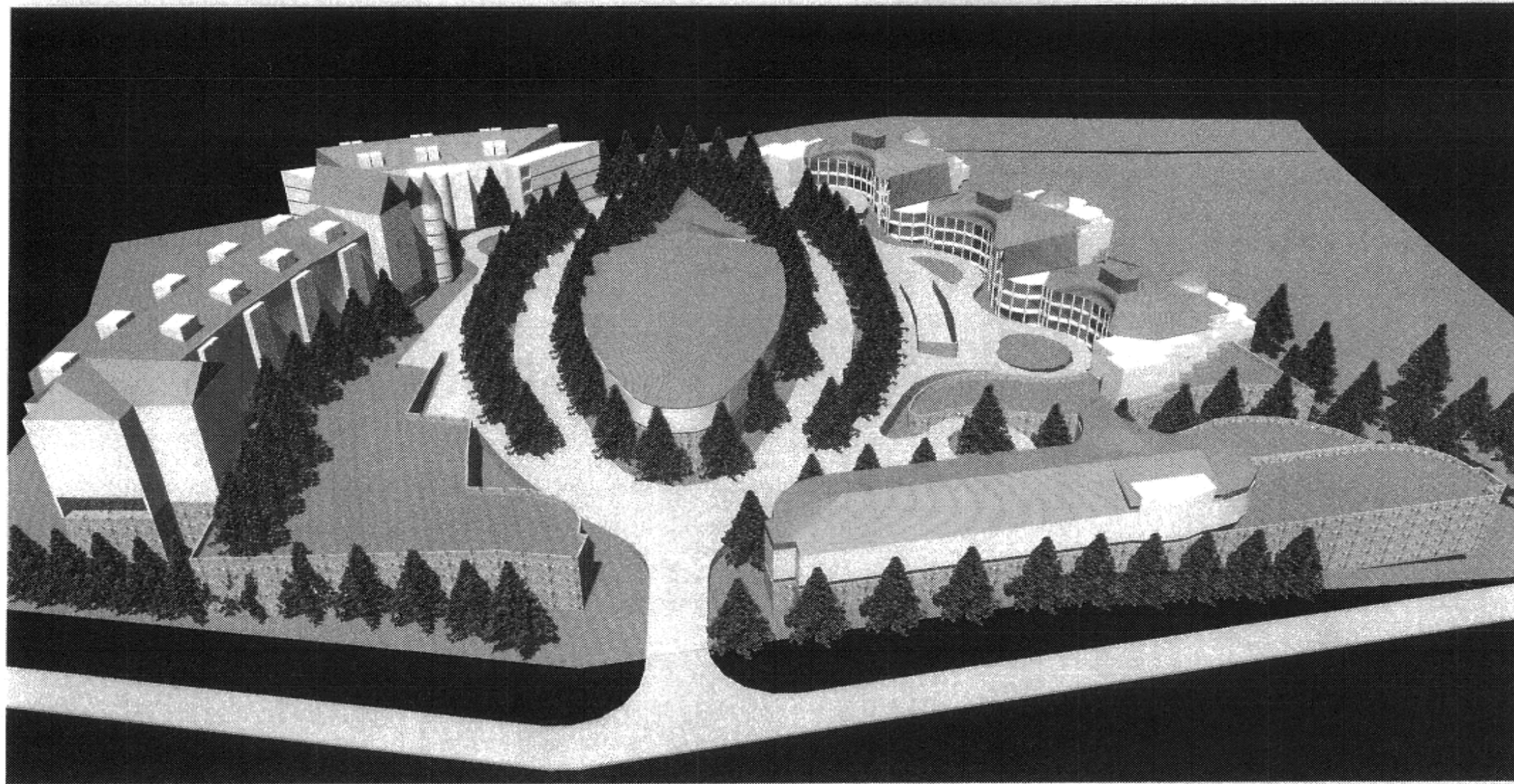
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC

THE TOP



AERIAL PERSPECTIVE

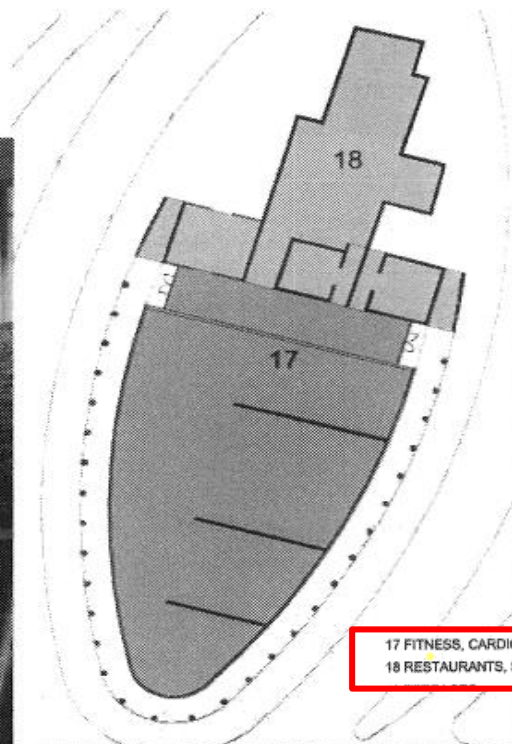
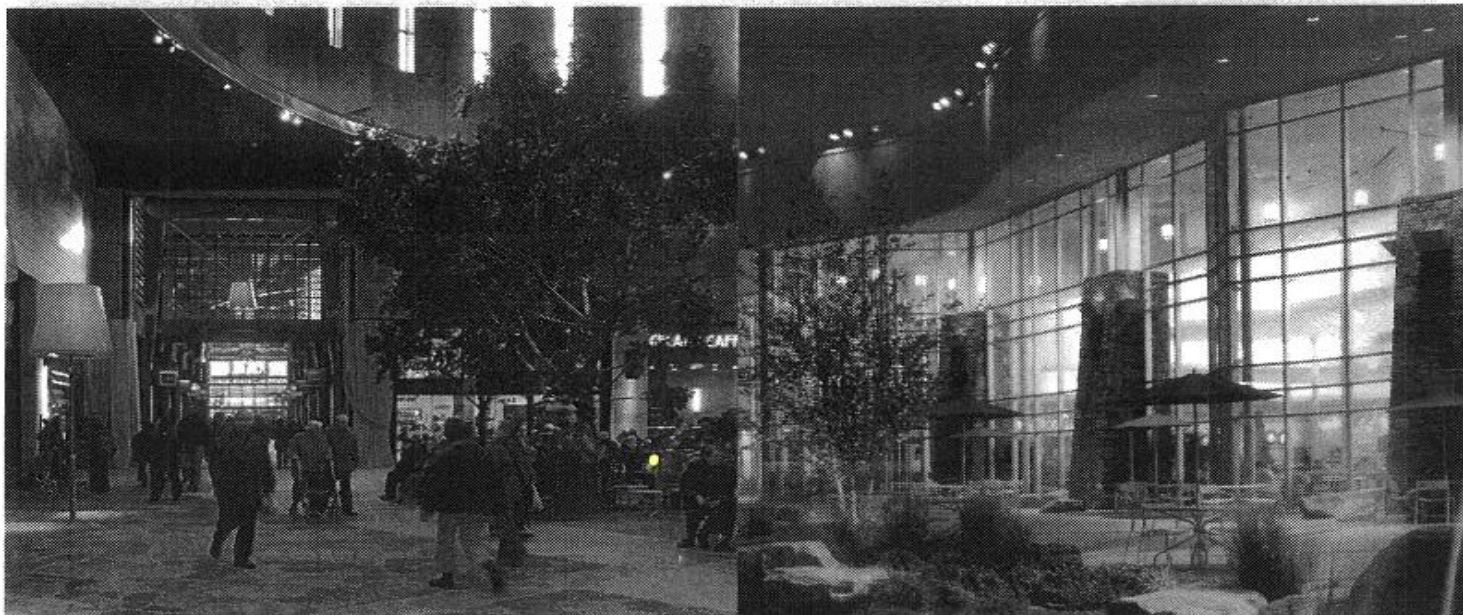
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PETROFF

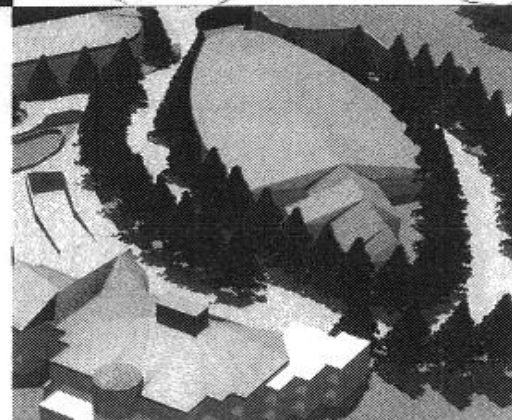
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
18 RESTAURANTS, SHOPS, ETC.



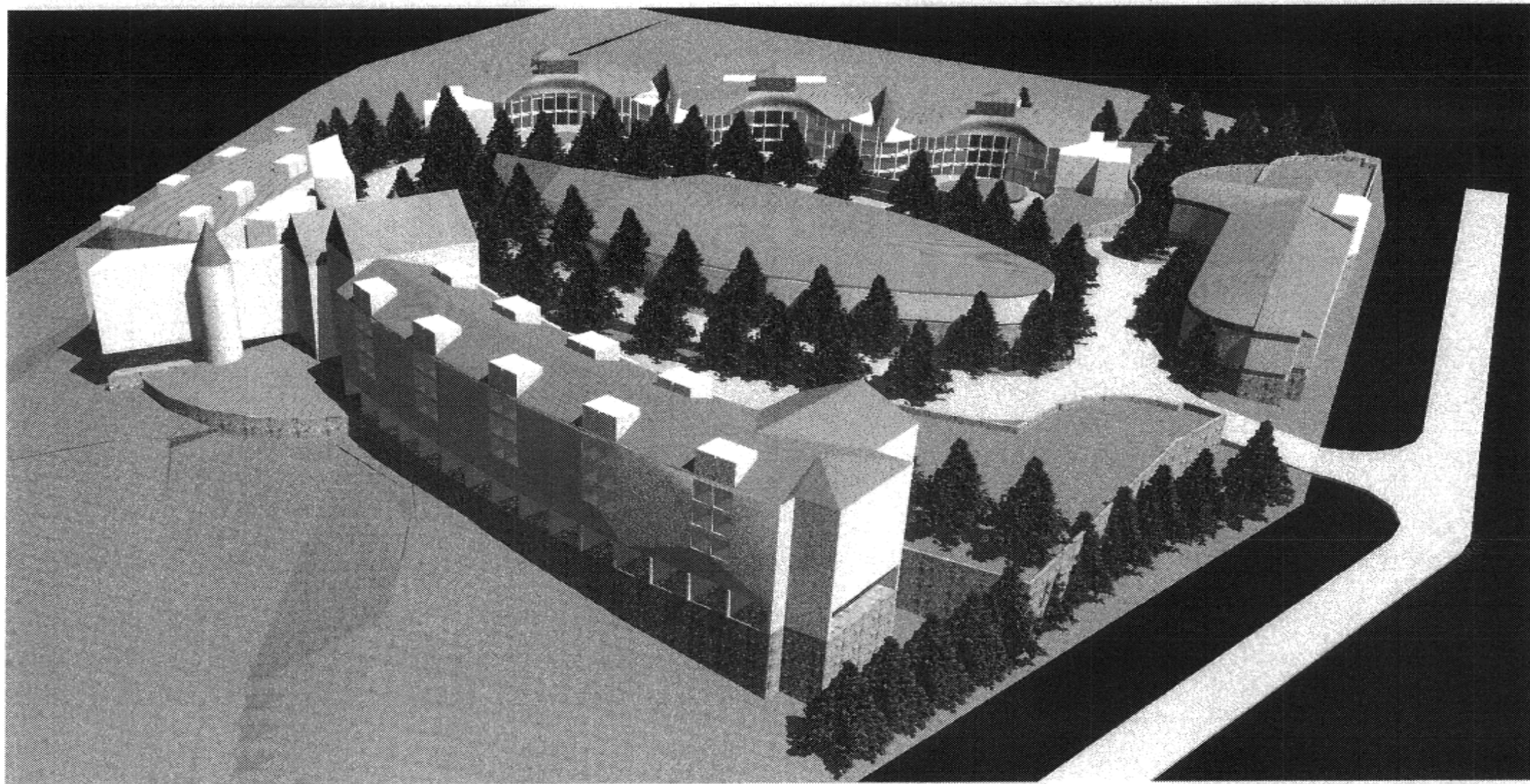
TOWN CENTRE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNenburg NOVA SCOTIA



AERIAL PERSPECTIVE

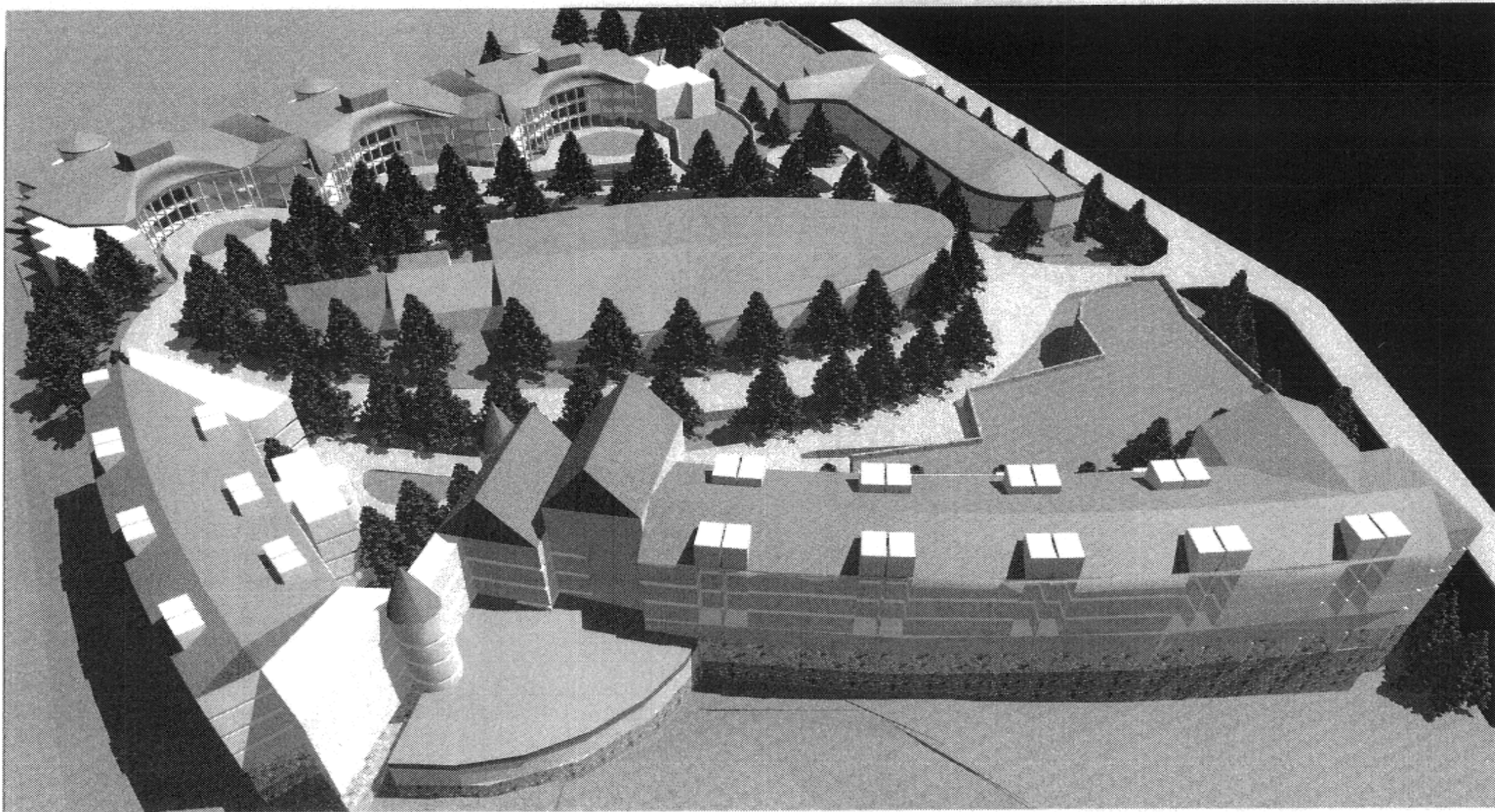
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

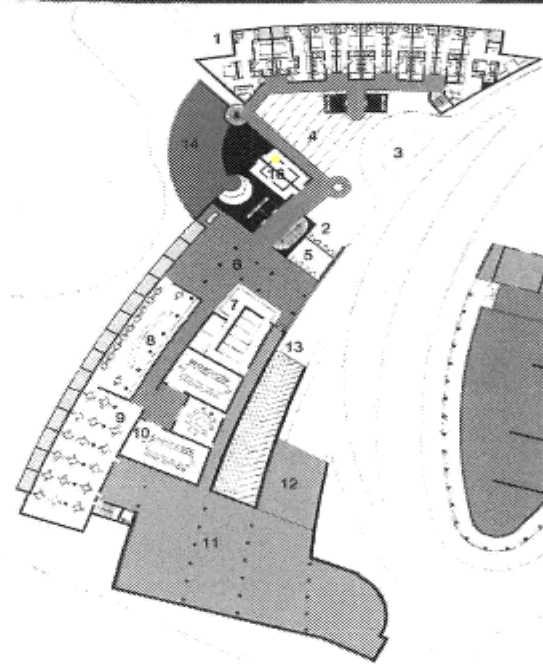
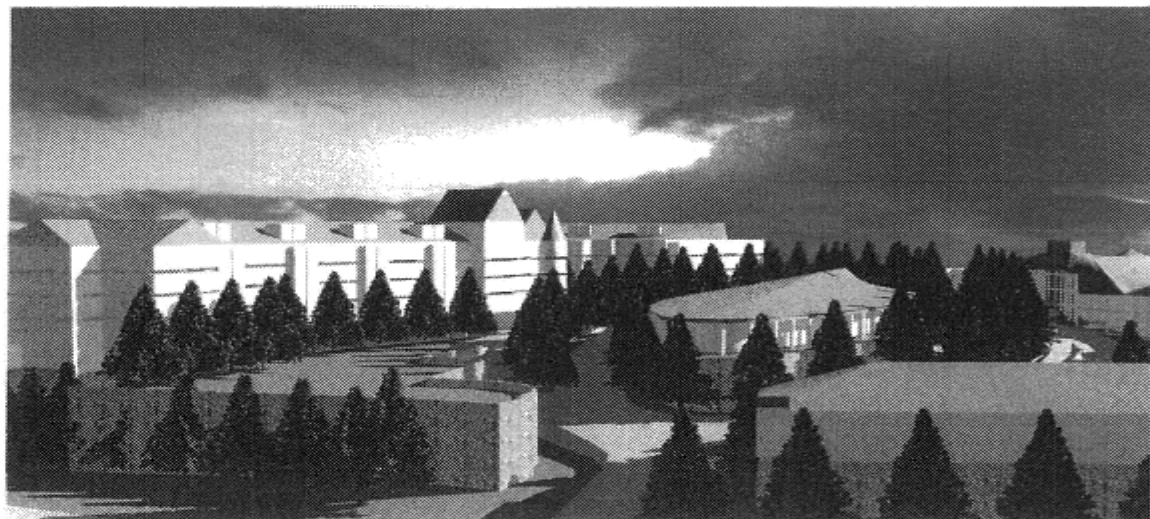
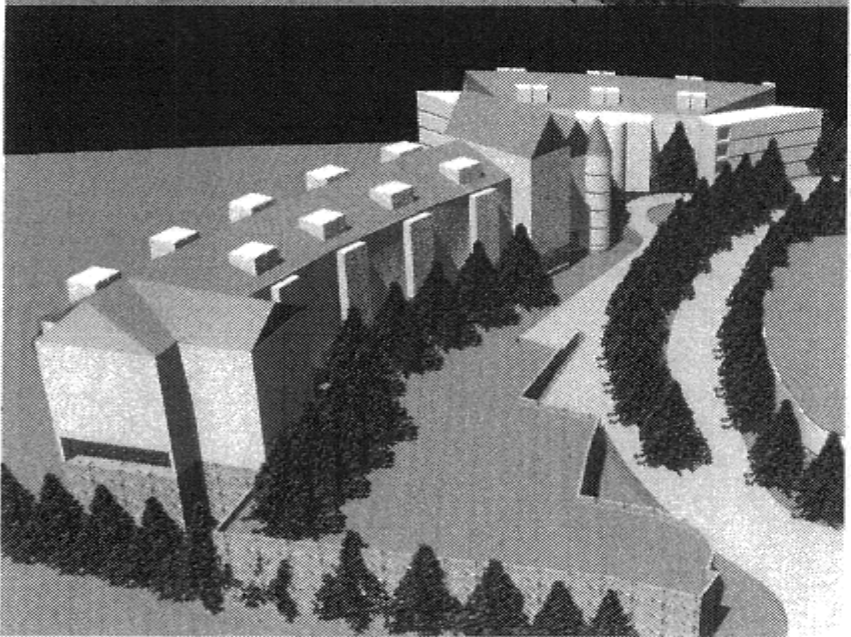
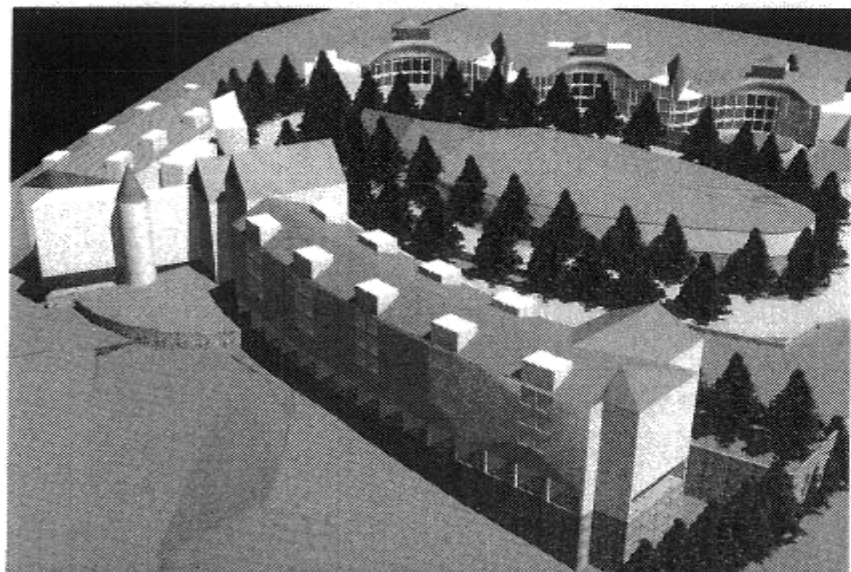
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

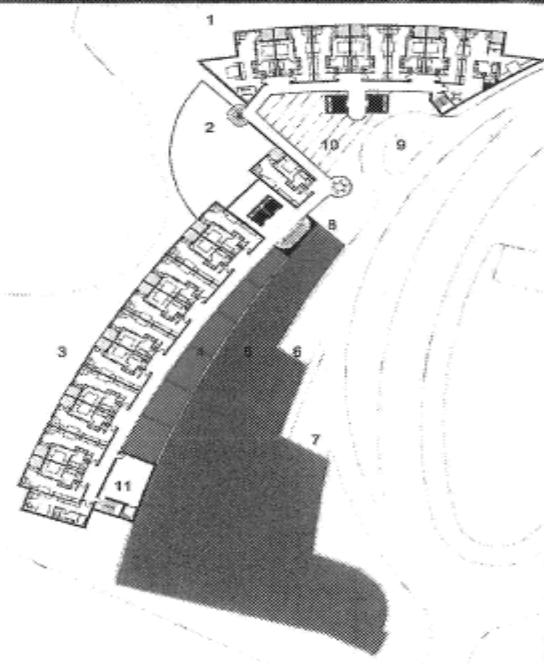
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



LOWER LEVEL



UPPER LEVELS

HOTEL

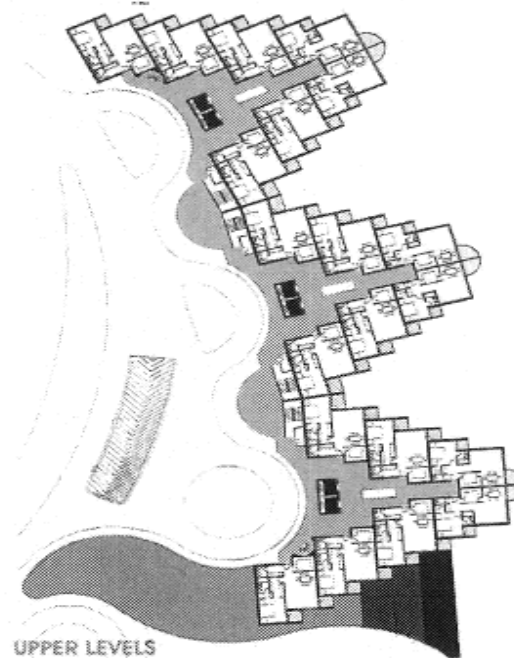
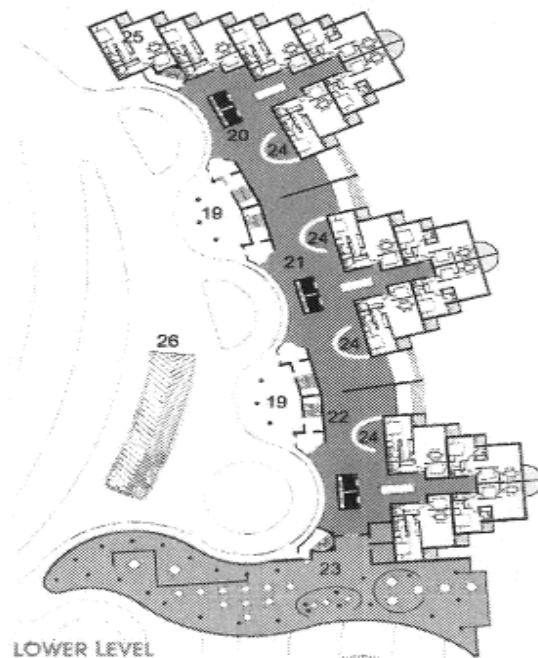
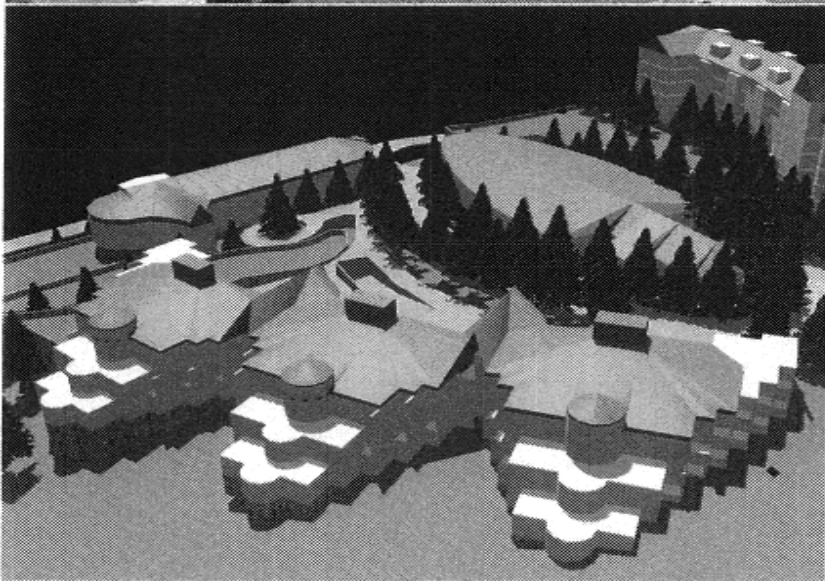
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP

LUNenburg NOVA SCOTIA



RESIDENTIAL

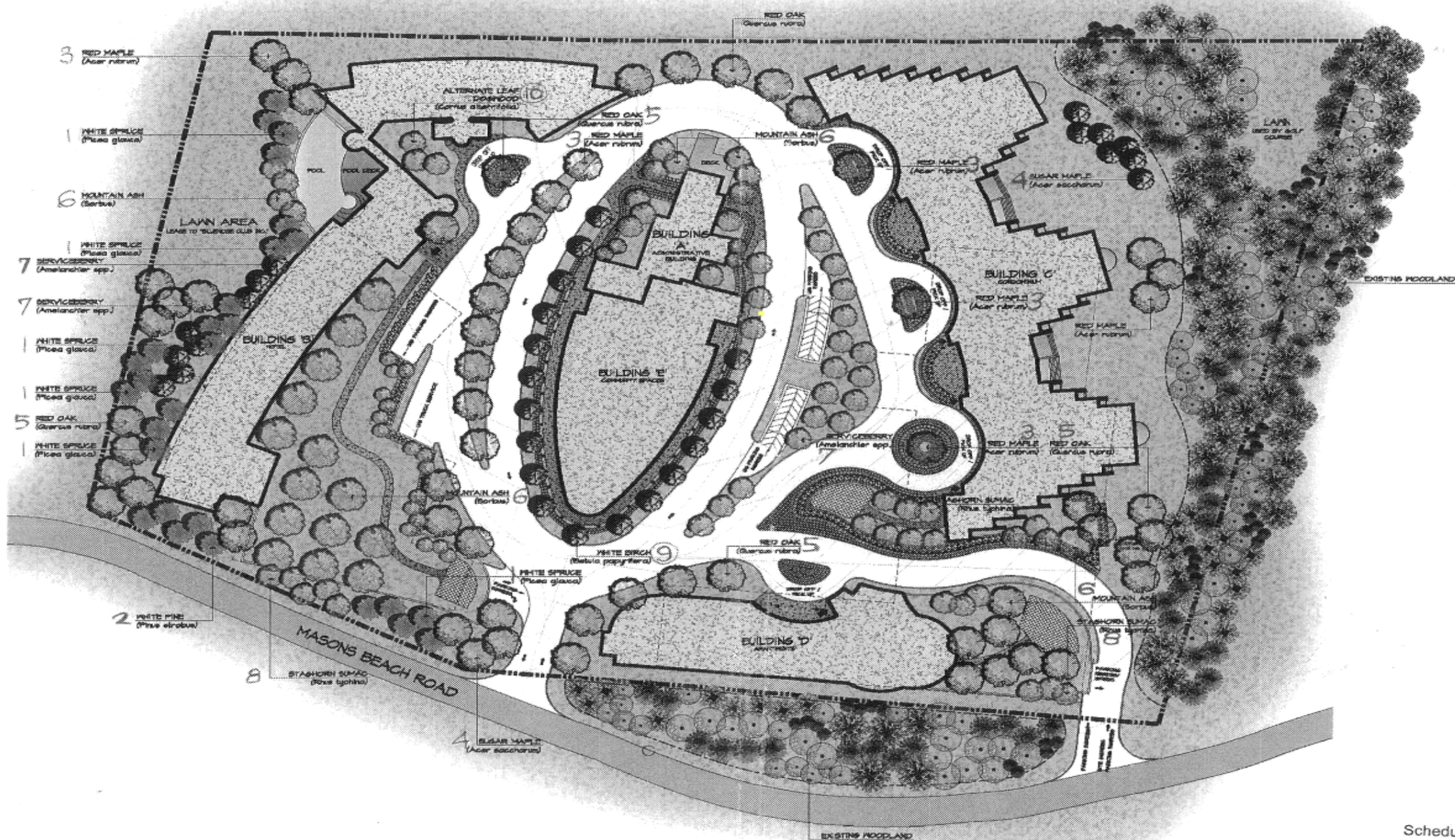
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP

LUNenburg NOVA SCOTIA



Schedule "D"

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



POLICIES:

It is important to note that enabling policies 6.4 and 6.5 remain unchanged since 2011.

- Policy 6.4 enables Council's consideration of multi-unit dwellings in the Rural Residential (RR) Zone through the development agreement approval process.
 - The development is to be in accordance with Policy 5.12. Implementation Policy 5.12 was amended in 2013 as Policy 5.12 A.
- Policy 6.5 enables Council's consideration of tourist accommodations in the Rural Residential (RR) Zone through the development agreement approval process.
 - The development is to be in accordance with implementation Policies 19.8 and 19.9, which have remained unchanged.
- Municipal Planning Strategy Policy 5.9 allows Council to consider multi-unit dwellings through the development agreement approval process.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Council deemed the proposal to meet the intent of the Municipal Planning Strategy and subsequently entered into the development agreement in 2011.

The enabling and implementation policies are the same except for Policy 5.12.

Policy 5.12A is used when considering proposals for new construction of multi-unit residential buildings by development agreement.

- The intent is to ensure that there is adequate area, green space, buffering, and site design.
- The development agreement meets the intent of Policy 5.12A.

DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



- Implementation Policies
 - Municipal Planning Strategy Policy 19.8, 19.9
 - Analysis in planning report

- Policy 5.12A for Development Agreements
 - Analysis in planning report

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



PLANNING REPORT ISSUES:

- The capacity of the sewage treatment plant during storm events has been an on-going issue that the Town has committed great resources in addressing and is making progress. It is a top priority of Council. It should be noted that there were these issues during storm events in 2011 when the original development agreement was entered into.
- There are factors such as driveway approvals, connections to the sewer and water services, and determination of need and possible road upgrades that will be dealt with at the point of development permit application.
- This is a significant development proposal for Lunenburg. It would provide much needed housing and choice in terms of renting or owning a condominium unit in a multi-unit building. It would also provide additional tourist accommodations and associated services at the hotel resort.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



PLANNING REPORT ISSUES:

- The main issue is whether Council wishes to extend the commencement time frame given that 10 years has already passed since the signing of the agreement.
- The original proposal had an estimate of 15-20 years for construction. In 2011, Council felt that a 10 year commencement timeframe was appropriate for this size and complexity of this development proposal.
- There is no change to this development proposal. The request is for a 10 extension to the commencement.
- As every proposal is somewhat unique, there are no criteria in policy for determining or evaluating timeframes.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



ALSO:

- The draft planning documents of Project Lunenburg are not in effect so this application must be considered under the current 1996 Municipal Planning Strategy, as amended.
- If the development agreement is amended, Part 1. Use, subsection (b) should be revised to reference multi-unit dwellings rather than condominium units and apartments.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



PUBLIC INFORMATION MEETING OF MAY 19TH ISSUES:

- Noted in minutes that are before Council today

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Options that were before PAC

1. Recommend that the Council **discharge the development agreement** by resolution of Council pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply and as set out in Part 9. Termination of Agreement, subsection (a).
2. Recommend that Council amend the development agreement **to allow for a 10 year extension** to commencement by amending Part 9. Termination of Agreement AND to reference multi-unit dwellings in 1. Use
3. Recommend that Council amend the development agreement **to allow for an extension for lesser period** of time than 10 years for commencement by amending Part 9. Termination of Agreement in a similar manner as in Recommendation 2 (above):
4. Recommend that Council **refuse the application as it does not to carry out the intent** of the Municipal Planning Strategy and give specific reasons as to why it does not meet the intent.
5. Provide alternative direction, such as requesting further information on a specific topic.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Following PAC Recommendation, proposed motion

Motion: moved and seconded the proposed amendment to the 101 Masons Beach Road Development Agreement by:

3.1 to allow for a 2 year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete "10" and insert "12" before *years from the date of this agreement*;
- b. In the first paragraph, after *this agreement requires* delete "an" and insert "a further" before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert "amending" before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert "(which period is fully after the date of the amending agreement)";

AND

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Following PAC Recommendation, proposed motion

3.2 to reference multi-unit dwellings in 1. Use as follows:

a. after *bed resort hotel*; and delete

- sixty (60) residential condominium units; and
- thirty (30) apartments

insert

- multi-unit dwelling with sixty (60) units (shown as Building C); and
- multi-unit dwelling with thirty (30) units (shown as Building D); and
before
- *other facilities ordinarily;*

and give first reading and set a public hearing date to further consider this application.

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



Possible Motion for Discharge

WHEREAS the Town of Lunenburg (the “**Town**”) entered into a development agreement with Stellar Investments Inc. (the “**Developer**”) dated April 5, 2011, which agreement was recorded at the Land Registration Office for Lunenburg County on April 13, 2011 as document number 98133185 (the “**Development Agreement**”);

AND WHEREAS Section 9(b) of the Development Agreement allows the Town to discharge the Development Agreement if no use described in the Development Agreement is commenced within sixty (60) months of the date of the Development Agreement;

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



AND WHEREAS the Developer did not commence the use described in the Development Agreement within sixty (60) months of the date of the Development Agreement;

AND WHEREAS Section 9(c) of the Development Agreement allows the Town to discharge the Development Agreement if there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

AND WHEREAS there has been no use described in Section 1(b) of the Development Agreement for a period of sixty (60) months or longer;

PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT 101 MASONS BEACH ROAD



NOW THEREFORE Town Council by virtue of Section 229(2) of the *Municipal Government Act* (Nova Scotia), Section 9(b) and (c) of the Development Agreement, and of every other power and authority vested in this behalf, refuses the application to amend the development agreement, and orders that the Development Agreement is discharged effective as of the date hereof and is no longer of any force or effect.

Dated and made at the Town of Lunenburg in the Province of Nova Scotia on the ____ day of _____, 2021.

Project Lunenburg

Draft Planning Documents

First Reading

2021.06.22

Navigating the Future, Together.

Comprehensive Community Plan

Project Lunenburg was a process for creating a comprehensive community plan for the Town of Lunenburg. Over the course of 18 months, people in the community came together to define the community's goals and aspirations. This Plan provides guidance for most aspects of the community – and sets housing, transportation, the environment and many other elements that affect the daily lives of residents and visitors to the town.

This Plan was created by the community and its implementation will continue to be a shared effort among citizens, the town and many partners. While some outcomes will be more complex to achieve than others, the following nine guiding principles will continually serve as foundation of the Plan, providing overarching direction as Lunenburg charts its course into the future.

Key Implementation Facts

- Looking out over the next 40 years
- Includes a five-year implementation plan for 35 priority actions
- Evaluation metrics measure the actions against the goals
- Annual review to scope and prioritize partnerships, projects and budgets
- Five-year review will set fresh priorities and identify new actions

Spatially Cohesive

The form of our land use creates strong physical links and a sense of uniformity.

Environmental Protection

We protect our local environment and minimize our broader environmental impacts.

Collaborative Relationships

We facilitate strong social connections and citizen engagement, locally and beyond.

Adaptable and Incremental Change

In the face of uncertainty, we preserve what is of greatest value and pursue desirable change.

Harbourfront Guardianship

Our iconic harbourfront will retain its heritage value and be safeguarded for marine activities.

Living Heritage

We interpret heritage with a holistic view, ensuring it is relevant and living within the community.

Placemaking

We will nurture a public realm that is attractive, enjoyable, accessible, efficient and safe.

Inclusion

We work to ensure a sense of belonging, acceptance and value for all in our community.

Contemporary Excellence

With a history of innovation, we strive to keep achieving the best each area is able to create.



www.projectlunenburg.ca

MUNICIPAL PLANNING STRATEGY DRAFT

MAY 8, 2021



Navigating the Future, Together.

LAND USE BY-LAW DRAFT

MAY 8, 2021



Navigating the Future, Together.

SUBDIVISION BYLAW DRAFT

MARCH 24, 2021



Navigating the Future, Together.

Key Issues

- ▶ Housing
- ▶ A Working Waterfront
- ▶ Sustainable Infrastructure
- ▶ A Changing Climate
- ▶ Living Heritage

Planning Structure

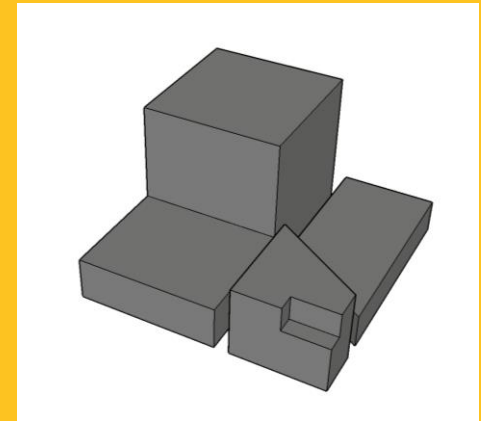
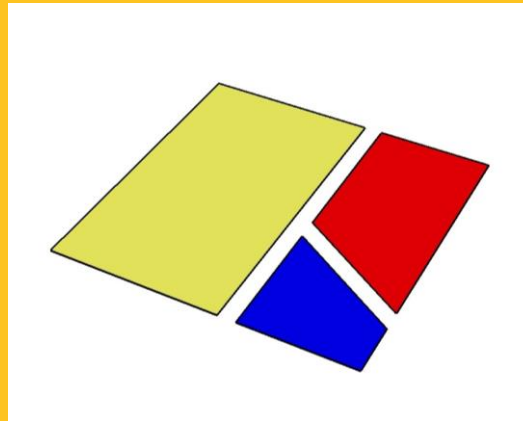
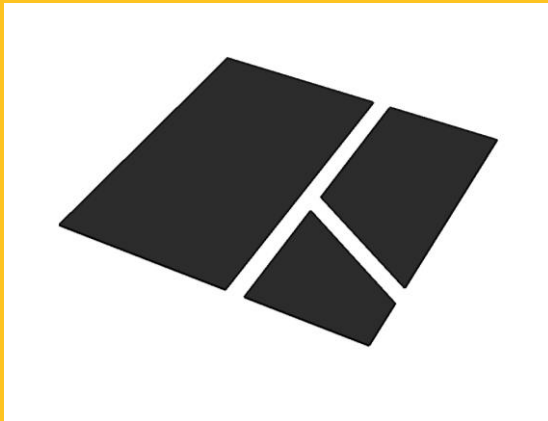
Traditional

- ▶ One type of zone
- ▶ Land use, building form, and lots all tied together
- ▶ Lots of “exceptions” and special conditions required

Planning Structure

Project Lunenburg

- ▶ Lot Zone, Use Zone, and Form Zone
- ▶ Clear document structure
- ▶ Fewer exceptions





MAP

Lot Zoning Map

SCHEDULE

B

LAST UPDATED

6/1/2021

NORTH



SCALE

1:10,000

LEGEND

- LZ1 Lot Zone 1
- LZ2 Lot Zone 2
- LZ3 Lot Zone 3
- LZ4 Lot Zone 4



Lots

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ²	370 m ²	330 m ²	37 m ²
Maximum Lot Area	465 m ²	-	-	-
Minimum Lot Frontage	6 m	12 m	12 m	6 m
Maximum Lot Frontage	40 m	-	-	-

Infrastructure

- ▶ Require development to connect to sewer (where available)
- ▶ Require development to connect to water (where available)
- ▶ Prohibit new private roads
- ▶ New road standards
- ▶ Updated parkland dedication requirements

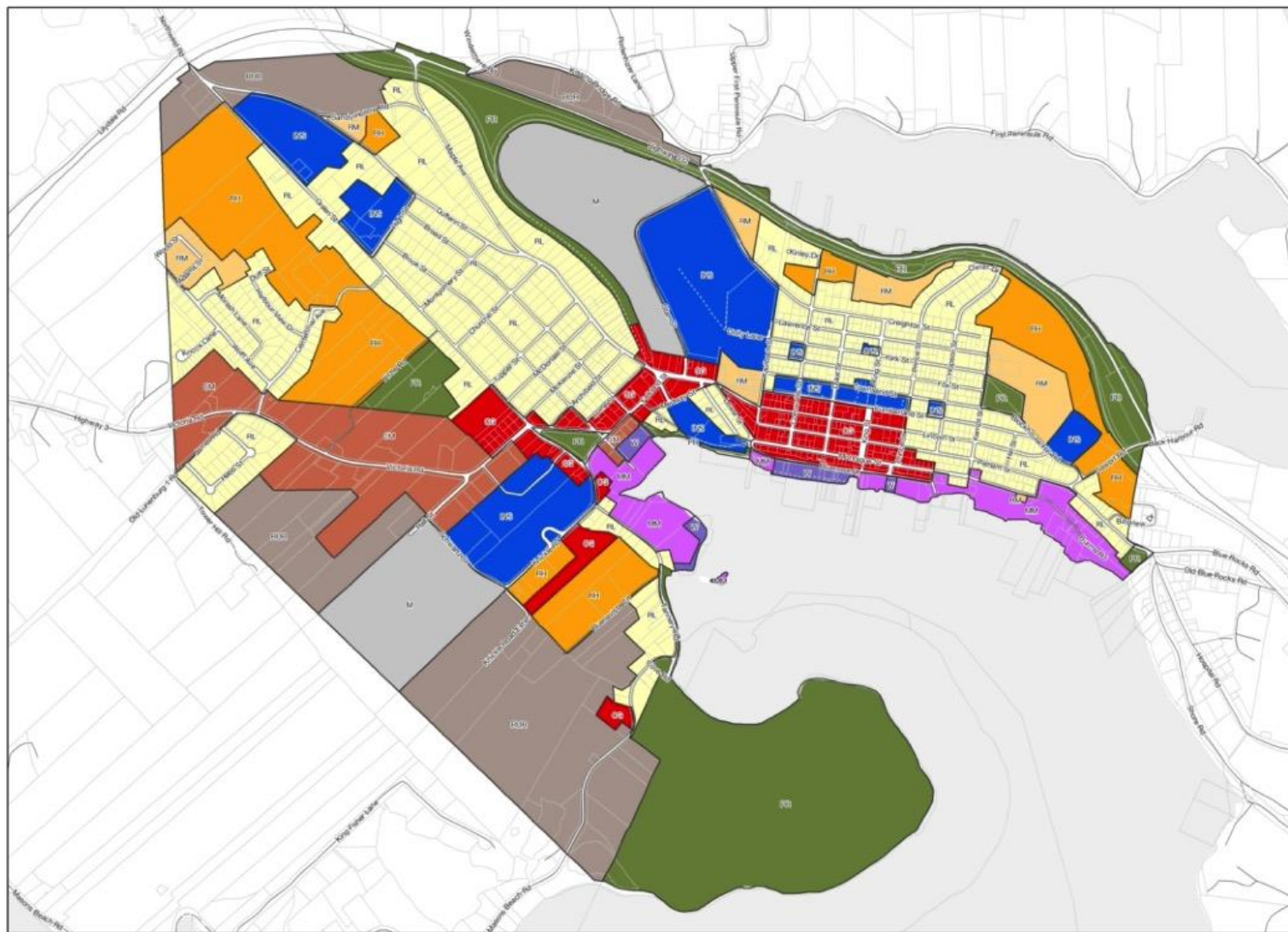


MAP Use Zoning Map

SCHEDULE C
LAST UPDATED 6/1/2021

NORTH
SCALE 1:10,000

- LEGEND
- RL Lower Density Residential
 - RM Medium Density Residential
 - RH Higher Density Residential
 - CM Mixed Use
 - CG General Commercial
 - W Waterfront
 - M Industrial
 - MM Marine Industrial
 - RUR Rural
 - INS Institutional
 - PR Parks and Recreation



Land Use – Residential Uses



	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-
Dwelling	2	4	P	P	P	-	-	-	P	-	-
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-
Small Options Home	P	P	P	-	P	-	-	-	P	-	-

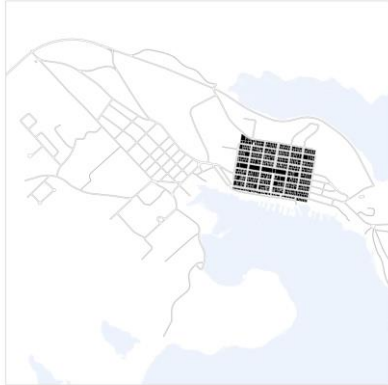
Land Use – Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RU R	INS	PR
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-
Light Industrial	-	-	-	P	P	P	P	P	-	-	-
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-
Warehousing	-	-	-	-	-	-	P	P	-	-	-

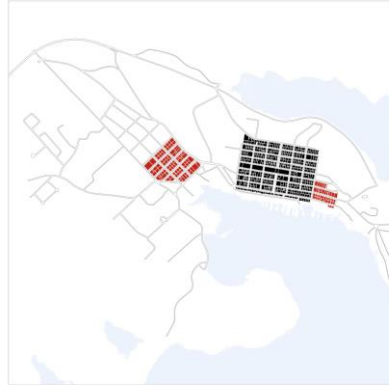
Land Use – Parking Requirements

- ▶ No minimum automobile parking requirements
- ▶ Implemented bicycle parking requirements

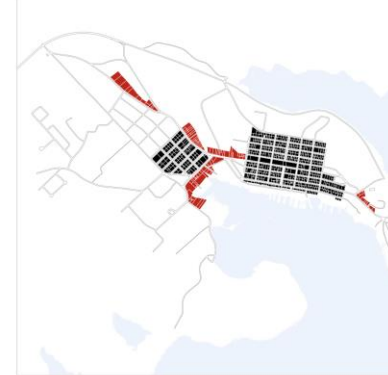
Form



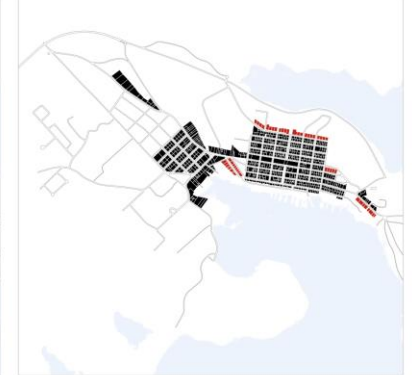
Old Town - established 1753



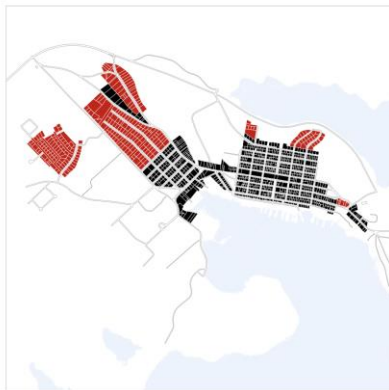
New Town: subdivided from Common in 1862 & 1878



Other Areas: subdivided from Common in the late 19th century



Areas developed 1920s-1940s



Areas developed 1950s-1980s



Lunenburg today

Form



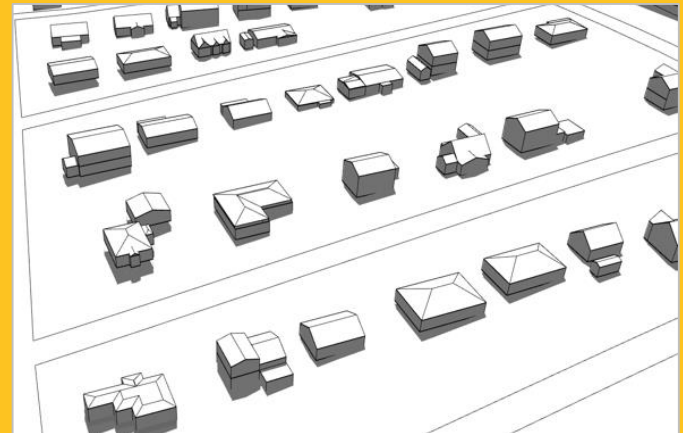
Old Town 1



Old Town 2



Old Town/New Town 1



Old Town/New Town 2



MAP

Form Zoning Map

SCHEDULE

D

LAST UPDATED

6/1/2021

NORTH



SCALE

1:10,000

LEGEND

- OT1 Old Town 1
- OT2 Old Town 2
- ONT1 Old Town/ New Town 1
- ONT2 Old Town/ New Town 2
- NT1 New Town 1
- MST Main Street
- MA Marine
- CTY Community
- IN Industry
- RF Rural
- S Shoreline



Form – Main Building Placement

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	4 m	0 m	1.5 m
Old Town 2	0 m	4 m	1.2 m	3.5 m
Old Town/New Town 1	0 m	6 m	2.4 m	6 m
Old Town/New Town 2	6 m	10 m	2.4 m	6 m
New Town 1	6 m	10 m	2.4 m	4 m
Main Street	1.5 m	4 m	2.4 m	6 m
Marine	0 m	-	0 m	0 m
Community	6 m	-	4.5 m	7.5 m
Industry	12 m	-	6 m	12 m
Rural	6 m	-	2.4 m	6 m
Shoreline	0 m	-	1.2 m	0 m

Form – Main Building Massing

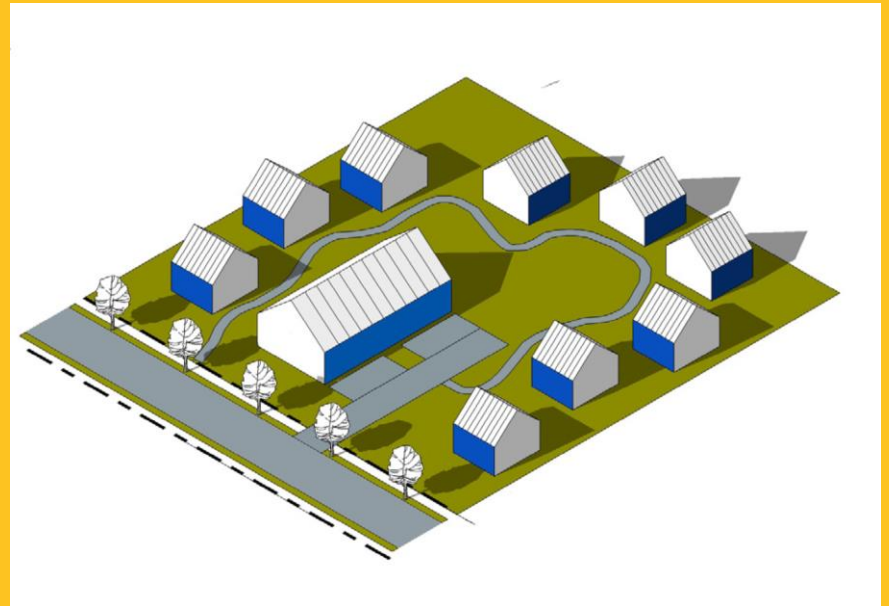
Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max Building Footprint
Old Town 1	10.5 m	6 m	-	-	-	-	-
Old Town 2	10.5 m	-	-	-	-	-	-
Old Town/New Town 1	10.5 m	-	-	-	-	-	-
Old Town/New Town 2	10.5 m	-	-	-	-	-	-
New Town 1	19.5 m	-	-	-	-	-	1,500 m2
Main Street	20.5 m	10 m	4 m	10 m	16 m	3 m	3,000 m2
Marine	19.5 m	-	-	-	-	-	-
Community	10.5 m	-	-	-	-	-	-
Industry	13.5 m	-	-	-	-	-	-
Rural	10.5 m	-	-	-	-	-	-
Shoreline	8 m	-	-	-	-	-	47 m2

Form – Site Design

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Form – Grouped Dwellings

- ▶ Grouped dwellings may be permitted on a lot in Old Town/New Town 2, New Town 1, and Main Street Form Zones.
- ▶ Site requirements



Flood Risk

- ▶ New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
 - (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.



MAP
Flood Risk Area Map

SCHEDULE: E LAST UPDATED: 6/1/2021

NORTH: SCALE: 1:10,000

- LEGEND
- Flood Risk Area
 - Town of Lunenburg

Form – Heritage & Architectural Control

- ▶ No change -> Heritage By-law project

Definitions

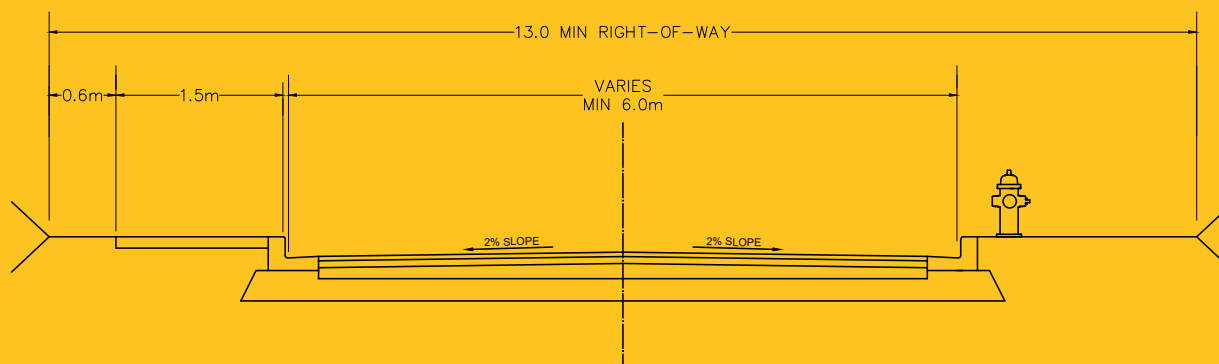
- ▶ Updated as necessary
- ▶ Supporting illustrations



Next Steps

- ▶ Public Hearing and Second Reading:
July 27th?
- ▶ Provincial review

Infrastructure



TYPICAL LOCAL 30 km/hr CROSS SECTION

13m ROW, 6m PAVED TRAVEL LANE

2

Scale: NTS

upto 300 vehicles daily

Land Use – Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RU R	INS	PR
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-
Emergency Services	-	-	-	P	-	-	P	P	-	P	-
Government Uses	-	-	-	P	P	P	P	P	-	P	P
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P
Hospitals	-	-	-	-	-	-	-	-	-	P	-
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-

Land Use – Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accommodations	-	-	-	P	P	-	-	-	-	-	-
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-
Animal Care	-	-	-	P	P	-	-	-	P	-	-
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-
Craft Food and Beverage Productions	-	-	-	P	P	P	P	P	P	-	-
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-
Home-based Business	P	P	P	P	P	-	-	-	P	-	-
Kennel	-	-	-	-	-	-	P	-	P	-	-
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-
Marinas	-	-	-	-	-	P	-	P	-	-	-
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P
Offices	-	-	-	P	P	P	P	P	-	P	-
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-
Private Clubs	-	-	-	P	P	-	-	-	-	P	-
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P
Retail Stores	-	-	-	P	P	P	-	P	-	-	-
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-
Workshops	-	-	-	P	P	P	P	P	-	P	-

Land Use – Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-
Cemeteries	-	-	-	-	-	-	-	-	P	P	P
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P
Public Recreation	-	-	-	P	-	P	-	-	P	P	P
Public Transportation	-	-	-	P	P	-	P	-	-	P	-
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P
Water Access	P	P	P	P	P	P	P	P	P	P	P

Land Use – Parking Requirements

► No minimum automobile parking requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

Form – Accessory Building Massing

Form Zone	Maximum Height
Old Town 1	8 m
Old Town 2	8 m
Old Town/New Town 1	8 m
Old Town/New Town 2	8 m
New Town 1	8 m
Main Street	8 m
Marine	8 m
Community	8 m
Industry	8 m
Rural	8 m
Shoreline	8 m

Form – Accessory Building Placement

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	1.2 m	1.2 m
Old Town 2	0 m	1.2 m	1.2 m
Old Town/New Town 1	0 m	1.2 m	1.2 m
Old Town/New Town 2	6 m	1.2 m	1.2 m
New Town 1	6 m	1.2 m	1.2 m
Main Street	0 m	1.2 m	1.2 m
Marine	0 m	0 m	0 m
Community	6 m	1.2 m	1.2 m
Industry	12 m	6 m	6 m
Rural	6 m	1.2 m	1.2 m
Shoreline	0 m	1.2 m	0 m

Form - Parking

- ▶ Parking lots larger than 18 spaces broken down into “bays”
- ▶ Only three parking spaces in the front or flankage yard
- ▶ EV charging for structured parking

Form - Signage

- ▶ Reduced minimum height of projecting signs
- ▶ Simplified language
- ▶ Menu board signs and digital signs

TOWN OF
LUNENBURG

MUNICIPAL PLANNING STRATEGY

AND

LAND USE BY-LAW

Approved by the Minister of Municipal Affairs
13 June 1996

TOWN OF LUNENBURG

MUNICIPAL PLANNING STRATEGY

**Approved by the Minister of Municipal Affairs
13 June 1996**

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

- 1) Compiled 18 July 1996 from the documents adopted by Council 15 April 1996 and the amendments made by the Minister on 13 June 1996.
- 2) Amended 21 Feb./97 add Policy 7.23 to clarify minor variances in GC Zone.
- 3) Amended 10 April/97 to add Commercial uses to MI Zone.
- 4) Updated 2 May/97 Pagination and margins. No content revisions.
- 5) Amended 12 Feb./98 Insert Policy 5.10A & 5.13A on Dining Rooms.
- 6) Amended 2 April/98 At Map 2 to change 167 Cumberland Street from Residential to Institutional.
- 7) Amended 19 July 2000 At Map 2 to change rear of 12 Sandy Hollow Road from Residential to Rural.
- 8) Amended 18 Oct. 2000 Delete Part 10.0 Architectural Heritage and replace with new Part 10.0 Architectural Heritage to correspond with adoption of Old Town Heritage Conservation District. Also, at Map 2, to remove Old Town Architectural Control Area and replace with Old Town Heritage Conservation District.
- 9) Amended 6 Dec. 2000 Add Policy 17.9 to permit public buildings and uses anywhere in the Town.
- 10) Amended April 4, 2001 Amend both designation and zone of a parcel of land on Victoria Road from Recreation to Highway Commercial
- 11) Amended 16 May 2001 Add Policies 5.15 and 6.6A limiting mobile home development to mobile home parks in Rural Residential Zone.
- 12) Amended 29 May 2002 Amend the designation of 15 Falkland Street from Residential (R) to General Commercial
- 13) Amended 4 June, 2003 Amend commercial policy to reflect Vending By-law
- 14) Amended July 9, 2003 Allow commercial uses at 34 Linden Ave. & 18 Lower Street
- 15) Amended July 29, 2000 Allow craft workshops to be considered by development agreement in the Rural Residential (RR) Zone (amendment inserted April, 2004)
- 16) Amended May 5, 2004 Allow tourist homes in Residential designation
- 17) Amended September 1, 2004 Amend both designation and zone of a portion of a parcel of land on Hall Street from Industrial (I) to Highway Commercial (HC).
- 18) Amended December 4, 2007 Amend Part 18 to reflect revised Subdivision By-law and Specifications
- 19) Amended January 1, 2008 Amend policy 5.10 and 5.13 to increase the possible number of rental units in a guest house
- 20) Amended April 1, 2008 Amend policy to create Medium Density Residential (MDR) Zone
- 21) Amended August 10, 2010 Amend regarding parking throughout document
- 22) Amended February 26, 2013 changing future land use of Industrial on Montague Street etc. to General Commercial (Map change only).
- 23) Amended June 11, 2013 Amend regarding multi-use residential buildings by Development Agreement

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1.0 INTRODUCTION

Lunenburg was established in 1753 by Colonel Charles Lawrence and incorporated as a Town in 1888. The first settlers were recruited by British interests from southern and central Germany, Switzerland and the Montbeliard region of France.

Despite the hilly topography of the site the settlement was laid out in a rectangular grid in blocks containing fourteen (14) lots, each 12 metres by 18 metres (40 x 60 ft.). The original settlement consisted of forty-eight (48) complete blocks.

The settlement was confined to the original site for just over a century. In 1862, areas to the immediate east and west were subdivided to accommodate an expanding population. The major expansion to the west included the establishment of eighty (80) new lots at the head of the harbour. This division and subsequent development formed the core of a new settlement that was to become known as New Town. New Town was also laid out in a grid pattern; however, these lots were larger than those of the original settlement. Lots in New Town measured 21 metres by 24 metres (70 x 79 ft.) and each block contained eight (8) lots. There were three (3) divisions of the New Town, the last of which took place in 1878. The larger lots of New Town marked a notable change in the character of development.

By 1900 the population of Lunenburg had grown to approximately 4,000. After the turn of the century New Town had expanded beyond the third division and with this expansion there came a further change in the character of development with respect to lot and block sizes. Lots in this newer development were larger than the earlier New Town lots and this trend toward larger lots, and a resultant lower density, persists to this day.

Since early times, the Town of Lunenburg has served an important role as a centre of commerce and industry, particularly with regard to shipbuilding and the fishery. As the Shire Town of Lunenburg Township throughout the eighteenth and nineteenth centuries, the Town naturally became the focus of activities for a much greater region that included much of New Dublin and Chester Townships. Although its role as a regional centre is now shared with the Town of Bridgewater, the Town still plays an important role in the region. Facilities and services have been expanded and diversified over the years, yet Lunenburg has been very successful in warding off the stresses of the modern era that are caused by rapid change.

The industrial base of the Town has declined in recent years with the relocation and closure of key industrial plants. Recently there has been a modest decline in the population from 3,024 in 1976 to 3,014 in 1981 and 2,781 in 1991. The Town has maintained a high profile in the fishing industry and is the home port and service centre of the Province's largest fishing fleet. Recent sharp declines in the fishing industry have resulted in a reduction of the fleet.

Development of the tourism industry has offset the impact of the decline in the industrial sector. Development of the Nova Scotia Fisheries Museum of the Atlantic on the Lunenburg waterfront and tourism-related private development has helped stabilize and bolster the economy.

The Town of Lunenburg occupies a unique niche in the County and the Province as the base of the Province's largest fishing fleet, as part of Nova Scotian and Canadian heritage and as a regional service centre. These attributes give Lunenburg an advantage that has been translated into the prosperity that the Town has enjoyed for many years. Although the current economic conditions have raised concerns for future economic prosperity of the Town, there is still much optimism.

Planning for Lunenburg's future prosperity cannot be assured or dealt with in its entirety within the framework of a Municipal Planning Strategy. A Municipal Planning Strategy can, however, influence the development and redevelopment of the Town by introducing a process by which development and change occurs in an orderly and sensitive manner. This is particularly important in the Town of Lunenburg where the developing tourism industry, which is becoming increasingly important to the Town, is highly dependent upon the marketing of the heritage and character of the community.

2.0 PLANNING CONTEXT

The first Municipal Planning Strategy of the Town of Lunenburg was approved by the Minister of Municipal Affairs on July 19, 1973. This Plan was superseded by the first revised Municipal Development Plan that was approved August 9, 1978. Another review resulted in the second revised Municipal Planning Strategy and Land Use By-law that was approved by the Minister of Municipal Affairs on October 10, 1985.

The current Municipal Planning Strategy and Land Use By-law is the product of a review process that began in December 1992 under the revised Planning Act. (Chapter 346, R.S.N.S.1989)

A Municipal Planning Strategy provides the policy framework for land use and development control. The Planning Act provides Council with the power to make statements of policy with respect to future development, land use, public lands, transportation, municipal services, programming of municipal investment, coordination of public programmes, and any other matter related to the physical, social or economic development of the Town.

The Municipal Planning Strategy for the Town of Lunenburg shall be regarded as the policy framework by which Lunenburg Town Council shall guide and control development, land use, and other matters of interest to the Council within the terms of Section 38(2) of the Planning Act.

The Land Use By-law and the Subdivision By-law are the companion documents to this Municipal Planning Strategy and are the means by which Town Council shall "carry out the intent of the Municipal Planning Strategy" as set out in Section 51 of the Planning Act, for land use and development purposes.

3.0 INTERPRETATION

For the purposes of this Municipal Planning Strategy, the planning area of the Town of Lunenburg is the entire Town of Lunenburg as incorporated in 1888. This Municipal Planning Strategy is only applicable within the boundaries of the Town.

This Municipal Planning Strategy is a policy statement of Council. Council shall have regard to the policies contained within the Municipal Planning Strategy; no development can be permitted which is contrary to the policies of the Municipal Planning Strategy.

The Maps and Schedules appended to this Municipal Planning Strategy form part of the Municipal Planning Strategy.

The metric system is used to show required standards; imperial measurements are inserted for convenience and are only approximations.

For greater understanding of Municipal Planning Strategy policies, reference should be made to the minutes of the Lunenburg Planning Advisory Committee.

This Municipal Planning Strategy has been prepared in accordance with the requirements of the Planning Act, Chapter 346 of the Revised Statutes of Nova Scotia, 1989, as amended.

4.0 OBJECTIVES

It shall be the intention of Town Council to:

- I Provide a planning framework in which the established section of the community can grow and prosper and development can be accommodated in an orderly manner.
- II Control land use and development in a way that will reduce conflicts between incompatible uses, and which will not overburden existing services.
- III Encourage preservation of the architectural and cultural heritage of the Town and minimize any negative impact that may result from new development or redevelopment.
- IV Control land use and development in a manner that will preserve, enhance, and protect both the natural and built environments of the Town.
- V Maintain, improve, and expand municipal services and facilities to the extent of the Town's financial capability.
- VI Encourage development and employment opportunities within the Town without compromising the accustomed life style and living environment.

5.0 RESIDENTIAL DEVELOPMENT AND LAND USE

BACKGROUND

The Town of Lunenburg has, over the years, experienced relatively slow but steady residential growth. Old Town and New Town have long since developed to the extent possible within the areas that were originally laid out for development. Land formerly owned by the Town on a slope facing the Back Harbour next to Old Town has been developed. A subdivision to the west of New Town, between Green Street and Victoria Road, represents the latest addition to the Town's single unit housing stock.

Approximately fifty (50) homes have been built in this area and there is considerable opportunity for further subdivision. Council is aware of the need to have lands available for new low density residential use and recognizes that these areas and the existing low density residential areas deserve protection from uses that would conflict with the enjoyment of residential properties.

In the late 1980's a number of new multi-unit dwellings were constructed. As a relatively new housing form within the Town, with potential for considerable impact on the developed areas, future multi-unit housing is considered to require the site control that may be achieved through the development agreement process.

The demand for affordable housing has increased since the 1996 adoption of this Municipal Planning Strategy. Council has responded to this by adding the ability to have two-unit dwellings on separately-owned lots in 2006 and now in 2008, creating a new Medium-Density Residential (MDR) Zone which will allow four-unit townhouses as-of-right and allow these to be located on separately-owned lots. The zone will only be applied to undeveloped parcels of land at the request of a developer in order to minimize the impact of townhouses on the developed residential areas.

Conversion of large old single unit dwellings and other buildings to multi-unit dwellings serves a housing need and provides an acceptable use for the larger buildings. Small scale conversions will be permitted; larger scale conversions will require a development agreement.

Council recognizes that mobile homes and mini homes, also known as single section manufactured homes, are an affordable and preferred form of housing for many people. At the same time, it is the view of Council that mobile homes and mini homes are incompatible with the heritage character and established residential character of the Town because of their long, narrow proportions and other architectural characteristics and the perception that they have a negative effect on property values. Mobile homes and mini-homes will therefore be permitted only in mobile home parks (also sometimes known as 'land lease communities') located in the primarily rural, undeveloped parts of the Town, away from established residential areas. Mobile home parks will be allowed only by development agreement subject to criteria intended to reduce the visual impact of this form of development on the heritage character of the Town. Other forms of manufactured housing, however, such as modular houses built of prefabricated units joined together with a finished form and proportions similar to conventional, site-built dwellings, will be permitted in other residential areas on the same terms as site-built dwellings. Controls on the maximum length to width ratio of new structures will be included in the Land Use Bylaw to ensure that manufactured housing in established residential areas will have proportions comparable to those of conventional, site-built dwellings. In historic areas, more detailed architectural controls and/or design guidelines will apply to protect the heritage character of those areas (see Part 10 of this Municipal Planning Strategy).

Old Town has marked differences in development form and architectural character from the remainder of Lunenburg. In establishing By-law requirements for residential uses and in setting standards and criteria for new multi-unit housing or large scale conversions, the unique characteristics of residential areas will be recognized to ensure that standards are realistic and that new development will complement the neighbourhood in which it is located.

Residential development with on-site services has occurred on the fringes of the residential neighbourhoods, beyond the easy reach of sewer and water services. The large minimum lot area required for this type of residential development is a deterrent to large scale unserviced development. The undeveloped rural lands within the Town boundary that could be serviced by gravity sewer lines are regarded essentially as reserve areas for future development, subject to physical constraints. In these outlying areas, low density residential development with on-site services and compatible resource related activities will be permitted.

A relatively new use in residential areas of Lunenburg is the rental of "tourist homes". Tourist homes are dwelling units which are rented for periods of 30 days or less and are licenced by Department of Tourism and Culture under the Tourist Accommodations Act, in a manner similar to hotels and guest houses, to ensure they meet specific standards. Council considers these uses to have a strong commercial component, in that they are intended to generate income for the owners, without necessarily being the primary residence of the owner. In the continuum of uses allowed in the residential zones by development permit, tourist homes are considered to have an impact similar to any other uses permitted "as-of-right" subject to special requirements.

Over the past several years a number of these short-term rental dwelling units have come into use in Lunenburg. Considerable discussion occurred both in the media and Council meetings in 2000 and 2001. As a result of the discussions and the considerable public input, Council has determined that it will control the total number and impact of individual tourist homes by ensuring that some separation is maintained between them. While recognizing that commercial development of various types has greatly contributed to the refurbishment of older homes in Lunenburg, allowed some families to purchase houses when they would not otherwise have been able to afford a home, and contributed to the economic growth of the community, Council also recognizes that unlimited development of tourist homes may have a detrimental affect on the community. An unlimited number of tourist homes may mean a decreasing number of dwellings available for families to live in and an increase in the price of these dwellings as a result. A decrease in the number of families in the Town means decreasing use of and support of facilities which create community, such as schools, hospitals, and shops which are open year-round. In addition, any type of short-term rental without a resident owner may result in noise, light, garbage/recycling and parking problems. The decline of a neighbourhood-based community may also mean an opportunity for an increase in crime (fewer Block Parents, Neighbourhood Watch, etc.). By limiting the possible concentration of tourist homes, Council hopes to allow reasonable development of tourist homes while lessening these possible negative impacts.

Small institutional uses, particularly those which are related to the heritage of Lunenburg, such as museums, are considered to be appropriate in the Old Town residential area. The need to control the impact of these uses is evident; they will be allowed only by development agreement, with emphasis on the impact on the residential neighbourhood.

POLICIES

It shall be the policy of Council to:

Residential Designation

- 5.1** designate the areas shown as Residential on Map 2, the Future Land Use Map, for uses that are customary in and compatible with residential neighbourhoods. These areas are intended to include the established and serviced residential areas and unserved areas that are intended for residential development in the near future.

Old Town Residential Zone and Uses

- 5.2** establish an Old Town Residential Zone in the Land Use By-law, within the Residential designation, that includes the older residential development that occurred primarily on smaller lots.
- 5.3** consider, only by development agreement, in areas zoned Old Town Residential (OTR) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for institutional uses, including but not limited to museums, or expansion of institutional uses, provided:
- (a) the use is located in a building constructed before 1994; and
 - (b) development is in accordance with policy 5.11.

Residential Zone and Uses

- 5.4** establish a Residential Zone in the Land Use By-law, within the Residential designation, that includes the newer residential development that occurred primarily on larger lots.

- 5.5** consider, only by development agreement, in areas zoned Residential (R) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for new institutional uses, including but not limited to museums, or expansion of institutional uses, provided development is in accordance with policy 5.11.

Rural Residential Zone and Uses

- 5.6** establish a Rural Residential (RR) Zone in the Land Use By-law within the Rural designation, that includes unserviced and undeveloped lands that are considered reserve areas for future residential development.
- 5.7** permit in the Rural Residential (RR) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.
- 5.7A** establish a Medium Density Residential (MDR) Zone in the Land Use By-law within the Rural designation, and apply the Medium Density Residential (MDR) Zone to unserviced and undeveloped lands within the Rural Designation on the Future Land Use Map of the Municipal Planning Strategy at the request of the owner of the land.
- 5.7B** permit in the Medium Density Residential (MDR) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.

Uses Allowed Throughout Residential Designation

- 5.8** permit in areas designated Residential and zoned Old Town Residential (OTR) or Residential (R):
- (a) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area, signs and parking; and
 - (b) conversion of buildings to three unit dwellings; and
 - (c) existing commercial uses; and
 - (d) existing multi-unit dwellings; and
 - (e) existing residential and commercial storage buildings; and
 - (f) one and two unit dwellings; and
 - (g) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent; and
 - (h) visitor-oriented commercial uses existing on January 1, 2003 and listed in the Residential (R) Zone of the Land Use By-law.
 - (i) tourist homes subject to specific requirements regarding maximum size, location and parking.
- 5.9** consider, only by development agreement, in areas designated Residential on Map 2, the Future Land Use Map proposals for multi-unit dwellings including conversions, expansions and new construction provided the development is in accordance with policy 5.12.
- 5.10** consider, only by development agreement, in areas designated Residential on Map 2, the Future Land Use Map, proposals for new guest houses, and the expansion of guest houses, where such proposals are for a minimum of four (4) to a maximum of seven (7) rental units, provided the development is in accordance with policy 5.13.
- 5.10A** consider, only by development agreement in areas designated Residential on Map 2, the Future Land Use Map, and only in conjunction with guest houses, proposals for dining rooms which are open to the public, provided the development is in accordance with policy 5.13A.

Criteria for Development Agreements

- 5.11 ensure that the following criteria are met when Council is considering proposals for new institutional uses, including but not limited to museums, or expansions of institutional uses, by development agreement:
- (a) the lot size is adequate;
 - (b) Town services are available or on-site services can be provided; and
 - (c) development is in accordance with policies 19.8 and 19.9.
- 5.12A (1) Ensure that the following criteria are met when Council is considering proposals for new construction of multi-unit residential buildings by development agreement:
- (a) the minimum lot size must be 279 square metres (3,000 square feet) per dwelling unit up to four and 93 square metres (1,000 square feet) for each additional dwelling unit;
 - (b) residential developments of four or more units must provide 20% of the minimum lot area as dedicated green space to be maintained in plantings and not paved—the approximate location of the green space and the plan for planting it must be included in the development agreement;
 - (c) development must be screened from adjacent one and two unit residential uses by trees and shrubs according to the following requirements:
 - (i) 4 - 5 units 1.5 metres (5 feet)
 - (ii) 6 - 10 units 3 metres (10 feet)
 - (iii) 11 - 15 units 4.5 metres (15 feet)
 - (iv) 16 units and over 6 metres (20 feet)

The location, plant mix and maintenance standards must be included in the development agreement.

- (d) one and one-quarter parking spaces are required for each unit in all developments of four units and over.
 - (e) parking in the front yard is prohibited.
 - (f) location and design of parking spaces and driveways must be included in the development agreement.
 - (2) In the case of additions to existing residential developments, the criteria in subsection (1) apply only to the addition.
 - (3) In the case of conversions, the specific criteria in subsection (1) do not apply but the factors listed should be taken into account in the development agreement to the extent the existing lot permits.
- 5.13 ensure that the following criteria are met when Council is considering proposals for new guest houses, and the expansion of guest houses, where such proposals are for a minimum of four (4) to a maximum of seven (7) rental units, by development agreement:
- (a) there is a maximum of two (2) signs on the lot advertising the business use. Neither sign shall exceed 0.5 square metres (5 sq.ft.) in area and shall otherwise conform to the requirements of the Land Use By-law; and
 - (b) development is in accordance with policies 19.8 and 19.9.
- 5.13A ensure that the following criteria are met when Council is considering proposals for new dining rooms in conjunction with guest houses, by development agreement:
- (a) the dining room must be in the same residence as the guest house; and
 - (b) the maximum number of seats in the dining room cannot be more than four times the number of guest rooms in the guest house; and
 - (c) *deleted August 2010*
 - (d) *deleted August 2010*
 - (e) the Development Agreement specifies the hours of operation; and
 - (f) the Development Agreement specifies the location and nature of the advertising signs for the dining room; and
 - (g) the lot must abut a major traffic artery, and all street access to the lot is from that

General Policies

- 5.14** identify in the appropriate zone of the Land Use By-law any converted dwelling containing four (4) or more units, any row house or any rooming and boarding house, each of which were existing as of October, 1985. These uses shall be permitted in the zone in which they are located subject to the requirements of the zone in which they are located.
- 5.15** establish in the Land Use Bylaw a maximum length to width ratio for new structures to ensure basic compatibility with existing structures in established developed areas.

6.0 RURAL DEVELOPMENT AND LAND USE

BACKGROUND

Although the Town of Lunenburg is very much an urban community with a distinct urban settlement pattern, there are areas that are rural in character within the Town boundary. Although some of this rural land is unused, there are also active agricultural uses, such as pasture land and hay fields and some scattered residential development. Council recognizes the existence of the rural sector and the Municipal Planning Strategy supports traditional rural land uses in these areas. These areas may in the future be required to satisfy land requirements for urban uses. The rural areas have been divided into future residential and future industrial lands in order to minimize future land use conflicts.

The rural areas of the Town are currently not serviced by central water or sewer although services are within easy reach of some areas. Many of the rural areas could be serviced by gravity lines with connections to existing trunk lines, while other areas would require pumping stations in order to be serviced. Land that cannot be serviced by gravity lines is unlikely to be developed in the foreseeable future and if development occurs in these areas before services are installed, development density will be low.

Rural areas that are capable of being serviced by gravity lines could more easily be developed within the foreseeable future. This potential for development will be recognized in the Municipal Planning Strategy. The types of land use that will be permitted in these rural areas will be limited in order to avoid future land use conflicts. Although residential development is anticipated as being the most probable future use of these rural areas, it is appropriate that there be an option to allow the development of commercial tourist accommodation uses because tourism is of such importance to the Town. Tourist accommodation uses are considered to be compatible with rural areas provided that they are carefully controlled with respect to location, relationship with surrounding uses, and adequacy of servicing and access. Similarly, craft workshops are considered to be compatible with rural areas designed for future residential development provided they are located and operated in a way that does not negatively affect surrounding uses or projected future residential development.

POLICIES

It shall be the policy of Council to:

Rural Designation

- 6.1** designate the areas shown as Rural on Map 2, the Future Land Use Map, for rural uses. This area is intended to include primarily undeveloped and unserviced areas of Lunenburg.

Rural Residential Zone and Uses

- 6.2** establish a Rural Residential (RR) Zone in the Land Use By-law within the Rural designation. It includes the undeveloped and unserviced areas which are considered future residential areas.

- 6.3** permit in the Rural Residential (RR) Zone:
- (a) agriculture and forestry uses; and
 - (b) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area and signs; and
 - (c) conversion of buildings to three unit dwellings, subject to specific requirements regarding parking; and
 - (d) institutional developments; and
 - (e) low density residential developments; and
 - (f) recreation developments; and
 - (g) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent.
- 6.3A Medium Density Residential (MDR) Zone**
establish a Medium Density Residential (MDR) Zone in the Land Use By-law within the Rural designation, and apply the Medium Density Residential (MDR) Zone to unserved and undeveloped lands within the Rural Designation on the Future Land Use Map of the Municipal Planning Strategy at the request of the owner of the land.
- 6.3B** permit in the Medium Density Residential (MDR) Zone:
- (a) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area and signs; and
 - (b) conversion of buildings to four unit dwellings, subject to specific requirements regarding parking; and
 - [c] existing multi-unit dwellings
 - (d) one, two, three and four unit dwellings; and
 - (e) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent.
 - (f) parking lots associated with uses permitted in the Medium Density Residential (MDR) Zone
- 6.4** consider, only by development agreement, in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for multi-unit dwellings provided development is in accordance with policy 5.12.
- 6.5** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for tourist accommodations, provided development is in accordance with policies 19.8 and 19.9.
- 6.6** consider, only by development agreement, in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for guest houses, provided development is in accordance with policies 5.13.
- 6.6A** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use Bylaw, proposals for mobile home parks, provided:
- (a) the mobile home park contains a minimum of ten (10) and a maximum of twenty (20) homesites;
 - (b) the mobile home park is developed in conformity with the Mobile Home Park Bylaw;
 - (c) The mobile home park will not abut a lot on which there is an existing site-built dwelling. For the purpose of this criterion, lots which “abut” each other are lots which share a common boundary or boundary point or which would share a common boundary or boundary point if they were not separated by a street, and the term “site-built dwelling” includes modular dwellings built of sections joined together with a

finished form and proportions similar to conventional site-built dwellings.

- (d) the mobile home park is screened from nearby public roads and residential properties by adequate buffer areas, separation distances, fencing, landscape plantings and/or existing vegetation.
- (e) Council is satisfied that the visibility of the mobile home park from any public street will not negatively affect the image of Lunenburg as an historic community and World Heritage Site.
- (f) the development is in accordance with Policies 19.8 and 19.9.

***6.6AA** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use Bylaw, proposals for craft workshops provided development is in accordance with policies 19.8 and 19.9 and the following additional criteria are met:

- (a) the craft workshop shall not exceed 223 square metres (2400 sq. ft.) in gross floor area.
- (b) the use shall be entirely enclosed within a building except for outside storage of materials.
- (c) the area devoted to outside storage of materials shall not exceed 37 sq. metres (398 sq.ft.), the height of the outside storage shall not exceed 2.4 metres (8 ft.) and outside storage shall not be directly visible from a public street.
- (d) retail sales of products shall be limited to the sale of products made on the premises.

* Note: Section number added when amendment inserted April, 2004. For accurate reference please see the signed original Municipal Planning Strategy and the certified amendments.

6.6B consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for multi-unit dwellings provided development is in accordance with policy 5.12.

6.6C consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for institutional developments in accordance with Municipal Planning Strategy policy 5.5.

6.6D consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for guest houses in accordance with Municipal Planning Strategy policy 5.10.

6.6E consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

Rural Industrial Zone and Uses

- 6.7** establish a Rural Industrial (RI) Zone in the Land Use By-law which includes the areas which are considered future industrial areas.
- 6.8** permit in the Rural Industrial (RI) Zone a variety of rural and light industrial uses including but not limited to:
- (a) agriculture and forestry uses; and
 - (b) institutional developments; and
 - (c) light industries.
 - (d) recreation developments; and
- 6.9** consider, only by development agreement, in areas zoned Rural Industrial (RI) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for those industrial developments which are likely to create land use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.13.

7.0 COMMERCIAL DEVELOPMENT AND LAND USE

BACKGROUND

Commercial activity in Lunenburg is focused in the downtown area along Lincoln, Pelham, and Montague Streets. Although there is a mix of commercial and residential use in this area, there is a predominance of commercial uses. Mixed residential, commercial and, to a lesser degree, industrial use has been a feature of downtown Lunenburg for many years, dating back to the early days of the settlement. A wide range of commercial uses will be permitted in the downtown area, but Council considers it appropriate to exclude uses which may cause land use conflicts such as autobody shops and some service uses. Mixed use in the downtown area is recognized as an appropriate development form and is in keeping with traditional land use in the area. Parking for the downtown district is provided both on-street and in private parking lots.

A secondary commercial centre is established at the western end of Lincoln Street, where it intersects Falkland Street. This is a small but important commercial area, similar in character to the downtown area in terms of its building style and scale of development, with a high profile because of its position at a major intersection. The only parking in the area is in on-street spaces and several small lots developed by individual businesses.

Victoria Road is evolving into a commercial strip. This area has easy access and spacious parking areas and is considered to be the only appropriate location within the Town for highway commercial uses. Developments in this area include a chain take-out restaurant, a major food supermarket and a Provincial liquor outlet. There are currently four (4) residential uses within this commercial district which have co-existed with commercial uses for many years. The commercial-residential mix tends toward a commercial dominance that indicates a shift in favour of complete commercial redevelopment. It is reasonable under these circumstances to plan for complete commercial use of the frontage between the Irving Service Station and the Centennial Avenue intersection on the north side of Victoria Road, and between the Atlantic Grocer Supermarket and the Kentucky Fried Chicken Restaurant on the south side of the street. There is undeveloped land behind this commercial strip on either side of the street that could accommodate expansion of existing business or new commercial and light industrial development. Proposals for both small scale and large scale commercial development on land abutting the existing Victoria Road highway commercial district will be considered. However, any such development will be carefully controlled to protect nearby existing residential and other uses which could be affected.

Also on Victoria Road, separated from the main highway commercial area, are two smaller established commercial areas. To the west is the Fish Net Take-Out, and immediately to the east is Bluenose Bowlerama, both uses being similar in character, style, and context to other highway commercial uses in the area. These properties will be designated for highway commercial use.

In both the downtown and Victoria Road commercial areas, Council will attempt to moderate problems associated with drinking establishments through the use of development agreements.

Opposite the Victoria Park Tennis Courts, between Green and Falkland Streets, there is a commercial area containing the former Petro Canada Service Station, an auto parts store and a health food store. While this area was oriented to the automotive trade, it differs from the main Victoria Road highway commercial area in that it is close to an established residential area. As a result, this area will be designated for restricted commercial use rather than highway commercial use.

There are two (2) other isolated commercial areas, one on Knickle Road (Wheelhouse Motel), the other on Mason's Beach (Topmast Motel). These uses are located on the fringes of residential neighbourhoods where nearby land uses are low-density residential and non-intensive rural uses. Residential uses in these areas co-exist with these commercial uses; the present uses do not present a land use conflict. Since any increase in the level of commercial activity could conflict with the residential uses, these sites will also be zoned for restricted commercial uses.

Mobile vending or vending activities outside a building is a special class of commercial activity that warrants special treatment. Such activities can compete with established businesses that operate conventionally within a retail store. This is particularly significant where the community is attempting to attract new businesses to old, vacant or under-utilized buildings and rejuvenate the commercial sector, particularly on Lincoln Street. Outside vending can also raise issues of fairness since retail operators in buildings pay commercial property taxes and business occupancy taxes for the privilege of doing business in the Town, whereas outside vendors do not, since they do not occupy a building. Outside vending can also raise aesthetic issues, particularly in the old and historic Town Centre in the World Heritage Site / Heritage Conservation District. For this reason, outside vending activities will be controlled through the combined provisions of the Town of Lunenburg Vending By-law and the Land Use By-law. The Vending By-law requires a license for outside vending activities (with exceptions for community events, etc.), and establishes a licensing fee structure. The Land Use By-law will control the location of outside vending activities.

Isolated commercial uses that developed before land use controls were initiated also exist within residential areas. These uses will be permitted to continue under a special "existing use" classification whereby change or expansion of the activity will be controlled by development agreement.

Small scale business uses with a very limited range which do not negatively affect the residential environment are considered appropriate in residential areas if the business activity is controlled. Both the range of permitted small scale business uses and the amount of floor area that may be devoted to such use will be limited.

POLICIES

It shall be the policy of Council to:

General Commercial Designation

- 7.1** designate the area shown as General Commercial on Map 2, the Future Land Use Map, for a range of commercial and residential uses. This area is intended to include the downtown commercial area of Lunenburg.

General Commercial Zone and Uses

- 7.2** establish a General Commercial (GC) zone in the Land Use By-law to encompass the central areas which are designated General Commercial.
- 7.3** permit in the General Commercial (GC) Zone:
- (a) a range of retail and service developments, excluding the sale or servicing of power and chain saws, marine and industrial engines and auto body shops; and
 - (b) existing beverage rooms and lounges; and
 - (c) institutional uses; and
 - (b) multi-unit dwellings where the ground floor of the building is wholly or partially used for commercial purposes; and
 - (c) single and two unit dwellings.
- 7.4** consider, only by development agreement, in areas zoned General Commercial (GC) on Schedule "A", the Zoning Map of the Land Use By-law, multi-unit dwellings where the ground floor is not used for commercial purposes, provided the development is in accordance with policy 5.12.

- 7.5** consider, only by development agreement, in areas zoned General Commercial (GC) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided the development is in accordance with policy 7.18.

Note: Drinking establishments may switch from holding a lounge licence to a beverage room licence, and vice versa under the Liquor Control Act without requiring a development agreement or an amendment to an executed development agreement.

Restricted Commercial Designation

- 7.6** designate the area shown as Restricted Commercial on Map 2, the Future Land Use Map, for a restricted range of commercial uses and for residential uses. This area includes three (3) commercial areas located in residential areas.

Restricted Commercial Zone and Uses

- 7.7** establish a Restricted Commercial (RC) zone in the Land Use By-law to include the three (3) isolated commercial areas which have developed in residential and rural settings.
- 7.8** permit in the Restricted Commercial (RC) Zone a restricted range of retail and service uses which excludes retail uses over 400 square metres (4,300 sq.ft.) in floor area, and uses considered likely to cause conflict with nearby residential uses because of noise, odours, fumes, hours of operation or traffic generation.

Highway Commercial Designation

- 7.9** designate the areas shown as Highway Commercial on Map 2, the Future Land Use Map, for a broad range of commercial and business uses, especially those requiring large areas of land.

Highway Commercial Zone and Uses

- 7.10** establish a Highway Commercial (HC) Zone in the Land Use By-law to correspond with the areas designated Highway Commercial.
- 7.11** permit in the Highway Commercial (HC) Zone:
- (a) a broad range of retail and service developments; and
 - (b) conversion of buildings to two or more dwelling units; and
 - (c) institutional uses; and
 - (d) industrial workshops; and
 - (e) multi-unit dwellings.

- 7.12** consider, only by development agreement, in areas zoned Highway Commercial on Map 2, the Future Land Use Map, proposals for industrial development or auto body shops provided that development is in accordance with policy 7.17.
- 7.13** consider, only by development agreement, in areas designated Highway Commercial on Map 2, the Future Land Use Map, and zoned Highway Commercial (HC) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided the development is in accordance with policy 7.18.
- Note: Drinking establishments may switch from holding a lounge licence to a beverage room licence, and vice versa under the Liquor Control Act without requiring a development agreement or an amendment to an executed development agreement.

Commercial Shoreline Designation

- 7.14** designate the area shown as Commercial Shoreline on Map 2, the Future Land Use Map.

Commercial Shoreline Zone and Uses

- 7.15** establish a Commercial Shoreline (CS) Zone in the Land Use By-law, within the Commercial Shoreline designation.
- 7.16** permit in the area zoned Commercial Shoreline (CS) uses as set out in the Shoreline policies of this Municipal Planning Strategy.

Criteria for Development Agreements

- 7.17** ensure that the following criteria are met when Council is considering proposals for industrial development or auto body shops by development agreement:
- (a) the use shall completely enclosed within a building; and
 - (b) that the use will not, by way of emissions of odour, dust, smoke or noise, disrupt or negatively affect existing land uses in the Town or in the neighbourhood of the site; and
 - (c) development is in accordance with policies 19.8 and 19.9.
- 7.18** ensure that the following criteria are met when Council is considering proposals for new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses by development agreement:
- (a) the building proposed for use as a lounge or beverage room is not within 18 metres (60 ft.) of a residential designation unless Council is satisfied that sufficient measures have been taken to reduce potential conflicts and nuisances so that the minimum setback for the development may be reduced accordingly; and

- (b) the proposed development includes provision for sound insulation, the location of doors, windows, fire exits and any other architectural feature that will reduce the emission of noise or lessen the effect of any other nuisances, provided that these features are not inconsistent with the requirements of the Building Code Act or the Fire Prevention Act; and
- (c) the proposed development will not have a negative effect on nearby residential uses due to the hours of operation; and
- (d) the proposed development will not have a negative effect on nearby residential uses due to the noise generated by the entertainment provided; and
- (e) parking lots and driveways for the use of patrons may be required if sufficient parking for the use is not available in public parking lots within the immediate vicinity of the proposed development and these shall not be located in any yard that abuts a residential designation; and
- (f) screening and buffering in the form of vegetation, berming or fencing shall be provided where necessary to screen or buffer storage areas, parking lots, driveways or any other feature of the development that may have a negative impact on nearby uses; and
- (g) development is in accordance with policies 19.8 and 19.9.

General Policies

- 7.19** control, in areas designated General Commercial, Restricted Commercial or Highway Commercial, the minimum size of yards and the activities carried out in yards abutting residential, institutional, and recreation zones in order to lessen the potential conflict between uses.
- 7.20** continue to seek funding through programs similar to the Provincial Mainstreet Program and other programs as available, in order to upgrade services and amenities in the commercial areas of the Town.
- 7.21** encourage and assist in the improvement of the appearance of the downtown area by the removal of overhead power lines, the replacement of asphalt and concrete sidewalks with brick or interlocking pavers, the planting of trees and the provision of benches.
- 7.22** prohibit in the areas zoned Highway Commercial (HC), new single and two unit dwellings.

- 7.23** in the General Commercial Zone, a reduction of side yard requirements even to zero would not compromise the intent of the Land Use By-law for the purpose of granting a minor variance provided that:
- a) the opinions of the property owners adjacent to the reduced side yard are considered; and
 - b) the building construction satisfies the requirements of both the Building Code By-law and the Heritage By-law; and
 - c) there is adequate provision for maintenance of the sides of the affected buildings; and
 - d) the side yard reduction does not impede visual access to recognized heritage buildings.
- 7.24 control the location of outside vending activities through appropriate provisions in the Land Use By-law in order to protect and maintain the integrity of established residential areas, control vehicular and pedestrian traffic and reduce problems related to litter.

8.0 INDUSTRIAL DEVELOPMENT AND LAND USE

BACKGROUND

Industrial activity in Lunenburg occurs primarily on the Front Harbour waterfront with most of this activity related to the shipping and fishing industries. Attempts at attracting new industry into the Town are frustrated by the lack of land suited for industrial uses. The waterfront offers very limited additional industrial development potential; however, continued industrial use of the waterfront will be accommodated and encouraged. The waterfront area has also traditionally been occupied by commercial uses and is to some extent a mixed industrial-commercial area. In 1975, the Nova Scotia Fisheries Museum of the Atlantic was opened on the waterfront on a former industrial site. The Museum has introduced further diversity into the Front Harbour waterfront and tourism related development such as this is indicative of a swing toward tourism throughout the Town.

A 12 hectare (30 acre) site located between Starr Street and the railway tracks has been designated as an industrial site for many years; however, high site preparation costs resulting from poor subsoil conditions has discouraged development of this area. Although this area does not have a promising future due to the limitations of the site, efforts to overcome these problems will be continued. Other sites suited to industrial uses are limited due to the existing land use pattern and topography.

A site of approximately 11 hectares (27 acres), southwest of the Fisheries Exhibition Grounds has been identified as suitable for industrial use. Portions of this area could accommodate immediate industrial development. A limiting factor for development of the entire site is inadequate water pressure for fire protection above 20 metres (65 ft.) in elevation. Industrial zoning will be limited to those areas which can be adequately serviced.

Some undeveloped and unserviced areas of the Town could accommodate some small scale industrial uses; however, care must be exercised with respect to the type and location of such uses to avoid negative impacts on residential and commercial areas. Provision will be made in the Municipal Planning Strategy for industrial development in undeveloped areas provided that the use can be accommodated and operated without creating traffic hazards, traffic congestion, environmental problems, or nuisances that could have a negative effect upon nearby residential uses or upon the Town in general.

POLICIES

It shall be the policy of Council to:

Industrial Designation

- 8.1 designate the areas shown as Industrial on Map 2, the Future Land Use Map, for a broad range of industrial and commercial uses.

Tourism Marine Zone and Uses

- 8.2 establish, within the Industrial designation of the Land Use By-law, a Tourism Marine (TM) Zone to include the Fisheries Museum of the Atlantic and adjacent parking.
- 8.3 permit in the Tourism Marine (TM) Zone:
- (a) industrial developments; and
 - (b) marine developments; and
 - (c) museums; and
 - (d) tourism or marine related commercial developments.
- 8.4 consider, only by development agreement, in areas zoned Tourism Marine (TM) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided development is in accordance with policies 7.18.

Marine Industrial Zone and Uses

- 8.5 establish in the Land Use By-law a Marine Industrial (MI) Zone to correspond to the developed industrial areas along the waterfront from the eastern Town boundary to the foot of Duke Street.
- 8.6 permit in the Marine Industrial (MI) Zone:
- (a) conversion of buildings a maximum of three (3) dwelling units; and
 - (b) existing residential uses; and
 - (c) industrial developments; and
 - (d) marine developments; and
 - (e) a broad range of commercial developments.
- 8.7 consider, only by development agreement, in areas and zoned Marine Industrial (MI) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

- 8.7A** consider, only by development agreement in areas zoned Marine Industrial on the Zoning Map, the establishment of places of recreation, entertainment or assembly, provided that the development is in accordance with Policies 19.8 and 19.9.

Industrial Zone and Uses

- 8.8** establish in the Land Use By-law an Industrial (I) Zone to include developed and future industrial lands.
- 8.9** permit in the Industrial (I) Zone industrial uses and commercial uses which are not considered to create land use conflicts.
- 8.10** consider, only by development agreement, in areas zoned Industrial (I) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

Rural Industrial Zone and Uses

- 8.11** establish in the Land Use By-law a Rural Industrial (RI) Zone within the Rural designation. It is intended to include unserved areas which are considered future industrial areas.
- 8.12** permit in the Rural Industrial (RI) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.
- 8.13** consider, only by development agreement, in the areas designated Rural on Map 1, the Future Land Use Map, and zoned Rural Industrial (RI) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

Criteria for Development Agreements

- 8.14** ensure that the following criteria are met when Council is considering proposals for those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, by development agreement:

- (a) where any development site abuts any industrial zone boundary, or a road which incorporates an industrial zone boundary, the use shall be located on the site so that the maximum separation of the use from the boundary is achieved. Subject to the physical characteristics of the site and the location of the use on the site, screening in the form of fencing, vegetation, or a berm as appropriate shall be constructed on the site in order to minimize impact on properties in the adjacent zone; and
- (b) there shall be no emission generated from the development such as noise, dust, radiation, light or other such emission to either the air, water, or ground that exceeds applicable standards or guidelines set by any department or agency of the government of Canada or Nova Scotia; and
- (c) no development agreement shall be executed until all necessary permits as required by Federal, Provincial, and Municipal government agencies have been issued, or Council is satisfied that the required permits will be issued; and
- (d) no development shall be permitted that could create a health hazard or that would have a negative effect on the quality of life or living environment of the Town; and
- (e) where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed commercial or industrial development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out by the developer for the purpose of determining the nature and extent of any environmental impact; and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and
- (f) development is in accordance with policies 19.8 and 19.9.

General Policies

- 8.15** establish specific Land Use By-law requirements for minimum yards, open storage, parking and signs for those situations where the Industrial (I) or Rural Industrial (RI) zone abuts any other zone or a road which incorporates any other zone boundary, in order to reduce the impact of industrial uses upon non-industrial uses.
- 8.16** consider, only by development agreement, in areas designated Highway Commercial on Map 2, the Future Land Use Map, proposals for industrial developments and auto-body shops provided development is in accordance with policies 7.17, 19.8 and 19.9.

9.0 INSTITUTIONAL DEVELOPMENT AND LAND USE

BACKGROUND

Institutional land uses in the Town exist in a variety of locations and land use contexts. The institutional focus of the Town has always been the four (4) block central area reserved for public purposes at the time of settlement, bounded by Townsend, Cumberland, Cornwallis, and Hopson Streets. This area now houses the Town Hall and Courthouse, the Fire Hall, the Electric Light Department, and the Public Works Depot. A new Fire Hall site outside this area has recently been chosen. Council intends to maintain the institutional designation and zone on the site of the present Fire Hall and encourage public use of the site due to its prominence as part of the original plan for Lunenburg.

A number of churches are situated in residential areas in the Town but are not considered to be incompatible in any way; their location is regarded as a positive component of the Town's historic character.

Most of the institutional uses in the Old Town are well established and the nearby residential neighbourhoods have adjusted well to their presence. Expansion of these uses is precluded in most cases by lack of available land and nearby residential uses. Existing institutional areas will be designated and zoned for institutional use; however, because a new institutional use would introduce a significant change into an established residential neighbourhood, such uses will be permitted in residential areas only by development agreement.

Other institutional uses, including the Town schools and cemeteries, and the Fisherman's Memorial Hospital are situated on larger parcels of land on the fringes of residential areas in Old Town and New Town and have considerable room for expansion should the need arise. These areas will also be designated and zoned for institutional use.

The distribution of institutional land uses throughout the Town reinforces the fact that institutions serve an important function in community life and their continued maintenance and expansion will be encouraged.

POLICIES

It shall be the policy of Council to:

Institutional Designation

- 9.1** designate the areas shown as Institutional on Map 2, the Future Land Use Map, for a broad range of institutional uses. These areas are intended to include the existing institutional uses.

Institutional Zone and Uses

- 9.2** establish in the Land Use By-law an Institutional (INS) Zone to correspond to the areas designated Institutional.
- 9.3** permit in the Institutional (INS) Zone:
- (a) a broad range of institutional uses including but not limited to churches, public buildings and uses, schools and museums; and
 - (b) occasional or temporary outdoor or indoor markets, bake sales, flea markets, vegetable and produce markets.

General Policies

- 9.4** consider, only by development agreement, in areas zoned Old Town Residential (OTR), on Schedule "A", the Zoning Map of the Land Use By-law, proposals for new institutional developments and the expansion of institutional developments, provided development is in accordance with policy 5.11.
- 9.5** cooperate with and encourage the efforts of institutions to improve and extend their facilities, services, and programs within the Town.
- 9.6** maintain the present Fire Hall site in public ownership and as a public or institutional use.
- 9.7** consider requests to amend the Land Use By-law by re-zoning property in any designation from any zone to Institutional (INS), provided the criteria set out in policy 19.9 are met.

10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

ARCHITECTURAL CONTROL

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.

Council will also consider the future possibility of extending the heritage conservation district to include the Dufferin Street, Falkland Street, and Tannery Road architectural control areas and other historic parts of the Town by future amendment of the conservation plan and bylaw and this municipal planning strategy.

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

- 10.1** regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

- 10.2** designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

- 10.3** incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:
- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

11.0 PARKS AND RECREATION

BACKGROUND

The Town has considerable publicly owned land available for a wide range of active and passive recreation uses.

Active recreation facilities are located principally in the Community Centre-Exhibition Grounds complex which contains sport fields, a swimming pool, a hockey arena, a curling club, and an auditorium-gymnasium. The Community Centre buildings and grounds together with the International Exhibition Building house the annual Lunenburg Fisheries Exhibition and Fisherman's Reunion. Other active recreation facilities on Town owned land include the tennis courts in Victoria Park, leased and operated by the Lunenburg Tennis Club, and the Blockhouse Tourist Trailer Park, operated by the Board of Trade. Another major active recreation area is the Lunenburg Golf Club, located on privately owned land on Kaulback's Head.

Passive parks are maintained at various locations including the Rous' Brook and Blockhouse Hill historic sites, where historic associations and views are of primary importance; downtown, near the Town Hall, at the Lincoln Street mini-park, and at Victoria Park; in residential areas at the intersection of Tannery, Cove, and Mason's Beach Roads, and at the intersection of Sandy Hollow Road with Maple Street.

All of these active and passive recreation uses are stable and can be expected to continue into the future. A small area of land has been added to the park at Blockhouse Hill, along the Kempt Street boundary, in order to ensure that any new residential development will be separated from the original Old Town development.

There are presently two (2) children's playgrounds within the Town in addition to the facilities at the Lunenburg Elementary School. The school facilities are not accessible to children on a year round 3+ basis and only part of the equipment is available outside of school hours. The development of new children's playgrounds will be encouraged. Passive park lands and children's playgrounds are considered to be compatible with residential uses and most other uses, and will be permitted throughout the Town.

The Town has recently purchased the former railroad right-of-way throughout Town. This linear right-of-way is seen as an opportunity to provide a walking trail and recreation link throughout much of the Town. It will be designated and zoned for recreation uses.

POLICIES

It shall be the policy of Council to:

Recreation Designation

- 11.1 designate the areas shown as Recreation on Map 2, the Future Land Use Map, for parks, recreation areas and facilities. These areas include the existing recreation areas, the area of the former rail right-of-way, and lands adjacent to the former rail right-of-way.

Recreation Zone and Uses

- 11.2 establish in the Land Use By-law a Recreation (REC) Zone to correspond to the areas designated Recreation.
- 11.3 permit in the Recreation (REC) Zone a broad range of recreation uses, excluding race tracks for motorized vehicles.

General Policies

- 11.4 permit passive parks, conservation, and playground uses throughout all zones within the Town.
- 11.5 continue to operate and maintain existing recreation facilities and programs subject to the Town's financial capability.
- 11.6 in cooperation with community and parents' groups, consider participation in the establishment of children's playgrounds in the Town and provision of recreation amenities for young citizens that are not being provided by existing recreation facilities. Priority shall be given to firstly the Centennial Avenue area, secondly to the Dufferin Hill/Maple Street area and thirdly to the Blockhouse Hill area.

12.0 SHORELINE DEVELOPMENT AND LAND USE

BACKGROUND

Lunenburg's harbours and shorelines have been vital to the development of the Town. The majority of the marine development has occurred in the Front Harbour, in the area between Rous' Brook and the lands once used as Camp Norway.

Due to the extremely long shoreline and the relatively shallow water, little marine development has occurred from the boundary of the property owned by A.B.C.O. to the present golf course shoreline. There are no structures in this area on the water side of Tannery Road. The inland side of Mason's Beach Road in this area has residential uses and the golf course. The view of Lunenburg's developed waterfront from this area is a favourite of local residents and tourists alike.

The Back Harbour within Lunenburg has been used extensively in the past. Commercial use of this area by fishermen has been traditional; at present there are no buildings and little activity. Recreation use of this area has decreased with increasing pollution of this harbour; should the pollution be cleaned up in the future demand for development in this area would increase.

The harbours and their shorelines are important in these areas as they reinforce the scenic qualities of Lunenburg. Council recognizes this importance and wishes to maintain the open character of the shorelines, while allowing for recreation uses on the Front Harbour area and commercial and recreation uses on the Back Harbour.

POLICIES

It shall be the policy of Council to:

- 12.1** include in the abutting designations, as shown on Map 2, the Future Land Use Map, and in the abutting zones as shown on Schedule "A", the Zoning Map of the Land Use By-law, any new land area created by infilling of the harbours, including wharves and piers. The boundaries on these maps shall show the direction of the extension of the designations and zones in the event of any future infilling of the harbour.

Open Shoreline Designation

- 12.2** designate the area shown as Open Shoreline on Map 2, the Future Land Use Map, for restricted activities which will preserve the open character of the area.

Open Shoreline Zone and Uses

- 12.3** establish an Open Shoreline (OS) Zone in the Land Use By-law which corresponds with the area designated Open Shoreline on the Future Land Use Map.

- 12.4** permit in the area zoned Open Shoreline (OS) activities which preserve the open character of the area, including but not limited to private and public parks, parking areas, wharves, slipways, and other water access uses.

Commercial Shoreline Designation

- 12.5** designate the area shown as Commercial Shoreline on Map 2, the Future Land Use Map, for activities which will preserve the open character of the area while allowing the traditional commercial uses of the area.

Commercial Shoreline Zone and Uses

- 12.6** establish a Commercial Shoreline (CS) Zone in the Land Use By-law which corresponds with the area designated Commercial Shoreline on the Future Land Use Map.
- 12.7** permit in the area zoned Commercial Shoreline (CS) traditional commercial activities and those which preserve the open character of the area, including but not limited to wharves for commercial fishermen, fishing supply storage sheds, marine repair shops, private and public parks, parking areas, wharves, slipways, and other water access uses.

Uses Permitted by Development Agreement in Open and Commercial Shoreline Zones

- 12.8** consider, only by development agreement, in the areas zoned Open Shoreline or Commercial Shoreline, marinas provided development is in accordance with policies 19.8 and 19.9.

13.0 PUBLIC SERVICES AND UTILITIES

BACKGROUND

Town services include water, sewer, electrical distribution, streets, sidewalks, and police protection. Responsibility for fire protection is shared with the Town's volunteer fire department. Recreation services are also provided by the Town in the form of recreation programming through a full time recreation director and a variety of community facilities and programs.

Water

BACKGROUND

The Town of Lunenburg water supply is drawn from Dares Lake which lies approximately 4.8 kilometres (3 miles) northwest of the centre of Town. Water is pumped to an open reservoir in Lilydale at an elevation of 66 metres (219 ft.), and this 3.02 million litre (.8 million gallon) reservoir feeds water by gravity pressure throughout the town and to the National Sea Products fish plant which is located in Lunenburg Municipality, at Garden Lots. Dares Lake has a safe yield of 6.55 million litres (1.73 million gallons) per day at a one (1) in fifty (50) year failure recurrence and a safe yield of 10.97 million litres (2.9 million gallons) per day at a failure recurrence of three (3) years. Water treatment consists of liming and chlorination. Current average daily consumption is 3.40 million litres (0.9 million gallons). The lake and a portion of its watershed land was designated as a protected watershed area in 1972; however, approximately 114 hectares (283 acres) of the lake's watershed lands have not been designated and remain unprotected.

In 1979, the Town initiated a water line replacement program and since that time 6705 metres (22,000 ft.) of outdated pipe has been replaced and 4420 metres (14,500 ft.) of new water main has been installed. The water line replacement program is in accordance with a recommendation made by Canadian-British Consultants in its 1978 report; however, the sequence and schedule of water line renewal has not followed the report's recommendations. A new main was installed on Victoria Road in 1980. The water line replacement program is considered an ongoing program, subject to the availability of funding.

Map 3, Sewer and Water Services, shows details of the Town's water distribution network.

POLICIES

It shall be the policy of Council to:

- 13.1** systematically refurbish existing water lines by cleaning and replacing lines as necessary to ensure a clean, potable water supply for industrial, commercial, domestic and fire fighting purposes throughout the serviced area of the Town.

- 13.2** seek means to ensure the protection of Dares Lake and its associated watershed lands.
- 13.3** require the subdivider or developer to install all water lines within a subdivision in accordance with the provisions of the Subdivision By-law.

Sewers

BACKGROUND

Storm and sanitary sewers, with the exception of Centennial Avenue and Victoria Road, are combined, and sewage that is collected is discharged untreated into the Front Harbour through outfalls. A number of private sewers exist in the Town, particularly in the areas of Tannery Road and the Old Town waterfront. These discharge into the harbour at several points, as shown on Map 3, Sewer and Water Services. This discharge of private sewage into the harbour is regarded as unhealthy but, so long as the Town's public sewers continue to discharge untreated sewage into the harbour as well, the continued existence of private sewers will be tolerated. New private sewer installation as well as extension of or new connections to existing private sewers will be prohibited. Consideration will be given to the installation of public sewers to intercept private sewage outfalls and to provide connection with the existing public sewer system.

Considerable upgrading and repair work has been carried out on the sewage collection system over the past ten years. A program of upgrading manholes and mains is now in place. In addition, Council is now involved in a process to develop sewage treatment facilities for the Town. Council is aware of the importance of this matter, and is concentrating its efforts on finding a timely and cost-efficient solution to sewage treatment in Lunenburg.

It is recognized that any extension of sewers into rural areas where pumping stations will be required is a costly proposition and, as a result, sewer line extensions to these areas will not be considered a priority. The cost of providing sewer lines within new subdivisions is considered to be the responsibility of the developer or subdivider. Council considers it worthwhile to have storm sewers separated from sanitary sewers within new developments even though the mains are not now separated, in order that separation of these systems will not become even more difficult over time.

Map 3, Sewer and Water Services, shows details of the Town's sewer system.

POLICIES

It shall be the policy of Council to:

- 13.4** require the developer of a subdivision to install sewers in accordance with the requirements of the Subdivision By-law at the developer's expense, including the separation of sanitary sewers from storm sewers in new developments to the property line.

- 13.5** limit the extension of sewer lines to areas that can be served by gravity lines except:
- (a) where any proposed extension that would require a pumping station could also service and benefit existing development; or
 - (b) where new proposed development is of a sufficient scale to justify installation and operating costs; or
 - (c) where the development to be served by the extension would benefit the entire Town.
- 13.6** consider making any necessary provisions for eventual sewage abatement, particularly the reduction of water infiltration and the installation of interceptors, when any maintenance, repairs, replacement, or new installations of sewers and other public works are carried out
- 13.7** continue to seek the financial means to install and operate a sewage treatment system for the Town.
- 13.8** encourage the prohibition of servicing of new buildings by the installation of new private sewer outfalls or the extension of or connection to existing private sewer outfalls into the water of Lunenburg Harbour, Lunenburg Bay and the Back Harbour through the regulations of the Nova Scotia Department of Environment, Environmental Health, Western Region.
- 13.9** permit the continued use of existing private sewers, as shown on Map 3, Sewer and Water Services, until such time as affected properties can reasonably be served by new public sewers. Responsibility for the maintenance and repair of such private sewers shall rest with the owners of the affected properties.
- 13.10** seek means to provide public sewer service to those properties in the Town presently served by private sewers.
- 13.11** permit the installation of new on-site sewage disposal systems on new lots, only in the designated Rural areas in the Town, subject to the regulations of the Nova Scotia Department of Environmental Health, Western Region, except as provided for in policy 13.12 below.
- 13.12** permit the replacement or reconstruction of existing on-site sewage disposal systems in the Town and permit the installation of new on-site sewage disposal systems on existing lots, subject to the regulations of the Nova Scotia Department of Environmental Health, Western Region, and the requirements of the Sewer By-law of the Town of Lunenburg.
- 13.13** that public sewer service shall not be extended beyond the Town boundary except where a sewer extension forms a part of a regional sewage treatment program operated in co-operation with the Municipality of the District of Lunenburg.

Streets and Sidewalks

BACKGROUND

It is recognized that safe, well defined, and unimpeded pedestrian walkways provide an important service to all Town residents, particularly senior citizens and children. Good sidewalks are also recognized as a benefit to tourism because they encourage visitors to explore the Town on foot.

Since 1985, 913 metres (3,000 ft.) of street have been constructed, 3505 metres (11,500 ft.) of street reconstructed, 1219 metres (4,000 ft.) of sidewalk reconstructed and 914 metres (3,000 ft.) of sidewalk renewed.

POLICIES

It shall be the policy of Council to:

- 13.14** encourage pedestrians within the Town by maintaining and upgrading existing sidewalks and installing new sidewalks as funds become available.
- 13.15** continue to seek and utilize funding under programs similar to the Provincial Mainstreet Program to upgrade sidewalks in the downtown commercial area.

Police and Fire Protection

BACKGROUND

Police protection is provided by the Town by way of a Town police force. Police headquarters is located in the old railway station off Dufferin Street.

Fire protection in the Town is provided by a fire department staffed by volunteers. Facilities, equipment, and operational funding are provided by the Town. The fire department also serves the rural area immediately outside the Town. Service to this area is provided under an agreement whereby the Municipal district gives financial support to the department. The fire department is constructing a larger Fire Hall near the waterfront.

POLICIES

It shall be the policy of Council to:

- 13.16** continue to provide police protection throughout the Town.
- 13.17** continue to provide facilities, equipment, and operational funding for the volunteer fire department and to encourage the training of firefighters for fire fighting and fire prevention by supporting training programs which are deemed necessary to ensure that firefighters are effective and efficient in carrying out their duties.

- 13.18** provide fire protection to areas of Lunenburg Municipality adjacent to the Town, subject to appropriate financial reimbursement from the District for the provision of the service.

Power

BACKGROUND

Lunenburg is one of six (6) remaining communities in Nova Scotia which provide power to residents through a locally owned and operated utility. The Town of Lunenburg Electric Light Utility operates as a department of the Town, and provides power to the Town and the immediately surrounding area. Power is purchased from Nova Scotia Power. Over the past ten (10) years, power consumption in Lunenburg has increased by approximately six per cent (6%).

Provision of an adequate and safe power distribution system is seen as necessary to the continued growth of the Town.

POLICIES

It shall be the policy of Council to:

- 13.19** continue to provide power to the residents of Lunenburg and the surrounding area through the Town of Lunenburg Electric Light Utility.
- 13.20** continue to encourage residents to decrease power consumption through the use of education programs such as those made available through Nova Scotia Power.

14.0 OUTDOOR STORAGE AND DISPLAY

BACKGROUND

Outdoor storage and display of goods, materials, and equipment that could create a nuisance or that would negatively affect the enjoyment of nearby non-commercial or non-industrial properties will be controlled. The open display of goods for sale, such as open markets, will not be permitted in residential zones except for display related to private garage or yard sales which happen on an occasional or infrequent basis.

POLICIES

It shall be the policy of Council to:

- 14.1** regulate outdoor display and outdoor storage in all commercial and all industrial zones and prohibit storage and display in yards which abut any other zone, or yards which abut a road which incorporates any other zone boundary.
- 14.2** control the amount and location of open storage on any lot.
- 14.3** permit temporary or occasional outdoor markets in areas zoned for commercial, recreation or institutional use.

15.0 LANDSCAPING, FENCING, AND LIGHTING

BACKGROUND

Establishment of turf, grading, planting of vegetation, and the installation of surfacing materials on walkways and driveways constitute the basic elements of landscaping. Sensitive landscaping can reduce the impact of new development upon nearby properties and generally improve the visual environment. Well established turf and ground covers will prevent serious erosion and control dust. Hedges can be effective in screening unattractive elements, such as storage and parking areas, and pavers or gravel will control dust when applied to driveways and parking lots. Landscaping is particularly important when site conditions require major alterations to the topography. The Municipal Planning Strategy will provide for landscaping in developments which are subject to development agreement.

Fencing, such as barbed wire, that could cause harm or injury will be restricted in its use and, where fencing could impair vision, such as at street intersections, it will be regulated. Fencing will be required for the purpose of screening unattractive or objectionable features of any development, such as open storage areas, to reduce the impact upon properties near the development.

Outdoor lighting, although important for safety and security reasons, can create a nuisance if it is improperly directed. Where lighting is proposed, it must be installed in a manner which avoids interference with nearby properties.

POLICIES

It shall be the policy of Council to:

- 15.1** require landscaping to be carried out in any development that is subject to a development agreement where landscaping is considered to be reasonably necessary to enhance or preserve the character of the area, to provide screening or buffers, or to make the development compatible with the neighbourhood.
- 15.2** limit outdoor storage and outdoor display in all commercial and all industrial zones by prohibiting display and storage in yards which abut any other zone or a road which incorporates any other zone boundary.
- 15.3** regulate the type, height, and location of fencing and require fencing to screen storage areas that contain unsightly materials and areas that are used for any purpose where it is considered to be reasonably necessary to enhance and preserve the character of the area, or to make the development compatible with the neighbourhood.
- 15.4** control outdoor lighting in order to minimize any nuisance created by such lighting to properties in the neighbourhood.

16.0 SIGNS

BACKGROUND

Signs and public displays of advertising are a component of many types of development. Signs have the potential for creating public nuisance and hazards. Most conventional signs are safe and acceptable. Others, such as flashing or moving signs, billboards and roof signs are considered to be either dangerous or incompatible with the character of the Town. They are also a subject of frequent debate because they raise concerns about appearance, maintenance standards and compatibility with nearby architecture and neighbourhood character.

The erection of signs involves matters related to aesthetics, nuisance, and safety. Signs are recognized as necessary and important; however, it is in the best interest of the community that control be exercised over them. Signs that may cause hazardous conditions due to the creation of confusion or distraction, such as flashing or pulsating lights will be discouraged, as will signs that would interfere with pedestrian or vehicular traffic. Because of the importance of Lunenburg's architectural heritage, it is particularly important in Lunenburg that signs not be permitted to dominate the landscape.

This Municipal Planning Strategy prohibits those forms of advertising displays which are most likely to create hazards or nuisances, as well as those which are most objectionable to the community for aesthetic reasons. All other signs will be strictly regulated to provide business a reasonable opportunity to advertise the name and location of business operations without allowing signs to dominate the architecture and landscape by their size and numbers.

POLICIES

It shall be the policy of Council to:

- 16.1** regulate the height, maximum area, illumination and location of signs throughout the Town to minimize hazards and nuisances and to control the impact of signs on the landscape, streetscape and skyline.
- 16.2** prohibit, through provisions in the Land Use By-law, signs which create hazards to traffic or pedestrians, which constitute a public nuisance, or which are incompatible with the character of Lunenburg.
- 16.3** prohibit, through provisions in the Land Use By-law, off-site signs with the exception of temporary off-site real estate signs.

17.0 GENERAL

BACKGROUND

Parking areas are required to accommodate the motor vehicles associated with most activities. In Lunenburg, on-street parking is not adequate to accommodate any substantial number of cars, and can also contribute to traffic congestion. However, since both lots and the land area of Lunenburg are small, and the heritage architecture is important, Council has minimized the amount of off-street parking which will be required of new developments.

In the Old Town particularly, residential parking is often provided elsewhere than on the lot on which the residential use is located. This relates back historically to the era before individual car ownership was commonplace and before there was a need for on-site parking. Consequently, the provision of private parking areas, private garages, and similar private storage uses, even where there may be no other main building on the lot, is considered to be a compatible land use activity; the ability to establish these uses will be dependant on the existing use on the lot under consideration.

Although the National Building Code and the Provincial Fire Code incorporate requirements for separation between buildings or between a building and a lot line for reducing the spread of fire, the Land Use By-law also contains standards for these separations. These standards arise from the concern of Council for emergency vehicle access, safety, health, privacy, nuisances and the traditional development of the community. Accessory buildings contribute to the character of Lunenburg, especially in the residential areas. The maximum height and the proportions of these buildings will be controlled.

Satellite dish antennae have increased in use. Since they can be obtained in a variety of sizes and installed on the ground, on buildings and on roof tops, they could have a negative visual impact on Lunenburg. As a result, satellite dish antennae will be controlled.

Public buildings and uses operated by the Town serve a broad public purpose and are considered appropriate in all parts of the Town.

POLICIES

It shall be the policy of Council to:

- 17.1** establish in the Land Use By-law use-specific parking standards, and ensure that where developments are permitted by development agreement, the agreement makes provision for adequate parking to serve the proposal.

- 17.2** permit private storage buildings, including but not limited to private garages and private boathouses, where there is no other main building on the lot, in any zone, provided that the applicable requirements of the Land Use By-law are satisfied as if the private storage building were regarded as the main building on a lot and also provided that the private storage building does not exceed 69 sq. metres (750 sq.ft.) in floor area.
- 17.3** permit parking areas for uses allowed in the Old Town Residential area as a main use of land within the Old Town residential area, subject to conditions regarding the use existing on the lot under consideration.
- 17.4** establish in the Land Use By-law minimum yard requirements for separation between buildings as well as between buildings and lot lines for emergency vehicle access, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation, waste storage and separation of land uses to reduce land use conflicts.
- 17.5** permit for a time period to be regulated in the Land Use By-law, temporary uses associated with a construction site, a special occasion, or a holiday with no requirement for a development permit.
- 17.6** include within the Land Use By-law existing land uses and associated buildings which were in existence on the effective date of the Land Use By-law, and which would not otherwise be permitted in the zone in which they are located due to the type of use or the size of the use so that their expansion or their change of use shall be governed by the provisions of the zone in which they are located.
- 17.7** regulate the maximum height of accessory structures.
- 17.8** restrict the location and height of satellite dish antennae.
- 17.9** permit public buildings and uses anywhere in the Town.

18.0 SUBDIVISION REGULATION

BACKGROUND

Section 193 of the Municipal Government Act (MGA) defines "subdivision" as *"the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels."*

Although Section 289 of the MGA states that there can be no subdivision without approval, Section 268 of the Act lists ten ways of dividing land which do not require subdivision approval, and which lie outside the jurisdiction of the Town as a result:

- divisions in which all lots are larger than 10 hectares (25 acres);
- expropriation;
- any acquisition or disposition by the Crown;
- internal division of a cemetery;
- acquisition of land for municipal purposes by a municipality;
- sale of part or all of a street by a municipality;
- division of abandoned railway rights-of-way;
- consolidation of part of an abandoned railway right-of-way with adjacent lands;
- leases of less than twenty years;
- division of property by a will executed before 1 January 2000.

The Municipal Government Act also restricts the powers of a Town regarding subdivision by requiring the By-law to include all applicable parts of the Provincial Subdivision Regulations. These may not be relaxed unless a Municipal Planning Strategy explains the relaxation and the local provisions do not conflict with any provincial interest. When a Town has adopted the exact wording of the Provincial Subdivision Regulations, as is the case in Lunenburg, it is generally beneficial to developers, surveyors and lawyers as there is consistent administration from one jurisdiction to another. In order to provide this consistency, Council will allow its development officer to be guided by the appropriate provincial authority in interpreting those parts of the By-law which directly reflect the Provincial Subdivision Regulations.

Council has chosen to include within the Subdivision By-law and Specifications design and construction standards for public streets, water mains, sanitary sewer, storm drainage and other utilities; a requirements for public open space; and provisions for bonds or other security to guarantee the proper construction of services.

Council will agree to the construction of the new Town services, including streets, sewers, water mains and power lines only if such systems are constructed to a standard suitable for maintenance by the Town. These systems must be either be conveyed to the Town before subdivision approval is granted or Council may enter into an agreement with the developer

which guarantees construction of the service, and subdivision approval may be granted before construction, provided that the agreement is backed by an appropriate bond or other security.

The Municipal Government Act allows Council to require subdividers to contribute money or land for the development of new recreation and open space areas and services. It is Council's intention to require subdividers to contribute land whenever possible, as the amount of undeveloped land is constantly decreasing. As enabled in the Municipal Government Act, Council will require a subdivider to contribute to the Town 5% of the assessed value of new lots.

Because Council is not prepared to impose this requirement on all divisions of land, Council will waive the public open space contribution in the case of resubdivisions and consolidations which do not create any additional lots, any division of land which does not create five or more residential lots, and in the case of lots created in a non-residential zone.

In order to maximize the use of existing servicing and allow for increased density of development in Lunenburg, Council will permit the development of lots which have a minimum deeded easement to the street rather than having frontage on the street.

To accomplish the goals expressed above and the objectives expressed in Part 4.0 of this Municipal Planning Strategy, the following policies have been adopted regarding the subdivision of land.

POLICIES

It shall be the policy of Council to:

- 18.1** control the subdivision and consolidation of land in an orderly manner so as to: protect public health by promoting proper sewage disposal; promote public safety and cost-efficiency in the construction, maintenance and use of new roads; and ensure that new municipal services are constructed and can be maintained at minimum cost to the Town.
- 18.2** apply the Subdivision By-law to the whole of the Town of Lunenburg as the principle means for control of land subdivision and consolidation.
- 18.3** regulate the division and consolidation of lands within the Town boundaries so as to ensure:
 - (a) that subdivisions of land conform with the requirements of the Land Use By-law for minimum lot area and lot frontage; and
 - (b) that where there is no central sewer system, that such subdivisions of land are tested to determine whether the lots are suitable for on-site sewage disposal; and
 - (c) that subdivisions of land provide for safe, adequate access from the public street network to each approved lot; and

- (d) that any central sewer systems, storm drainage systems, central water systems and power distribution systems are properly designed and constructed as well as connected to existing municipal systems where possible;
- (e) that provision is made for dedicating land or an equivalent value for park, playground and similar public purposes;
- (f) that engineering drawings are prepared by qualified persons and filed with the Town Engineer to show the construction details of any new central sewer, storm drainage or water services, and of any new public street;
- (g) that the applicable requirements of the Provincial Subdivision Regulations are in effect.

18.4 maintain a Subdivision By-law which is consistent with the Provincial Subdivision Regulations and further, to include in the Subdivision By-law any provisions of the Provincial Subdivision Regulations which are applicable to the Town.

18.5 consider the advice of the appropriate provincial authority in any interpretation of provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

Lot Sizes

18.6 specify in the Land Use By-law the minimum lot areas and frontages required for new lots within the various zones established by the Land Use By-law.

18.7 provide that all new lots created by subdivision under the authority of the Municipal Government Act satisfy the requirements for lot area and lot frontage established in the Land Use By-law with the following exemptions:

- (a) lots resulting from a subdivision altering the boundaries of two or more areas of land where no additional lots are created; or
- (b) lots created under the variance provisions of Section 279, *Lots Not Meeting Requirements*, of the Municipal Government Act; or
- [c] lots created to remove the encroachment of a permanent structure; or
- (d) lots created around existing main buildings.

18.8 through the Land Use By-law, enable any lot of land to be used for a purpose permitted in the zone in which it is located, including:

- (a) all lots created prior to June 13, 1996, the approximate effective date of this Municipal Planning Strategy; or
- (b) all lots created through subdivision approval under any provision of the Provincial Subdivision Regulations or the Subdivision By-law; or
- (c) all lots created by any division of land for which subdivision approval is not required.

Lot Access

- 18.9** require all new lots created in Lunenburg to have frontage on a public street or have access by means of a deeded right-of-way of at least 6 metres (20 ft.) in width as specified in the Subdivision By-law.
- 18.10** adopt standards for the layout and construction of new public streets, Town sewer services, storm drainage systems, water services and electric power services in accordance with the Municipal Government Act.
- 18.11** require all services to be constructed to a standard suitable for maintenance by the Town and to be conveyed to the Town prior to subdivision approval for any lots served by such systems, except as set out in Policy 18.12 below.
- 18.12** enable the subdivision of land into lots for which the construction of services set out in Policy 18.11 has not been completed where:
- (a) the developer has entered into an agreement which is satisfactory to Council; and
 - (b) the developer has posted a performance bond or other security as specified in the Subdivision By-law; and
 - (c) the agreement provides that the developer may receive subdivision approval for lots after posting the security, but prior to construction of the proposed systems; and
 - (d) the agreement provides for conveyance of the proposed system to the Town when construction is complete.

Public Open Space

- 18.13** require subdividers to transfer to the Town usable land in the amount of five percent of area of the new lots created; or where usable land cannot be contributed, some equivalent value of cash, services or other value in kind.
- 18.14** waive the requirements of Policy 18.13 where:
- (a) fewer than five vacant lots are created including the remainder lot; or
 - (b) the subdivision is the consolidation of two or more lots; or
 - (c) lot boundaries are changed but no new vacant lots are created; or
 - (d) the subdivision is the result of probate of a will; or
 - (e) the subdivision is located within the General Commercial (GC), Restricted Commercial (RC), Highway Commercial (HC), Commercial Shoreline (CS), Tourism Marine (TM), Marine Industrial (MI), Industrial (I), or Rural Industrial (RI) Zone.
- 18.15** consider purchasing for public open space within a subdivision, those lands which have unique and special value because of historical or archaeological significance, views, access to coastal or inland waters, recreation potential, or other outstanding attributes.

19.0 IMPLEMENTATION

Municipal Planning Strategy

This Municipal Planning Strategy is the main document through which the future growth and development of the Town shall be encouraged, controlled and co-ordinated. The policies of the Municipal Planning Strategy will be implemented through the powers provided Council in the Planning Act and other relevant statutes.

This Municipal Planning Strategy and any subsequent amendments shall be reviewed pursuant to Section 49 of the Planning Act when deemed necessary by the Minister of Municipal Affairs or by the Town Council but no later than five (5) years from the date of its coming into force and effect.

The Municipal Planning Strategy approved by the Minister of Municipal Affairs on October 10, 1985, and subsequent amendments thereto are repealed upon the date of coming into force and effect of this Municipal Planning Strategy.

Land Use By-law

The Land Use By-law shall be the principal means for implementing the land use policies of the Municipal Planning Strategy pursuant to Sections 51-54 of the Planning Act.

Policies

In order to implement the policies contained within the Municipal Planning Strategy and in order to ensure clarity, it shall be the policy of Council to:

Administration

- 19.1** appoint a development officer to administer the Land Use By-law, development agreements and Subdivision By-law, and to issue or deny permits under the terms of these By-laws and Regulations.

Development Permits

- 19.2** require that any development permit issued shall specify, in addition to the development, the period for implementation. Any development permit shall lapse, becoming null and void, if the development has not been begun within one (1) year of the date of issue of the permit.

Any development permit issued may be revoked by the development officer where there is reason to believe that the development permit was issued as a result of mistaken or false information.

Public Hearing

- 19.3** hold a public hearing, in accordance with the Planning Act, prior to approval of any amendment to the Municipal Planning Strategy, Land Use By-law, or Subdivision By-law, or entering into a development agreement.

Municipal Planning Strategy Amendments

- 19.4** require an amendment to the Municipal Planning Strategy :
- (a) where any policy intent is to be altered; or
 - (b) where a text or map amendment to the Land Use By-law would conflict with the text or maps of the Municipal Planning Strategy.

Except in the case of a commercial or industrial designation, an amendment to the Municipal Planning Strategy shall not be required for an area contiguous to a given designation on the Future Land Use Map provided all other relevant policies of this Municipal Planning Strategy are satisfied.

Land Use By-law Amendments

- 19.5** amend the Land Use By-law provided that the amendment reflects the intent of the Municipal Planning Strategy.
- 19.6** consider an application for amendment to the Zoning Map of the Land Use By-law only if the application is for a specific development proposal. Council shall give consideration to both the specific proposal and to the impact of other uses permitted in the requested zone.
- 19.7** consider an application for amendment to the Zoning Map of the Land Use By-law only if the site meets all of the zone requirements for the zone sought, with the following exceptions:
- (a) a rezoning may be granted for a lot or lots which meet all other zone requirements but has less than the required frontage and area specified for the zone sought.
 - (b) a rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard requirements specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard requirements.

Development Agreements

- 19.8** enter into development agreements pursuant to Subsection 38(2)(p) and Section 55 of the Planning Act on the terms and conditions set forth in this Municipal Planning Strategy, and a development agreement shall:
- (a) specify the development, expansion, alteration, or change permitted; and
 - (b) specify the conditions under which the development may occur; and
 - (c) set forth the terms by which Town Council can terminate an agreement.

The provisions of the Land Use By-law shall prevail after discharge of an agreement.

Criteria For Development Agreements and Land Use By-law Amendments

- 19.9.1** consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy when considering amendments to the Land Use By-law or development agreements:
- (a) that the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and
 - (b) that the proposal is not in conflict with Municipal or Provincial programs in effect in the Town; and
 - (c) that the proposal is not premature or inappropriate by reason of:
 - (i) financial ability of the Town to absorb costs related to the development; or
 - (ii) adequacy and proximity of school, recreation and other community facilities; or
 - (iii) negatively affecting the enjoyment of established residences; or
 - (iv) the creation of any undue traffic hazard or congestion; or
 - (v) adequacy of Town sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or
 - (vi) adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem; or
 - (vii) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or
 - (viii) suitability of site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; and
- 19.9.2** consider the following in addition the criteria set out in 19.9.1 above, when considering development agreements:
- (a) that the proposal provides adequate off-street parking. In the case of development by development agreement, parking need not comply with the requirements of the Land Use By-law, and the intention of Council is to reduce the amount of parking required as far as reasonable in relation to the location of the property; and
 - (b) that the proposal provides adequate emergency vehicle access; and
 - (c) that the hours of operation of the proposed use will not unduly disturb nearby properties; and
 - (d) that the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding, and shape and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and

- (e) that the proposal will not significantly alter the existing character or stability of the surrounding neighbourhood; and
- (f) that the proposal will be integrated into the surrounding area by means of good landscaping and sensitive site orientation and screening adequate to eliminate the impact of any objectionable features such as parking or outdoor storage of equipment, parts and waste material; and
- (g) that residential developments provide sufficient usable outdoor open space; and
- (h) that the proposal will not result in a significant risk of damage to either the natural or built environment. This determination will be made by a person deemed to be qualified by Council. Where Council determines, on the advice of a qualified person, that there is a significant risk of such damage, environmental studies shall be undertaken by the developer in order to determine the nature and extent of any likely damage. The proposal shall not be approved by Council until Council is satisfied that all concerns respecting the impact of the development have been adequately addressed; and
- (i) that adequate provision is made for garbage collection and industrial waste disposal, and Council is satisfied that all necessary permissions for these services have been received from the regulatory body having jurisdiction; and
- (j) the use shall not as a result of emissions of noise, odour, dust, or light or any other form of emission, have an undue negative effect on the enjoyment of other properties in the area.

TOWN OF LUNENBURG

LAND-USE BY-LAW

2012

**Town of Lunenburg Land-Use By-Law
2012**

- 1) Amended by adding 26G.3(c), re volume of additions in the architectural control area. (October 2, 2012)
- 2) Amended by changing zoning of MI on Montague Street etc. to GC. (February 26, 2013) (Map change only).
- 3) Amended by changing 26J (deleting 26J.3 and 26J.4). (June 11, 2013)
- 4) Amended by changing 3.1 (1), deleting 3.4 (d), renumbering 3.4 (e) to 3.4 (d) - small scale business parking space amendments. (September 30, 2015)
- 5) Amended Municipal Planning Strategy Map 2, Future Land Use, and the Land Use By-law Schedule "A" Zoning Map. (November 22, 2016) (Map change only)
- 6) Amended by to an exemption for parking and loading spaces in the Marine Industrial (MI) Zone. (November 22, 2016)
- 7) Amended by to include "dog grooming" as a permitted use in Residential Zones. (March 28, 2017)
- 8) Amended the Municipal Planning Strategy and Land Use By-law for a community cultural centre at 97-101 Kaulbach Street, the Lunenburg Academy. (May 9, 2017)
- 9) Amended to list 167 Victoria Road as an existing single unit residential use. (July 25, 2017)
- 10) Amended to allow for an artisan food and beverage production facility in the General Commercial (GC) Zone. (July 25, 2017)
- 11) Amended by inserting in Part 16.1 Permitted Developments, under existing residential uses after "61 Tannery Road ABCO"
 - i. 200 Montague Street
 - ii. 268 Montague Street
 - iii. 272 Montague Street, converted dwelling with 3 units

TOWN OF LUNENBURG
LAND-USE BY-LAW
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PART 1 TITLE AND PURPOSE

- 1.1. This by-law is the Land-Use By-Law of the Town of Lunenburg, and may be cited as the Land-Use By-Law or LUB.
- 1.2 The purpose of this by-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land and the erection or use of buildings and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.
- 1.3 This by-law is passed under the authority of the *Municipal Government Act*.

PART 2 BASIC PRINCIPLES

- 2.1 For purposes of this by-law the Town of Lunenburg is divided into zones.
- 2.2 In each zone, the permitted uses are the only uses allowed.
- 2.3 Development permits for other than permitted uses must not be issued.
- 2.4 Developments must not take place on lots that do not meet the minimum requirements set for each zone.
- 2.5 Developments must comply with all requirements that apply to the zone they are in.
- 2.6 Zones are areas of the Town defined by the boundaries that appear on Schedule “A”, the Zoning Map.
- 2.7 Where a zone boundary appears to follow a lot line, the lot line is the zone boundary.
- 2.8 Where a zone boundary appears to follow a street or watercourse, the centre line of the street or watercourse is the zone boundary.
- 2.9 No person shall use any land or erect, alter or use any building or structure unless a development permit has been issued.
- 2.10 No development permit shall be issued unless all provisions of this By-law are satisfied.
- 2.11 For the purposes of this By-law, if a use is not listed as a permitted use in a zone or if it is not accessory to a permitted use within the particular zone, it is a prohibited use in that zone, except where the use is a non-conforming use.
- 2.12 Nothing in this By-law exempts any person from complying with the requirements of other by-laws or regulations in force within the Town of Lunenburg or from obtaining any licence, permission, permit, authority or approval required.
- 2.13 Where the provisions of this By-law conflict with any other municipal or provincial requirements, the higher or more stringent provisions prevail.
- 2.14 Where any lot is to be used for more than one purpose, all provisions of this By-law relating to each use must be satisfied; where there is any conflict, the higher standard prevails.
- 2.15 Where any main building is to be used for more than one purpose and applicable zone requirements conflict, the more restrictive zone requirements apply.
- 2.16 No person shall move a structure within or into the area covered by this By-law without obtaining a development permit from the development officer.

DIVISION 1: ZONES

PART 3 COMMON REQUIREMENTS FOR RESIDENTIAL ZONES

3.1 Business Uses Permitted in Residential Zones

In any residential zone, a single unit dwelling or buildings accessory to a single unit dwelling may be used for small scale business purposes provided that all of the following requirements are met:

- (a) the dwelling must be the place of primary residence of the owner of the business;
- (b) the business may not employ more than two (2) persons whose primary residence is not the dwelling on the lot;
- (c) the business must be located in the dwelling or in an accessory building;
- (d) the business must fall within one (1) of the following types of uses:
 - (i) business offices or professional offices;
 - (ii) craft workshops and craft shops;
 - (iii) guest houses;
 - (iv) personal services;
 - (v) tailoring and/or dressmaking;
 - (vi) studios for the practice or instruction of fine arts, commercial arts or crafts;
 - (vii) repair shops, excluding vehicle or small engine repair shops;
 - (viii) day care centres and nursery schools;
 - (ix) taxicab operations;
 - (x) catering establishments;
 - (xi) dog grooming.
- (e) retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business;
- (f) the business may not occupy
 - (i) for uses other than guest houses, an area equivalent to no more than twenty-five percent (25%), to a maximum of 47 square metres (506 square feet), of the floor area of the dwelling (see section 3.8);
 - (ii) for guest houses, the maximum size of the business is three (3) rental units; and
 - (iii) for a combination of guest house and other small business use permitted under this Section, the maximum size of the combined businesses shall be:
 - (1) three (3) rental units; plus
 - (2) an area equivalent to no more than 25%, to a maximum of 47 square metres (506 square feet) of the floor area of the dwelling.

- (g) there may not be more than two (2) signs on the lot related to the business. The signs shall be non-illuminated and shall not exceed 0.45 square metres (5 square feet) in this area;
- (h) the use shall not emit noise, odour, dust, light, or radiation that would be a nuisance or is uncustomary in a residential neighbourhood;
- (i) there shall be no open storage or outdoor display of materials or products related to the business use;
- (j) no more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located;
- (k) the use may not include a funeral home, an animal shelter, animal hospital or kennels;
- (l) no additional parking spaces for any small business uses listed in 3.1 (d)

3.2 Personal Offices Permitted in Residential Zones

Nothing in this By-law prevents the use of any dwelling unit or building accessory to a dwelling unit in any residential zone for personal office purposes, provided the requirements of Subsections 5.1(a) to 5.1(j) inclusive, above, are met. Parking is not required.

3.3 Special Requirements: Existing Commercial Uses in Residential Zones

In any residential zone, commercial uses listed as existing commercial uses in the zone may expand the building or the use, replace the building, move the use to a different location within the building or change the use to any use allowed in the Restricted Commercial (RC) Zone provided the following requirements are met:

- (a) any expansion in the volume of a building in which an existing commercial use is located may not exceed ten percent (10%) of the floor area of the building prior to expansion;
- (b) the area of outdoor storage or open display uses that are located on the lot may not be increased;
- (c) no new nuisances will be created as a result of the proposed change; and
- (d) any new buildings and any alterations, or additions made to existing buildings with respect to the development are compatible in terms of architectural features, height and bulk with other buildings in the neighbourhood.

3.4 Special Requirements: Rooming and Boarding Houses

In any residential zone, a dwelling may be used as a rooming or boarding house, provided that all of the following requirements are met:

- (a) the proprietor of the business must reside in the dwelling;
- (b) the equivalent of no more than six (6) single rooms may be available for rent;
- (c) driveways and parking, if any, shall be screened from neighbouring properties by means of a fence or hedge;
- (d) rooms must be rented for periods of 30 days or more.

3.5 Parking of Commercial Motor Vehicles

No more than two (2) commercial motor vehicles may be kept on a lot in a residential zone.

3.6 Special Requirements: Tourist Homes

In any residential zone, a single, two or three-unit dwelling may be used as a tourist home provided that all of the following requirements are met:

- (a) there may not be more than one (1) sign on the lot related to the business. The sign shall be non-illuminated and shall not exceed 0.45 square metres (5 square feet) in area; and
- (b) no tourist home may be located on a lot any part of which is within:
 - (i) 180 feet of the lot on which a tourist home listed as a permitted use in the Old Town Residential (OTR) Zone, or operating with a development permit in the Old Town Residential (OTR) Zone is located; or
 - (ii) 300 feet of the lot on which a tourist home listed as a permitted use in the Residential (R) Zone, or operating with a development permit in the Residential (R) or Rural Residential (RR) Zone is located.

3.7 Determining Floor Area

For the purposes of clause 3.1(f),

“**floor area**” means the maximum area contained within the outside walls, **excluding**

garage

porch

verandah

sunroom

unfinished attic or basement

any detached building and any other dwelling unit

any room not habitable at all seasons of the year

“business floor area” means the total useable floor area within a building used for commercial purposes, **excluding**
washrooms
furnace and utility rooms.

3.8 Sign Area

For purposes of clauses 3.1(g) and 3.7(b), where the two sides of a ground sign are at 180 degrees to each other, the area of the sign is the area of one side of the sign.

PART 4 OLD TOWN RESIDENTIAL (OTR) ZONE

4.1 Permitted Developments

(a) Developments Permitted

existing commercial storage buildings as follow:

Civic Address

11 York Street

existing commercial uses as follow:

Civic Address

Use

78 Lawrence Street

retail shoe store

existing multi-unit dwellings containing four (4) or more units as follow:

Civic Address

Number of Units

62 Duke Street

4

186 Fox Street

4

74 York Street

6

existing residential storage buildings as follow:

Civic Address

162 Townsend Street

166 Townsend Street

existing tourist homes as follow:

Civic Address

Number of Units

220 Montague Street

3

guest houses up to 3 units subject to Section 3.1

single unit dwellings

two-unit dwellings

(b) Developments Permitted by Development Agreement

- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.3
- (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
- (iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
- (iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
- (v) dining rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A

4.2 Old Town Residential (OTR) Zone Standards

Minimum Front Yard	nil
Minimum Rear Yard	3.5 metres (12 feet)
Minimum Side Yard	1.2 metres (4 feet)
Minimum Flankage Yard	nil
Maximum Height of Buildings	10.5 metres (35 feet)

Minimum Lot Area	223 square metres (2400 square feet)
Minimum Lot Frontage	12 metres (40 feet)

Note: Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.

4.3 Special Requirements: Parking Lot Location

Parking lots are permitted as the main use of a lot in the Old Town Residential (OTR) Zone only on lots:

- (a) vacant prior to the coming into effect of the former Land Use By-law (June 13, 1996);
- (b) where there are buildings that warrant, in the opinion of a civil engineer qualified in structural design, removal due to their structural condition; or
- (c) where the only structures on the lot are 70 square metres (753 square feet) or less in area.

PART 5 RESIDENTIAL (R) ZONE

5.1 Permitted Developments

(a) Developments Permitted

existing commercial uses as follow:

Civic Address	Use
60 Dufferin Street	part-time upholstery business in accessory building
195 Green Street	retail florist

existing multi-unit dwellings as follow:

Civic Address	Number of Units
37 Blockhouse Hill Road	15
30-36 Broad Street	8
138-146 Centennial Avenue	5
119 Cornwallis Street	15
23 James Road	14
41 James Road	14
28 Sawpit Road	12
36 Sawpit Road	12

existing visitor-oriented commercial uses as follow:

Civic Address	Use
18 Lower Street	(1) use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys
	(2) use of 450 square feet of the property for outdoor sales and display
	(3) use of two signs, each a maximum of 5 square feet in area
34 Linden Avenue	(1) use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs
	(2) use of 100 square feet of the property for outdoor sales and display
	(3) use of three signs: • one 25 square foot quilt hung on the dwelling • one 13.6 square foot ground sign; and • one 3.5 square foot flat fixed wall sign

guest houses up to 3 units subject to Section 3.1
 parking lots associated with uses permitted in the Residential (R) Zone
 single-unit dwelling
 two-unit dwellings

(b) Developments Permitted by Development Agreement

- (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
- (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
- (iii) expansion of existing multi-unit dwellings listed above in accordance with Municipal Planning Strategy policy 5.9
- (iv) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
- (v) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

5.2 Residential (R) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Side Yard on Side with Common Wall	0 metres (0 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)
Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

5.3 Attached Dwellings on Separate Lots

Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

5.4 Special Requirements: Existing Visitor-Oriented Commercial Uses in the Residential (R) Zone

In the Residential (R) Zone visitor-oriented commercial uses listed in the zone may:

- (a) continue the use;
- (b) expand the building for residential purposes in accordance with the requirements of the Residential (R) Zone;
- (c) replace the building;
- (d) move the use to a different location within the building, provided that
 - (i) there is no increase in the size of the use beyond that listed in the Residential (R) Zone;
 - (ii) there is no increase in the area of outdoor display and sales beyond that

- listed in the Residential (R) Zone;
- (iii) there is no change in the type of item available for retail sale from those items listed in the Residential (R) Zone; and
- (iv) all other activity related to the business use, such as parking, is in accordance with the requirements of Section 5.1 of the Land Use By-law.

PART 6 MEDIUM DENSITY RESIDENTIAL (MDR) ZONE

6.1 Permitted Developments

- (a) Developments Permitted
 - four-unit dwellings
 - guest houses up to 3 units subject to Section 3.1
 - parking lots associated with uses permitted in the Medium density Residential (MDR) Zone
 - single-unit dwellings
 - three-unit dwellings
 - townhouses with a maximum of four dwelling units
 - two-unit dwellings
- (b) Developments Permitted by Development Agreement
 - (i) institutional developments in accordance with Municipal Planning Strategy policy 5.5
 - (ii) multi-unit dwellings in accordance with Municipal Planning Strategy policy 5.9
 - (iii) guest houses over 3 units in accordance with Municipal Planning Strategy policy 5.10
 - (iv) Dining Rooms in conjunction with guest house in accordance with Municipal Planning Strategy Policy 5.10A.

6.2 Medium Density Residential (MDR) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Side Yard on Side with Common Wall	0 metres (0 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)

Single Unit Dwellings Two Unit Dwellings

Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

Three and Four-Unit Attached Dwellings on Separate Lots

Minimum Lot Area	167.2 square metres (1800 square feet/unit)
Minimum Lot Frontage	6 metres (20 feet)

Note: Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.

6.3 Two-Unit Attached Dwellings on Separate Lots

Where two lots are created for the development of an attached two-unit dwelling to be located on the common lot line, the total area, added together, of both lots must be 558 square metres (6000 square feet) and the total frontage of both lots must be 18.2 metres (60 feet) and each lot must have a minimum frontage of 20 feet.

PART 7 RURAL RESIDENTIAL (RR) ZONE

7.1 Permitted Developments

- (a) Developments Permitted
 - agriculture and forestry
 - guest houses up to 3 units subject to Section 3.1
 - residential storage buildings
 - recreation developments
 - institutional developments
 - parking lots associated with uses permitted in the Rural Residential (RR) Zone
 - single-unit dwellings
 - two-unit dwellings
- (b) Developments Permitted by Development Agreement
 - (i) multi-unit dwellings in accordance with Municipal Planning Strategy policy 6.4
 - (ii) tourist accommodations in accordance with Municipal Planning Strategy policy 6.5
 - (iii) guest houses over 3 units in accordance with Municipal Planning Strategy policy 6.6
 - (iv) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A
 - (v) Mobile home parks in accordance with Municipal Planning Strategy policy 6.6A
 - (vi) craft workshops in accordance with Municipal Planning Strategy 6.6AA.

7.2 Rural Residential (RR) Zone Standards

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	2.4 metres (8 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Buildings	10.5 metres (35 feet)
Minimum Lot Area	558 square metres (6000 square feet)
Minimum Lot Frontage	18.2 metres (60 feet)

Note: Department of Environment requirements for unserviced lots may require larger lot sizes where public sewer is not available.

7.3 Special Requirements: Livestock and Feedlots

- (a) no development permit shall be issued for any structure to be used for the shelter or confinement of any farm animal units within 30 metres (100 feet) of a residential dwelling or institutional building located on an abutting property;

- (b) feedlots holdings in excess of the number of farm animal units used in the following table may not be located within 305 metres (1000 feet) of any residential or institutional building on another lot.

Type of Livestock	Number of Farm Animal Units
Horses	25
Cattle (plus calf)	25
Swine (plus litter to weaning)	25
Sheep (plus lambs)	25
Fowl	50
Female mink (plus kits and males)	50
Female rabbits (plus mates)	50

PART 8 COMMON REQUIREMENTS IN ALL COMMERCIAL ZONES

8.1 The requirements of this Part apply to the General Commercial (GC), Restricted Commercial (RC) and Highway Commercial (HC) zones.

8.2 Abutting Zone Requirements

Where any Commercial Zone abuts any residential, institutional or recreation zone the following restrictions shall apply to the abutting yard within the commercial zone;

- (a) the minimum yard requirement for the abutting yard is 6 metres (20 feet);
- (b) the required abutting yard shall be planted with a mix of coniferous and deciduous trees;
- (c) no open storage, outdoor display, or garbage containers are permitted in the abutting yard in the commercial zone;
- (d) in the Highway Commercial (HC) and Restricted Commercial (RC) Zones, no parking space is permitted in an abutting yard within 3 metres (10 feet) of the side or rear lot lines; and
- (e) in the General Commercial (GC) Zone, no parking space is permitted in an abutting yard within 1.5 metres (5 feet) of the side or rear lot lines.

8.3 Open Storage in Commercial Zones

The following restrictions apply to open storage:

- (a) open storage is not permitted within the required minimum front or side yard of a lot;
- (b) all storage in the side yards shall be screened or be within a solid enclosure;
- (c) the area devoted to open storage shall not exceed fifty percent (50%) of the lot area.

8.4 Outdoor Sales of Fresh Fruit and Vegetables and Fresh, Salted or Smoked Fish from a Stand or Parked Motor Vehicle

Outdoor sales of fresh fruit and vegetables and fresh, salted or smoked fish from a stand or parked motor vehicle is allowed in all commercial zones without the requirement for a development permit, subject to the Vending By-law.

8.5 Take-Out Windows

- (a) Any restaurant may incorporate a service or “take-out” window opening either onto private property or the public sidewalk.

- (b) A restaurant with a “take-out” window shall provide outdoor receptacles for waste.

8.6 Waste Receptacles

- (a) Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.
- (b) All waste receptacles on public property are subject to the following special provisions:
 - (i) no development permit is required;
 - (ii) a waste receptacle may not be placed on a sidewalk in a way that leaves less than 1.22 metres (4 feet) between the receptacle and the curb or that otherwise impedes the flow of pedestrian traffic or restricts the visibility of drivers;
 - (iii) no waste receptacle may be placed on a sidewalk or other public property unless the owner provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town of Lunenburg, for the defence and indemnification of any claims arising out of or in any way related to the receptacle placed on public property;
 - (iv) no waste receptacle shall remain on the sidewalk at any time when it may interfere with winter maintenance;
 - (vi) a waste receptacle shall be a minimum of 17 inches in height and shall not pose a safety hazard to pedestrians by virtue of the materials from which it is made or its form.

8.6 Special Requirements: Outdoor Display and Sales on Public Property

Outdoor display of retail goods and of street furniture on public property directly in front of a commercial use the owner of the commercial use is permitted subject to the following special provisions:

- (a) no development permit is required;
- (b) any goods which are displayed and offered for sale must be goods which are also displayed and offered for sale in the retail store by the same retailer;
- (c) any sale of goods shall occur only within the building;
- (d) any outdoor display or street furniture shall not be placed on a sidewalk in a way which leaves less than 1.22 metres (4 feet) between the display and the curb or

that otherwise impedes the flow of pedestrian traffic or restricts the visibility of drivers;

- (e) no outdoor display or street furniture shall be placed on a sidewalk or other public property unless the owner provides an agreement of indemnity in favour of, and in a form satisfactory to, the Town of Lunenburg, for the defense and indemnification of any claims arising out of or in any way related to the outdoor display or street furniture placed on public property;
- (f) no outdoor display or street furniture shall remain on the sidewalk at anytime when it may interfere with winter maintenance;
- (g) any outdoor display or street furniture shall be a minimum of 17 inches in height and shall not pose a safety hazard to pedestrians by virtue of the materials from which it is made or the form of the display or furniture; and
- (h) no service of food shall occur on the sidewalk.

8.7 Special Requirements: Outdoor Display and Sales on Private Property

Outdoor display and offering for sale of goods which are also displayed and offered for sale in a retail store, on the same lot as the retail store, by the same retailer, are permitted.

8.8 Special Requirements: Mobile Canteens

Mobile canteens do not require a development permit but are subject to the Vending Bylaw.

PART 9 GENERAL COMMERCIAL (GC) ZONE

9.1 Permitted Developments

- (a) Developments Permitted:
- bakeries
 - banks and other financial uses
 - catering establishments
 - commercial clubs
 - commercial schools
 - converted buildings (subject to Section 26M.1)
 - craft workshops
 - dog grooming
 - dressmaking and tailoring
 - drycleaning or laundry establishments and depots
 - funeral homes
 - guest houses
 - hotels and motels
 - institutional uses
 - medical clinics
 - meeting halls
 - multi-unit dwellings where the ground floor is wholly or partially used for a commercial purpose
 - offices
 - outdoor sales of prepared foods
 - parking lots
 - parks
 - personal services
 - photography studios
 - places of entertainment, recreation and assembly
 - printing establishments
 - private clubs and organizations
 - public buildings and uses
 - repair shops, excluding the sale or servicing of power and chain saws, marine and industrial engines and auto body shops
 - restaurants
 - retail stores
 - rooming and boarding houses
 - single unit dwellings
 - taxi stands and bus terminals
 - temporary indoor markets, indoor bake sales and indoor sales of vegetables and produce
 - tourist information centres
 - two-unit dwellings

veterinary clinics
warehouses and enclosed distribution centres

(b) Developments Permitted by Development Agreement

- (i) Multi-unit residential development in accordance with Municipal Planning Strategy policy 7.4.
- (ii) new lounges and beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, in accordance with Municipal Planning Strategy policy 7.5.

(c) Pre-existing Uses Zoned In

pre-existing automobile service station as follows:

Civic Address	Owner
1 Falkland Street	Greek's Esso

pre-existing beverage rooms and lounges as follows:

Name	Civic Address	License Capacity
The Knot Beverage Room	4 Dufferin Street	88
The Lunenburg Arms	90-100 Pelham Street	156
Flying Bridge Lounge	84 Montague Street	122

pre-existing mobile canteens as follows:

Civic Address	Name	Owner
53 Falkland Street	Nellie's Take Out	E.B. Stevens Real Estate Limited

pre-existing multi-unit dwellings as follows:

Civic Address	Owner	Number of Units
138-162 Lincoln Street	E. & R Saunders	5
168-172 Lincoln Street	Donald Lohnes	4
135 Montague Street	Powers Bros.	4
11 King Street	Dorothy Dorey	4

- (d) Where a pre-existing use permitted by clause (c) is changed to another use permitted in this zone, it may not be changed back to the use permitted by clause (c).

9.2 General Commercial (GC) Zone Standards

All developments in the General Commercial (GC) zone must meet the following standards:

Minimum Front Yard	Nil
Minimum Rear Yard	1.5 metres (5 feet)
Minimum Side Yard	1.5 metres (5 feet)
Minimum Flankage Yard	Nil
Maximum Height of Main Building	10.5 metres (35 feet)

Minimum Lot Area	112 square metres (1200 square feet)
Minimum Lot Frontage	6 metres (20 feet)

9.3 **Special Requirements: Automobile Service Stations**

Where automobile service stations are permitted in the General Commercial (C) Zone, the following special provisions shall apply in addition to the applicable General Commercial (GC) Zone requirements:

- (a) minimum lot frontage shall be 45 metres (150 feet);
- (b) no portion of any fuel pump island shall be closer than 3 metres (10 feet) from any street line;
- (c) there shall be at least 9 metres (30 feet) between ramps or driveways;
- (d) there shall be at least 2.75 metres (9 feet) between a ramp or driveway and a street intersection;
- (e) the angle of intersection between a ramp or driveway and a street line shall be no less than 45 degrees and no more than 90 degrees;
- (f) the minimum width of a ramp or driveway shall be 7.5 metres (25 feet);
- (g) any automobile washing establishment on an automobile service station lot shall include a separate ramp or driveway for the washing establishment.

PART 10 **RESTRICTED COMMERCIAL (RC) ZONE**

10.1 Permitted Developments

animal hospital
catering establishments
craft workshops
craft shops
day care centres and nursery schools
guest houses
hotels
institutional uses
motels
offices
parking lots
personal services
repair shops, excluding small engine repair shops such as, but not limited to, auto,
chainsaw, outboard motor, and lawn mower repair shops
residential developments subject to the Residential (R) zone requirements
retail stores not exceeding 400 square metres (4,300 square feet) in gross floor area,
excluding service stations
studios for the practice or instruction of fine arts, commercial arts or crafts
tailoring and dressmaking
taxi stands

10.2 Restricted Commercial (RC) Zone Standards

Minimum Front Yard	nil
Minimum Rear Yard	6 metres (20 feet)
Minimum Side Yard	3 metres (10 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Main and Accessory Building	10.5 metres (35 feet)
Minimum Lot Area	223 square metres (2,400 square ft)
Minimum Frontage	12 metres (40 feet)

PART 11 HIGHWAY COMMERCIAL (HC) ZONE

11.1 Permitted Developments

- (a) any use permitted in the general commercial (GC) Zone, with the exception of
- single and two-unit dwellings
 - animal hospitals and veterinary establishments
 - auto body shops
 - automobile sales establishments
 - automobile service stations
 - automobile repair shops
 - bowling lanes
 - converted buildings subject to Section 26M.1
 - drive-in restaurants
 - existing single unit residential uses as follows:

Address	Owner
181 Victoria Street	Gordon Crouse
191 Victoria Street	Gregory Demone
209 Victoria Street	Nona Crouse
219 Victoria Street	Michael and Rachel Bailey
222 Victoria Street	Theresa Beck and Leo Lamb
167 Victoria Road	Elisabeth Gieringer & Gertrud Mengart

industrial workshops
institutional uses
mobile canteens
multi-unit dwellings
outdoor display and sales of funeral monuments
outdoor display and sales of garden and nursery goods
outdoor display and sales of Christmas trees
outdoor sales of prepared food
paramedic/ambulance base
parking lots
public buildings and uses

- (b) Developments Permitted by Development Agreement
- (i) Industrial developments and auto body shops in accordance with Municipal Planning Strategy policy 7.12.
 - (ii) lounges and beverage rooms in accordance with Municipal Planning Strategy policy 7.13.

11.2 Highway Commercial (HC) Zone Standards

Minimum Front Yard	12 metres (40 feet)
Minimum Rear Yard	12 metres (40 feet)
Minimum Side Yard	3 metres (10 feet)
Minimum Flankage Side Yard	12 metres (40 feet)
Maximum Height of Main and Accessory Building	10.5 metres (35 feet)
Minimum Lot Area	1860 sq. metres (20,000 sq. ft)
Minimum Lot Frontage	30.5 metres (100 feet)

11.3 Special Requirements: Mobile Canteens

Mobile canteens do not require a development permit, but shall be subject to the Town of Lunenburg Vending By-law.

11.4 Special Requirements: Outdoor Display and Sales

A retail store in a Highway Commercial (HC) Zone may display and offer for sale goods which are not also displayed and offered for sale inside the retail store.

PART 12 **COMMERCIAL SHORELINE (CS) ZONE**

12.1 Permitted Developments

- (a) commercial fishing supply storage sheds
 parks
 playgrounds
 open spaces and sports fields
 parking lots
 wharves, piers, slipways, launching ramps and similar water access uses for both
 commercial and recreation use

- (b) **Developments Permitted by Development Agreement**
 marinas in accordance with Municipal Planning Strategy policy 12.8

PART 13 **TOURISM MARINE (TM) ZONE**

13.1 Permitted Developments

- (a) Developments Permitted
any use permitted in the Industrial (I) Zone
marine uses
marine related commercial uses
parking lots
sale of fish and other seafood
tourism related commercial uses
museums
- (b) Developments Permitted by Development Agreement
new lounges and beverage rooms, additions to or extensions of established
lounges and beverage rooms and outdoor facilities associated with these
developments, in accordance with Municipal Planning Strategy policy 8.4.

13.2 Tourism Marine (TM) Zone Standards

Minimum Front Yard	nil
Minimum Side Yard	nil
Minimum Rear Yard	nil
Maximum Height of Main Building	13.5 metres (45 feet)
Minimum Lot Area	223 square metres (2,400 square feet)
Minimum frontage	nil

PART 14 COMMON REQUIREMENTS FOR INDUSTRIAL ZONES

14.1 Abutting Zone Requirements

Where a yard or lot located within the Industrial (I) or Rural Industrial (RI) Zone abuts any zones other than a commercial zone, the following restrictions apply to the abutting yard within the industrial zone:

- (a) the minimum yard required for the abutting yard must be 6 metres (20 feet);
- (b) the required abutting yard must be planted with a mix of coniferous and deciduous trees;
- (c) no open storage or permanent outdoor display is permitted in the abutting yard in the industrial zone; and
- (d) no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

14.2 Open Storage in Industrial Zones

The following restrictions apply to open storage in the Industrial (I) or Rural Industrial (RI) Zone:

- (a) open storage is not permitted within the required minimum front or side yard of a lot;
- (b) all storage in the side yards must be screened or enclosed; and
- (c) the area devoted to open storage must not exceed 50 percent of the lot area.

14.3 Yards Adjacent to Harbour Shoreline

In any industrial zone, the minimum yard requirement is waived for any yard which directly abuts a harbour shoreline.

PART 15 **INDUSTRIAL (I) ZONE**

15.1 Permitted Developments

(a) Developments Permitted

any activity connected with the automotive trade including service stations, motor vehicle dealers, motor vehicle repair and auto body repair
any manufacturing, industrial, assembly, or warehousing operation which is not considered to create land use conflicts by reason of noise, pollution or hours of operation
building supply and equipment depots
bus and taxi garages
taxi stands
bus terminals
commercial uses which are accessory to a permitted main industrial use
fuel storage depots
industrial workshops
laundries and drycleaning establishments
machinery and motor vehicle repairs
paramedic / ambulance bases
parking lots
repair shops
restaurants
scrap yards
warehouses
wholesale uses

(b) Developments Permitted by Development Agreement

(i) industrial developments which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.10.

15.2 Industrial (I) Zone Standards

All developments in the Industrial (I) zone must meet the following standards:

Minimum Front Yard	12 metres (40 feet)
Minimum Rear Yard	12 metres (40 feet)
Minimum Side Yard	6 metres (20 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Main Building	13.5 metres (45 feet)
Maximum Lot Coverage	entire lot aside from yard setbacks and required parking and loading areas
Minimum Lot Area	1860 square metres (20,000 square feet)
Minimum Frontage	12 metres (40 feet)

15.3 Additional Accessory Buildings Permitted

In addition to those uses which would usually be considered accessory uses, accessory buildings may be permitted for the following accessory uses:

- (a) one (1) dwelling unit per main building for use of janitor or guard;
- (b) canteens and kitchens for use of employees; and
- (c) areas for employees' recreation and welfare.

PART 16 MARINE INDUSTRIAL (MI) ZONE

16.1 Permitted Developments

Developments Permitted

any use permitted in the Industrial (I) Zone

any use permitted in the General Commercial (GC) Zone, **with the exception of residential uses**

dry cleaning or laundry establishments or depots

funeral homes

medical clinics

places of entertainment, recreation and assembly

boatyards, including boat storage

existing residential uses as follow:

Civic Address

Owner

29 Falkland Street

Cynthia and Adam Dial

49 Falkland Street

Lunenburg Foundry & Engineering

175 Montague Street

Adams and Knickle

43 Tannery Street

Clarence Dauphinee

49 Tannery Road

ABCO

57 Tannery Road

ABCO

61 Tannery Road

ABCO

200 Montague Street

-

268 Montague Street

-

272 Montague Street, converted dwelling with 3 units -

fish uses, including fish processing

marinas, including boat rentals and charters, fuel sales, and pump-out facilities

marine railways

marine uses

marine-related commercial uses

parking lots

parks

public uses and buildings

sale of fish and other seafood

shipbuilding and repair

ship chandlery and provisioning

storage buildings for commercial fishing gear

wharves and docks

wholesale fish establishments

outdoor yacht and boat sales and displays, including yachting and boating merchandise

a. Developments Permitted by Development Agreement

- i. industrial development which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.7

- ii. Places of entertainment, recreation or assembly in accordance with Municipal Planning Policy 8.7A.

b. Marine Industrial (MI) Zone Standards

Minimum Front Yard	nil
Minimum Side Yard	nil
Minimum Rear Yard	nil
Maximum Height of	13.5 metres (45 feet)
Minimum Lot Area	37 square metres (400 square feet)
Minimum Frontage	nil

- c. Notwithstanding section 16.3, a boathouse may be erected on a lot that is at least 37 square metres (400 square feet).

PART 17 **RURAL INDUSTRIAL (RI) ZONE**

17.1 Permitted Developments

- (a) Developments Permitted
 - agriculture uses
 - forestry uses
 - institutional uses
 - light industries
 - parking lots
 - recreation uses
- (b) Developments Permitted by Development Agreement
 - (i) industrial developments which may create land use conflicts in accordance with Municipal Planning Strategy policy 8.13.

17.2 Rural Industrial (RI) Zone Standards

All developments in the Rural Industrial (RI) zone must meet the following standards:

Minimum Front Yard	12 metres (40 feet)
Minimum Rear Yard	12 metres (40 feet)
Minimum Side Yard	6 metres (20 feet)
Minimum Flankage Yard	6 metres (20 feet)
Maximum Height of Main Building	13.5 metres (45 feet)
Maximum Lot Coverage	entire lot aside from yard setbacks and required parking and loading areas
Minimum Lot Area	1860 square metres (20,000 square feet)
Minimum Frontage	12 metres (40 feet)

The lot sizes required may not be sufficient to meet the requirements of the Department of Environment for unserviced building lots.

Development of an unserviced lot must meet the requirements of the Department of Environment, Environmental Health, Western Region.

PART 18 INSTITUTIONAL (INS) ZONE

18.1 Permitted Developments

Developments Permitted

cemeteries
churches, religious institutions and places of worship, including associated halls
day care centres and nursery schools
community centres
community cultural centre at 97-101 Kaulbach Street, the Lunenburg Academy
converted buildings (subject to Section 26M.1)
educational facilities
exhibitions, fairs and associated facilities
fire halls and fire stations
health and fitness clubs
hospitals
libraries, museums and public art galleries
medical clinics
museums
nursing homes
parking lots
private clubs and organizations
public buildings and uses
rectories, manses and staff residences associated with uses permitted in this zone
single unit dwellings
two-unit dwellings
temporary outdoor or indoor markets, bake sales, flea markets, and vegetable and produce markets

18.2 Institutional (INS) Zone Standards

All developments in the Institutional (INS) Zone must meet the following standards:

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	7.5 metres (25 feet)
Minimum Side Yard	4.5 metres (15 feet)
Maximum Height of Building	10.5 metres (35 feet)
Minimum Lot Area	892 square metres (9600 square feet)
Minimum lot Frontage	12 metres (40 feet)

18.3 Residential dwellings in the Institutional (INS) Zone

Single family and two-unit dwellings must also meet the standards for the Residential (R) Zone.

18.4 Parking Lots in the Institutional (INS) Zone

Parking areas in the Institutional (INS) Zone must be visually screened from neighbouring properties by means of a fence or hedge or combination of at least five feet in height, planted or constructed so as to provide a visual barrier between existing residential uses and the new parking area.

PART 19 RECREATION (REC) ZONE

19.1 Permitted Developments

Developments Permitted

existing Fire Hall

recreation uses and associated buildings, excluding race tracks for motorized vehicles

community centres

exhibitions, trade shows and fairs, including associated temporary midway entertainment facilities

parks and children's playgrounds

parking lots

public buildings and uses

tourist trailer parks

temporary indoor markets, indoor bake sales and indoor sales of vegetables and produce

19.2 Recreation (REC) Zone Standards

All developments in the Recreation (REC) Zone must meet the following standards:

Minimum Front Yard	6 metres (20 feet)
Minimum Rear Yard	7.5 metres (25 feet)
Minimum Side Yard	4.5 metres (15 feet)
Maximum Height of Building	10.5 metres (35 feet)
Minimum Lot Area	223 square metres (2,400 square feet)
Minimum Lot Frontage	6 metres (20 feet)

PART 20 **OPEN SHORELINE (OS) ZONE**

20.1 Permitted Developments

(a) Developments Permitted

parks
playgrounds
open spaces
sport fields
parking lots
wharves
piers
slipways
launching ramps and similar water-access uses

(b) Developments Permitted by Development Agreement

marinas in accordance with Municipal Planning Strategy policy 12.8

20.2 There are no zone standards.

DIVISION 2: GENERAL REQUIREMENTS

PART 21 **EXCLUSIONS**

21.1 Temporary Uses incidental to constructions

- (a) This by-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.
- (b) A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued for the building being constructed.
- (c) Any land uses or temporary buildings or structures incidental to construction must be terminated or removed after the completion of the building being constructed, or such earlier date, not less than two years after the construction commenced, as is directed by the Council.

21.2 Temporary Uses for special occasions and holidays

- (a) This by-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- (b) A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- (c) Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within 2 days after the end of the special occasion or holiday.

21.3 Restoration to a safe condition

This by-law does not prevent strengthening a structure or restoring it to a safe condition provided:

- (i) all provisions of this by-law that it is possible to comply with are observed, and
- (ii) the requirements of the non-conforming use provisions of the *Municipal Government Act* are observed.

21.4 Miscellaneous Structures

- (a) No development permit is required for miscellaneous structures such as retaining walls, flag poles, children's play structures, cold frames, garden trellises, clothesline poles and dog houses;
- (b) No development permit is required for, and no yard requirements apply, to the installation of propane cylinders or the screening of propane cylinders required by either the Heritage Conservation District By-Law or the *Heritage Property Act*.

PART 22 **PARKING**

22.1 Every commercial, institutional and industrial use shall provide one parking space for every 325 square feet of floor area, except as provided in 22.2.

22.2 Parking requirements for specific developments:

Development	Number of Parking Spaces Required
residential buildings	where there are more than three (3) dwelling units one and one-quarter (1.25) spaces for each dwelling over three (3) dwelling units
rooming and boarding houses	where there are more than three (3) rooms for rent, one (1) space
hotels and motels, tourist cabins and guest houses	where there are more than three (3) units for rent, one (1) space per suite or rental unit over three (3) units
senior citizens housing	where there are more than three (3) units for rent, one (1) space for every three (3) units
retail shops and stores	one (1) space for every 27.8 square metres (300 square feet) of retail space
churches, theatres, auditoria halls, private clubs, and other places of assembly	where there are fixed seats, one (1) space for every five (5) seats or ten (10) feet of bench space; where there are not fixed seats, one (1) space for each 9.25 square metres (100 square feet) of floor area devoted to public use
nursing homes	one (1) space for every 37 square metres (400 square feet) of floor area
offices	one (1) space for every 27.75 square metres (300 square feet) of floor area
hospitals and clinics	one (1) space for every 37 square metres (400 square feet) of floor area
industries	one (1) space for every 93 square (1,000 square feet) of floor area

warehouses	one (1) space for every 278 square metres (3,000 square feet) of floor area
restaurants and all other retail and commercial uses	one (1) space for every 18.5 square metres (200 square feet) of floor area
schools	one and one-half (1.5) spaces for each teaching classroom
marinas	one (1) space for every two (2) boat slips
funeral homes	one (1) space for every five (5) seats capacity of the chapel with a minimum ten (10) spaces
bowling alleys and curling rinks	three (3) spaces per bowling lane or curling sheet. In other parts of the building not devoted to lanes or sheets, additional spaces are required at the rate of one (1) space per 18.5 square metres (200 square feet) of commercial floor area.

22.3 Standards for parking spaces

- (a) a parking space must be at least 18 square metres (200 square feet) measuring at least 3 metres (10 feet) by 6 metres (20 feet), exclusive of driveways or aisles.
- (b) exception: where more than ten parking spaces are required, up to ten per cent of the required parking spaces may be not less than 10.5 square metres (112.5 square feet) measuring at least 2.3 metres (7.5 feet) by 4.6 metres (15 feet).
 - special condition: any undersized parking space permitted by this clause must be visibly designated as reserved for small or compact cars.
- (c) the parking space shall be provided with a stable surface that provides adequate traction and reduces dust or loose particles.

22.4 Standards for parking areas

In any area where more than four parking spaces are provided:

- (a) the parking area must be provided with a stable surface treated to prevent the raising of dust or loose particles;
- (b) any lights must be located so that light is directed away from streets, nearby lots and buildings;
- (c) a structure of no more than 4.5 metres (15 feet) in height and no more than 4.6 square metres (50 square feet) in floor area may be provided;

- (d) if the parking area is paved, each parking space and the direction of travel in each moving lane must be clearly marked on the pavement and the markings must be maintained;
- (e) gasoline pumps and other service station equipment are prohibited;
- (f) the limits of the parking lot and its approaches or driveways must be defined by a permanent curb, fence or other suitable obstruction;
- (g) no part of any approach or driveway may be closer than 50 feet to an intersection, measuring from the boundary of the street, not the travelled way;
- (h) no more than two driveways providing vehicular access to a street are permitted;
- (i) a driveway must be at least 7.5 metres (25 feet) wide at the street line;
- (j) driveways or aisles shall be at least 3 metres (10 feet) wide if designated for one way traffic and 6 metres (20 feet) wide otherwise.

22.5 Parking Location

Parking spaces need not be located on the same lots as the use with which they are associated, provided

- (a) the parking space is not more than 100 metres (328 feet) from the building which it serves;
- (b) the parking space is committed to the use of the building which it serves by a permanent easement or 20-year lease; and
- (c) no parking space in a residential zone is associated with a use not permitted in that zone.

22.6 Exceptions

Parking requirements in this by-law do not apply to commercial uses or to dwelling units contained in buildings that also include commercial uses:

- (a) in that part of the General Commercial (GC) zone within the Heritage Conservation District: in that part of the General Commercial (GC) zone bounded south by Medway Street, and including those properties on the north side of Lincoln Street; and
- (b) ~~in that part of the Marine Industrial (MI) zone consisting of all properties that have frontage on the Front Harbour waterfront between Kaulback Street on the west and the Town boundary on the east.~~

(c) for industrial uses: in that part of the Marine Industrial (MI) zone between Kaulback Street on the west and the Town boundary on the east.

PART 23 **LOADING SPACES**

23.1 Loading Space Requirement

Where a person constructs or uses any building or structure for any of the following uses:

manufacturing
storage
warehousing
department store
retail store
wholesale store
wholesale or factory outlet
market
freight or passenger terminal
hotel
hospital
mortuary
funeral home
any other development involving frequent shipping or frequent loading or unloading of
persons, animals or goods

the person must maintain one loading space on the same lot for every 2790 square metres (30,000 square feet) used for any of those purposes.

23.2 Loading Space Standards

- (a) A loading space must be at least 3.5 metres (12 feet) wide by 12 metres (40 feet) long.
- (b) A loading space must have a minimum height clearance of 4.25 metres (14 feet).
- (c) A loading space must be located in a rear or side yard.
- (d) A loading space may not be located in a side yard that abuts a residential zone.
- (e) Loading spaces and the driveways leading to them must be constructed and maintained with a stable surface that is regularly treated for the prevention of dust and loose particles.
- (f) Entries and exits must be at least 3 metres (10 feet) wide for one-way traffic and 7.5 metres (25 feet) for two-way traffic.

23.3 Exemptions

(a) The loading space requirement does not apply for any building or use less than 140 square metres (1500 square feet) in area.

(b) The loading space requirement does not apply in that part of the General Commercial (GC) zone that is situate in the Heritage Conservation District.

(c) The loading space requirement does not apply in that part of the Marine Industrial (MI) zone that is situate in the Heritage Conservation District.

PART 24 SIGNS

24.1 Permits Required for Signs

Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.

Signs require heritage approval if the property is municipal heritage property or if it is in the Heritage Conservation District.

24.2 Signs Defined

A sign is any structure, device, light or natural object, including the ground, and any device attached to, painted or represented on it, that is intended to communicate a visual message to identify, advertise or attract attention to anything, capable of being viewed from off the premises. For clarification: signs in windows or doors intended to be seen from outside the premises, including writing directly on the window or door or etched in the glass are signs subject to the requirements of this by-law.

exclusion: signs located in a premises and not intended to be viewed outside the premises are not signs regulated by this by-law.

exclusion: objects on display showing a logo or brand name of the object are not signs regulated by this by-law.

24.3 Types of Sign Defined

- (a) a **billboard** is a ground sign more than 21 square metres (70 square feet) in area;
- (b) a **changeable copy sign** is a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words;
- (c) a **ground sign** is a sign permanently affixed in or to the ground;
- (d) an **illuminated sign** is any sign that provides artificial light from within the sign structure or that incorporates a light focused upon or chiefly directed at the surface of the sign;
- (e) a **portable sign** is a ground sign that is not permanently affixed, and includes signs such as sandwich board signs;
- (f) a **projecting sign** is a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall
A sign mounted on or that forms part of a canopy or awning is a projecting sign;

- (g) a **roof sign** is a sign affixed to or supported by the roof of any structure;
- (h) a **wall sign** is a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.
- (i) a **community bulletin board** is a sign where all or part of the sign is intended for the posting of notices by the general public.

24.4 Calculating Sign Area

- (a) In the case of a sign affixed to or forming part of a canopy or awning, the surface area of the sign is the area of the canopy or awning containing elements conveying information.
- (b) In the case of an irregularly shaped sign, the area of the sign is equal to the smallest rectangle that can enclose the sign.
- (c) In the case of a double faced sign, the area of the sign is the area of one side of the sign.

24.5 Counting Signs

A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.

24.6 Prohibited Signs

None of the following signs is permitted:

- (a) signs that incorporate any flashing or moving illumination;
- (b) signs that incorporate illumination that varies in intensity or colour, including flashing lights;
- (c) billboards;
- (d) roof signs;
- (e) signs that are a hazard to public health or safety;
- (f) signs that obstruct drivers' vision or any traffic sign or traffic control device;
- (g) signs that obstruct the use of a fire escape door, windows, or other required exit;
- (h) signs that make use of such words as "STOP", "LOOK", "ONE WAY",

“DANGER”, “YIELD”, or any other similar words, phrases, or symbols so as to interfere with or confuse traffic;

- (i) signs that advertise a product, service or business that is not available at that location;
- (j) signs on public property or public right-of-way, unless
 - (i) erected by a public authority;
 - (ii) erected with the permission of the owner of the property; or
 - (iii) the sign is a portable sign in compliance with this by-law;
- (k) signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object; and
- (l) signs that have more than two faces.

24.7 Changeable copy signs

Changeable copy signs are not permitted in the General Commercial (GC) zone.

24.8 Ground Signs

- (a) except in the Highway Commercial (HC) or Industrial (I) zone, no ground sign may exceed 3.5 square metres (40 square feet);
- (b) in the Highway Commercial (HC) or Industrial (I) zone, no ground sign may exceed 11.6 square metres (125 square feet);
- (c) no ground sign may exceed 27.5 metres (25 feet) in height;
- (d) no ground sign may extend into:
 - (i) an adjacent property
 - (ii) a driveway
 - (iii) a parking space
 - (iv) a corner vision triangle, or
 - (v) a street or other public right-of-way.
- (e) there may only be one ground sign on a property.
- (f) a ground sign with two faces adjoining at an angle or that bears a message on each

side counts as one ground sign, but the area of the sign is calculated by adding the areas of each face.

24.9 Projecting Signs

No projecting sign shall:

- (a) exceed 2 square metres (20 square feet) in sign area;
- (b) project over a public street beyond the curb line;
- (c) project into any corner vision triangle;
- (d) project above the eaves, parapet or roof line of a building;
- (e) be erected at less than a height of 3 metres (10 feet) above grade, measured from the lowest point on the sign; or
- (f) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

24.10 Wall Signs

- (a) No wall sign may extend above the wall on which it is placed.
- (b) No wall sign may extend beyond the extremities of the wall on which it is placed.
- (c) A wall sign may not be located closer than one metre (3 feet) to another sign on the same wall.
- (d) In all zones except the Highway Commercial (HC) zone
 - (i) no wall sign may cover more than 0.1 square metre (one square foot) of wall space per lineal foot of the wall on which it is placed;
 - (ii) no wall sign may cover more than 5% of the area of the wall on which it is placed;
 - (iii) the total area of a wall covered by wall signs may not exceed 9 square metres (100 square feet).
- (e) In the Highway Commercial (HC) zone
 - (i) no wall sign may cover more than 10% of the area of the wall on which it is placed; and
 - (ii) the total area of a wall covered by wall signs may not exceed 37 square

metres (400 square feet).

- (f) In this Section, the length of a wall is measured from the extremities of the building.
- (g) In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.

24.11 Portable Signs

- (a) Portable signs are only permitted in the Institutional, General Commercial, Highway Commercial and Restricted Commercial zones.
- (b) A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.
- (c) A portable sign may not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.
- (d) A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers' vision.
- (e) A portable sign on a sidewalk must be positioned so as to leave at least 1.22 metres (4 feet) between the sign and the curb.
- (f) There may not be more than one portable sign per business.
- (g) In the General Commercial (GC) zone a portable sign may not exceed 0.93 square metres (10 square feet) in sign area (one side only), be more than 0.77 metres (2.5 feet) wide, or be more than 1.37 metres (4.5 feet) high.
- (h) In the Highway Commercial (HC) and Restricted Commercial (RC) zones, a portable sign may not exceed 1.12 square metres (12 square feet) in sign area (one side only), be more than 0.92 metres (3 feet) wide, or be more than 1.37 metres (4.5 feet) high.

24.12 Window Signs

No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

24.13 Community Bulletin Board

That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (20 square feet).

24.14 Exemptions

The following signs are permitted in all zones and a development permit is not required:

- (a) signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2 square feet) in sign area;
- (b) “no trespassing” signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2 square feet) in sign area;
- (c) real estate signs, not exceeding 0.5 square metres (5 square feet) in sign area in any residential zone and 1.5 square metres (15 square feet) in other zones, which advertise the sale, rental or lease of the premises;
- (d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5 square feet) in area;
- (e) signs erected by a government body, or under the direction or authority of such a body, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, and commercial direction signs which form part of a direction sign program for the Town;
- (f) memorial signs or tablets and signs denoting the historical significance and date of erection of a structure;
- (g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;
- (h) a sign having an area of not more than 4.5 square metres (50 square feet) incidental to construction and located on the same site as the building under construction;
- (i) signs associated with a Federal, Provincial or Municipal election;
- (j) one sign for each street frontage of a parcel to be subdivided, each with a maximum area of 3 square metres (32 square feet) and a maximum height of 4.9 metres (16 feet) advertising a subdivision of six or more lots, and located within the area of the plan of subdivision;
- (k) one sign for each street frontage of a parcel to be developed, each with a maximum area of 3 square metres (32 square feet) and a maximum height of 4.9 metres (16 feet), advertising a multi-unit development of more than six (6)

dwelling units, and located on the parcel to be developed;

- (l) signs (including banners) indicating “open”, “closed”, “sale” or similar terms for any business;
- (m) temporary signs in windows advertising sales and bargains that are displayed for two weeks or less;
- (n) temporary communityspecial event signs that are displayed for two weeks or less;
- (o) notices attached to a community bulletin board if a development permit has been issued for the community bulletin board; and
- (p) advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.

PART 25A USES

25A.1 The list in this Part defines certain uses, lists any additional uses permitted to accompany the principal use, lists any uses that are excluded, and lists any restrictions or special conditions that apply to a specific use.

25A.2 Uses listed in this Part are allowed only where specifically permitted in a particular zone.

25A.3 Uses

“Accessory Use” means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot

“Agricultural Use” means the utilizing of land, buildings or structures to raise crops or animals or fowl, and including the harbouring or keeping of any one or more of the following livestock regardless of its stage of development: horse, pony, pig, cow, bull, goose, duck hen, rooster, sheep, goat or similar livestock *and includes the sale of agricultural products produced on the land (August 12, 2014 Council.)*

“Animal Hospital” means a place where animals are given treatment by a veterinarian

- permitted additional uses: short-term boarding of animals (under seven days)

- excluded uses: long-term boarding of animals (over seven days), outdoor kennels or runs, animal shelter

- special condition: must be in a wholly enclosed building, including accessory uses, that meets a sound transmission class of at least 50 as prescribed in the National Building Code

“Animal Shelter” means a place used for the care of lost, abandoned, abused or neglected animals;

“Artisan Food and Beverage Production Facility” means a place where a licensed micro-brewery or a licensed micro-distillery produces craft beer, cider and spirits; or a place where specialized food products or soft drinks are produced.

- permitted additional uses: product tasting and retail sales

- Special Condition: production area may not exceed 465 sq. meters (5005 sq. ft.) in floor area

“Auto Body Repair” means the painting or repairing of motor vehicle bodies;

- excluded uses: motor vehicle repair, engine repair, service station, car wash, car dealer

“Boarding House” means a dwelling in which the proprietor supplies room and board for monetary gain

- special condition: no more than six boarders are permitted

“Car Wash” means a place for the operation of automobile washing equipment, which may be automatic, semi-automatic or manual;

“Casino” means a place used for gambling and includes any place where more than four gambling machines or devices are located

- special condition: must be in a wholly enclosed building

“Catering Establishment” means a place where food and drink are prepared for delivery to an off-site location

- excluded use: restaurant

“Change In Use” means any alteration in the use made of the whole or any part of a parcel of land, a building or a structure

“Church” means a place dedicated to religious worship

- permitted additional uses: church hall, church auditorium, Sunday school, parish hall, day care operated by a religious organization

“Clinic” means a place used for medical, dental, surgical, therapeutic or other health care treatment of people on an out-patient basis

- excluded uses: hospital

“Commercial Club” means a facility the use of which is restricted to members and their guests, operated for gain

“Commercial School” means an educational facility operated for gain

- excluded use: day care centre

“Community Centre” means land or buildings used for community activities, whether on a commercial basis or not

- special condition: control must be vested in the Town, an agency of the Town, or an inter-municipal agency of which the Town is a member

“Community Cultural Centre” means land or buildings used for institutional uses, tourist information centres, studios and galleries, information technology services, restaurants, creative industries, and the following business uses:

- offices
 - craft workshops and craft shops, with no special condition for limitation on floor area
 - personal services
 - tailoring and/or dress making
 - studios for the practice or instruction of fine arts, commercial arts, or crafts
 - catering establishments
- special condition: control must be vested in the Town, an agency of the Town or an inter-municipal agency of which the Town is a member, although the property may be operated by another body for the Town.

“Converted Building” means a building that contains, or is intended to contain, more than one dwelling unit;

“Converted Dwelling” means a building originally intended as a single-family home that has been converted to contain three or more dwelling units

“Craft Market” means an outdoor gathering of five or more vendors at which the goods for sale are craft products produced by the vendors or members of their immediate families approved under the Vending By-law

- craft products are those products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers

“Craft Workshop” means a place where craft products (see craft market) are produced

- additional use: retain sale of craft products
- special condition: may not exceed 465 square metres (5.005 square feet) in floor area

“Creative Industry” means industries which have their origin in individual creativity, skill and talent and which have a potential for monetary gain through the generation and exploitation of intellectual property. Creative industries include, but are not limited to, architectural designing, fashion designing, film and video creation, software

development, music creation and performance, the performing arts, publishing, software and computer game development, and media industries.

“Day Care (commercial)” means a facility other than a residential day care where children are accommodated and cared for, for financial remuneration

“Day Care (residential)” means a facility located in a dwelling unit where children are accommodated and cared for, for financial remuneration

- excluded use: overnight accommodation
- special condition: the owner or occupier of the dwelling must be the person providing the care
- special condition: maximum of ten children
- special condition: accommodation and care for fewer than five children is a residential use, not day care (residential)

“Dog Grooming” means a building or part of a building used for hygienic care and cleaning of dogs and for which there is financial remuneration. – includes the retail sale of any products used in dog grooming services.

“Drive-in Restaurant” means a building or part thereof where food and drink are served to the public, which does not necessarily provide facilities for consumption on the premises other than parking areas

- special conditions: waste receptacles for public use must be maintained on the exterior of the premises

“Dry Cleaner or Laundry” means a building where dry cleaning, cleaning or pressing of articles or goods of fabric is carried on

- special conditions:
 - (i) no solvents or cleaners may be used that emit odours or fumes
 - (ii) no noise or vibration that causes a nuisance or inconvenience to any person outside the premises is permitted

“Dry Cleaning or Laundry Depot” means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning at another location and for the pressing and distribution of any articles or goods which have been subjected to that process;

“Dwelling” means a building that contains one or more dwelling units

“Farmers’ Market” means an outdoor gathering of five or more vendors where the greater part of the goods for sale are products of the farm, the forest and the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products (see “Craft Market”) produced by the vendors or their immediate families.

“Feedlot” means a place used for feeding, breeding, milking or holding livestock or poultry for production purposes or for future sale.

“Flea Market” means an outdoor gathering of vendors selling new or used goods to the public that is neither a craft market nor a farmers’ market.

“Forestry Use” the use of land, buildings, or structures to raise trees

“Guest House” means a dwelling where the resident owner or occupier provides accommodation, with or without meals, to the travelling public, also sometimes called a bed and breakfast;

- special conditions:
cannot include facilities open to those not accommodated within the guest house
operator must reside in the guest house

“Home for Special Care” means a nursing home or residential care facility within the meaning of the *Home for Special Care Act*

“Hotel” means an establishment that provides accommodation to the travelling public

- permitted additional uses:
- facilities such as meeting rooms, restaurants and entertainment facilities that are open to the general public
- clarification: includes a motel
- special condition: must have at least four rooms for public accommodation

“Industrial Workshop” means a place in which occupations including, but not limited to, skilled trades, sheet metal work, auto body and auto body repair, welding, boat building, machine work and baking, are practised

- special condition: must be located in a wholly enclosed building

“Institution” means a place used by a non-profit organized body including, but not limited to, churches, community centres, hospitals and homes for special care

- exclusion: private clubs
- permitted additional use: accessory commercial use

“Light Industry” means a manufacturing, assembling or processing plant

- special condition: must be located in a wholly enclosed building
- exclusions: salvage yard; explosives, petrochemical, coke or paint plant; rendering or poultry plant; tannery; abattoir; refinery; industrial cleaners manufacturing facility

“Lounge” means any premises licensed as a lounge

“Marina” means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public

“Mini Home” means a prefabricated detached dwelling with long, narrow proportions of 3:1 or greater, designed for transportation on a trailer to a site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking or assembling operations
also known as a single section manufactured home

“Mobile Home” means a prefabricated detached dwelling with long, narrow proportions of 3:1 or greater, designed for transportation on its own chassis and wheels to a site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking or assembling operations). A mobile home is a mobile home whether or not the chassis or wheels are removed.
also known as a manufactured home

“Mobile Home Park” means land under single ownership designed and intended for residential use where resident is in mobile homes and mini homes (and may include multi-section manufactured homes). A mobile home park may be intersected by public streets.

also known as a land lease community

- exclusion: public camping grounds maintained for seasonal use by the Town or the provincial or federal governments

“Motor Vehicle Dealer” means offering new or used motor vehicles for sale to the public

- permitted additional uses: auto body repair, motor vehicle repair, service station

“Motor Vehicle Repair” means the repair of engines, transmission or other mechanical components of motor vehicles

- excluded uses: auto body repair, engine repair, service station, car wash, car dealer

“Multi-section Manufactured Home” means a modular type of prefabricated dwelling where separate sections are joined together side by side to form a complete dwelling unit.

“Multi-unit Dwelling” means a building that contains three or more dwelling units

“Obnoxious Use” means a use which from its nature or operations, creates a nuisance or is offensive by the creation of noise or vibration or by the emission of gas, fumes, dust, oil, or objectionable odour, or by reason of unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material

“Office” means a room or rooms where business may be transacted, a service performed or consultation given, and includes but is not limited to the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors and eye specialists.

“Open Storage” means the storage of any items outside a building

“Outdoor Display” means a display of goods outside a building for the purpose of encouraging the purchase of like items

“Outdoor Furnace” means a furnace located outside of the structure that it is intended to heat

“Park” means an open area devoted to passive recreational uses or conservation uses

- additional permitted uses: ornamental gardens, lawns, outdoor furniture, accessory structures, children’s playground

“Personal Services” means a building or part of a building in which people are employed in furnishing services and otherwise administering to individual and personal needs, and without limiting the generality of the foregoing may include such establishments are barber shops, beauty parlours, hairdressing shops, shoe repair and shoe shining shops

- excludes the retail sale of any product other than products made on the premises or used in the production or presentation of products made on the premises, any manufacturing or fabrication of goods for sale, and any massage parlour

“Private Club” means a building or part of a building used as a meeting place for members of an organization including but not limited to a lodge, a fraternity or sorority house, and a labour union hall

“Private Garage” means an enclosed or partially enclosed structure for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit

“Public Building or Use” means a building or area used by a public authority

“Public Garage” means a building or place where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle repair shop

- excludes: private garage, automotive washing establishment, motor

“Recreation” means the use of land for developments, including but not limited to parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps and community centres, together with necessary and accessory buildings and structures

- excludes: tracks for the racing of animals or any form of motorized vehicles, a shooting range

“Repair Shop” means any building or part thereof used for the repair of household articles including but not limited to radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops, and shoe repair shops

- excludes: industrial or manufacturing uses, motor vehicle repair shops and auto body repair shops

“Restaurant” means a building or part thereof where food and drink are served to the public for consumption within the building or on an attached patio or deck by the operator of the restaurant

“Retail Store” means a building or part thereof in which goods are offered or kept for sale directly to the public

- excludes: a service station, motor vehicle dealer restaurant and a restaurant, drive-in restaurant and take-out

“Rooming House” means a dwelling in which the proprietor supplies room for monetary gain

- special condition: no more than six roomers are permitted

“Service Station” means a place for the retail sale of gasoline and other motor vehicle fuels and related products

- permitted additional uses: sale of lubricating and engine oils, servicing and minor repair of motor vehicles

- excluded uses: car wash, motor vehicle dealer vehicle sales lot and service station

“Salvage Yard” means a place for the storage, handling or recycling of scrap material, including but not limited to waste paper, rags, bones, bottles, used bicycles, tires, metal or other salvage

“Studio” means building or part thereof used as a workroom for the study, execution or instruction of any fine or commercial art, or draft, and includes but is not limited to photography, music visual arts and commercial design

“Take-Out Restaurant” means a building or part thereof where food and drink are served to the public, which does not provide facilities for consumption on the premises

“Tourist Home” means a single, two or three-unit dwelling where individual units are rented for periods of thirty (30) days or less

“Tourist Information Centre” means a building or booth where tourist information is provided to the travelling public

“Tourist Trailer” means a trailer that is used or intended to be used for short term or seasonal occupancy, and is or intended to be located or parked on a site for a temporary or seasonal period

“Tourist Trailer Park” means an establishment comprising land or premises, under single ownership, used for the parking of tourist trailers on a temporary or seasonal basis

“Transient Vending” means transient vending activities where the vendor or the vendor’s agent goes door-to-door for the purpose of soliciting the sale of goods or services whether by appointment or otherwise

- excluded uses:

- (i) persons selling goods or services by appointment where they do not go door-to-door;
- (ii) persons selling goods or services outside a building from a stand or otherwise where they do not go door-to-door;
- (iii) street-side sales from a mobile stand

“Vend, or Vending” means the sale, or offering for sale, not in an enclosed building, whether on public property or private property, of

- (i) food, beverages or other goods; and
- (ii) services provided outside a building,

— excludes: construction on or maintenance of real property

“Veterinary Clinic” means an animal hospital in which the use is confined to outpatients and which does not include overnight lodging of animals

“Video Arcade” means a building or part thereof where the main purpose is the use of video game machines, or where more than four (4) video machines are installed

“Warehouse” means a building where wares or goods are stored, excluding a retail store

“Yard Sale” means an outdoor sale of surplus household goods by the occupants or neighbours of the residential property at which the sale is carried on, not including the sale of goods acquired for resale.

PART 25B OUTDOOR USES

25B.1 Limitation on Display

Unless specifically authorized in this by-law, all display of goods for sale must be in a building.

25B.2 Outdoor Furnaces

An outdoor furnace must be located a minimum of 61 metres (200 feet) from any property line on the lot on which it is located.

25B.3 Outdoor Vending

Outdoor vending activities are prohibited in all zones except those in which they are specifically permitted.

PART 26A CORNER VISION TRIANGLE

26A.1 Limitation

Notwithstanding any other provision of this by-law, including those provisions respecting exclusions and exceptions, fences, walls, hedges or other structures or vegetation, are not permitted to exceed one metre (3 feet) in height above the grade of the abutting streets in a corner vision triangle.

26A.2 Exception

Section 26A.1 does not apply in the General Commercial (GC) Zone.

26A.3 Definition

A corner vision triangle is that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 6 metres (19.68 feet) from the intersection.

PART 26B ACCESSORY USES AND BUILDINGS

26B.1 An **accessory use** is any use subordinate to the main use made of a lot or of a main building on the lot, and customarily incidental to the main use.

26B.2 An **accessory building** or structure is a building or structure devoted exclusively to an accessory use.

26B.3 Any use permitted by this by-law includes any accessory use.

26B.4 Accessory buildings and structures are permitted in any zone subject to the following conditions:

- (a) they may not be used for human habitation except for the temporary accommodation of private guests;
- (b) they may not be located within the minimum requirement front yard or flankage yard;
- (c) except as specifically permitted in this part, they must be at least 1.2 metres (4 feet) from any side or rear lot line;
- (d) except as specifically permitted in this part, they must be located on the same lot as the main use;
- (e) they may not exceed 37 square metres (400 square feet) in gross floor area in the Old Town Residential (OTF), Residential (R) and Residential Rural (RR) zones;
- (f) they may not exceed 6.7 metres (22 feet) in height in the Old Town Residential (OTR) and Residential (R) zones; and
- (g) they may not be attached to the main building in any way, provided that it is permitted to connect a main building to an accessory building by a fence or wall.

26B.5 Common semi-detached garages may be centred on a mutual side lot line.

26B.6 Boat houses and docks, wharves or piers may be built across the lot line corresponding to the water's edge.

26B.7 Accessory buildings in the architectural control area are subject to the same design requirements as new main buildings.

PART 26C BUILDING EXTENSIONS

26C.1 Canopies and Covered Ways

The lowest part of any canopy or covered way must be at least 2.5 metres (8 feet) above grade.

26C.2 Balconies, Dormers, Exterior Staircases and Fire Escapes

- (a) A balcony, extended dormer, exterior staircase and fire escape may project over the abutting property if the minimum yard requirement for the yard into which it extends is “nil”.
- (b) Any encroachment permitted by clause (a) must have the written consent of the owner of the property in which the encroachment is made and a copy of the consent must be filed with the application for the development permit.

PART 26D FENCES, WALLS AND MISCELLANEOUS MINOR STRUCTURES

- 26D.1 Fences and walls 1.8 metres (6 feet) or less in height may be erected along property lines, provided the provisions respecting the Corner Vision Triangle are satisfied.
- 26D.2 No fences or walls greater than 1.8 metres (6 feet) in height are permitted within the Old Town Residential (OTR) Zone, Residential (R) Zone, and General Commercial (GC) Zone.
- 26D.3 In all other zones, fences or walls greater than 1.8 metres (6 feet) in height are regulated as accessory structures and are subject to the applicable setback and yard requirements.
- 26D.4 The use of barbed wire or other sharp edged materials designed to prevent access to a parcel of land is prohibited, except at the top of fences or walls over 2 metres (6.5 feet) high, or fences or walls associated with agricultural uses in the Rural Residential (RR) and Rural Industrial (RI) Zones.

PART 26E ILLUMINATION

- 26E.1 (a) No person shall illuminate an area outside a building unless the illumination is directed away from neighbouring properties and any adjacent streets.
- (b) The illumination of any sign must be directed away from neighbouring properties and any adjacent streets.

PART 26F LENGTH TO WIDTH RATIO OF NEW STRUCTURES

26F.1 The maximum length to width ratio for any new structure is 3:1 except in a mobile home park.

26F.2 In an architectural control area or heritage conservation district, other limits on building proportions may apply, in which case this part does not apply.

PART 26G ARCHITECTURAL CONTROL AREA

26G.1 New Main Buildings

In addition to all requirements governing land use, new main buildings within the Architectural Control Area, as shown on Map 2, the Future Land Use Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:

- (a) architectural style; and
- (b) building length to width ratio; and
- (c) height; and
- (d) roof shape; and
- (e) appearance of exterior cladding and roof materials; and
- (f) architectural details and trim; and
- (g) shape and size of porches, doors and windows; and
- (h) window area to wall area ratio; and
- (i) location, type, bulk and appearance of chimneys.

New main buildings located on corner lots may use either street as the street on which they front.

26G.2 Additions and Alterations to Existing Buildings

In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building with respect to the considerations set out in Section 26G.1.

- 26G.3
- (a) The total ground floor area (footprint) of all additions shall not exceed 25% of the ground floor area (footprint) of the building existing prior to 13 June 1996.
 - (b) For the purposes of this section, the calculation of ground floor area (footprint) does not include decks or verandas which do not enclose interior space.
 - (c) An addition, less than ten per cent of which (by volume) is visible from the street directly in front of the main building, or from any other street abutting the property, in the case of a corner lot, and which is not higher than the main building, is permitted provided it does not exceed 100% of the footprint of the existing structure. **Adopted October 2, 2012**

26G.4 Renovations and Replacements

Any renovation or replacement of any part of an existing building in the Architectural Control Area as shown on Map 2, the Future Land Use Map, shall be similar to the main building as it existed prior to the renovation or replacement in terms of the considerations set out in Section 26G.1.

PART 26H USES PERMITTED IN ALL ZONES

26H.1 Parks and Playgrounds

Parks, conservation uses and playgrounds are permitted in all zones.

26H.2 Public Buildings and Uses

Public buildings and uses are permitted in all zones subject to the setback and yard requirements of the zone in which they are located.

26H.3 Yard Sales

- (a) Yard sales are permitted in any zone provided that
 - (i) articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
 - (ii) only two yard sales may take place on any property during each calendar year; and
 - (iii) yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

26H.4 Transient Vending

Transient Vending is permitted in any zone and does not require a development permit, but is subject to the Town of Lunenburg Vending By-law.

26H.5 Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

26H.6 Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (i) those uses specifically authorized by this by-law;
- (ii) outdoor food sales in a restaurant;
- (iii) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;
- (iv) outdoor food sales in the General Commercial (GC) or Highway Commercial (HC) Zones;
- (v) outdoor food sales at Craft Markets and Farmers' Markets.

26H.7 Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg Vending By-law.

PART 26I VENDING

26I.1 Flea Markets

- (1) Flea markets are prohibited in all zones.
- (2) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any zone other than a residential zone.
- (3) A development permit is not required any flea market permitted by subsection (2).

26I.2 General Limitation on Vending, Outdoor Display and Outdoor Sales

- (1) Unless specifically authorized or excepted elsewhere in this By-law, all display of goods for sale shall be in a building.
- (2) For greater certainty, outdoor vending activities are prohibited except where the use is specifically permitted as an outdoor use in any given zone and except for those activities authorized by this By-law.

PART 26J ONE MAIN BUILDING

26J.1 A development permit may not be issued for a main building on a lot unless the lot has sufficient area and frontage to meet the minimum requirements of the zone in which it is located.

26J.2 Only one main building may be built on a lot.

Amended June 11, 2013

PART 26K RESIDENTIAL STORAGE BUILDINGS

26K.1 Storage buildings ancillary to residential uses, including but not limited to garages and boathouses, where there is no main building on the lot, are permitted in the Old Town Residential, Residential and Rural Residential Zones as follows:

- (a) in the Old Town Residential (OTR) Zone: within 30 metres (100 feet) of a lot with a dwelling on it held in the same ownership; and
- (b) in the Residential (R) and Rural Residential (RR) Zones: on a lot abutting a lot with a dwelling on it held in the same ownership.

26K.2 The applicable zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.

26K.3 The storage building may not exceed:

- (i) in the Old Town Residential Zone (OTR): 37 square metres (400 square feet) in gross floor area;
- (ii) in the Residential (R) and Rural Residential (RR) Zones: 37 square metres (400 square feet) in the footprint of the building; and
- (iii) in the Old Town Residential Zone (OTR) and the Residential (R) Zone: 6.7 meters (22 feet) in height.

PART 26L HABITATION OF VEHICLES

26L.1 No automobile, truck, bus, coach or street car body, or shipping container, with or without wheels, may be used for human habitation.

26L.2 Notwithstanding Section 26L.1, recreational vehicles or campers may be used for human habitation provided:

- (a) the vehicle is not directly connected to Town services (i.e. sewer, water or power);
- (b) the use does not extend for longer than a four (4) month period within any calendar year; and
- (c) the use occurs only on a property with an established main building.

PART 26M CONVERTED BUILDINGS

26M.1 Conversion of buildings to an increased number of dwelling units is subject to the following requirements:

- (a) the maximum number of dwelling units per lot is three (3); and
- (b) one (1) off-street parking space must be provided for each dwelling unit.

PART 26N KEEPING OF FARM ANIMALS

26N.1 No lot in any zone, except a lot in a Rural Residential (RR) or Rural Industrial (RI) Zone, shall be used for the keeping or rearing of farm animals.

PART 26O EXISTING BUILDINGS AND LOTS

26O.1 Where a building, erected prior to June 13, 1996, is on a lot with less than the minimum area or frontage required by this by-law, or any yard is less than the minimum required by this by-law, the building

- (a) may be used for any use permitted in the zone in which it is located, and
- (b) may be enlarged, reconstructed, repaired, renovated or replaced provided
- (c) the non-conforming yard is not further reduced,
- (d) the corner vision triangle is not further encroached upon, and
- (e) all other requirements of this by-law are met.

26O.2 Where a building is being reconstructed, renovated or replaced by a similar building, it may be reconstructed, renovated or replaced to a height not exceeding the height of the original building notwithstanding any height limits set out in this by-law.

26O.3 (1) A lot that has been rezoned, and as a result has less than the minimum frontage, area or a minimum yard, may be used for any use permitted in the new zone.

- (2) Any addition to a structure in the rezoned lot must meet the minimum yard requirements of the zone.

26O.4 A lot which does not satisfy the minimum requirements for lot area, lot frontage, or both, and:

- (a) was in existence on or before April 16, 1987; or
- (b) was created by the consolidation of two (2) or more lots; or
- (c) having been expanded or made larger, is nonetheless below the minimum requirements; or
- (d) was created by a variance

may be used for a purpose permitted in the zone in which the lot is located, and a structure may be erected on the lot, provided that all other applicable provisions of this By-law are satisfied.

PART 26P FRONTAGE ON A STREET

26P.1 No development permit shall be issued in any zone, with the exception of the Marine Industrial (MI) Zone and the Tourism Marine (TM) Zone, unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected:

- (a) abuts and fronts upon a street; or
- (b) has access by means of a deeded right-of-way at least 6 metres (20 feet) in width, provided:
 - (i) it is not feasible to lay out or construct a new street or to extend an existing street to serve the lot; and
 - (ii) the lot can be developed without creating a future demand on the Town for street development or delivery of services to the lot; or
 - (iii) the lot existed on or before the date of this By-law.

PART 26Q SETBACK EXEMPTION

26Q.1 Structures may be built with less than the minimum required front yard if

- (a) the front yard is not less than the least front yard of any existing building in the same zone;
- (b) the front yard is not less than 1.5 metres (5 feet); and
- (c) there is no encroachment into a corner vision triangle.

PART 27 APPLYING THE BY-LAW

27.1 The purpose of this part is to set out the rules for applying the zone standards.

PART 27A **YARDS**

- 27A.1 A **yard** is the area between a main wall of a building and the nearest property boundary.
- 27A.2 A **minimum yard** is a yard entirely within the boundaries of a lot that has the minimum depth (distance from lot line to main wall) specified in the applicable zone standards.
- 27A.3 The **main wall** of a building is an exterior wall supporting a roof or a fully or partially enclosed space.
- 27A.4 A minimum yard as specified in the zone standards must be an open, uncovered space unoccupied by buildings or structures except as specifically permitted in this by-law.
- 27A.5 The minimum horizontal distance between the main wall of the building and the nearest property boundary is used to measure the depth of a minimum yard.
- 27A.6 If part of the lot
- (a) is usually covered by water or marsh,
 - (b) lies beyond the edge of a lake, stream or the ocean,
 - (c) is between the top and the toe of a slope with a grade of 30 per cent or more from the horizontal
- any minimum yard must be measured from the edge of the water or marsh, the rim of the watercourse or ocean, or the top of the slope, as the case may be, and not from the lot line.
- 27A.7 The **front yard** is the yard, extending across the full width of the lot between the side lot lines, extending from the front lot line to the nearest main wall of any building or structure on the lot.
- 27A.8 The **side yard** is the yard extending from the front yard to the rear yard of a lot between the side lot line and the nearest main wall of a building on the lot.
- 27A.9 The **rear yard** is the yard extending across the full width of the lot between the side lot lines and extending from the rear lot line to the nearest main wall of any building.
- 27A.10 The **flankage yard** is the side lot on a corner lot that abuts the side street.
- 27A.11 In determining which is the front yard and which is the flankage yard, the choice is up to the developer in cases of lots that have not been built upon or where the

main pedestrian entry faces the corner provided that all yard requirements of the applicable zone can be met without variance. In all other cases, the front yard is that yard which extends from the main pedestrian entry to an abutting street.

PART 27B LOTS

27B.1 A **lot** is a parcel of land described in a deed or shown on a plan of subdivision.

27B.2 A **corner lot** is a lot located at the intersection of two or more streets and abuts two or more streets.

27B.3 A **through lot** is a lot that is bounded by streets on two opposite sides.

27B.4 A through lot that is also a corner lot is deemed to be a corner lot for the purposes of this by-law.

27B.5 The **front lot line** is the boundary dividing the lot from the street; in the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon, it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot.

27B.6 **Lot frontage** is the length of the front lot line where that line is straight and approximately at right angles to the adjoining side lines.

Rule: Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,

- (1) establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
- (2) establish the point on the line established in (1) that is the distance of the minimum front yard required in the applicable zone from the street; and
- (3) measure the distance between the side lot lines along the line perpendicular to the line established in (1) at the point established in (2).

27B.7 The **rear lot line** is the lot boundary farthest from, or opposite, the front lot line.

27B.8 A **side lot line** is any boundary of a lot other than the front lot line and the rear lot line.

PART 27C HEIGHT

27C.1 The height of a main building, an accessory building or a structure is determined:

- (a) in the case of a building, by establishing the vertical distance from
 - (i) the ground, which is the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building; to
 - (ii) the roof, which is the highest of
 - A. the highest point of the roof surface, in the case of a flat roof without parapet;
 - B. the highest point of the parapet around a flat roof, if there is one;
 - C. the deckline of a mansard roof, which is the bottom edge of the top gable; and
 - D. the midpoint between the eaves and ridges of other roof types, measured to the highest gable.
- (b) in the case of a structure other than a building, by establishing the vertical distance from the average elevation of the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment, to the highest point on the structure.

27C.2 In determining the height of a building, the height of any ornament, chimney, antenna, steeple or other addition not used for eating, sleeping or commerce, where the floor area is less than twenty per cent of the ground floor area of the building, is excluded.

27C.3 The front of a building is the side of the building on which the main pedestrian access to the building is located; if there is more than one primary pedestrian access, the front is determined using that access farthest down grade.

27C.4 Exclusions

The height regulations of this By-law do not apply to church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers, wind turbines or solar collective devices.

PART 27D **DICTIONARY**

27D.1 The definitions in this part govern the interpretation of this by-law unless the meaning is clearly contradicted by the context.

27D.2 In this by-law, any word or phrase defined in the *Municipal Government Act* has the same meaning as in that Act.

27D.3 In this by-law,

“Alteration” means any change in the structural components of a building or any increase or decrease in its volume

“Basement” means that floor of a building that is below or partially below grade

“Building” means a roofed structure that can be used to provide shelter or accommodation for people, animals, materials or equipment

“Carport” means a building or structure, not wholly enclosed, that provides shelter for a private motor vehicle

“Council” means the town council of the Town of Lunenburg

“Development Permit” means the permit issued by the development officer to the effect that a particular proposed development complies with this by-law

“Duplex” means a residential building divided horizontally into two dwelling units

“Erect” means to build, construct, reconstruct, alter or relocate, including but not limited to any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any established building or structure by an addition, deletion, enlargement or extension

“Established building line” means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon at the effective date of this by-law

“Existing” means in existence June 13, 1996

“Farm animal” means any of the following types of animals: horses, cattle, sheep, goats, swine, fowl, mink, fox and rabbits

“Farm animal unit” means any one of cattle, goats, horses, sheep or swine, and any three of fowl, foxes, mink, rabbits or any combination of them

“Ground Floor” means the first floor of a building above grade;

“Main Building” means that building on a lot in which the main use takes place

“propane cylinder” means a propane fuel tank installed with the longest dimension vertical, with a diameter of 30 inches or less, and a height of five feet or less, containing a maximum of 378.5 litres of propane

“Public Authority” means any board, commission or committee of the Town of Lunenburg established or exercising any power of authority under any general or specific statute of the Province of Nova Scotia with respect to any of the affairs or purposes of the municipality or a portion thereof and includes any committee or local authority established by by-laws of the Town

“Stand” means an outdoor table, showcase, bench, rack, pushcart, wagon, or wheeled vehicle or device that can be moved with the assistance of a motor, and is used for the display, storage, transportation or sale of food, beverages or other goods by a vendor

“Street furniture” means any decorative or functional item placed on the sidewalk by an abutting owner, including but not limited to flower pots, benches, and animated figures.

“Substantially intact” means, with reference to a building, that the major design elements of the building, such as building length to width ratio, height, roof shape, appearance of exterior cladding and roof materials, architectural details and trim, the shape and size of porches, doors and windows, the window area to wall area ratio and the location, type, bulk and appearance of chimneys have not been changed in appearance, except in the course of normal wear and maintenance, since 1920.

PART 28 **ADMINISTRATION**

28.1. Development Officer

- (a) This by-law is administered by the development officer appointed by the Town of Lunenburg.
- (b) The development officer issues development permits under this by-law and the *Municipal Government Act*.

28.2 Acting Development Officer

In the absence or incapacity of the development officer, the acting, alternate or interim development officer appointed by Council shall act in the place of the development officer..

28.3 Development Permit Required

- (a) No one may undertake, or cause or permit to be undertaken, any development, including development of an accessory use or structure in the Town of Lunenburg unless a development permit has been obtained for the development, or this by-law specifically states that a development permit is not required.
- (b) For greater certainty, developments that require permits include all fences, signs that are not excepted, and changes in use.

28.4 Application Required

Every person wishing to obtain a development permit must submit an application for the development permit to the development officer.

28.5 Contents of Application

Every application for a development permit must be signed by the owner of the lot or, with the written authorization of the owner, the agent of the owner of the lot. Every application for a development permit must be accompanied by a plan drawn to an appropriate scale and showing:

- (a) the shape and dimension of the lot to be used or upon which it is proposed to construct or locate any structure;
- (b) the proposed location, height and dimensions of any proposed structure, including measurements of lot frontage, front, side and rear yards;
- (c) the location of every building or structure already constructed, or partly constructed, on the lot;
- (d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses, curbs, landscaping and fencing; and
- (e) any other information needed to determine whether or not the proposed development conforms with the requirements of this by-law.

28.6 Development Permits

No development permit shall be issued by the development officer unless:

- (a) the proposed development conforms with the requirements of this Land-Use By-Law; or
- (b) the development officer has granted a variance from the terms of this by-law, and the time for appeal has elapsed or the appeal has been disposed of.

28.7 Heritage Certificates

No development permit may be issued until any approval for heritage or design aspects required under this by-law, the Heritage Conservation By-law or the *Heritage Property Act* has been obtained.

28.8 Deviations

- (a) No person shall deviate, or allow deviations to be made, from the description of the proposed development which is contained in the development permit and in the application for the development permit.
- (b) Where a change is to be made in the development described in the application, an application for an amended development permit is required.

28.9 Right of Entry

The development officer, the building inspector or any person delegated by them may enter at all reasonable time into or upon any property within the area to which this Land Use By-Law applies for the purpose of any inspection necessary in connection with the administration of the Land-Use By-law, pursuant to subsection 503(3) of the *Municipal Government Act*.

28.10 Lapse of Permits

Every development permit issued under this Land Use By-Law and every development permit issued under any previous Land Use By-Law automatically lapses if the development to which it relates has not been commenced within one year after the permit was issued.

28.11 Cancellation of Permit

Where a development has taken place in contravention of the application, any restrictions on the permit or any provision of this by-law, the development officer may give ten days' notice to cure the default, and if the default is not cured within that time, the development officer may cancel the development permit.

28.12 Amend or Reissue

The development officer may amend or reissue a development permit which has not lapsed.

28.13 Decision in Writing

Any decision of the development officer to refuse to issue a development permit must be given by written notice served by ordinary mail and include reasons for the refusal.

28.14 Notice of Amendment or Agreement

Where the Council has given notice of its intention to adopt an amendment to the Zoning Map, which is not general in scope, but which is in direct response to a site-specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, the Council shall serve notice of the proposed amendment or development agreement upon affected property owners whose property lies within 30 metres (98 feet) of the property which is the subject of the proposed amendment or development agreement. The notice must

- (a) set forth a synopsis of the proposed amendment or development agreement;
- (b) state the date, time, and place set for the public hearing on the amendment or development agreement; and
- (c) be served by ordinary mail or be hand delivered to the property.

28.15 Cost of Advertising and Notice for Amendments or Development Agreements

An applicant for an amendment to this by-law or for a development agreement or an amendment thereto shall deposit with the Clerk an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required and, after the advertising has been completed, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notices or, if there is a surplus, the Clerk shall refund it to the applicant. The applicant must also pay the application fee set by the Council.

28.16 Cost of Notice for Variance

Where a variance from the requirements of this by-law has been granted, the development officer must serve notice as required by the *Municipal Government Act*. The notice is to be served by ordinary mail, and the applicant must pay the cost of serving the notice.

APPENDIX A

APPLICABLE DEFINITIONS FROM THE *MUNICIPAL GOVERNMENT ACT*

NOTE: Terms defined in the *Municipal Government Act* have the same meaning in by-laws passed under that Act (*Interpretation Act*, s.13). The following definitions apply to this by-law:

“development” includes the erection, construction, alteration, placement, location replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures; s.191(c)

“development officer” means the person or persons appointed by a council to administer a land-use or subdivision by-law; s.191(d)

“dwelling unit” means living quarters that

- (i) are accessible from a private entrance, either outside the building or in a common area within the building;
- (ii) are occupied or, if unoccupied, are reasonably fit for occupancy,
- (iii) contain kitchen facilities within the unit, and
- (iv) have toilet facilities that are not shared with the occupants of other dwelling units; s.3(aa)

“mobile canteen” means a vehicle used for the display, storage, transportation or sale of food or beverages by a mobile vendor; s.3(ap)

“mobile vendor” means a person who vends from a mobile canteen or a stand; s.3(aq)

“stand” includes a table, showcase, bench, rack, pushcart, wagon or wheeled vehicle or device that can be moved without the assistance of a motor and is used for the display, storage, transportation or sale of food, beverages or other merchandise by a mobile vendor; s.3(bu)

“vending” means the sale, or offering for sale, of

- (i) food, beverages or other merchandise, unless they are immediately delivered to a residence or shop by the person selling them
- (ii) services, unless they are provided in a building; s.3(cd)

TOWN OF LUNENBURG

SUBDIVISION BY-LAW

Certified Town of Lunenburg

Subdivision By-law

I, Bea Renton, Town Manager/Clerk for the Town of Lunenburg, do certify that this Subdivision By-law was approved by Lunenburg Town Council at a duly called Council meeting on October 25, 2007.

Date

Bea Renton
Town Manager/Clerk

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PART 1 AUTHORITY AND TITLE

- 1.1** This By-law is enacted by the Council of the Town of Lunenburg under the provisions of sections 271-274 of the Municipal Government Act (S.N.S. 1998, ch. 18)
- 1.2** This By-law may be cited as the "Subdivision By-law" of the Town of Lunenburg.
- 1.3** All former Subdivision By-laws of the Town of Lunenburg are hereby repealed and this By-law substituted therefore.

PART 2 ADMINISTRATION

- 2.1** This By-law shall be administered by the development officer of the Town appointed under the authority of the Municipal Government Act.
- 2.2** In the absence or incapacity of the development officer, the acting development officer appointed by Council shall act in the development officer's stead.

PART 3 INTERPRETATION

- 3.1 Measurement**
The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.
- 3.2 Specifications and Standards**
The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be varied by the Town Engineer in exceptional circumstances and in accordance with accepted engineering practices.

PART 4 DEFINITIONS

For the purposes of this By-law, all words shall carry their customary meaning except for those defined hereafter:

Act	the Municipal Government Act;
Area of land	any existing lot or parcel as described by its boundaries, except in section 5.6 (Main Building);
Back Flow Prevention	a device or method which prevents backflow;
Council	the Council of the Town of Lunenburg;

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Central sewer system	a system of pipes and associated facilities for the collection and disposal of sewage from two (2) or more lots;
Central water system	a system of reservoirs and pipes which supplies potable water to two (2) or more lots;
Lot	any parcel to be created by the filing of a plan of subdivision;
Proposed lot	any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot;
Province	Province of Nova Scotia;
Public street	any street or road owned and maintained by the Town, a municipality or the Province excluding designated controlled access highways pursuant to section 21 of the Public Highways Act;
Land Registration Office	the office of the registration district in which the area of land being subdivided is situate;
Service Specifications	the specifications for design and construction of public streets, central sewer systems and central water systems adopted by Council;
Subdivider	the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent;
Subdivision	the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels;
Town	the Town of Lunenburg;
Town Engineer	the Engineer appointed by the Town and includes a person acting under the supervision and direction of the Town Engineer.
Usable Land	(a) contains an average slope of land not greater than the average slope of the land being subdivided; and (b) is not comprised of lands subject to flooding or classified as wetlands; and [c] has a minimum area of 6,000 square feet; and (d) has access by means of publicly-owned lands. OR Any area of land which: (a) has frontage on the ocean; and (b) has public access.

PART 5 LOT REQUIREMENTS

5.1 Abut Public Street

All lots shall:

- (a) abut a public street; or
- (b) have access by means of a deeded right-of-way of at least 6 metres (20 ft.) in width, provided:
 - (i) it is not feasible to lay out or construct a new street or to extend an existing street to serve the lot; and
 - (ii) the lot can be developed without creating a future demand on the Town for street development or delivery of services to the lot.

5.2 Land Use By-law

- (a) All lots shall meet the applicable requirements contained in the Land Use By-law; and
- (b) Sections 5.3 (10% Variance), 5.5 (Encroachments), and 5.6 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

5.3 10% Variance

5.3.1 Notwithstanding the lot area and frontage requirements of clause 5.2 (a) (Land Use By-Law) the development officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with section 279 of the Act provided all other requirements of this Subdivision By-law are met.

5.3.2 Subsection 5.3.1 does not apply if the area requirements established by the Department of the Environment and Labour for the construction or installation of an on-site sewage disposal system are not met.

5.4 Boundary Alteration

5.4.1 Notwithstanding section 5.1 (Abut Public Street), and the lot area and frontage requirements of clause 5.2 (a) (Land Use By-Law), the development officer may approve a subdivision altering the boundaries of two or more areas of land where:

- (a) no additional lots are created; and
- (b) each resulting lot
 - (i) meets the minimum dimension for lot frontage of the Land Use By-law, or
 - (ii) has not had its frontage, if any, reduced; and
- (c) each resulting lot
 - (i) meets the minimum requirement for lot area of the Land Use By-law, or
 - (ii) has not had its area reduced.

5.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to subsection 5.4.1 shall

- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and
- (b) notwithstanding clause 15.2(b), other than the new boundaries which have been surveyed pursuant to clause 5.4.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and
- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

5.5 **Encroachments**

5.5.1 Notwithstanding the lot area and frontage requirements of clause 5.2 (a) where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land prior to the effective date of this Subdivision By-law, the development officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.

5.5.2 Where a lot created pursuant to subsection 5.5.1 is not surveyed, the provisions of subsection 5.4.2, (Boundary Alteration), shall apply.

5.6 Main Building

5.6.1 For purposes of subsection 5.6.2, "main building" means a building which is not an accessory building to another building on the area of land.

5.6.2 Notwithstanding the lot area and frontage requirements of clause 5.2 (a) (Land Use By-law), where an area of land contains more than one main building built or placed on the land and used as a main building prior to November 4, 1966, (the date of the first Subdivision Regulations in the Town of Lunenburg) the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment and Labour for on-site sewage disposal systems.

5.7 Lot Shape

Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).

PART 6 PUBLIC STREETS

6.1 Continue Existing Streets

Any public street on a plan of subdivision submitted for approval shall, if reasonably possible and not in violation of this Subdivision By-law, be laid out in prolongation of any public street which abuts the boundaries of the land to be subdivided.

6.2 Connect Properties

A right-of-way for a public street shown on a plan of subdivision submitted for approval shall, if reasonably possible, extend to adjacent properties and adjacent watercourses at a minimum of every 400 metres (1312 feet) along the boundary of the adjacent property or watercourse.

6.3 Approval of Public Streets

6.3.1 All proposed municipal public streets shall be approved by the Town Engineer in accordance with the Service Specifications adopted by Council.

6.3.2 Where a proposed municipal public street intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Public Works.

6.4 Lot Access

A proposed lot which abuts a public street shall have any new access to the public street approved by the authority having jurisdiction for that public street.

6.5 Identification of Public Street

Where a plan shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street or road is a public street.

PART 7 WATER SUPPLY

- 7.1** Where lots are not to be served by wells the subdivider shall design, lay out and construct a water supply system to service every proposed lot in conformance with the requirements of the Service Specifications.

PART 8 SANITARY SEWERS

- 8.1** Where two (2) or more lots are to be served by a common sewage system, the subdivider shall design, layout and construct all central sewer systems to service each proposed lot in conformance with the requirements of the Service Specifications.

Any new lot within 100' of the existing Town central sanitary sewer system shall be connected to the Town central sanitary sewer system.

- 8.2** Where a proposed lot contains a dwelling, either the lot shall be large enough for on-site sewage disposal as determined by a qualified person under the Nova Scotia "On-site Sewage Disposal Regulations" or the dwelling shall be connected to the Town central sanitary sewer system.

PART 9 PUBLIC OPEN SPACE

9.1 Dedication Required

- 9.1.1** Where the area of land proposed to be subdivided does not have frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town, free of encumbrances, for park, playground and similar public purposes an area of usable land equal to 5% of the area of all new lots created by the plan.
- 9.1.2** Where the area of land proposed to be subdivided has frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall transfer to the Town, free of encumbrances, for park, playground and similar public purposes, an area of useable land which has frontage on the ocean and is equal to 5% of the area of all new lots created by the plan.

9.2 Waiver

Council hereby waives the requirements of section 9.1 (Dedication Required), where:

- (a) fewer than five vacant lots are created including the remainder lot; or
- (b) the subdivision is the consolidation of two or more lots; or
- (c) lot boundaries are changed but no new vacant lots are created; or
- (d) the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
- (e) the subdivision is located within the General Commercial (GC), Restricted Commercial (RC), Highway Commercial (HC), Commercial Shoreline (CS), Tourism Marine (TM), Marine Industrial (MI), Industrial (I), or Rural Industrial (RI) Zone.

PART 10 CONSTRUCTION OF SERVICES**10.1 Inspection**

The subdivider shall permit the Town Engineer to inspect the construction of streets and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or streets.

10.2 Deviations

No deviation from the plans, drawings and specifications required by subsections 6.3.1 (Approval of Public Streets), 7.1 (Water Supply) and 8.1 (Sanitary Sewers) shall take place during construction unless such deviation is approved by the Town Engineer.

10.3 Duty on Completion

Within thirty (30) days of being notified that the Town Engineer has determined that the new public streets, central water systems, and central sewer systems have been constructed as required by this By-law, the subdivider shall:

- (a) Provide the Town Engineer with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Service Specifications; and
- (b) Provide the Town Engineer with all necessary operating and procedural manuals for each water or sanitary sewer system; and
- (c) Provide the Town Engineer with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Service Specifications; and
- (d) Post for one (1) year a maintenance bond or other security acceptable to the Council in an amount equal to ten percent (10%) of the actual cost of construction; and
- (e) Transfer to the Town title in fee simple to all public streets and to all plants and assets necessary to the operation of the public streets, central water systems and central sewer systems together with easements sufficient for the maintenance of all services and public street drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

10.4 Construction Agreement and Bond

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of public streets or services, the subdivider shall, with the consent of Town Council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer.
- 10.4.3 The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by subsection 10.4.1 shall require the subdivider to transfer to the Town title in fee simple to:
- (a) all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services; and
 - (b) all plants and assets necessary to the operation of central water systems which are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services; and
 - (c) all proposed public streets which are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated drainage systems;
- and these titles and easements are to be conveyed free of encumbrances and at no cost to the Town.

PART 11 GENERAL REQUIREMENTS FOR APPLICATIONS

- 11.1** Any application for approval of a concept, tentative or final plan of subdivision shall be made to the development officer in the form specified in Schedule A of this Subdivision By-law.
- 11.2** The development officer shall comply with all notification and approval provisions of the Act.
- 11.3** Any agency which has been forwarded a copy of a concept, tentative or final plan pursuant to sections 12.2 (Concept Plan Procedure), 14.7 (Tentative Plan Procedure), or 15.7 (Final Plan Procedure) shall forward a written report of its assessments or recommendations to the development officer. A copy of any repeal shall be sent to the relevant agency.
- 11.4** Where the preliminary, tentative or final plan of subdivision is to be forwarded to the Department of the Environment and Labour, the following additional information, if required by the Department of the Environment and Labour, shall be part of, or included with, the plan:
- (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells; and
 - (b) the location of any watercourse, wetland, marine water body and other features that may influence the design of the on-site sewage disposal system, including any ditch, street and driveway or easement; and
 - (c) the surface slopes and directions; and
 - (d) the location of any test pit; and
 - (e) the proposed on-site sewage disposal system, selected or designed; and
 - (f) an explanation of the extent, volume and type of usage to which the system will be subjected; and
 - (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
 - (h) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.
- 11.5** Approval of a concept, tentative or final plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Town unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

11.6 Land Registration Office

The development officer shall forward to the Land Registration Office:

Final Plan

- (a) within seven (7) days of approving the plan, one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule B of this By-law; and
- (b) if applicable, the items required by section 15.12 (Approval of Consolidation or Additions) of this By-law.

Repeal

- (c) a notice of repeal in the form specified in Schedule D of this By-law.

11.7 The development officer shall forward an approved copy of the concept, tentative or final plan or notice of repeal to the subdivider.

11.8 Where the development officer refuses to approve a concept, tentative or final plan, or a repeal of subdivision, the development officer shall:

- (a) give notice of the refusal to all agencies which were forwarded a plan pursuant to sections 12.2 (Concept Plan Procedure), 14.7 (Tentative Plan Procedure), or 15.8 (Final Plan Procedure); and
- (b) inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the Act.

11.9 Fees

11.9.1 At the time of application for approval of a tentative plan of subdivision, the subdivider shall submit to the development officer:

- (a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan at the Land Registration Office; and
- (b) the processing fee set by Council.

11.9.2 Where the development officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the development officer shall return the fees referred to in clause 11.9.1(a) to the subdivider.

PART 12 CONCEPT PLANS - OPTIONAL

12.1 Concept Plan Requirements

A subdivider proposing to subdivide an area of land in phases which will contain new streets may submit to the development officer eight (8) copies of a concept plan of the entire area of land. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:

- (a) the words "Concept Plan" located in the title block; and
- (b) the name of the owner of the area of land being subdivided; and
- (c) the unique Parcel Identifier (PID) of all areas of land being subdivided; and
- (d) the names of all owners of all properties abutting the area of land being subdivided; and
- (e) the proposed internal street system with connections to existing public streets; and
- (f) the proposed location of public open space; and
- (g) the location of existing development, if any; and
- (h) the location of any municipal service boundary; and
- (i) the north point; and
- (j) contours at five metre (16.4 foot) intervals; and
- (k) any other information necessary to determine if the subdivision meets the Service Specifications and accepted engineering practice as determined by the Town Engineer.

12.2**Concept Plan Procedure**

The development officer shall forward the concept plan and any supplementary information to appropriate agencies in order to request evaluation of the concept plan in terms of:

- (a) the design's consideration of topography, natural features, and other site constraints and restrictions; and
- (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale; and
- (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable; and
- (d) public open space; and
- (e) any proposed community and commercial uses.

12.3**Stamps to Appear on Concept Plan**

The following information shall be stamped or written and completed by the development officer on any concept plan which is approved:

- (a) "This concept plan is approved."; and
- (b) the date of the approval of the concept plan; and
- (c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the Land Registration Office.".

PART 13 PRELIMINARY PLANS OF SUBDIVISION - OPTIONAL

Preliminary Plan Requirements

13.1 A subdivider proposing to subdivide an area of land may submit to the development officer four (4) copies of a preliminary plan of subdivision drawn to scale and showing:

- (a) the name of the owner of the area of land being subdivided; and
- (b) the names of all owners of all properties abutting the area of land being subdivided; and
- (c) the civic number of main buildings on the area of land being subdivided and the unique Parcel Identifier (PID) of all the areas of land being subdivided; and
- (d) the approximate location of railways and railway rights-of-way; and
- (e) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system; and
- (f) the shape, dimensions, and area of the lots being created; and
- (g) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter. There shall be no duplication of lot identifiers; and
- (h) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and
- (i) the location of existing buildings within 10 metres (32.8 feet) of a property line; and
- (j) the general location of watercourses and wetlands; and
- (k) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark; and
- (l) the north point; and
- (m) the scale to which the plan of subdivision is drawn; and
- (n) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

- 13.2** Where the preliminary plan of subdivision is to be forwarded to the Department of the Environment and Labour, the additional information listed in section 11.4 , if required by the Department of the Environment and Labour, shall be part of, or included with, the plan.

Preliminary Plan Procedure

13.3 The development officer shall forward a copy of the preliminary plan of subdivision to:

- (a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations.
Where the proposed lot
 - (i) is more than 9000 square metres (96,878.4 square feet) in area; and
 - (ii) has a width of 76 metres (249.3 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, the plan shall be circulated to the Department of Environment and Labour for confirmation that an on-site sewage disposal system is not needed; or
- (b) in areas served by a central sewer, the Town Engineer; and
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town which the development officer deems necessary.

13.4 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.

PART 14 TENTATIVE PLANS OF SUBDIVISION - OPTIONAL**Tentative Plan Requirements**

- 14.1** A subdivider proposing to subdivide an area of land may submit to the development officer eight (8) copies of the tentative plan of the proposed subdivision meeting the requirements of this section.
- 14.2** Tentative plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision; and
 - (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed; and
 - (c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.
- 14.3** Tentative plans of subdivision shall show the following :
- (a) the words "Plan of Subdivision" located in the title block; and
 - (b) the words "Tentative Plan" located above the title block; and
 - (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches); and
 - (d) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided; and
 - (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office; and
 - (f) the unique Parcel Identifier (PID) of all areas of land being subdivided; and
 - (g) the civic number and location of main buildings on the area of land being subdivided; and
 - (h) the names of all owners or the identifiers of all properties abutting the area of land being subdivided; and
 - (i) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system; and
 - (j) the width and location of railroads and railway rights-of-way; and

- (k) the shape, dimensions, and area of the proposed lots; and
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers; and
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary; and
- (o) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- (p) the general location of watercourses, wetlands, or prominent rock formations; and
- (q) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor; and
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (s) the location of any existing access from a proposed lot to a public street; and
- (t) the date on which the plan of subdivision was drawn and the date of any revisions; and
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land; and
- (v) the north point; and
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.

- 14.4** Where the tentative plan of subdivision is to be forwarded to the Department of the Environment and Labour the additional information listed in section 11.4, if required by the Department of the Environment and Labour, shall be part of, or included with, the tentative plan.
- 14.5** Where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations; and
 - (b) be accompanied by four copies of a plan showing:
 - (i) contours at 2 metre (6.6 foot) intervals, and drainage patterns; and
 - (ii) the width and location of proposed public streets and their intersection with existing public streets, and
 - (iii) the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.
- 14.6** Where new Town public streets, central water systems or central sewer systems are required, the development officer shall not approve a tentative plan of subdivision until the subdivider has submitted plans, drawings and specifications which satisfy the requirements of section 14.5 and the Service Specifications.

14.7 Tentative Plan Procedure

The development officer shall forward a copy of the tentative plan of subdivision to:

- (a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations.
Where the proposed lot
 - (i) is more than 9000 square metres (96,878.4 square feet) in area; and
 - (ii) has a width of 76 metres (249.3 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, the plan shall be circulated to the Department of Environment and Labour for confirmation that an on-site sewage disposal system is not needed; or
- (b) in areas served by a central sewer, the Town Engineer; and
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town which the development officer deems necessary.

14.8 Stamps to Appear on Tentative Plan

The following information shall be stamped or written and completed by the development officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage.

- (a) "This tentative plan of subdivision is approved for Lots _____.
Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan"; and
- (b) the date of the approval of the tentative plan; and
- (c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the Land Registration Office."

14.9

The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.

PART 15 FINAL PLANS OF SUBDIVISION**Final Plan Requirements**

- 15.1** A subdivider proposing to subdivide an area of land shall submit twelve(12) copies of the final plan of subdivision meeting the requirements of this section to the development officer for approval.
- 15.2** Final plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision; and
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed public street have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to section 5.4.2 (Boundary Alteration), of this By-law; and
 - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 15.3** Final plans of subdivision shall show the following:
- (a) the words "Plan of Subdivision" located in the title block; and
 - (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches); and
 - (c) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided; and
 - (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office; and
 - (e) the unique Parcel Identifier (PID) of all areas of land being subdivided; and
 - (f) the civic number and the location of main buildings on all the areas of land being subdivided; and
 - (g) the names of all owners or the identifiers of all properties abutting the area of land being subdivided; and
 - (h) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system; and

- (i) the width and location of railroads and railway rights-of-way; and
- (j) the location of any existing access from a proposed lot to a public street; and
- (k) the shape, dimensions, and area of the proposed lots; and
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers; and
- (m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines; and
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary; and
- (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary; and
- (p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (r) the general location of watercourses, wetlands, or prominent rock formations; and
- (s) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor; and
- (t) the date on which the plan of subdivision was drawn and the date of any revisions; and
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land; and
- (v) the north point; and
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

- 15.4** Where the final plan of subdivision is to be forwarded to the Department of the Environment and Labour the additional information listed in section 11.4, if required by the Department of the Environment and Labour, shall be part of, or included with, the final plan.
- 15.5** Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.
- 15.6** Where a new Town public street, central water system or a central sewer system is required, the development officer shall not approve a final plan of subdivision until the requirements of section 10.3 (Duty on Completion), or of section 10.4 (Construction Agreement and Bond) have been met.
- 15.7** **Public Open Space**
Where a transfer to the Town of money for public open space is required by section 9.1 the transfer shall take place prior to endorsement of the final plan.

15.8 Final Plan Procedure

The development officer shall forward a copy of the final plan of subdivision to:

- (a) in areas not served by a central sewer, the Department of the Environment and Labour to determine compliance with the On-site Sewage Disposal Systems Regulations.
Where the proposed lot
 - (i) is more than 9000 square metres (96,878.4 square feet) in area; and
 - (ii) has a width of 76 metres (249.3 feet) or more; and
 - (iii) the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system, the plan shall be circulated to the Department of Environment and Labour for confirmation that an on-site sewage disposal system is not needed; or
- (b) in areas served by a central sewer, the Town Engineer; and
- (c) to the Building Inspector, asking him to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary; and
- (d) the authority having jurisdiction for public streets shown on the plan; and
- (e) any other agency of the Province or the Town which the development officer deems necessary.

15.9 Public Open Space Contribution Required

No approval of a final plan of subdivision may be given unless the subdivider has conveyed to the Town land, or a combination of land or money or value in kind which satisfies the requirements of Part 9.

15.10 Sewer and Water Approvals Required

No approval of a final plan of subdivision may be given until the subdivider has obtained the required approvals from the Town Engineer of any central water system required by Part 7 (Water Supply) or a central sewer system required by section 8.1 (Sanitary Sewers).

15.11 Public Street Construction or Agreement Required

No approval of a final plan of subdivision may be given unless the subdivider either has laid out and constructed public streets and any other services required in accordance with the provisions of section 10.3 (Duty on Completion) or has entered into an agreement with the Town in accordance with section 10.4 (Construction Agreement and Bond).

15.12 Approval of Consolidation or Addition

No approval of a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships shall be given before the development officer has received:

- (a) the executed deeds suitable for registering to effect the addition or consolidation; and
- (b) the fees for registering the deeds; and
- (c) the affidavit of value, including particulars of any exemption, pursuant to Part V of the Act; and
- (d) the deed transfer tax applicable to the transaction, if any; and
- (e) forms sufficient to meet the requirement of the Land Registry Act.

15.13 Approval after Conveyance

A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:

- (a) identify such lots; and
- (b) state the names of the grantor and the grantee of such lots; and
- (c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

15.14 Stamps to Appear on Final Plan

The following information shall be stamped or written and completed by the development officer on any final plan of subdivision which is approved:

- (a) "This final plan of subdivision is approved for Lots _____";
- (b) where applicable,
 - (i) "[lot(s) approved and/or remainder] (is, are) suitable for the construction or installation of an on-site sewage disposal system for [proposed use] and any conditions which apply are contained in a report dated [date] and available from the Department of the Environment and Labour."; and
 - (ii) " **IMPORTANT NOTICE** [lot(s) approved and/or remainder] (has, have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of the Environment and Labour are met."; or
 - (iii) "[lot(s) approved and/or remainder] (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of the Environment and Labour is required".

- (iv) "lot(s)____ are serviced with central sanitary sewer.
- (c) where applicable,
 - (i) a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets;
 - (ii) where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted.

PART 16 REPEAL OF SUBDIVISION

- 16.1** Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.
- 16.2** Any person requesting a repeal shall submit an application in the form specified in Schedule C to the development officer.
- 16.3** At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer:
- (a) the fees contained in the Costs and Fees Act, and its regulations, for registering a repeal of a plan of subdivision; and
 - (b) the processing fee set by the Council.
- 16.4** The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.
- 16.5** Parts 5 to 15 inclusive of this By-law do not apply to the repeal of a plan of subdivision.
- 16.6** When the development officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency which provided an assessment or recommendations on the original plan of subdivision.
- 16.7** Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of the Town Building By-law, the Land Use By-law, or sewage disposal regulations unless the violation will be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.
- 16.8** **Approval Notification**
The development officer shall forward the repeal in the form specified in Schedule D to:
- (a) the Land Registration Office; and
 - (b) the subdivider, and
 - (c) any agency which provided an assessment or recommendations on the original plan of subdivision.

**NOTICE OF APPROVAL OF A PLAN OF SUBDIVISION
IN ACCORDANCE WITH SUBSECTIONS 285(3) AND 285(4)
OF THE *MUNICIPAL GOVERNMENT ACT***

Development Officer, Town of Lunenburg

[illegible]

1. The lots' eligibility for on-site sewage disposal systems.
2. The availability of central sewer and water systems.

Schedule C
APPLICATION FOR REPEAL OF SUBDIVISION

File No:	
Name Of Land Owner(s):	
Address Of Land Owner(s):	
Phone No.:	
Subdivision Name (if different from owner):	
Documents to be returned to:	
Correspondence to be directed to:	
Information Related to the Subdivision For Which Repeal is Requested	
Civic Address if any:	Parcel Identifier:
Name of applicant for subdivision approval:	
Location The subdivision was approved _____ and is filed in the (date) Registry of Deeds at Bridgewater in the County of Lunenburg as #	
Lot(s) # _____ was/were approved and repeal is sought for approval of Lot(s) # _____	
\$_____ Application Fee attached ☐ Yes ☐ No	\$_____ Registration Fee Attached ☐ Yes ☐ No
CERTIFICATION OF FACTS (Reasons For Repeal) (If more space required, attach additional sheet)	
OWNER'S CERTIFICATE I certify that the information in this application is true and complete, that I am applying for repeal of this subdivision with the full knowledge and consent of all persons with legal interest, including mortgagees, in the lands affected by the repeal and that these persons have co-signed this application.	
_____ Signature of owner/agent	_____ Date
_____ Co-Signer	_____ Date

Schedule D
NOTICE OF REPEAL OF A SUBDIVISION

Plan of Subdivision File #

Name of Owner(s):

Name of Subdivision:

Location:

Date of Approval of the Subdivision:

Filed in the Land Registration Office as Plan #

Dated

Entire Plan
or only Lot(s) #

Date:

This Subdivision is Repealed

Development Officer, Town of Lunenburg

Please note: Any lot or parcel created by this repeal may not be eligible for development.

MUNICIPAL PLANNING STRATEGY DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG MUNICIPAL PLANNING STRATEGY, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:

Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change

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Chapter 1 - Introduction

1.1 The Municipal Planning Strategy

This Municipal Planning Strategy (“MPS”) is the policy document that guides land use and development in the Town of Lunenburg. It provides the context and policy for a variety of land use and development topics, including housing, infrastructure, commercial and industrial uses, parks and open spaces, the environment, and more. The Municipal Planning Strategy is primarily implemented through two other documents, the Land Use By-law and the Subdivision By-law. The first establishes zoning and the other standards by which development is approved. The second establishes the process for subdividing land and the standards for infrastructure (streets, sewer, and water) constructed through the process of subdivision.

1.2 Lunenburg Context

Lunenburg, or E’s’e’katik, was first inhabited by the Mi’kmaq people, and oral and archeological evidence dates the traditional territory of Mi’kma’ki back more than 10,000 years. In the Lunenburg region First Nations people used the land for agriculture, fishing, and hunting; however, the nature of these practices left little physical evidence visible today.

The first European contact in Lunenburg was made by the Acadians in the 17th century, and these families established a logging and farming community. In 1753, settlers from southern and central Germany, Switzerland, and the Montbeliard region of France were recruited by the British and settled in the Lunenburg area. Lunenburg was established as a Town in 1888, signaling a period of colonial prosperity. The impacts of European settlement have often not been accurately recorded in the history of what are now predominately white communities, and the displacement and genocide (Article II Genocide Convention, United Nations) resulting from settlement across Mi’kma’ki and Turtle Island (or North America) is often omitted from the narrative.

As a structure for settlement, the British established what is now known as Old Town, built on its rectangular grid of 48 blocks with narrow lots. The town continued to expand and New Town was established west of Old Town by the late 19th century.

Throughout the history of Lunenburg, sea related activities have played an integral role in the town’s development. A thriving economy was established on the trade of fish and was supported by shipbuilding and the town’s docklands. This legacy carried forward into the 20th century where large fishing vessels were routinely launched, including the Bluenose, a celebrated fishing and racing schooner that can today be seen on the Canadian dime.



Like several other Nova Scotia coastal communities, Lunenburg prospered during times of war. Lunenburg provided ships and other materials during World War II. During the same time, Lunenburg hosted a group of the Royal Norwegian Navy, a legacy which still exists today at Camp Norway.

Today, Lunenburg is one of several population centres along Nova Scotia's South Shore, including the Towns of Bridgewater and Mahone Bay. These towns offer local and regional services to residents and visitors in the area. However, like many communities in Nova Scotia, the population of Lunenburg has decreased and aged over the past decade. The decline of traditional marine industries, including fishing, has been a major contributing factor to Lunenburg's population decline.

This has been offset to a degree by recent economic development success stories in industries such as aerospace and video game development. These have provided new employment opportunities, though many employees commute from surrounding areas. In addition, tourism has become a major contributor to Lunenburg's economy.

The architectural and planning history that Lunenburg was built on has contributed to the town's success as a tourist destination. A UNESCO World Heritage Site, Old Town Lunenburg draws thousands of visitors each year from Nova Scotia and outside of the province and is integral to the economic success of the town. Despite this success, the impacts of tourism have been on the thoughts and minds of residents for years. Increased demand on services for things like parking and road capacity create large amounts of congestion in the summer months and the increased use of short-term rentals have threatened the already limited housing supply.

Despite its decreasing and aging population, the town boasts a strong institutional and commercial base. The town is built on a rich academic and cultural history with the Lunenburg Academy, Lunenburg School for the Arts, and many more that provide unique educational experience for people of all ages. Arts and culture thrive in Lunenburg. There are many independently owned local businesses in Lunenburg, as well as national chain retailers, giving residents and visitors access to an array of goods and services throughout the year.

Within Lunenburg, the town is connected by an extensive road network that enables and facilitates the majority of local trips. Most trips by residents to their place of employment are made by private automobile, while only about a fifth of residents walk to their place of work. While extensive in some areas, sidewalks and active transportation systems are disjointed, contributing to the overall high use of private automobiles.

Regionally, Lunenburg is connected through Nova Scotia's highway system. Highways 103 and 3 connect Lunenburg to the surrounding region and beyond while local roads connect the town to smaller communities just outside of Lunenburg. As a harbour community, Lunenburg is also connected to the region through the use of private boats and vessels that are able to safely dock in the harbour.



1.3 Statements of Provincial Interest

Land use planning in Nova Scotia is enabled and required by the *Municipal Government Act*. The “Act” sets out the requirements for responsible municipal planning. Included within the Act are five “Statements of Provincial Interest”. These statements cover land use topics that are important to all Nova Scotians and to the sustainability of the province. Municipal planning documents must be consistent with the Statements of Provincial Interest. The following tables outlines the Statements and the ways in which this Municipal Planning Strategy is consistent with them.

	Statement 1: Drinking Water
	<i>Goal: To protect the quality of drinking water within municipal water supply watersheds.</i>
A clean source of drinking water is essential to the health of our communities. The Statement of Provincial Interest Regarding Drinking Water recognizes this, and requires municipal planning documents to address the protection of municipal water supplies. The Town of Lunenburg has one designated municipal water supply, at Dares Lake. However, the lake is located outside the Town’s boundaries, within the Municipality of the District of Lunenburg. The Town is therefore unable to implement direct land use planning protections for the water supply; rather, such protections will be maintained through the Dares Lake Protected Water Area designation made under the <i>Protected Water Areas Regulations</i> and partnership with the District.	
Applicable MPS Policies: N/A; CCP Section 4.1	



Statement 2: Flood Risk Areas

GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

The Statement of Provincial Interest Regarding Flood Risk Areas specifically applies to areas designated under the Canada-Nova Scotia Flood Damage Program, of which there are none in the Town of Lunenburg. However, Council recognizes the spirit of this Statement of Provincial Interest and has implemented flood risk areas in which development must be given careful consideration.

Applicable MPS Policies: 5-2 and 5-3



Statement 3: Agricultural Land

GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

The Statement of Provincial Interest Regarding Agricultural Land specifically applies to lands with soils identified in the Canada Land Inventory as Class 2, 3, or active Class 4. The Town of Lunenburg is within an area of Class 3 soils. Some of these soils are already developed, while others are used for light agricultural activities (pasture, hay fields). This Plan supports continued agricultural uses on these lands, but also recognizes that allowing such lands to be developed may support the Statements on Infrastructure and Housing, as well as reduce pressure on agricultural lands in unserved areas.

Applicable MPS Policies: 4-19 and 4-20



Statement 4: Infrastructure

GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.

Lunenburg is blessed with extensive networks of public infrastructure such as roads, sidewalks, sewer, and water. These assets help the community to flourish, but also come at a cost. This Plan and its implementing documents support efficient use of the Town's infrastructure by enabling a variety of development opportunities within areas of existing services, by establishing criteria for evaluating servicing extensions outside of town boundaries, and by establishing standards for new infrastructure.

Applicable MPS Policies: 3-3 through 3-14



Statement 5: Housing

GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.

Safe, clean, affordable housing is a basic human need. However, the form that housing takes varies depending on the specific living arrangements of individuals, families, and other groups of people who choose to live together. Meeting these needs and creating a thriving community requires a diversity of housing types with sufficient availability. This Plan supports housing opportunities to meet the needs of all Lunenburgers by enabling housing at a variety of scales throughout the town, and by supporting initiatives that can help promote housing affordability, such as enabling accessory dwellings and placing limits on short-term rentals.

Applicable MPS Policies: 4-1; 4-5 through 4-9; 4-15



Chapter 2 - Key Issues

2.1 Planning Process

Perhaps uniquely in Nova Scotia, this Municipal Planning Strategy was developed after the process of creating a Comprehensive Community Plan (“CCP”) for the Town. This process was known as “Project Lunenburg”. The CCP outlines strategic initiatives covering many aspects of life in Lunenburg and related municipal operations. It links land use and development with municipal investments in public space, relationship building, community programs, public infrastructure, and research. The CCP contains additional contextual information that may be of interest to anyone reading this Municipal Planning Strategy.

The CCP was created over the course of two years from late 2018 to September, 2020. As a “community” plan, the CCP was developed in close relationship with residents, business owners, and visitors in Lunenburg; over 400 individuals participated in developing the CCP. Engagement for the CCP included eight discussion papers and related public workshops, online surveys, an online mapping tool, stakeholder engagements, and three additional public workshops to review and shape the draft CCP.

This Municipal Planning Strategy is one implementing tool of the CCP. The project team developed a draft of the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law directly following from the strategic direction of the CCP. Once these drafts were completed, the project team returned to the community to review the documents and gain feedback on the specific proposed approaches to implementing planning in Lunenburg.

The draft engagement for the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law included an online public open house followed by two Public Information Meetings. Participants could ask questions and submit comments and suggestions for changes by email or phone following the meetings. The project team received many thoughtful comments and suggestions and as a result updated the draft documents between each meeting. Planning Advisory Committee recommended the drafts to Council at their June 2nd, 2021 meeting, at which point the documents entered the formal adoption process.



2.2 Key Issues

The background research and public engagement conducted as part of the CCP process identified a number of “Key Issues” in the community, many of which tie directly in to land and development planning. The policies of this Municipal Planning Strategy attempt, in particular, to address the following:

2.2.1 Housing

Like many communities on Nova Scotia’s South Shore, Lunenburg is facing a housing challenge. The average age of the population is increasing and average household sizes are decreasing. Between 2006 and 2016 Lunenburg’s median age increased from 50.5 to 56.1, and the average household size fell from 2.2 to 2.0 people per household. These trends create a need for different forms of housing, including smaller units and barrier-free options, which can be especially challenging in Lunenburg’s stock of historic housing.

Lunenburg also has a large service industry in the summer months, which creates an influx of staff who need to be housed. This occurs, of course, at the same time as peak demand for tourism accommodations; with the rise of short-term rental accommodations there has been additional pressure on housing availability as existing stock is converted to serve the tourism market.

In addition to these particular pressures, there is always a need to provide diverse housing options to accommodate different needs, lifestyles, and economic means. This includes enabling and encouraging a mix of home ownership and rental opportunities, different home sizes to accommodate everything from a single person to large families, and housing that is affordable.

2.2.2 A Working Waterfront

Lunenburg was founded and prospered on the strength of its waterfront industries, from boat-building to the fisheries. Today, many of these activities still continue and are important components of Lunenburg’s economy and of its charm as a place to live and to visit. However, many of these waterfront industries have operational needs that can be hard to accommodate if other types of development are allowed to intrude. This can include trucking access, storage and laydown space, and the ability to freely make noise or emit odours. It is, therefore, essential that Lunenburg’s waterfront be recognized as a “working waterfront” and that certain protections be given to enable these activities to continue.



2.2.3 Sustainable Infrastructure

Lunenburg is fortunate to have a range of infrastructure that supports development and quality of life in the community. These assets include sewer, water, roads, sidewalks, and even a municipal electric utility. Infrastructure is, however, also a liability that must be maintained and replaced as it ages. This is a significant cost burden to the Town. Existing infrastructure should be used to its fullest to make the most of this investment, and new infrastructure should be carefully considered to balance its sustainability against the potential benefits it can bring.

2.2.4 A Changing Climate

There is now overwhelming evidence that Earth's climate is changing as a result of greenhouse gas emissions caused by human activities. Now the questions are how fast and extreme the changes will be, and how a changing climate will affect different communities around the world. The science suggests that Lunenburg could experience a number of impacts, such as stronger rains and an increase in invasive species. Perhaps the most tangible impact is a rising sea and the potential for increased damage due to storm surge. Planning for the future must account for these expected changes, and also help the Town and its residents minimize their contributions to emissions.

2.2.5 Living Heritage

Lunenburg is steeped in heritage, from its exceptional building stock, to the physical layout of its streets, to the practices of its craftspeople and artisans. This heritage has been honoured by the designation of Old Town as a UNESCO World Heritage Site. Lunenburg is also a "living town" in which its heritage can be seen every day in the lives of its residents and business owners. Each successive generation builds on the stories and practices of those that came before, and continues the evolution of Lunenburg as a living entity. Planning for the future must be respectful and celebratory of the past, while reflecting the needs and dreams of today.



2.3 Planning Approach

Traditionally in Nova Scotia, standards for subdivision, land use, and building form have been tightly tied together through a single set of “zones” that contain standards for each of these aspects of planning. However, the history of Lunenburg has shown that these factors can independently define the character of the community.

For example, New Town and the northern area of Old Town are both predominantly residential in nature when it comes to use, but the size of lots and the form and placement of buildings results in very different neighbourhoods. Similarly, many of the buildings within Lunenburg have hosted a wide range of uses over their storied histories. What were once residences have become shops and hotels; what were once fishing sheds have become restaurants and galleries; and what was once a school has become a hub for the arts. This constant adaptability has been one of the keys to Lunenburg’s success over the years.

Addressing the Key Issues in Lunenburg must be based on the community’s strengths. This Municipal Planning Strategy and its associated Land Use By-law recognize the community’s historic adaptability and help support Lunenburg’s continued evolution by adopting a somewhat unique approach to planning in which lots, uses, and form are regulated separately from each other.



Chapter 3 - Community Development Patterns

3.1 Introduction

The character of Lunenburg fundamentally begins with land lots, and the streets and other public spaces between them. The history of the town is visible in the evolution from the rigid grid and small lots laid out in Old Town by British military engineers, to larger blocks and lots of New Town, to the winding streets of contemporary subdivisions. Each of these development patterns creates a different atmosphere or “feel” that clearly demarks the various areas of town. While buildings may come and go, the location of roads and the invisible lines between lots rarely change once established.

Patterns of community development are also influenced by choices about infrastructure. Sewer and water servicing enable smaller lots, while decisions about road standards and sidewalks affect our experiences of space as we move about the town.

This Chapter establishes the policies for these most fundamental tools in planning for the future of Lunenburg.

3.2 Lot Zones and Subdivision

3.2.1 Introduction

Subdivision is the formal process of creating new lot lines. It is often thought of as lot creation. Subdivision to create lots can occur on a small scale, such as subdividing a large lot in two to provide land to a family member, or on a large scale, such as the creation of a brand-new neighbourhood by a single developer. However, subdivision also includes the process of consolidating two or more lots into one, and the adjustment of boundaries between existing lots.

In Nova Scotia there are province-wide standards for creating unserviced lots. Beyond this, municipalities are free to establish more stringent standards, or to establish smaller standards for serviced lots.

3.2.2 Lot Zones

Lots can vary in area and in dimensions. Lot frontage (the length of the lot line along the road) is typically the key lot dimension that affects community character, as well as the amount of infrastructure required to service each lot. The Land Use By-law contains “lot zones” that establish the standards for lot area and frontage when creating new lots. In this way the character of the various areas of Lunenburg can be reinforced.



Policy 3-1: Council shall, through the Land Use By-law, establish Lot Zones, shown on the Lot Zoning Map of the Land Use By-law, to establish standards for the subdivision of new lots. The Lot Zones shall generally conform to the following scheme:

- (a) Lot Zone 1 is intended to replicate the fine-grained lot pattern of development in and around Old Town. Lot Zone 1 shall contain maximum lot area and maximum lot frontage requirements to prevent large-scale consolidations that would fundamentally change the character of these areas.
- (b) Lot Zone 2 is intended to reflect the larger lots that can be found in New Town.
- (c) Lot Zone 3 is intended to enable relatively small lots in areas of new development in order to enable density and efficient use of services.
- (d) Lot Zone 4 is intended to provide very flexible lot requirements to accommodate sites with atypical development needs.

3.2.3 Flag Lots

“Flag lots” are lots in which the main body of the lot (the “flag”) is located behind other lots and is connected to the road frontage by a very narrow “pole”. This lot arrangement can allow for more efficient use of land, but raises concerns about servicing and emergency access. Additionally, the character of Lunenburg is very much founded on a strong grid of lots, contrary to the development character of flag lots. For these reasons, Council has elected to prohibit the creation of new flag lots.

Policy 3-2: Council shall, through the Land Use By-law, prohibit the creation of new flag lots.

3.3 Infrastructure

3.3.1 Introduction

Lunenburg’s public infrastructure includes the sewer and water systems, sidewalks, roads, and electric system. When new lots are created they will typically require some or all of this infrastructure. In existing developed areas of town, it is often simply a matter of the new lots tying in the infrastructure that is already there. From the Town’s perspective, this is ideal since it makes good use of existing assets. In non-developed areas of town, subdivision must be accompanied by an extension of at least some of this infrastructure; even if a lot is to be serviced by on-site septic and a well, it will still require some form of road access and likely electrical service. The processes for developing this new infrastructure, and the standards to which infrastructure is developed, are contained within the Subdivision By-law.



3.3.2 Sewer

The Town's sewer system consists of almost 22 kilometres of sewer line. Sewage drains downhill into one of nine pumping stations located at the low points of the community, and from there is pumped to the wastewater treatment plant located on Starr Street, near Back Harbour. Finally, treated effluent travels back through Old Town and is released into Lunenburg Harbour.

The sewer system is essential to enabling sustainable growth in Lunenburg; however, the current system faces stresses from seawater infiltration and from excess treatment volumes caused by combined stormwater and wastewater pipes. The Comprehensive Community Plan contains a number of strategic actions related to upgrading the Town's sewer system, and this Municipal Planning Strategy and the Land Use By-law allocate growth opportunities to areas best supported by the current system.

Despite the challenges with the current sewer system, there is still capacity for growth in the near-term, and this growth will help support reinvestment in the system.

Policy 3-3: Council shall, through the Subdivision By-law, require all news lots with access to the central sanitary sewer system to connect to the system.

3.3.3 Central Water

The Town owns and operates a central water system with over 27 kilometres of pipe. The source water is Dares Lake, located in the Municipality of the District of Lunenburg. As a result, the Town does not have direct land use planning control over its source watershed. However, the Dares Lake Protected Water Area Regulations made under the *Environment Act* provide similar protections.

The Town's central water supply is a valuable asset, providing an abundant supply of clean, safe water. It also enables denser development because lots do not need to accommodate a well. However, the sustainable operation and upkeep of this community asset depends on utilizing the system to its fullest to spread costs among as many users as possible.

Policy 3-4: Council shall, through the Subdivision By-law, require all news lots with access to the central water supply system to connect to the system.

3.3.4 Service Extensions Outside of Town

The Town of Lunenburg is neighbours with the Municipality of the District of Lunenburg. Much of the land within the District adjacent to the Town boundary is undeveloped and, as of 2021, is not subject to land use controls (e.g. zoning) by the District. However, the Town has on occasion received requests from land owners to extend central services into the District to enable efficient development patterns that cannot be achieved with on-site services. While such extensions may occasionally be warranted, Council is hesitant to encourage "unplanned" development outside of the Town boundary and intends to develop a formal policy for servicing extensions. In the meantime, Council will consider such requests but only permit them when the benefits to the Town are clear.



Policy 3-5: Council shall, pending the adoption of a formal servicing extension policy, consider requests for sewer and water service extensions outside the Town boundary on a case-by-case basis. In evaluating such requests Council shall establish that there is a clear benefit to the Town if the extension is permitted. Such benefits may include, but are not limited to:

- (a) solving an environmental or health risk created by failure of existing on-site systems;
- (b) allowing the continuation of a development pattern for a development that is primarily within, and has clear transportation links to, the Town but which extends across the Town boundary into the District; or
- (c) enabling the establishment of a major employer which could not feasibly be located within the land base of the Town.

Policy 3-6: Council shall, when considering a request for service extensions outside the Town boundary, have regard for:

- (a) cost recovery to the Town for both capital and operational costs;
- (b) the effects on servicing capacity and serviceability of lands within the Town boundary; and
- (c) input from the Municipality of the District of Lunenburg.

3.3.5 On-site Services

Lunenburg is generally well-serviced by central sewer and water. Lots are required to connect to those services where they are available in order to make best use of those community investments. However, there are areas—particularly south of Lunenburg Harbour and also near the terminus of Green street—where central services are not yet available. In these cases, limited, rural-style development may be permitted on unserviced lots. Certain industrial users may also have operational processes or effluent streams that are better addressed by dedicated industrial treatment facilities.

Policy 3-7: Council shall, through the Land Use By-law, permit low-density residential uses; agricultural uses; recreational uses; and rural businesses, such as kennels, on unserviced lots in areas where central sewer and/or water are not available.

Policy 3-8: Council may, through the Land Use By-law, permit industrial uses to utilize private waste treatment facilities where the nature of the industrial use results in effluent streams that are inappropriate for the Town's central sewer system.

Policy 3-9: Provincial requirements for unserviced development shall take precedence over the minimum lot sizes established in the Land Use By-law.



3.3.6 Private Roads

Private roads, as the name suggests, are roads not owned by the Province or the Town. They are common in many areas of Nova Scotia as a means to access rural lands where municipalities do not want to be responsible for the cost of extensive roads, particularly cottage communities and forestry lands. However, private roads come with a number of challenges related to maintenance and emergency access. Council believes that in a small area such as Lunenburg the cost-savings benefit of allowing private roads is outweighed by the challenges they bring. As a result, Council has elected to prohibit the development of any new private roads.

Policy 3-10: Council shall, through the Subdivision By-law, prohibit the development of new private roads.

3.3.7 Public Streets and Sidewalks

Lunenburg's public streets strongly define the various areas of the community. The commercial areas of Old Town typically feature narrow streets with curbs and sidewalks, while the residential areas are still narrow but lack curbs or sidewalks. In New Town the streets are wider and typically do not have curbs or sidewalks. Both of these areas feature a strong grid pattern and well-connected streets. In contrast, Victoria Road is wide and winding, while the newer residential areas of town are more irregular and disconnected in their development pattern, with the occasional cul-de-sac.

The Town of Lunenburg owns all but three streets within the confines of the town boundaries; Highway 332 (bypassing the community to the north) is owned by the Province and two private roads currently exist. As the developed areas of town expand, new public streets will be required in order to provide access to these areas. This is an opportunity to create streets that reinforce the well-connected development pattern found in many areas of Lunenburg, while also supporting modern expectations for enabling barrier-free (accessible) travel throughout the community.

Policy 3-11: Council shall, through the Subdivision By-law, establish standards for new public streets that generally prioritize community character, connectivity, and access to land over the high-speed movement of traffic.

Policy 3-12: Council shall, through the Subdivision By-law, establish standards for the maximum distance between intersections and standards to discourage cul-de-sacs in order to promote connectivity throughout the community.

Policy 3-13: Council shall, through the Subdivision By-law, require planned subdivisions to preserve potential access points to abutting lands.

Policy 3-14: Council shall, through the Subdivision By-law, require sidewalks on all new streets.



3.4 Parks and Open Space

3.4.1 Introduction

Residents and visitors to Lunenburg have access to a good network of parks and open spaces. This includes the Lunenburg Academy grounds, the Victoria Road playground and tennis courts, the Townsend Block, a dog park, and more. The shoreline along Tannery Road is also a cherished open space for its clear and iconic view of Old Town. As the town grows there will be a need to acquire and develop additional parks and open space lands, while continuing to manage existing assets.

3.4.2 Public Open Space Dedication

The two main ways the Town can develop new public open space is to purchase lands, or to acquire lands through the subdivision process. The *Municipal Government Act* allows municipalities as part of the subdivision process to require a dedication of up to 10% land, cash, or combination of both for the purposes of parks and open space. Within Lunenburg there is a need for land for new parks in expanding areas of the community, and funds to reinvest in existing parks within the established areas of town. There is also a strong desire among the community to secure public access to the coast wherever possible. In light of these various needs, Council has elected to require a 10% dedication rather than default 5% dedication provided by the Act.

Policy 3-15: Council shall, through the Subdivision By-law, require subdividers of land with ocean frontage to transfer to the Town a public open space dedication of usable land which provides public access to the water and has an area of at least 10% of the area of new lots to be created.

Policy 3-16: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas with existing parks or parkland dedications to transfer to the Town a cash public open space dedication in the amount at least 10% of the assessed value of the lots to be created.

Policy 3-17: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas without existing parks or parkland dedications to transfer to the Town a public open space dedication of usable land with an area of at least 10% of the area of new lots to be created.

Policy 3-18: Council shall, through the Subdivision By-law, exempt from public open space dedication requirements subdivisions that create fewer than three vacant lots from an area of land, public road parcels, remainder lots, and certain classes of subdivision in which the primary intention of the subdivision is not for the purpose of land development.



Chapter 4 - Land Use

4.1 Introduction

The way we use land, and the buildings located on that land, is a core aspect of a community's identity. It also affects the opportunities for shelter, services, employment, and recreation available in the community.

Different uses have different needs and different impacts. For example, residential uses can be sensitive to noise and odours, while commercial uses often have a need to be located in areas with higher traffic, which provides access to a greater number of potential customers. Land use planning has, over the past century, typically focused on creating defined areas for the different types of uses to minimize any potential conflict among them.

However, there are also often synergies to be gained by locating different uses near to one another. Being within walking distance of a nearby grocery store can be a significant benefit to a residential use, while industrial uses can benefit from having a large source of employees in close proximity. Lunenburg has traditionally featured such mixing of uses, with homes in Old Town located a stone's throw from sail makers, fishing wharves, food establishments, and more.

This Chapter establishes the policies for how and where various uses will be permitted in Lunenburg.

4.2 Use Zones and Future Land Use Map

4.2.1 Introduction

An eclectic mix of uses is one of Lunenburg's defining qualities. However, there is still variation in the use of different areas of town. The lower portions of Old Town feature shops, restaurants, galleries, hotels, distilleries, public services, parks, churches, and more, all mixed with residences of various scales. New Town and the northern areas of Old Town are dominated by residential uses. The stretch of waterfront below Bluenose Drive has a heavy tourism component, while areas to the east and west are very much focused on industry and the fishery, and the waterfront on the south side of Lunenburg Harbour is primarily recreational. Victoria Road, running west out of town, includes an institutional and recreational hub around the arena and Bluenose Academy, and a mix of commercial uses. Industrial uses are also located south of Victoria Road at the top of Hall Street. Finally, much of the western areas of town feature agricultural uses and undeveloped land, though residential development is increasing in this area.



4.2.2 Use Zones

Different areas of Lunenburg are appropriate for different types of uses, depending on the other existing uses in the area, availability of services, proximity to transportation options, and natural features. The Land Use By-law contains “use zones” that establish the types of use that are permitted in various areas of Lunenburg.

Policy 4-1: Council shall, through the Land Use By-law, establish Use Zones, shown on the Use Zoning Map of the Land Use By-law, to establish the uses permitted in different areas of Lunenburg. The Use Zones shall generally conform to the following scheme:

- (a) The Lower Density Residential Use (RL) Zone is intended to prioritize low-density residential uses, such as dwellings with up to two units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; and neighbourhood amenities, such as parks and trails.
- (b) The Medium Density Residential Use (RM) Zone is intended to enable medium-density residential uses, such as dwellings with up to four units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; rooming houses; residential care facilities; and neighbourhood amenities, such as parks and trails.
- (c) The Higher Density Residential Use (RH) Zone is intended to encourage higher-density residential uses, such as multi-unit dwellings and nursing homes; daycare centres; and uses permitted in other residential zones.
- (d) The Commercial Mixed Use (CM) Zone is intended to enable a wide range of commercial and institutional uses, as well as larger residential uses located on the upper floors of buildings or to the rear of the lot. Auto-oriented commercial uses, with the exception of body shops, shall be permitted.
- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.
- (f) The Waterfront Use (W) Zone is intended to accommodate marine-related industrial uses; waterfront recreational uses, including marinas, boat rentals, and water access facilities; and tourism-related commercial and cultural uses.
- (g) The Industrial Use (M) Zone is intended to accommodate a wide range of industrial uses, including scrap yards and recycling depots; auto-oriented commercial uses; as well as restaurant uses and other amenities, such as parks and trails, that might serve employees of businesses in the Industrial Use Zone.



- (h) The Marine Industrial Use (MM) Zone is intended to protect and support the “working waterfront” by permitting a range of industrial uses, government and emergency services uses, craft food and beverage production, and waterfront recreational uses, while limiting other uses.
- (i) The Rural Use (RUR) Zone is intended to enable rural-type uses, such as agriculture and low-density residential uses (one to two units and accessory dwellings), until such time that services are available to support a more urban form of development.
- (j) The Institutional Use (INS) Zone is intended to set aside land specifically for institutional uses, such as hospitals, emergency services, religious institutions, and government uses.
- (k) The Parks and Recreation Use (PR) Zone is intended to set aside land specifically for parks and recreational uses, such as trails, playgrounds, recreation facilities, and urban agriculture. Take-out restaurants may also be permitted to serve users of these recreational spaces.

4.2.3 Future Land Use Map

The Use Zones of the Land Use By-law establish a very specific list of uses that are permitted within various areas of Lunenburg. However, it may be reasonable to consider a shift in the permitted uses over time as the community evolves. This may be done in a reactionary manner when land owners come to Council with proposals for new uses of their land, or may be done in a visionary manner by establishing areas where the community expects—or wants—acceptable uses to change over time.

The Future Land Use Map establishes “Land Use Designations”. These Designations establish areas where similar Use Zones would be considered through changes to the Use Zoning Map of the Land Use By-law. For example, established areas of residential neighbourhoods in Lunenburg are often placed in the Lower Density Residential Use Zone. The Residential Designation recognizes that these lands might reasonably—after careful thought through the Land Use By-law amendment process—be appropriate places for other residential zones. However, an industrial zone is likely to be inappropriate in these areas and would require the much more onerous process of amending this Plan before an amendment to the Use Zoning Map of the Land Use By-law could be considered.

The Designations also establish areas where a transition in use may be appropriate over time. For example, residential areas abutting commercial areas might transition over time as commercial demand increases, but pre-emptively applying a commercial zone would fail to recognize the existing character of that area. Applying the Main Street Land Use Designation, for example, on these areas allows for easier consideration of new zoning as they evolve.



Policy 4-2: Council shall establish, on the Future Land Use Map, a series of Land Use Designations to guide the evolution of Use Zone placement over time. The Designations and the Use Zones permitted for consideration in each Designation are as follows:

- (a) The Residential Land Use Designation permits:
 - i. Lower Density Residential Use (RL) Zone
 - ii. Medium Density Residential Use (RM) Zone
 - iii. Higher Density Residential Use (RH) Zone
 - iv. Rural Use (RUR) Zone
 - v. Institutional Use (INS) Zone
 - vi. Parks and Recreation Use (PR) Zone
- (b) The Main Street Land Use Designation permits:
 - i. Commercial Mixed Use (CM) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (c) Downtown Commercial Land Use Designation permits:
 - i. General Commercial Use (CG) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (d) Waterfront Designation permits:
 - i. Waterfront Use (W) Zone
 - ii. Marine Industrial Use (MM) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (e) Industrial Designation permits:
 - i. Industrial Use (M) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (f) Parks and Institutional Designation permits:
 - i. Institutional Use (INS) Zone
 - ii. Parks and Recreation Use (PR) Zone



Policy 4-3: Notwithstanding Policy 4-2, Council may initially establish Use Zone placements on the Use Zoning Map of the Land Use By-law in conflict with the Future Land Use Map in order to recognize existing uses of land; the Future Land Use Map will guide the preferred evolution of these lands in the future.

4.2.4 Amendments to the Use Zoning Map

From time-to-time it may be appropriate to amend the Use Zoning Map of the Land Use By-law to modify the uses permitted on a property. This is typically done at the request of a property owner who has a specific plan in mind for their land. Such an amendment is a public process and includes a Public Hearing.

Policy 4-4: Council shall consider proposals to amend the Use Zoning Map of the Land Use By-law. Council shall not approve such an amendment unless:

- (a) the proposed Use Zone is consistent with Policy 4-2 and Schedule 'A', the Future Land Use Map of this Plan; and
- (b) Council is satisfied the proposal meets the general criteria for Land Use By-law map amendments, outlined in Policy 6-19.

4.3 Use Policies

4.3.1 Residential Uses

Suitable housing is a fundamental need for all residents of Lunenburg. "Suitable" means housing that is of a size and function (e.g. barrier-free) that meets the needs of the resident(s), is well-maintained, and is affordable in relation to the residents' economic means. Residential uses also are, and will continue to be, one of the dominant uses of land within the town. The various residential neighbourhoods within Lunenburg vary in their scale and form, but they all contribute to meeting the needs of residents.

Lunenburg has a variety of types of existing housing, from single-detached units, to apartment housing above commercial uses in Old Town, to purpose-built condominium buildings. This existing housing diversity is a strength. However, as Lunenburg's population continues to change, housing needs will change too. Council, therefore, intends to provide for an even wider range of housing types to meet the needs of people at different life stages, households of various sizes and compositions, households with varying economic means, and the needs of the seasonal workers who are crucial to the town's tourism industry. Approaches to increasing housing diversity will include:

- Enabling "accessory dwellings", which are subordinate dwelling units located within other dwellings or within accessory buildings.
- "Pre-zoning" new lands for higher-density residential uses.



- Avoiding regulation of housing in any manner that is based on the nature of the relationship of occupants of a dwelling unit to one another; for example, treating the dwelling of a married couple the same as a dwelling providing staff housing to the staff of a restaurant.
- Enabling “grouped dwellings” within the town. These are multiple dwellings on one lot, and can be useful for bare-land condominiums, housing co-ops, or independent living options for seniors.
- Allowing supportive housing facilities, such as small-options homes and residential care facilities, as-of-right. These housing options provide important services for adults who benefit from living with the support of other adults and who may need specialized supports on either a part-time or full-time basis.

Policy 4-5: Council shall, through the placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of residential uses to locate in Lunenburg.

Policy 4-6: Council shall, through the Land Use By-law, enable grouped dwellings by permitting multiple main buildings, with controls on parking and site design, in the Old Town/New Town 2, New Town 1, and Main Street Form Zones.

Policy 4-7: Council shall, through the Land Use By-law, enable small options homes in all Use Zones that permit lower-density residential uses and residential care facilities in all Use Zones that permit more than two residential dwelling units.

Policy 4-8: Council shall, through the Land Use By-law, permit rooming houses, in which individual rooms are rented to unrelated parties on a long-term (30 days or greater) basis, in any Use Zone that permits more than two residential dwelling units.

Policy 4-9: Council shall, through the Land Use By-law, permit accessory dwellings in detached accessory buildings and within the main building, subject to controls on size and location to ensure they remain accessory to other residential uses on the property. An accessory dwelling shall not count towards the number of dwelling units permitted on a lot.

Policy 4-10: Council may consider proposals for Bed & Breakfast uses larger than six sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone by development agreement. Council shall not enter in to a development agreement for such proposals unless Council is satisfied the proposal meets the general criteria for evaluating development agreements, as set out in Policy 6-19.



4.3.2 Institutional Uses

Institutional land uses in Lunenburg exist in a variety of locations and land use contexts. The institutional focus of the town has long been the four-block central area reserved for public purposes at the time of settlement, bounded by Townsend, Cumberland, Cornwallis, and Hopson Streets. However, as the community and the needs of its institutions have grown, the areas accommodating institutional uses have changed.

A number of churches are situated in residential areas in Lunenburg but are not considered to be incompatible in any way; their location is regarded as a positive component of the town's historic character.

Most of the institutional uses in the Old Town are well established and the nearby residential neighbourhoods have adjusted well to their presence. Substantial expansion of these uses is limited in some cases by lack of available land and nearby residential uses. Other institutional uses, including the schools, cemeteries, and the Fisherman's Memorial Hospital are situated on larger parcels of land on the fringes of residential areas in Old Town and New Town and have considerable room for expansion should the need arise.

The distribution of institutional land uses throughout Lunenburg reinforces the fact that institutions serve an important function in community life and their continued maintenance and expansion will be encouraged.

Policy 4-11: Council shall, through the initial placement of the Institutional Use Zone, recognize existing institutional uses and enable the establishment of new institutional uses in areas where their potential impacts on surrounding uses are expected to be minimal. Existing institutional uses may initially be placed in a use zone other than the Institutional Use Zone in order to recognize and enable other uses that may already be present on the site or would be appropriate for the site.

4.3.3 Adaptive Reuse of Institutional Buildings and Sites

Institutional uses often create unique, landmark buildings that endure long after the institutional use itself has ceased. These buildings can sometimes be difficult to repurpose for other uses due to their very specific design, but when done well such repurposing can provide a long-term future for the building, and can also lead to some particularly special public or private spaces within the building. Council wishes to encourage investment in these buildings and will consider by development agreement proposals for their use not otherwise permitted in the applicable Use Zone.



Policy 4-12: Council may consider by development agreement proposals for adaptive reuse of former institutional buildings and sites, such as churches and schools, for uses not otherwise permitted in the applicable Use Zone. For greater clarity, the use may extend beyond the confines of the existing building provided any associated buildings or structures conform to the Form Zone and heritage requirements applicable to the site. Council shall not enter into such a development agreement unless Council is satisfied:

- (a) the proposal will lead to the preservation, enhancement, promotion, and (where needed) restoration of the building and in particular any character-defining elements;
- (b) the proposed use is appropriate for the site and compatible with surrounding uses, either by the fundamental nature of the use or by controls placed upon the use through the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.4 Commercial Uses

Much of the commercial activity in Lunenburg is clustered in the lower half of Old Town, but there is also a commercial node at the intersection of Dufferin and Falkland, and a growing commercial area along the extent of Victoria Road. These areas account for a diversity of commercial uses that vary greatly in scale, from small galleries to large grocery stores. There are also small nodes of commercial activity in other areas of town, such as the motel on Masons Beach Road.

Lunenburg features a strong tradition of home-based businesses, and indeed the efforts of home-based business operators in Lunenburg resulted in changes to the provincial Building Code to recognize these operations and lower barriers to their development. Council is supportive of home-based businesses, and intends to allow them widely, with a few minor controls to ensure they remain compatible with surrounding residential uses.

An important commercial topic in recent years has been tourist accommodations. Lunenburg features many B&Bs, small inns, hotels, and motels. With the rise of online rental platforms, Lunenburg has also seen an increase in the use of residential dwellings for accommodation purposes. These “short-term rentals” provide popular accommodation options and can help homeowners with the affordability of their property, but they also raise concerns about loss of housing stock and conflicts from a high level of occupant turnover in otherwise stable neighbourhoods. From a land use planning perspective, there are limited tools available to effectively regulate various aspects of short-term rentals (e.g. duration in a year, ownership). As a result, Council intends to permit them on a limited scale using the land use planning tools available, and explore options for other regulatory tools to control the other aspects of this use.



Policy 4-13: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of commercial uses to locate in Lunenburg, with consideration for the potential impacts of commercial operations on surrounding uses.

Policy 4-14: Council shall, through the Land Use By-law, permit home-based businesses in any Use Zone that permits dwellings, and shall include limits on the size, number of non-resident employees, and types of commercial uses that will be permitted for home-based businesses.

Policy 4-15: Council shall, through the Land Use By-law, permit short-term rentals in all Use Zones that permit dwellings, but shall limit them to one per lot and shall not permit them within accessory dwellings or accessory buildings.

4.3.5 Industrial Uses

Industrial activity in Lunenburg occurs primarily on the Front Harbour waterfront with most of this activity related to the shipping and fishing industries. Attempts at attracting new industry into the town are frustrated by the lack of land suited for industrial uses. The waterfront offers very limited additional industrial development potential; however, continued industrial use of the waterfront will be accommodated and encouraged.

A large site located between Starr Street and the railway tracks has been in the past designated as an industrial site; however, high site preparation costs resulting from poor subsoil conditions has discouraged development of this area. Much of the land here is now owned by the Town, with a portion utilized for the Town's sewage treatment plant. As identified in the Comprehensive Community Plan, the remaining lands may be appropriate for a "sustainable energy district", such as large-scale solar generation, the installation of which is relatively flexible and able to be done on difficult soil conditions.

Other sites suited to industrial uses are limited due to the existing land use pattern and topography. A site southwest of Bluenose Academy is currently utilized for aerospace manufacturing, with additional lands available for expansion or additional industrial use. However, a limiting factor for large scale expansion in this area is inadequate water pressure for fire protection above 20 metres (65 ft.) in elevation. The initial placement of the Industrial Use Zone in this area recognizes these limitations; however, the larger area is identified for industrial use on the Future Land Use Map of this Plan to allow for easy conversion to industrial lands as water services improve.

Policy 4-16: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, support existing industrial operations in Lunenburg and establish lands for new operations where they can be adequately serviced and where impacts on neighbouring uses are expected to be acceptable.



4.3.6 Heavy Industry

Heavy industrial uses include those that deal with extremely hazardous materials or have the potential to be obnoxious due to factors such as fumes or noise. Given the small land area within Lunenburg it would be quite challenging to locate them within the town without unacceptably impacting surrounding uses. However, there may be rare cases in which such a use is both desirable to locate within the town boundaries and in which the risk of impacts could be adequately minimized through careful design and operational procedures. Council is open to considering such cases, but will only accept them if a strong need and benefit can be identified, and the risks of impacts minimized.

Policy 4-17: Council shall consider by development agreement proposals to establish heavy industrial uses in the Industrial Use Zone and the Marine Industrial Use Zone. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed use and a clear benefit to the Town and residents of Lunenburg in having the use locate within town boundaries;
- (b) potential impacts related to the use including, but not limited to, noise, smell, truck traffic, light, and risk of fire or other accident can be adequately addressed in the provisions of the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.7 Other Uses

Lunenburg's residences, businesses, and institutions are supported by a number of other land uses. Particularly important are parks, conservation lands, trails, and other recreation options, and Council wishes to encourage these uses to locate and expand throughout all of town.

Although Lunenburg is very much an urban community with a distinct urban settlement pattern and urban uses, there are areas that are rural in character within the Town boundary. Although some of this rural land is unused, there are also active agricultural uses, such as pasture land and hay fields and some scattered residential development. Many of these activities are located on agricultural soils classified as "Class III", which are generally considered good soils and are identified as valuable soils within the Provincial Statement of Interest on Agricultural Lands. Council recognizes the existence of these Class III soils and the existing rural uses upon them, and intends to continue to accommodate these agricultural activities as long as they desire to continue operating. However, when balanced against the Statements of Provincial Interest on Infrastructure and Housing, Council believes that it is appropriate—and indeed desired—to enable the development of these Class III lands in the future. Such development would enable additional housing options and make efficient use of existing services, while reducing pressure on other agricultural lands that are not within the limited area of town boundaries.



In addition to the existing traditional agriculture, there is a growing interest (or perhaps re-discovery) in Lunenburg around so-called “urban agriculture”, the practice of implementing agricultural activities on a smaller scale in urban settings. This might include community vegetable gardens, or even the keeping of bees or chickens on a very limited scale. Council intends to enable these activities, but with reasonable limitations to minimize conflicts with other urban uses.

Finally, there is growing interest in renewable energy on a local scale, such as solar panels and wind turbines on homes or even as small commercial operations. Council is generally supportive of these efforts to improve the sustainability of the community and will enable the development of such structures; however, with the limited land area in Lunenburg and the resulting inability to provide large separation distances from other uses, Council does not believe large wind turbines to be an appropriate use of land in the town and will not permit them.

Policy 4-18: Council shall, through the Use Zones of the Land Use By-law, widely permit parks, trails, conservation uses, and public recreation opportunities.

Policy 4-19: Council shall, through the Land Use By-law, continue to enable agricultural practices and similar rural activities through the application of the Rural Use Zone in the more rural areas of Lunenburg until such time as services become available to enable the efficient development of these lands.

Policy 4-20: Council shall, through the Land Use By-law, enable urban agricultural uses, including the small-scale keeping of chickens and bees, with limits to control their impact on neighbouring uses.

Policy 4-21: Council shall, through the Land Use By-law, permit solar energy systems as an accessory use in all Use Zones, and as a main use in the Industrial Use Zone and Rural Use Zone.

Policy 4-22: Council shall, through the Land Use By-law, permit domestic-scale wind turbines as an accessory use.

4.4 Non-conforming Uses

4.4.1 Introduction

The current structure of municipal land use planning is a relatively new tool in relation to the age of Lunenburg as a community. Municipal land use planning also changes over time, with planning rules updated, deleted, or added as the needs of the community evolve. This means that there are uses within Lunenburg that were established long before municipal land use planning, or were established under older rules but would not be permitted under today’s planning rules. These uses are known as “non-conforming”, and the *Municipal Government Act* provides some protections for these uses in recognition of the investment that owners have made.



4.4.2 Recommencement of Non-conforming Uses

The *Municipal Government Act* allows non-conforming uses to continue, and also allows them to recommence if they are discontinued for a period of less than six months. This supports existing investments in land uses, but enables a transition to compliance with contemporary planning rules when a non-conforming use is no longer operated. Council is generally supportive of this approach, but feels that six months is not necessarily enough of a grace period. As a result, Council intends to extend the allowance period for the recommencement of non-conforming uses.

Policy 4-23: Council shall, through the Land Use By-law, allow for the recommencement of non-conforming uses up to 12 months after they are discontinued.

4.4.3 Extension or Change of Non-conforming Use

Generally, the intention of making a use non-conforming is to see it transition over time to meet contemporary expectations for the site. However, Council recognizes there may be occasional situations in which it is actually desirable to allow a non-conforming use to expand or to convert to another use that would similarly be non-conforming but result in an overall improvement to the area. Council does not take such expansions or changes lightly and, as a result, will only consider them by development agreement.

Policy 4-24: Council shall consider proposals to expand a non-conforming use or to change a non-conforming use to another non-conforming use by development agreement, subject to Policy 4-25 and the development agreement policies of Section 6.4.

Policy 4-25: Council shall not enter into development agreement to expand a non-conforming use or to change a non-conforming use to another non-conforming use unless Council is satisfied:

- (a) the proposal is not prohibited under any other policies of this Plan;
- (b) the proposal improves, or at least does not worsen, the effects of the non-conforming use on the surrounding area, including, but not limited to, effects related to traffic, noise, odours, dust, and light trespass; and
- (c) the proposal meets the general evaluation criteria for development agreements in Policy 6-19.



4.5 Parking

4.5.1 Introduction

The development of new land uses necessitates travel between those uses. While Lunenburg's well-connected blocks and dense development patterns make walking easier than many other Nova Scotian communities, a large proportion of trips are still taken by automobile or bicycle, which ultimately creates a need for parking.

4.5.2 Automobile Parking Requirements

Most land use planning documents in Nova Scotia implement "minimum parking space requirements" for development. The intention is to avoid having uses—particularly commercial uses—offload the cost and burden of providing parking onto the surrounding neighbourhood.

However, much of Lunenburg was designed and built prior to the invention of the automobile. The result is that the older areas of town were not built with the automobile in mind, and many properties do not have on-site parking. Rather, automobiles typically park on the street or in central parking lots. While parking demand can be high in the summer tourism months, accommodating on-site parking in the older areas of Lunenburg would necessitate the demolition of buildings, which is clearly contrary to good community development. Instead, the Comprehensive Community Plan recognizes that the public provision of parking is a desirable alternative to destroying the building fabric of these areas, and contains recommendations related to improving street parking and off-site parking lots.

Outside of Old Town and New Town, parking demand is typically related to residential, institutional, and industrial uses. These are uses that benefit from being able to establish their own parking requirements; institutional and industrial parking requirements vary widely based on the specific nature of the use and are difficult to accurately capture in regulation, while residential developers have a strong incentive to provide adequate parking to meet the needs of their target market.

The one primary area outside of Old Town and New Town where parking demand is driven by commercial establishments is Victoria Road. However, lots in this area are quite large and Council has no concerns about business owners having to make a trade-off between increasing the commercial floor area and implementing adequate parking to meet their needs; in other words, there is little need to force commercial owners in this area to provide adequate parking to avoid spillover effects in the immediate neighbourhood.

For this variety of reasons, Council has elected to not establish minimum automobile parking requirements in the Land Use By-law.



4.5.3 Bicycle Parking Requirements

Contrasted to automobile parking, bicycle parking requires little space, but is often seen by property owners as an afterthought or unnecessary luxury. However, bicycle use is growing in Nova Scotia and specifically in Lunenburg for both leisure and utilitarian purposes. Bicycle tourism is also an emerging opportunity, with provincial initiatives such as the Blue Route bicycle network building an essential foundation of infrastructure and awareness. While bicycles can often be parked in a wide range of environments, *ad hoc* solutions to parking suggest to cyclists that they are not valued, and can also lead to bicycles locked to street trees (damaging them) or in areas that block safe pedestrian movement. Additionally, with a rise in electric bicycles and expensive touring bicycles (some of which can cost more than a used car) there is a need for safe, secure bicycle parking options. Council, therefore, has elected to implement basic requirements for bicycle parking.

Policy 4-26: Council shall, through the Land Use By-law, implement minimum requirements for bicycle parking space numbers and quality.



Chapter 5 - Community Form & Heritage

5.1 Form Zones

5.1.1 Form Zones

Lunenburg is strongly defined by the various form of its buildings, with its evolution over time evident in the scale and positioning of buildings in different areas of town. The Land Use By-law contains “form zones” that recognize existing community form and help to guide new development in a manner that matches the surrounding context, as well as establish standards for form in the expansion areas of town.

Policy 5-1: Council shall, through the Land Use Bylaw, establish Form Zones, shown on the Form Zoning Map, to establish standards for building form, building placement, site design, and signage. The Form Zones shall generally conform to the following scheme:

- (a) The Old Town 1 Form Zone is intended to protect the integrity of the core commercial district within the lower blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (b) The Old Town 2 Form Zone is intended to safeguard the tightknit residential development pattern within the upper blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (c) The Old Town/New Town 1 Form Zone is intended to maintain the residential development pattern of the parts of Lunenburg that were subdivided from the Common in 1862 & 1878 and enable new subdivisions to emulate said development pattern.
- (d) Old Town/New Town 2 Form Zone is intended to maintain the development character of neighbourhoods developed between 1950 and 1980 and enable new subdivisions to emulate said development pattern.
- (e) The New Town 1 Form Zone is intended to enable medium density residential development in multi-story building forms.
- (f) The Main Street Form Zone is intended to create a main street character with a multi-storey street wall and with an active ground floor close to the sidewalk.
- (g) The Marine Form Zone is intended to maintain the distinct character of a working waterfront with its fishing, shipbuilding, and interpretive tourism operations.
- (h) The Community Form Zone is intended to provide spatial conditions that acknowledge the heightened importance of institutions in the community.



- (i) The Industry Form Zone is intended to enable building forms for industry to flourish while minimizing undue impact on surrounding neighbourhoods.
- (j) The Rural Form Zone is intended to enable building forms conducive to agricultural enterprise.
- (k) The Shoreline Form Zone is intended to enable small scale structures associated with fishing and boating, primarily in the Back Harbour.

5.2 Coastal Development

5.2.1 Introduction

Lunenburg's history and future are intimately tied to the coast. The town was settled and built up from the water's edge, and has long been dependent on shipbuilding and the fishery. In recent decades tourism—often tied to the coast—has also become prominent. It is now known that climate change, combined with coastal subsidence, is causing sea levels in Nova Scotia to rise. Current modeling suggests that sea levels in Lunenburg could be 0.83 metres higher than they are now by the year 2100. When combined with storm surge, these rising water levels present a very real risk to coastal development. We must, therefore be mindful of these risks when planning for the future.

5.2.2 Flood Risk Areas

High-resolution elevation mapping, when combined with the sea level rise projection above and a storm surge equivalent to Hurricane Juan, shows the areas of Lunenburg vulnerable to coastal flooding. This includes much of the Back Harbour waterfront north of the trail, the northern shore of Lunenburg Harbour below Bluenose Drive, and the western shore of Lunenburg Harbour up to Tannery Road. If nothing changes in terms of infrastructure between now and 2100, a particularly bad storm could even cause flooding up into the low-lying areas between Victoria Road and Green Street.

In some communities, avoiding these coastal flood risks would simply be a matter of prohibiting all new development within areas of potential flooding. However, Lunenburg very much depends on access to the water for industry, tourism, and as part of the community's heritage. A more nuanced approach is therefore warranted.

Policy 5-2: Council shall, through the Land Use By-law, establish a Flood Risk Area Map identifying areas of Lunenburg at an elevation lower than 3.2 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), which are areas modelling shows are at risk from coastal flooding due to sea level rise and storm surge to the year 2100.



Policy 5-3: Developers of new development within areas identified on the Flood Risk Area Map shall be required to acknowledge the risks of coastal flooding to development and to reduce the potential impacts of coastal flooding on the development by:

- (a) locating habitable areas above the 3.2 metre (GCVD2013) elevation;
- (b) providing safe containment for potential water pollutants (oils, etc.) in the case of a flood; and
- (c) locating vulnerable infrastructure (such as electrical and mechanical systems) above the 3.2 metre (CGVD2013) elevation.

5.3 Heritage and Architectural Control

5.3.1 Introduction

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first adopted under the *Heritage Property Act*, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.



In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council.

In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.



5.3.2 Heritage Conservation District and Architectural Control Areas

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property By-law.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use By-law. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference is 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.

Policy 5-4: Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

5.4 Non-conforming Structures

5.4.1 Introduction

Like non-conforming uses (see Section 4.4) there are many buildings and other structures that were built in Lunenburg prior to contemporary planning requirements, or were built under previous planning rules that are no longer in effect. This results in “non-conforming structures” when they do not meet current planning regulations, such as minimum setbacks, and the *Municipal Government Act* provides some protection and flexibility for these structures.



5.4.2 Expansion and Reconstruction of Non-conforming Structures

The *Municipal Government Act* provisions allow for expansion of residential structures provided they do not further increase the non-conformity. For example, the owner of an existing house that violates the current regulations regarding minimum front setbacks may still add an addition to the rear of the house since this would not change how the building interfaces with the minimum front setback. However, no such flexibility is provided in the Act for non-residential structures.

The Act also permits non-conforming residential structures to be reconstructed if they are destroyed by fire or otherwise. For non-residential structures this permission to rebuild is only provided if less than 75 percent of the market value of the structure is destroyed.

In light of the number of commercial and industrial buildings in Lunenburg that predate contemporary planning, Council wishes to extend similar flexibilities to non-residential structures as enjoyed by residential structures.

Policy 5-5: Council shall, through the Land Use By-law, permit the expansion of non-conforming structures provided the expansion does not further increase the non-conformity.

Policy 5-6: Council shall, through the Land Use Bylaw, permit a non-conforming structure to be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage.

5.5 Signage

Signage plays an important role in Lunenburg. It helps people find the places they want to go, and helps businesses attract customers. However, signage that is too large or too abundant can overwhelm the visual quality of the community, or even present a hazard. It is, therefore, important to have reasonable regulations on the size, number, and placement of signs in Lunenburg.

Policy 5-7: Council shall, through the Land Use By-law, establish regulations for the size, number, and placement of signs in keeping with the intended character of each Form Zone.

Policy 5-8: Council shall, through the Land Use By-law, establish classes of signs that are permitted, classes of signs that are prohibited, and classes of signs that are exempt from the signage regulations.



Chapter 6 - Implementation & Review

6.1 Administration

6.1.1 Context

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 Lunenburg. This Plan and its associated By-laws are enabled by, and are consistent with, Parts 8 and 9 of the *Municipal Government Act*.

6.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Town will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the beginning of the document.
- 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 instead 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.



6.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, "POLICY #-#". All contents 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: Official Council Policies are denoted in this Plan by the text, "POLICY #-#", with the number signs replaced by the appropriate policy number.

6.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 6-2: In this Plan, the word "shall" takes the imperative, and indicates a duty to act. The word "may" takes the permissive, and indicates permission to act.

6.1.5 Effective Date

Policy 6-3: This Municipal Planning Strategy and implementing Land Use By-law shall come into effect on the date that a notice is published in a newspaper, circulating in the Municipality, informing the public that the planning documents are in effect.

6.2 Regional Cooperation

6.2.1 Consultation with Adjacent Municipality

This Municipal Planning Strategy and its associated By-laws apply only to lands within the Town of Lunenburg. However, activities that occur within the Town have the potential to affect lands within the Municipality of the District of Lunenburg. This may be direct, such as the generation of traffic or trespass of noise or odours across borders. It may also be indirect, such as through effects on the market for various types of development in neighbouring areas.

Council believes that it is important to consider the input of the Municipality of the District of Lunenburg when considering amendments to this Municipal Planning Strategy.

Policy 6-4: Council shall consult with the Municipality of the District of Lunenburg when:

- (a) adopting a new Municipal Planning Strategy to replace this one; and
- (b) when considering amendments to this Municipal Planning Strategy that would affect lands within 500 metres of the Town boundary.



6.3 Land Use By-law and Subdivision By-law

6.3.1 Adoption

The land use and development policies in this Municipal Planning Strategy are implemented through a Land Use By-law. This by-law uses a series of zones to establish lot standards, the permitted uses of land, and the form of buildings. In doing this, the Land Use By-law reflects the policies of this Municipal Planning Strategy. Council approves the Land Use By-law at the same time this Plan is approved.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

The Land Use By-law and Subdivision By-law are administered by a Development Officer appointed by the Town of Lunenburg. The Development Officer is responsible for issuing development permits in accordance with the Land Use By-law and for issuing subdivision approval in accordance with the Subdivision By-law.

Policy 6-5: Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

Policy 6-6: Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these by-laws.

Policy 6-7: The Subdivision By-law shall:

- (a) apply to the whole of the Municipality;
- (b) ensure that any subdivision, with the exception of lots created using a variance or the provisions of Section 279 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- (c) establish locations and standards for the development of public streets; water, sewer, and stormwater services; and other publicly owned infrastructure;
- (d) contain provisions for dedicating land or an equivalent value for parkland, playgrounds, and similar public purposes;
- (e) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
- (f) contain any other provisions needed to fulfill the intent of this Plan.



6.3.2 Variances

Section 235 of the *Municipal Government Act* gives the Development Officer the power to grant “variances” from the requirements of the Land Use By-law. The Act sets out the circumstances when such variances may be granted, the Land Use By-law provisions for which variances may be granted, and the process for granting such variances. The Act provides by default the ability to vary lot coverage, setbacks, lot frontage, and lot area. Additional variance categories may be enabled in a Municipal Planning Strategy. Council recognizes that occasionally challenging and unique development scenarios will arise as a result of Lunenburg’s long history, and intends to provide for a wider range of variances as a tool to enable solutions to these challenges.

Policy 6-8: Council shall, in accordance with Section 235 of the *Municipal Government Act*, permit the Development Officer to vary:

- (a) location and number of parking spaces required;
- (b) ground area of a structure;
- (c) height of a structure;
- (d) floor area occupied by a home-based business; and/or
- (e) height and area of a sign.

6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

Policy 6-9: Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.



Policy 6-10: Council shall consider amendments to the Use Zoning Map of the Land Use By-law when the proposed map amendment is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or
- (c) notwithstanding the Use Zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed Use Zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be abutting the designation on the other side of the right-of-way.

Policy 6-11: Council shall not amend the Use Zoning Map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal is consistent with the description of the Use Zone in Policy 4-1 and any specific policies, if any, directing where it is appropriate to place the proposed Use Zone; and
- (b) the proposed Use Zone and the uses it permits meet the general criteria for amending the Land Use By-law, set out in Policy 6-19.



6.3.4 Amending the Lot Zoning Map of the Land Use By-law

In general, the initial placement of Lot Zones is intended to be a very deliberate choice as a means to shape the future character of Lunenburg. As such, amendments to the Lot Zoning Map are generally not to be considered without an amendment to this Plan. However, minor rounding out of Lot Zone boundaries may occasionally be appropriate and the establishment or closure of unique (e.g. industrial, institutional, open space) uses may require an amendment to implement or remove Lot Zone 4 from the Lot Zoning Map.

Policy 6-12: Council shall not amend the Lot Zoning Map of the Land Use By-law without an amendment to this Plan, except in the following situations:

- (a) Minor adjustments between abutting Lot Zones to better reflect the transition from one lot development pattern to the other.
- (b) Amendments to change the Lot Zone on a property to Lot Zone 4 when a proposed non-residential, non-commercial use requires this lot zone for efficient operations.
- (c) Amendments to change the Lot Zone on a property away from Lot Zone 4 to an abutting Lot Zone when the use that required Lot Zone 4 has ceased and the property is proposed to be redeveloped for other purposes.

6.3.5 Amending the Form Zone Map of the Land Use By-law

The initial placement of the Form Zones on the Form Zoning Map was conducted with much thought and as a reflection of the desired community structure identified in the Comprehensive Community Plan. Any wholesale changes to this structure should only be considered through a review of the Comprehensive Community Plan and, by extension, this Municipal Planning Strategy. However, it may be reasonable at times to consider minor adjustments to the Form Zoning Map as the community evolves or if a significant change in use dictates the need for a different—but compatible—form for buildings and the site.

Policy 6-13: Council may consider amendments to the Form Zoning Map of the Land Use By-law. Council shall not adopt such amendments unless Council is satisfied:

- (a) the proposal is consistent with the description of the Form Zones in Policy 5-1;
- (b) there is a clear need for the amendment to accommodate a proposed use for the land that is both acceptable for the location and that could not be accommodated within the confines of the existing Form Zone;
- (c) the proposed Form Zone enables a form for the site that is compatible with (though not necessarily identical to) the surrounding form; and
- (d) the proposal meets the general evaluation criteria for amending the Land Use By-law, set out in Policy 6-19.



6.4 Development Agreements

6.4.1 Context

A development agreement is a written legal agreement between the Town and a property owner. It “runs with the land”; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies.

The development agreement is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be permitted by the standards established in the applicable zone. This can allow a proposal to better fit the specific constraints or opportunities provided by a site.

A development agreement allows or limits the development to the use or types of uses actually proposed and outlined in the agreement. This allows Council to have a finer-grained level of control over the proposed development, and to implement specific measures to mitigate potential impacts. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement, which would be evaluated against the policies in this Plan.

In accordance with the *Municipal Government Act*, the types of development that may be considered by a development agreement must be clearly identified in the Plan.

6.4.2 Adopting and Amending Development Agreements

Policy 6-14: Council shall consider entering into a development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement:

- (a) shall specify the development, expansion, alteration, or change permitted;
- (b) shall specify the conditions under which the development may occur; and
- (c) may set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-15: Council shall not enter into 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 6-19.



Policy 6-16: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-19. Such conditions may include, but are not limited to, controls regarding:

- (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 within the boundaries of the lot to existing or planned pedestrian, bicycle, and vehicular networks abutting the lot;
- (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

There are a number of development agreements in the Town of Lunenburg that were adopted prior to this Plan. These agreements are legal contracts that continue to remain in force subject to the terms outlined in the agreement. However, the policies under which these agreements were considered are often no longer in force, so evaluating any proposed amendments to these agreements can be challenging.

Council may conduct a comprehensive review of existing development agreements to determine if they can be discharged or possibly brought into alignment with this Plan. Pending this review, amendments to existing development agreements will be governed by the following policies:

Policy 6-17: Council shall consider non-substantive amendments to development agreements adopted prior to [adoption date], 2021 subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 6-19 of this Plan.

Policy 6-18: Council shall only consider substantive amendments to development agreements adopted prior to [adoption date], 2021 if the proposal is specifically enabled by, and is consistent with, a policy of this Plan.



6.5 General Evaluation Criteria

6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public 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 facilities;
 - vii. impacts on UNESCO World Heritage Site statements of outstanding value;
 - viii. 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;
 - ix. site-specific climate change risks;
 - x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
 - xi. impacts on known habitat for species at risk;
 - xii. impacts on the navigability and environment of Lunenburg Harbour;
 - xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
 - xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.



6.6 Monitoring and Updating this Plan

6.6.1 Plan Reviews

Good plans are not set in stone. While every effort has been made to be thorough in the preparation of this Municipal Planning Strategy, things can change. The assumptions under which this plan was made, the technologies and land use issues of the day, and the values of community members will all change over time. This Plan must be monitored and periodically reviewed and updated to remain effective.

Policy 6-20: Council shall initiate a brief housekeeping review of this Municipal Planning Strategy within two years of its adoption. The intent of this review is solely to identify errors and omissions.

Policy 6-21: Council shall initiate a review of this Municipal Planning Strategy following the five-year review of the Comprehensive Community Plan. The intent of this review is to align the Municipal Planning Strategy with any new priorities and actions arising from the Comprehensive Community Plan review.

6.6.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

Policy 6-22: Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.



Schedules

Schedule 'A' – Future Land Use Map



MAP

Future Land Use

SCHEDULE

A

LAST UPDATED

6/1/2021

NORTH

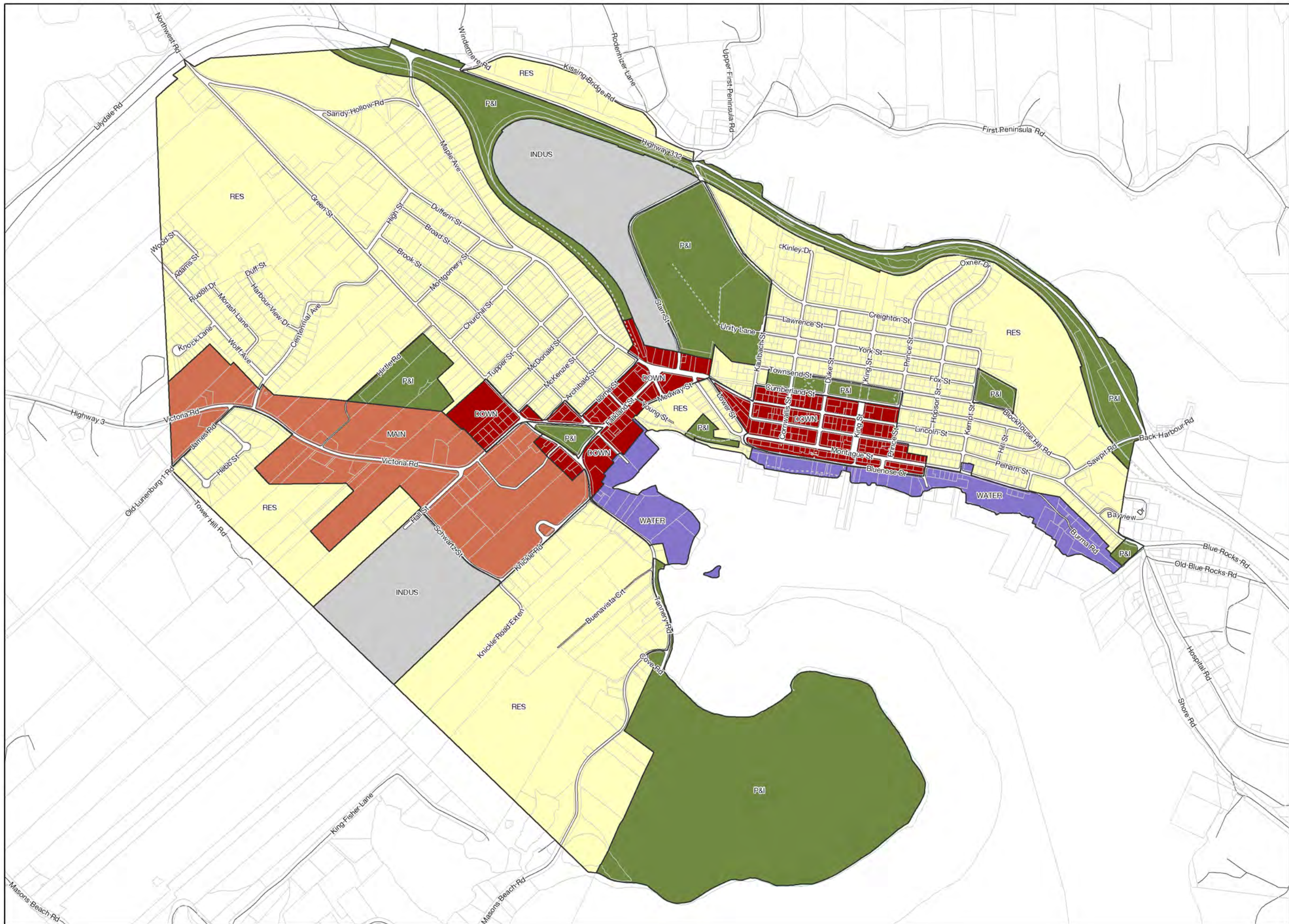


SCALE

1:10,000

LEGEND

RES	Residential
MAIN	Main Street
DOWN	Downtown Commercial
WATER	Waterfront
INDUS	Industrial
P&I	Parks and Institutional



LAND USE BY-LAW DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG LAND USE BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change



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1 Title, Purpose, & Authority

1.1. Title

- 1.1.1. This By-law is the Town of Lunenburg Land Use By-law, and may be cited as the “Land Use By-law” or “LUB”.
- 1.1.2. This Land Use By-law may also be cited as “By-law” when used in a self-referential manner within the text.

1.2. Purpose

- 1.2.1. The purpose of this By-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land, buildings, and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.

1.3. Authority

- 1.3.1. This By-law is passed under the authority of the *Municipal Government Act*.



2 Interpretation

2.1. Certain Words

2.1.1. In this By-law:

- (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.

2.1.2. Words not otherwise defined in this By-law shall have the meaning assigned to them in the *Municipal Government Act*.

2.2. Conflict

2.2.1. In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall take priority.

2.2.2. Colour coding throughout this By-law and the Zoning Maps is for ease of reference only and the text of the By-law shall take priority.

2.2.3. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

2.2.4. In the case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

2.3. Definitions

2.3.1. For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Part 8 - Definitions. Where a word is not defined in Part 8 the word shall have the meaning or meanings assigned by accepted English dictionaries.



2.4. Units of Measurement

- 2.4.1. This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

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 boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;
 - (b) where a zone boundary is indicated as following a street, private road, or controlled access highway the centerline 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 centerline 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 salt water body, the mean high water mark shall be the boundary and the zone boundary shall follow any changes in mean high water mark; and
 - (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

2.6. Severability

- 2.6.1. If any provision of this By-law 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 By-law.



3 Administration

3.1. Administration of By-law

- 3.1.1. Council shall appoint one or more Development Officer(s) for the Town.
- 3.1.2. The Development Officer shall be responsible for the administration of this By-law.

3.2. Inspection

- 3.2.1. The Development Officer or designate 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 By-law.

3.3. Enforcement & Penalty

- 3.3.1. In the event of any violation of the provisions of this By-law, the Town may act in accordance with the *Municipal Government Act*.

3.4. Compliance with Other Legislation

- 3.4.1. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.4.2. Where the provisions in this By-law conflict with those of any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

3.5. Restoration to a Safe Condition

- 3.5.1. Nothing in this By-law shall prevent the restoration of any building or structure to a safe condition, as determined by the Town's Building Official.

3.6. Effective Date

- 3.6.1. Upon adoption by the Council of the Town of Lunenburg and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Town, informing the public that the Land Use By-law is in effect.



3.7. Existing Structures and Uses

- 3.7.1. A structure or use of land shall be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the required permits.

3.8. Repeal of By-law

- 3.8.1. The Town of Lunenburg Land-Use By-Law adopted by Council for the Town of Lunenburg on August 29, 2012, as amended, is hereby repealed.



4 Permitting & Application Process

4.1. Development Permit Required

- 4.1.1. Unless otherwise stated in this By-law, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.

4.2. Developments Not Requiring a Permit

- 4.2.1. Subject to Section 4.3, the following developments shall not require a Development Permit:
- (a) Interior renovations or alterations to a structure that do not result in a change in the number of dwelling units or a change in use of the structure.
 - (b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure, except within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.
 - (c) Signs smaller than 0.2 square metres (2.2 square feet) in sign area, where signs are permitted.
 - (d) Temporary uses meeting the requirements of Section 6.8.
 - (e) Public and private utilities located within the street right-of-way.
 - (f) Temporary cloches, crop hoops, or other such temporary crop structures.
 - (g) Farm, fish, and forest sales meeting the requirements of Section 6.9.
 - (h) The making of a domestic garden.
 - (i) Personal offices or studios meeting the requirements of Subsection 6.10.1.
 - (j) The teaching of one student at a time, meeting the requirements of Subsection 6.10.3.
 - (k) Signs permitted in all Form Zones, as listed in Subsection 7.8.5.
 - (l) Minor structures such as retaining walls, children's play structures, hot tubs, cold frames, garden trellises, clothesline poles, dog houses, propane cylinders, and heat pumps.
 - (m) Vending activities as outlined in Schedule 'G', Vending.



- 4.2.2. For greater clarity, a building permit and/or Certificate of Appropriateness may still be required for developments that are exempt from requiring a development permit. Applicants are responsible for inquiring with the Town prior to undertaking any development.

4.3. No Exemption from Requirements

- 4.3.1. Every development shall be subject to the requirements of this By-law whether or not a Development Permit is required.

4.4. Development Permit in Conformance with By-law or Development Agreement

- 4.4.1. The Development Officer shall only issue a development permit in conformance with this By-law or a registered development agreement, 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.

4.5. Certificate of Appropriateness

- 4.5.1. The Development Officer shall not issue a development permit if the applicant has not yet obtained a Certificate of Appropriateness if required by the *Heritage Conservation District Bylaw*.

4.6. Development Permit Duration, Revocation, and Renewal

- 4.6.1. A development permit shall expire within the following time periods from the date issued if the development has not commenced:
 - (a) Two years for industrial uses.
 - (b) One year for all other uses.
- 4.6.2. The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.



4.7. Application Requirements

- 4.7.1. Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the applicant;
 - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
 - (c) a statement of the proposed use of the land;
 - (d) a site plan, as detailed in Subsection 4.7.2; and
 - (e) any other information required by this Land Use By-law.

Plan Requirements

- 4.7.2. Every application for a development permit shall be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
 - (b) the proposed location, height and dimensions of the building, structure, or work for which the permit is applied;
 - (c) the location of rights-of-way and easements within the subject property;
 - (d) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
 - (e) the location of all watercourses on the property; and
 - (f) other such information as requested by the Development Officer to determine whether or not the development conforms to the requirements of this By-law.

Additional Plan Information

- 4.7.3. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations in force, they may require that the plan submitted under Subsection 4.7.2 shows:
- (a) the location of every building or structure already erected on or partly erected on such lot;
 - (b) the location of every building erected upon any abutting lot;
 - (c) existing and proposed services; and/or
 - (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.



Additional Studies and Plans

- 4.7.4. Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site 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.

4.8. Variances

- 4.8.1. Notwithstanding anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the *Municipal Government Act*. Specifically, the Development Officer may vary:
- (a) percentage of land that may be built upon;
 - (b) size or other requirements relating to yards;
 - (c) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the By-law, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
 - (d) location and number of parking spaces and loading spaces required;
 - (e) ground area of a structure;
 - (f) height of a structure;
 - (g) floor area occupied by a home-based business; and/or
 - (h) height and area of a sign.



- 4.8.2. In accordance with Section 235 of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
- (a) variance violates the intent of the Land Use By-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.
- 4.8.3. Where the Development Officer has granted a variance in the requirements of this By-law, notification of the variance shall be served upon assessed property owners of all properties that lie within 30 metres (100 feet) of the property subject to the variance.
- 4.8.4. 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.
- 4.8.5. A sign in a form established by the Town and containing the above information shall also be posted by the applicant on the property subject to the variance.
- 4.8.6. Variance requests shall be accompanied by fee paid to the Development Officer, at the time of application, in an amount established by Council sufficient to pay the costs associated with giving notice of variances as required by the Act.



5 Lot & Subdivision Standards

5.1. Lot Zones

- 5.1.1. The subdivision of land and the creation of new streets within the Town of Lunenburg is governed by lot zones, the boundaries of which are shown on Schedule 'B', the Lot Zoning Map. Such zones may be referenced by the appropriate symbols:

Lot Zone Name	Lot Zone Symbol
Lot Zone 1	LZ1
Lot Zone 2	LZ2
Lot Zone 3	LZ3
Lot Zone 4	LZ4

5.2. Lot Standards

- 5.2.1. The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 1: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ² (1,185 ft ²)	370 m ² (3,983 ft ²)	330 m ² (3,553 ft ²)	37 m ² (399 ft ²)
Maximum Lot Area	465 m ² (5,005 ft ²)	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	40 m (131 ft)	-	-	-

- 5.2.1. Notwithstanding Subsection 5.2.1, the Nova Scotia Department of Environment and Climate Change may require larger minimum lot sizes for unserviced lots.

Existing Undersized Lots

- 5.2.2. Notwithstanding the minimum lot area and minimum lot frontage requirements of Table 1, any undersized lot legally in existence may be increased in area and/or frontage as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the maximum lot area or maximum lot frontage requirements of Table 1.



Existing Oversized Lots

- 5.2.3. Notwithstanding the maximum lot area and lot frontage requirements of Table 1, a legally existing oversized lot may be reduced in lot area and/or lot frontage requirements as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the minimum lot area or minimum lot frontage requirements of Table 1.

Subdivision By-law Exceptions

- 5.2.4. Notwithstanding the requirements of Section 5.2, lots may be subdivided using the provisions of Sections 5.3, 5.4, 5.5, and 5.6 of the Subdivision By-law and a development permit may be issued for development on these lots in compliance with all other requirements of this Land Use By-law.

Subdivision for Dwelling Party Walls

- 5.2.5. Notwithstanding the minimum lot frontage and area requirements of Subsection 5.2.1 a lot may be subdivided to place attached, side-by-side dwelling units on their own lot, with a lot line running along the party wall, provided:
- (a) the lot frontage is at least 6 metres (20 feet) for each dwelling unit and the total combined area of the lots complies with the minimum and maximum lot frontage requirements of Subsection 5.2.1;
 - (b) the total combined number of dwelling units in the dwelling does not exceed the maximum number of dwelling units on a lot outlined in Section 6.2, or six (6) dwelling units, whichever is less; and
 - (c) the total combined area of the lots complies with the minimum and maximum lot area requirements of Subsection 5.2.1.

5.3. Flag Lots

- 5.3.1. Flag lots shall not be permitted.



6 Land Uses & Required Bicycle Parking

6.1. Use Zones

- 6.1.1. The uses permitted on land within the Town of Lunenburg are governed by land use zones, the boundaries of which are shown on Schedule 'C', the Use Zoning Map. Such zones may be referenced by the appropriate symbols:

Use Zone Name	Use Zone Symbol
Lower Density Residential Use Zone	RL
Medium Density Residential Use Zone	RM
Higher Density Residential Use Zone	RH
Commercial Mixed Use Zone	CM
General Commercial Use Zone	CG
Waterfront Use Zone	W
Industrial Use Zone	M
Marine Industrial Use Zone	MM
Rural Use Zone	RUR
Institutional Use Zone	INS
Parks and Recreation Use Zone	PR

6.2. Tables of Permitted Uses

- 6.2.1. The following tables outline the permitted uses in each use zone, subject to the following scheme:
- (a) Uses denoted with a "P" are permitted subject to all requirements of this By-law, and to any sections noted in the "Special Req's" column.
 - (b) Dwelling uses denoted with a numeral are permitted up to the number of dwelling units identified by the numeral and subject to all requirements of this By-law. Dwelling uses with a 'P' are not limited in the number of permitted dwelling units. Accessory dwellings shall not be counted for the purposes of determining the number of dwelling units.
 - (c) Uses denoted with a "DA" are permitted by development agreement, subject to the Municipal Planning Strategy Policies noted in the "Special Req's" column.
 - (d) Uses denoted with a "-" or not listed in the table are not permitted.



Residential Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.1 to 6.4.4
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.5 to 6.4.7
Dwelling	2	4	P	P	P	-	-	-	P	-	-	subs. 6.4.8
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-	
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-	
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-	
Small Options Home	P	P	P	-	P	-	-	-	P	-	-	

Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P	
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-	
Emergency Services	-	-	-	P	-	-	P	P	-	P	-	
Government Uses	-	-	-	P	P	P	P	P	-	P	P	
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P	
Hospitals	-	-	-	-	-	-	-	-	-	P	-	
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-	
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-	
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-	
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-	



Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accommodations	-	-	-	P	P	-	-	-	-	-	-	
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-	
Animal Care	-	-	-	P	P	-	-	-	P	-	-	
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-	
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-	
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-	
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-	
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-	
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-	
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P	
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-	
Craft Food and Beverage Production	-	-	-	P	P	P	P	P	P	-	-	
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-	
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-	
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-	
Home-based Business	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.9
Kennel	-	-	-	-	-	-	P	-	P	-	-	
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-	
Marinas	-	-	-	-	-	P	-	P	-	-	-	
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P	
Offices	-	-	-	P	P	P	P	P	-	P	-	
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-	
Private Clubs	-	-	-	P	P	-	-	-	-	P	-	
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-	
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P	
Retail Stores	-	-	-	P	P	P	P	P	-	-	-	subs. 6.4.10
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-	
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-	
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.11 and 6.4.12
Wholesale	-	-	-	-	-	-	P	P	-	-	-	
Workshops	-	-	-	P	P	P	P	P	-	P	-	



Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-	
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-	MPS Policy 4-17
Light Industrial	-	-	-	P	P	P	P	P	-	-	-	
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-	
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-	
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-	
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-	
Warehousing	-	-	-	-	-	-	P	P	-	-	-	

Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-	
Cemeteries	-	-	-	-	-	-	-	-	P	P	P	
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-	
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-	
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-	
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	
Public Recreation	-	-	-	P	-	P	-	-	P	P	P	
Public Transportation	-	-	-	P	P	-	P	-	-	P	-	
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-	
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P	subs. 6.4.13 to 6.4.15
Water Access	P	P	P	P	P	P	P	P	P	P	P	



6.3. Existing Uses

- 6.3.1. The existing uses listed in Schedule 'A', Existing Uses are considered permitted.

6.4. Special Use Requirements

Accessory Dwellings

- 6.4.1. Accessory dwellings may be permitted within the main building or within a detached accessory building, but the total number of accessory dwellings shall be limited to one per lot.
- 6.4.2. The building footprint of a detached accessory dwelling shall not exceed 60 square metres or 40% of the building footprint of the main dwelling, whichever is larger.
- 6.4.3. Detached accessory dwellings shall not be located in the front yard.
- 6.4.4. Detached accessory dwellings shall meet form zone requirements for accessory buildings.

Bed and Breakfasts

- 6.4.5. Bed and breakfast uses shall not serve food to non-guests unless a restaurant is a permitted use in the applicable use zone.
- 6.4.6. Bed and breakfast uses shall be limited in size to six (6) sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone.
- 6.4.7. Notwithstanding Subsection 6.4.6, larger bed and breakfast uses may be permitted by development agreement subject to Municipal Planning Strategy Policy 4-10.

Dwellings

- 6.4.8. Within the Commercial Mixed Use Zone, dwelling units shall be prohibited on the ground floor within 15 metres (50 feet) of the front lot line. For greater clarity, uses accessory to dwellings, such as residential lobbies and amenity space, may be permitted on the ground floor.



Home-based Businesses

6.4.9. Home-based business shall meet the following requirements:

- (a) The dwelling must be the place of primary residence of the owner of the business.
- (b) The business shall not employ on-site at one time more than two (2) persons whose primary residence is not the dwelling on the lot.
- (c) The business must be located in the dwelling or in an accessory building.
- (d) The following uses shall be permitted as a home-based business:
 - i. Business offices or professional offices
 - ii. Craft workshops and craft shops
 - iii. Personal service shops
 - iv. Tailoring and/or commercial sewing
 - v. Studios for the practice or instruction of fine arts, commercial arts or crafts
 - vi. Repair shops, excluding vehicle or small engine repair shops
 - vii. Day care centres
 - viii. Taxicab operations
 - ix. On-site preparation of food for off-site (catering)
- (e) More than one of the uses permitted in clause (d) may be located on the site at one time, but multiple uses shall be considered as one home-based business for the purposes of compliance with this subsection.
- (f) Retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business.
- (g) The business shall not occupy an area equivalent to no more than 25% the gross floor area of the dwelling or 47 square metres (505 square feet), whichever is less.
- (h) No more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located.



Retail Stores

6.4.10. Within the Industrial Use Zone and Marine Industrial Use Zone, retail stores shall:

- (a) be related to another use on the lot; and
- (b) not exceed 25 percent of the gross floor area on the lot.

Short-term Rentals

6.4.11. Only one short-term rental shall be permitted on a lot.

6.4.12. Short-term rentals shall not be permitted in accessory dwellings or accessory buildings.

Urban Agriculture

6.4.13. The keeping of chickens as an urban agriculture use shall be subject to the following requirements:

- (a) Roosters shall be prohibited.
- (b) The number of hens permitted shall be:
 - i. five (5) or fewer on lots 1,000 square metres (10,764 square feet) in area or smaller; and
 - ii. ten (10) or fewer on lots larger than 1,000 square metres (10,764 square feet).
- (c) The chickens shall be kept within an enclosure and not permitted to run at large.
- (d) Coops shall meet form zone requirements for accessory buildings.

6.4.14. The keeping of bees as an urban agriculture use shall be subject to the following requirements:

- (a) All hives shall be located at least 3.0 metres (10 feet) from any lot line, unless they are located on a rooftop at a height of 3.0 metres (10 feet) or higher.
- (b) All hives and colonies shall be registered with the Nova Scotia Department of Agriculture.

6.4.15. Community gardens shall include a clearly-defined area for solid waste and compost.



6.5. Adaptive Re-use

- 6.5.1. Adaptive re-use of former institutional buildings and properties for a use not otherwise permitted in the applicable use zone may be permitted by development agreement, subject to Municipal Planning Strategy Policy 4-12.

6.6. Non-conforming Uses

- 6.6.1. A non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.
- 6.6.2. A non-conforming use may be expanded or converted to another non-conforming use by development agreement as provided for by Municipal Planning Strategy Policy 4-24.

6.7. Accessory Uses

- 6.7.1. Uses accessory to a main use shall be permitted in all use zones.

Electric Vehicle Charging – Accessory

- 6.7.2. Nothing in this By-law shall prevent the installation of an electric vehicle charging station where the station is for the exclusive domestic use of a dwelling.
- 6.7.3. Charging stations for electric vehicles that are not for the exclusive use of a dwelling shall be permitted as an accessory use in all use zones except the Lower Density Residential Use Zone.
- 6.7.4. Electric vehicle charging stations operated on a commercial basis shall be permitted, or not, as indicated in each use zone's permitted uses table.

Solar Collector Systems – Accessory

- 6.7.5. On-building solar collector systems shall be permitted as an accessory use in all use zones.
- 6.7.6. On-building solar collector systems shall be exempt from building height requirements.
- 6.7.7. Off-building solar collector systems may be permitted as an accessory use to a maximum panel area of 4 square metres (43 square feet) and subject to the form requirements for accessory buildings.



Wind Turbines – Accessory

- 6.7.8. Wind turbines shall be permitted as an accessory use in all use zones.
- 6.7.9. Notwithstanding form zone requirements, wind turbines shall not exceed a height of 9 metres (29 feet) or a nameplate generation capacity of 10 kW.

Residential Storage Buildings

- 6.7.10. Storage buildings associated with a residential use, including but not limited to garages and boathouses, may be permitted as the main use on a lot subject to the following requirements:
 - (a) In the General Commercial Use Zone the storage building must be within 30 metres (98 feet) of a lot with a dwelling on it held in the same ownership.
 - (b) In all other use zones the storage building must be on a lot abutting a lot with a dwelling on it held in the same ownership.
 - (c) The applicable form zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.
 - (d) Notwithstanding form zone requirements, the storage building shall:
 - i. not exceed 37 square metres (398 square feet) in building footprint; and
 - ii. not exceed 8 metres (26 feet) in height.

6.8. Temporary Uses

Temporary Uses Incidental to Constructions

- 6.8.1. This By-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.
- 6.8.2. A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued or is not required by this By-law for the development being constructed.
- 6.8.3. Any land uses or temporary buildings or structures incidental to construction must be terminated or removed:
 - (a) after the completion of the development being constructed; or
 - (b) if construction has not completed within two (2) years of commencement, Council may, by resolution, order the termination or removal of the temporary land use or buildings or structures.



Temporary Uses for Special Occasions and Holidays

- 6.8.4. This By-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.5. A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.6. Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within two (2) days after the end of the special occasion or holiday.

6.9. Farm, Fish, and Forest Sales from a Stand or Parked Motor Vehicle

- 6.9.1. Outdoor sales from a stand or parked motor vehicle of fresh flowers, fruit, and vegetables; products from the sea; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products is allowed in the Mixed Use Zone, General Commercial Use Zone, Waterfront Use Zone, and Rural Use Zone without the requirement for a development permit, subject to the *Vending By-law*.
- 6.9.2. Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 6.9.3. Outdoor sales from a stand or parked motor vehicle shall not be located within the street right-of-way.

6.10. Home Occupations

Personal Office or Studio

- 6.10.1. Nothing in this By-law shall prevent the use of a portion of any dwelling or building accessory to a dwelling as personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.
- 6.10.2. No development permit is required for a personal office or studio.

Instruction of One Student at a Time

- 6.10.3. Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.
- 6.10.4. No development permit is required for the instruction of one student at a time.



6.11. Obnoxious Uses

- 6.11.1. Obnoxious uses shall not be permitted except heavy industrial uses where the Use Zone permits the heavy industrial use by development agreement and subject to any terms in the development agreement to manage or control the obnoxious effects of the use.

6.12. Vending

- 6.12.1. Vending shall comply with the *Vending By-law* and with Schedule 'G', Vending, of this Land Use By-law.
- 6.12.2. Where the *Vending By-law* references a section of this Land Use By-law that reference shall be considered as a reference to the section with the same name within Schedule 'G', Vending, of this Land Use By-law.

6.13. Minimum Bicycle Parking Requirements by Use

- 6.13.1. No development permit shall be issued for any development unless bicycle parking is provided and maintained in conformity with Table 3 and the standards of this Section.

Table 3: Minimum Bicycle Parking Requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² (2,153 ft ²) GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

- 6.13.2. If a lot contains more than one main use the minimum bicycle parking requirements of Table 3 for each use shall be summed to determine the total number of required spaces.
- 6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings within the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, of this By-law.



Bicycle Parking Space Dimensions

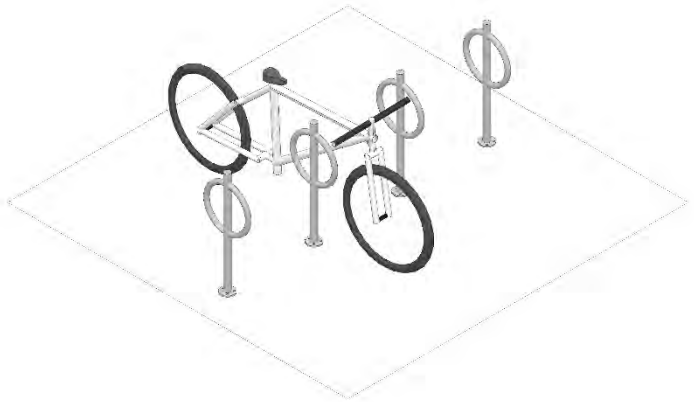
- 6.13.4. Bicycle parking spaces provided for the purposes of fulfilling the requirements of Subsection 6.13.1 shall:
- (a) have a minimum width of 0.6 metres (2 feet) and a minimum length of 2 metres (6.6 feet);
 - (b) be free of obstructions to a height of 2 metres (6.6 feet);
 - (c) not obstruct vehicular or pedestrian circulation;
 - (d) be accessed by an access lane with a minimum unobstructed width of 1.2 metres (4 feet); and
 - (e) 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; and
 - iii. is made of metal.
- 6.13.5. For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.

Bicycle Parking Location

- 6.13.6. Bicycle parking spaces provided for the purposes of Subsection 6.13.1 shall:
- (a) be accessible to the public; and
 - (b) be located between the main building and the front lot line unless, in the opinion of the Development Officer, this location is impossible due to an existing main building being located on or near to the front lot line.
- 6.13.7. The requirements of Subsection 6.13.6 shall not apply to bicycle parking spaces for dwellings.



Inverted "U" and Post-and-Ring bicycle Racks





7 Form

7.1. Form Zones

- 7.1.1. The forms of buildings within the Town of Lunenburg are governed by form zones, the boundaries of which are shown on Schedule 'D', the Form Zoning Map. The zones may be referenced by their corresponding symbol:

Form Zone Name	Form Zone Symbol
Old Town 1 Form Zone	OT1
Old Town 2 Form Zone	OT2
Old Town/New Town 1 Form Zone	ONT1
Old Town/New Town 2 Form Zone	ONT2
New Town 1 Form Zone	NT1
Main Street Form Zone	MST
Marine Form Zone	MA
Community Form Zone	CTY
Industry Form Zone	IN
Rural Form Zone	RF
Shoreline Form Zone	S

7.2. General Form Requirements

Servicing

- 7.2.1. Plumbed development in all form zones except the Rural Form Zone shall be serviced by the Town sewer and water systems where these services are available. If availability is disputed or unclear the Town Engineer shall be solely responsible for making a determination.
- 7.2.2. Notwithstanding Subsection 7.2.1, the Town Engineer may permit industrial uses to utilize private treatment and disposal systems if the effluent waste stream would not be appropriate for the Town sewer system.

Corner Vision Triangle

- 7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map. This provision shall not apply above a height of 2.4 metres (7.9 feet).



Fences

- 7.2.4. Notwithstanding minimum setbacks, fences and walls 1.8 metres (5.9 feet) or less in height in any form zone, and fences of any height in the Industry Form Zone, may be erected along property lines.
- 7.2.5. Fences or walls greater than 1.8 metres (5.9 feet) in height shall not be permitted within the Old Town 1 Form Zone, Old Town 2 Form Zone, or Old Town/New Town 1 Form Zone.
- 7.2.6. The use of barbed wire or other sharp-edged materials is prohibited except at the top of fences or walls over 2 metres (6.6 feet) high (where permitted) or fences or walls associated with agricultural uses in the Rural Form Zone and Industry Form Zone.

Exterior Lighting

- 7.2.7. Exterior lighting on any lot shall be directed away from abutting properties and streets.

Canopies and Covered Ways

- 7.2.8. No canopy or covered way shall be erected so that any portion of the structure protrudes below a height of 2.5 metres (8.2 feet) above grade, or the height required by Town snow removal equipment, whichever is greater, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

Balconies, Extended Dormers, Exterior Staircases and Fire Escapes

- 7.2.9. In any form zone where setback or yard requirements are 0 metres, balconies, extended dormers, exterior staircases and fire escapes added to buildings existing on [adoption date] shall be permitted to project over abutting property lines provided an easement permitting the encroachment is registered on the abutting property prior to the application for a development permit.



Flood Risk Area Development Standards

- 7.2.10. New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
- (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.

Take-Out Windows

- 7.2.11. "Take-out" windows enabling walk-up service from private property or the public sidewalk shall be permitted in all form zones.

Drive Through Facilities

- 7.2.12. Drive through facilities shall be prohibited in all form zones except the Main Street Form Zone.

Waste Receptacles

- 7.2.13. Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.

Shipping Containers

- 7.2.14. Shipping containers shall not be permitted as accessory buildings except in the Marine Form Zone, Community Form Zone, Industry Form Zone, and Rural Form Zone.
- 7.2.15. In the Rural Form Zone the total length of shipping containers used as accessory buildings on the lot shall not exceed 12.2 metres (40 feet).



7.3. Architectural Control Area

New Buildings

- 7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:
- (a) architectural style;
 - (b) building length to width ratio;
 - (c) height;
 - (d) roof shape;
 - (e) appearance of exterior cladding and roof materials;
 - (f) architectural details and trim;
 - (g) shape and size of porches, doors and windows;
 - (h) window area to wall area ratio; and
 - (i) location, type, bulk and appearance of chimneys.
- 7.3.2. New buildings located on corner lots may use either street as the street on which they front.

Additions and Alterations to Existing Buildings

- 7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.



7.4. Number of Main Buildings on a Lot

- 7.4.1. In all form zones except those specified in Subsections 7.4.2 and 7.4.3, below, only one main building shall be permitted on a lot.
- 7.4.2. Within the Marine Form Zone, Industry Form Zone, and Shoreline Form Zone, there shall be no limit on the number of main buildings on a lot.
- 7.4.3. Within the Old Town/New Town 2, New Town 1, and Main Street Form Zones, multiple main buildings shall be permitted on a lot, subject to the following requirements:
 - (a) The maximum front and flankage setbacks of Subsection 7.5.1 shall only apply to the main building that is closest to the front lot line.
 - (b) The streetwall and stepback requirements of Subsections 7.7.2 and 7.7.3 shall only apply to the main building that is closest to the front lot line.
 - (c) Notwithstanding the requirements of Clause 7.9.4(f), all surface parking shall be located to the rear of the main building that is closest to the front lot line.
 - (d) The minimum separation distance between main buildings shall be 2.5 metres (8.2 feet).
 - (e) All main buildings shall be connected to each-other and to the front lot line by means of a network of pedestrian walkways meeting the standards of Subsection 7.9.1.
 - (f) At least one tree with a minimum caliper of 50 mm shall be planted, or one existing tree with a minimum caliper of 150mm shall be preserved, for every 20 square metres (215 square feet) of lot area not covered by buildings. For greater clarity, the trees may be grouped together.



7.5. Setbacks

Main Building Setbacks

- 7.5.1. Main buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 5: Main Building Setbacks

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	4 m (13 ft)	0 m (0 ft)	1.5 m (5 ft)
Old Town 2	0 m (0 ft)	4 m (13 ft)	1.2 m (4 ft)	3.5 m (11.5 ft)
Old Town/New Town 1	0 m (0 ft)	6 m (19.5 ft)	2.4 m (8 ft)	6 m (20 ft)
Old Town/New Town 2	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	6 m (20 ft)
New Town 1	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	4 m (13.5 ft)
Main Street	1.5 m (5 ft)	4 m (13 ft)	2.4 m (8 ft)	6 m (20 ft)
Marine	0 m (0 ft)	-	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	-	4.5 m (15 ft)	7.5 m (25 ft)
Industry	12 m (40 ft)	-	6 m (20 ft)	12 m (40 ft)
Rural	6 m (20 ft)	-	2.4 m (8 ft)	6 m (20 ft)
Shoreline	0 m (0 ft)	-	1.2 m (4 ft)	0 m (0 ft)

- 7.5.2. The maximum front and flankage setbacks shall not apply for enlargements of existing buildings.
- 7.5.3. The minimum rear and side setback requirements are waived for any setback that directly abuts a harbour shoreline in the Industry and Marine Form Zones.
- 7.5.4. Notwithstanding minimum side setback requirements the party wall of attached, side-by-side dwelling units may be centred on mutual side lot lines.

Accessory Building Setbacks

- 7.5.5. Accessory buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 6: Accessory Building Setbacks

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town 2	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 2	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
New Town 1	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Main Street	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Marine	0 m (0 ft)	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Industry	12 m (40 ft)	6 m (20 ft)	6 m (20 ft)
Rural	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Shoreline	0 m (0 ft)	1.2 m (4 ft)	0 m (0 ft)

- 7.5.6. Accessory buildings shall be located on the same lot as the main use.
- 7.5.7. Accessory buildings shall not be located in the front or flankage yard.
- 7.5.8. Notwithstanding Subsection 7.5.5, an accessory building less than 16 square metres (172 square feet) in gross floor area may have a minimum rear and/or side yard of not less than 1.0 metre (3.3 feet).
- 7.5.9. Notwithstanding minimum side setbacks, the party wall of a semi-detached garage may be centred on a mutual side lot line.
- 7.5.10. Notwithstanding minimum side and rear setbacks, boat houses, docks, wharves, or piers may be built across the lot line corresponding to the water's edge.



- 7.5.11. Notwithstanding Subsection 7.5.5, accessory buildings legally existing on [adoption date] with less than the required setback may be replaced or rebuilt in the same location provided the undersized setback is not further reduced.

Encroachment into Setbacks

- 7.5.12. Notwithstanding Subsections 7.5.1 and 7.5.5 the follow encroachments into minimum required setbacks shall be permitted:

Table 7: Permitted Encroachments

Feature	Required Setback in which Encroachment is Permitted	Permitted Encroachment Distance
Balconies, decks (> 0.3 m high), patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered)	Front, rear and flankage	2.5 m (8.2 ft)
Barrier free access structures	Any	To lot line
Carports	Side	0.6 m (1.9 ft) from lot line
Decks less than 0.3 metres (0.98 ft) high	Any	To lot line
Exterior insulation retrofitted to an existing building	Any	0.3 m (0.98 ft)
Fire escapes and exterior staircases	Rear and side	1.5 m (4.9 ft)
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m (1.9 ft)
Window bays up to 3 metres (9.8 ft) wide	Front, rear and flankage	1 m (3.2 ft)
Lunenburg Bump	Front	To lot line



7.6. Site Design

- 7.6.1. Development within the Town shall comply with the following site design requirements:

Table 8: Site Design Requirements

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Abutting Zone Requirements

- 7.6.2. Where a yard or lot located within the Industry Form Zone abuts any other zone, the following restrictions apply to the abutting yard within the Industry Form Zone:
- the minimum setback required for the abutting yard shall be 6 metres (20 feet);
 - the required abutting setback shall be planted with a mix of coniferous and deciduous trees;
 - no open storage or permanent outdoor display is permitted in the abutting yard in the Industry Form Zone; and
 - no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

Outdoor Storage

- 7.6.3. The following requirements apply to outdoor storage, where permitted:
- Outdoor storage is not permitted within the required minimum front or flankage setback of a lot.
 - All outdoor storage in the front, flankage, and side yards shall be screened or be within a solid enclosure.
 - The area devoted to outdoor storage shall not exceed 50% of the lot area.



7.7. Building Form

Main Building Form

- 7.7.1. Main buildings constructed in the Main Street Form Zone shall be oriented with their primary façade and main entrance approximately parallel to the front lot line. Where there is more than one main building on a lot, this requirement shall only apply to the one closest to the front lot line.
- 7.7.2. Main buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 9: Main Building Form Requirements

Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max. Building Footprint
Old Town 1	10.5 m (34 ft)	6 m (20 ft)	-	-	-	-	-
Old Town 2	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 1	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 2	10.5 m (34 ft)	-	-	-	-	-	-
New Town 1	19.5 m (63 ft)	-	-	-	-	-	1,500 m ² (16,145 ft ²)
Main Street	20.5 m (67 ft)	10 m (33 ft)	4 m (13.2 ft)	10 m (33 ft)	16 m (52 ft)	3 m (10 ft)	3,000 m ² (32,291 ft ²)
Marine	19.5 m (63 ft)	-	-	-	-	-	-
Community	10.5 m (34 ft)	-	-	-	-	-	-
Industry	13.5 m (44 ft)	-	-	-	-	-	-
Rural	10.5 m (34 ft)	-	-	-	-	-	-
Shoreline	8 m (26 ft)	-	-	-	-	-	47 m ² (505 ft ²)

Streetwall Width

- 7.7.3. Main buildings constructed in the Main Street Form Zone shall have a streetwall width a minimum of 40 metres (132 feet) or 60% of the lot frontage, whichever is less.

Accessory Building Form

- 7.7.4. Accessory buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 10: Accessory Building Form Requirements

Form Zone	Maximum Height
Old Town 1	8 m (26 ft)
Old Town 2	8 m (26 ft)
Old Town/New Town 1	8 m (26 ft)
Old Town/New Town 2	8 m (26 ft)
New Town 1	8 m (26 ft)
Main Street	8 m (26 ft)
Marine	8 m (26 ft)
Community	8 m (26 ft)
Industry	8 m (26 ft)
Rural	8 m (26 ft)
Shoreline	8 m (26 ft)

Height Exemptions

- 7.7.5. Notwithstanding Subsections 7.7.2 and 7.7.4 minimum and maximum height requirements shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, and telecommunication towers.

7.8. Signage

Permits Required for Signs

- 7.8.1. Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
- 7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is a registered municipal heritage property or if it is in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.



Counting Signs

- 7.8.3. A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.

Prohibited Signs

- 7.8.4. The following signs shall be prohibited:
- (a) Signs that incorporate any flashing or moving illumination, except for menu board signs.
 - (b) Signs that incorporate illumination that varies in intensity or colour, including flashing lights, except for menu board signs.
 - (c) Roof signs.
 - (d) Signs that are a hazard to public health or safety.
 - (e) Signs that obstruct drivers' vision or any traffic sign or traffic control device.
 - (f) Signs that obstruct the use of a fire escape door, windows, or other required exit.
 - (g) Signs that make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic.
 - (h) Signs that advertise a product, service, or business that is not available at that location.
 - (i) Signs on public property or public right-of-way, unless:
 - i. erected by a public authority;
 - ii. erected with the permission of the owner of the property; or
 - iii. the sign is a portable sign in compliance with this By-law.
 - (j) Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

Signs Permitted in all Form Zones

- 7.8.5. The following signs are permitted in all form zones and a development permit is not required:
- (a) Signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2.15 square feet) in sign area.



- (b) "No trespassing" signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2.15 square feet) in sign area.
- (c) Real estate signs, not exceeding 1.5 square metres (16 square feet) in sign area in the Rural, Marine, and Industrial Form Zones and 0.5 square metres (5.3 square feet) in sign area other zones, which advertise the sale, rental or lease of the premises.
- (d) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5.3 square feet) in area.
- (e) Signs erected by a government body, or under the direction or authority of such a body, such as, but not limited to, traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, public interpretive signs, and commercial direction signs forming part of a direction sign program for the Town.
- (f) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure.
- (g) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
- (h) A sign having an area of not more than 4.5 square metres (48.4 square feet) incidental to construction and located on the same site as the building under construction.
- (i) Signs associated with a Federal, Provincial or Municipal election.
- (j) One sign for each street frontage of a lot to be subdivided, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet) advertising a subdivision, and located within the area of the plan of subdivision.
- (k) One sign for each street frontage of a lot to be developed, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet), advertising a dwelling development of more than six dwelling units, and located on the parcel to be developed.
- (l) Signs (including banners) indicating "open", "closed", "sale" or similar terms for any business.
- (m) Temporary signs in windows advertising sales and bargains that are displayed for two weeks or less.
- (n) Temporary community special event signs that are displayed for the duration of the event and removed within one week of the event's conclusion.



- (o) Notices attached to a community bulletin board if a development permit has been issued for the community bulletin board.
- (p) Advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.

Changeable Copy Signs

7.8.6. Changeable copy signs are not permitted in the Old Town 1 Form Zone.

Ground Signs

7.8.7. In the Main Street and Industry Form Zones ground signs shall:

- (a) not exceed 10 square metres (107 square feet) in sign area; and
- (b) not exceed 6 metres (19.6 feet) in height.

7.8.8. In all other form zones, ground signs shall:

- (a) not exceed 2.4 square metres (25.8 square feet) in sign area; and
- (b) not exceed 3 metres (9.8 feet) in height.

7.8.9. Ground signs shall not extend into:

- (a) an adjacent property;
- (b) a driveway;
- (c) a parking space;
- (d) a corner vision triangle; or
- (e) a street or other public right-of-way.

7.8.10. There shall only be one ground sign on a property, except in the Main Street Form Zone where two shall be permitted.

7.8.11. Ground signs in the Main Street Form Zone and Community Form Zone may be digital, in whole or in part, subject to the following requirements:

- (a) The content of the digital sign shall not change more frequently than once every 30 seconds.
- (b) The digital sign shall not cause glare on adjacent roadways or on other lots.

7.8.12. Ground signs may have an additional signage area of not more than 1.0 square metres (10.7 square feet) to denote the price of fuel.



Menu Signs

- 7.8.13. Within the Main Street Form Zone two menu signs shall be permitted in conjunction with a drive-through facility and such signs shall not count towards the number of ground signs permitted on the lot.

Projecting Signs

- 7.8.14. No projecting sign shall:
- (a) exceed 2 square metres (21.5 square feet) in sign area;
 - (b) project over a public street beyond the curb line;
 - (c) project above the eaves, parapet or roof line of a building;
 - (d) be erected at less than a height of 2.4 metres (7.9 feet) above grade, measured from the lowest point on the sign; or
 - (e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

Wall Signs

- 7.8.15. Wall signs shall not extend above the wall or beyond the extremities of the wall on which it is placed.
- 7.8.16. In all form zones except the Main Street Form Zone:
- (a) no wall sign may cover more than 5% of the area of the wall on which it is placed;
 - (b) the total area of a wall covered by wall signs may not exceed 9 square metres (96.8 square feet).
- 7.8.17. In the Main Street Form Zone:
- (a) no wall sign may cover more than 10% of the area of the wall on which it is placed; and
 - (b) the total area of a wall covered by wall signs may not exceed 37 square metres (398 square feet).
- 7.8.18. In this Section, the length of a wall is measured from the extremities of the building.
- 7.8.19. In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.



Portable Signs

- 7.8.20. Portable signs are only permitted in the Old Town 1 and Main Street Form Zones.
- 7.8.21. A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.
- 7.8.22. A portable sign shall not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.
- 7.8.23. A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers' vision.
- 7.8.24. A portable sign on a sidewalk shall be positioned so as to leave at least 1.0 metres (3.3 feet) between the sign and the curb.
- 7.8.25. There shall not be more than one portable sign per business.
- 7.8.26. In the Old Town 1 Form Zone a portable sign may not exceed 1.0 square metres (3.3 feet) in sign area, be more than 0.8 metres (2.6 feet) wide, or be more than 1.4 metres (4.5 feet) high.
- 7.8.27. In the Main Street Form Zone, a portable sign may not exceed 1.2 square metres (12.9 square feet) in sign area, be more than 1.0 metres (3.2 feet) wide, or be more than 1.4 metres (4.5 feet) high.

Window Signs

- 7.8.28. No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

Community Bulletin Board

- 7.8.29. That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (21.5 square feet).



7.9. Parking and Access Design

Pedestrian Access

- 7.9.1. New main buildings in all form zones except the Rural Form Zone shall have a pedestrian access connecting the primary entrance to the front lot line and meeting the following requirements:
- (a) The pedestrian access shall be at least 1.0 metres (3.3 feet) wide.
 - (b) The pedestrian access shall be surfaced with asphalt, concrete, bricks, flagstone, or pavers.
 - (c) The pedestrian access shall be separated from vehicular traffic by means of:
 - i. a difference in grade of no less than 0.15 metres (0.5 feet);
 - ii. a vegetated area not less than 0.5 metres (1.7 feet) wide; or
 - iii. through the use of protective barriers such as, but not limited to, curbs, planters, or Jersey barriers.

Vehicular Access

- 7.9.2. Within the Main Street Form Zone, no more than one driveway access and curb cut shall be permitted per lot on each road frontage unless spaced more than 18 metres (60 feet) apart. This distance may be reduced to 15 metres (50 feet) on large lots with 30 metres (99 feet) or more lot frontage subject to approval of the Town Engineer.
- 7.9.3. Except in the Industry Form Zone and Marine Form Zone, driveways shall not exceed a width of 10 metres (32.8 metres) at the property line.

Surface Parking Areas

- 7.9.4. Surface parking areas for four (4) or more automobiles shall meet the following requirements:
- (a) All parking spaces shall have an unobstructed access on a public street or unobstructed access to a driveway or aisle that leads to a public street.
 - (b) The parking area shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grass grid.



- (c) Any lights used for illumination of the parking area shall be arranged as to divert the light away from streets, and abutting lots.
- (d) For any parking area containing more than six (6) parking spaces, any ingress or egress driveways shall not be closer than 10 metres (32.8 feet) to the centreline of any street intersection.
- (e) The maximum continuous length of a parking row shall be 18 parking spaces. Parking rows longer than 18 parking spaces shall be divided into segments not longer than 18 parking spaces by landscaped islands that:
 - i. are the full depth of the parking row (5.8 metres min.) and a minimum of 1.8 metres wide; and
 - ii. contain a minimum of one deciduous tree (50mm caliper) and eight shrubs (min 60cm high) or to meet the requirements of a stormwater island.
- (f) Except in the Community Form Zone, only the first three (3) parking spaces shall be permitted to locate in the front yard or flankage yard (combined) and all other spaces shall be located in the side and/or rear yards. Where, in the opinion of the Development Officer, it would be impossible to locate automobile parking in the rear or side yards due to the placement of existing buildings spaces may be located in the front and/or flankage yard to the extent necessary and a landscaped strip shall be provided along the front and/or flankage property line (excepting access points) and the strip shall:
 - i. be a minimum depth of 1.5 metres (5 feet);
 - ii. contain a minimum of one tree (50mm minimum caliper) for every 3 metres of strip length; and
 - iii. incorporate additional vegetation as may be required by the Development Officer to screen the parked cars without obstructing views.



Structured Parking in Main Street and Old Town 1 Form Zones

- 7.9.5. All new structured parking developed in the Main Street and Old Town 1 Form Zones shall meet the following requirements:
- (a) At least the front 5 metres (16.5 feet) of the ground floor of the structure shall be dedicated to uses other than parking, such as, but not limited to, commercial storefronts or residential lobbies.
 - (b) Notwithstanding Clause (a), a parking garage entry up to 6 metres (19.6 feet) wide is permitted on the ground floor frontage. However, where possible, parking garage entries should exit from the rear or side of a building.
 - (c) Parking garage entries that cross a sidewalk must be designed for safe passage of pedestrians.
 - (d) Parking stalls shall supply electric vehicle charging in the following ratios (with fractions rounded down):
 - i. 50% of the stalls shall include Level 1 (120v) charging plugs.
 - ii. 10% of the stalls shall include Level 2 (240v) charging plugs.

Parking in the Community Form Zone

- 7.9.6. Automobile parking areas in the Community Form Zone must be visually screened from abutting properties not located in the same zone by means of a fence or hedge or combination of at least 1.5 metres (5 feet) in height.

7.10. Non-conforming Structures

- 7.10.1. Non-conforming structures shall be permitted to expand provided the expansion does not further increase the non-conformity.
- 7.10.2. A non-conforming structure may be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage



8 Definitions

A

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 Dwelling means the use of a building or part of a building for a dwelling unit subservient to another dwelling unit on the lot.

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, customarily, and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot.

Accommodations means the use of 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 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, and cottage or cabin rentals.

Act means, unless otherwise specified, the *Municipal Government Act* of the Province of Nova Scotia.

Agricultural Uses means the use of land, buildings, or structures to raise crops or livestock and includes the sale of agricultural products produced on the land.

Animal Care means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

Assembly Uses means the use of a building or part thereof for public assembly such as, but not limited to, community halls, gymnasiums, and auditoria.

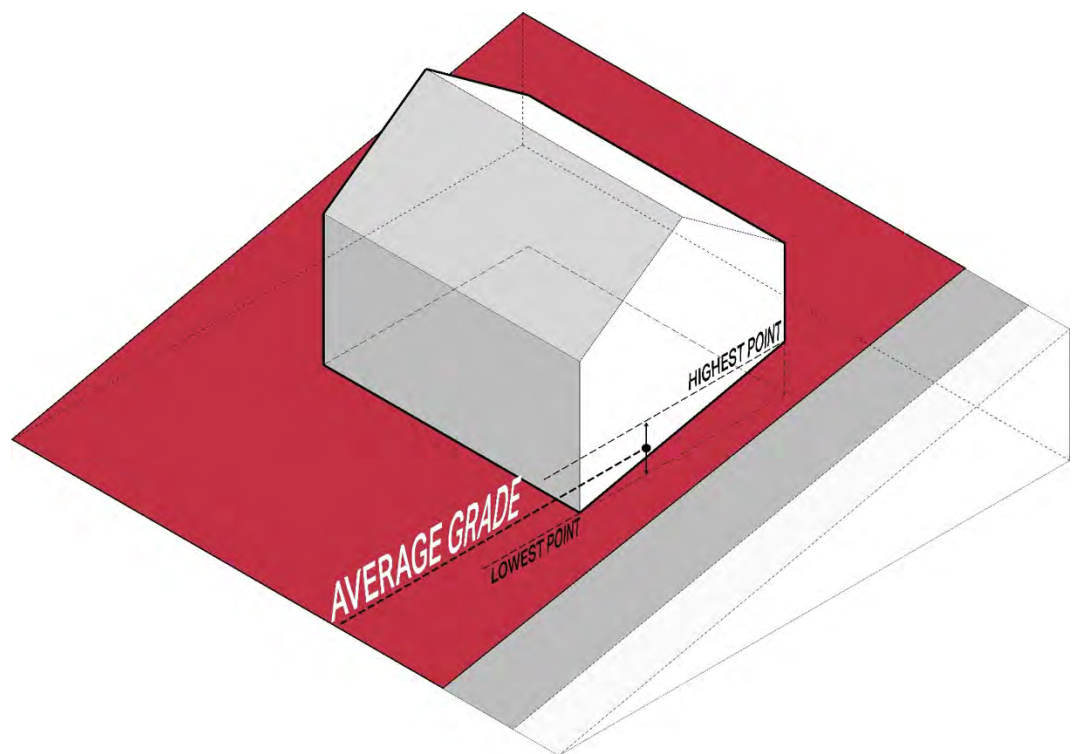
Automobile Body Shop means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.



Automobile Fueling and Washing means the use of building or part thereof 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.

Automobile Repair means the use of a building or part thereof 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.

Average Grade means the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building, or, in the case of a structure other than a building, the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment.



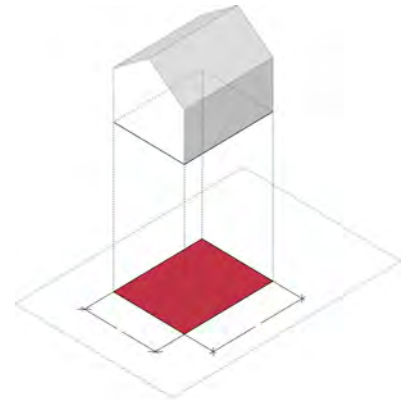


B

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.

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 Footprint means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.



Building Official means the person or persons appointed by Council from time to time to administer the *Building By-law*.

Building Supply and Equipment Depot means the use of buildings or land for the storage of materials and equipment in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, landscapers, and plumbers.

C

Cemetery means the use of land 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.

Chicken means a member of the animal species *Gallus gallus domesticus*.

Craft Food and Beverage Production means the use of a building or part thereof for the production of:

- (a) specialized food products intended for retail sale;
- (b) not more than 150,000 hectolitres of beer, wine, mead, pre-mixed cocktails, kombucha, or non-alcoholic beverages in a year; or
- (c) not more than 75,000 litres of distilled spirits in a year;



and may include public tasting and retail sales of the product but does not include a restaurant or licensed liquor establishment unless those uses are permitted as a main use in the applicable use zone.

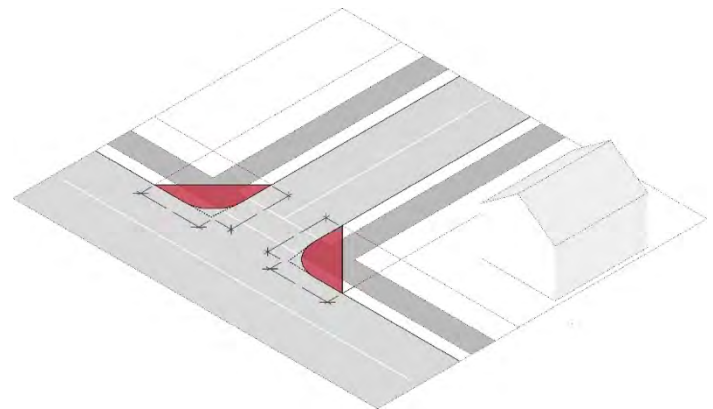
Commercial Club means the use of a building in a manner that is restricted to members and their guests, operated for gain.

Commercial Recreation, Indoor means the use of a building or part thereof 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, rock climbing gyms, fitness gyms, 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, campgrounds, and RV parks; but does not include 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; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

Corner Vision Triangle

means that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 3 metres from the intersection.



Council means the elected Council of the Town of Lunenburg.

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, performance arts theatres, visual arts centres, and other similar uses.



D

Daycare Centre means the use of a building or part thereof for the care of people without overnight accommodation, but does not include a school.

Development Officer means the person or persons appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

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.

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

Electric Vehicle Charging, Commercial means infrastructure that supplies energy for the charging of electric vehicles, such as plug-in electric and hybrid vehicles, for remuneration. For greater clarity, electric vehicle charging provided for free as a service to customers of a main use of land, such as accommodations or a retail shop, is not considered "commercial".

Emergency Services means the use of a building or 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.

F

Farmers' Market means the use of land, buildings, structures, or part thereof by five or more vendors where the greater part of the goods for sale are products of the farm, the forest, or the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products produced by the vendors or their immediate families.

Forestry Uses means the use of land or buildings for commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.



Funeral Home means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

G

Gross Floor Area ("GFA") means the maximum area contained within the outside walls of the building, excluding garages, porches, verandahs, sunrooms, unfinished attics or basements, any detached building, and any room not habitable at all seasons of the year. For commercial and industrial uses the area dedicated to washrooms and furnace rooms shall be excluded from the gross floor area measurement.

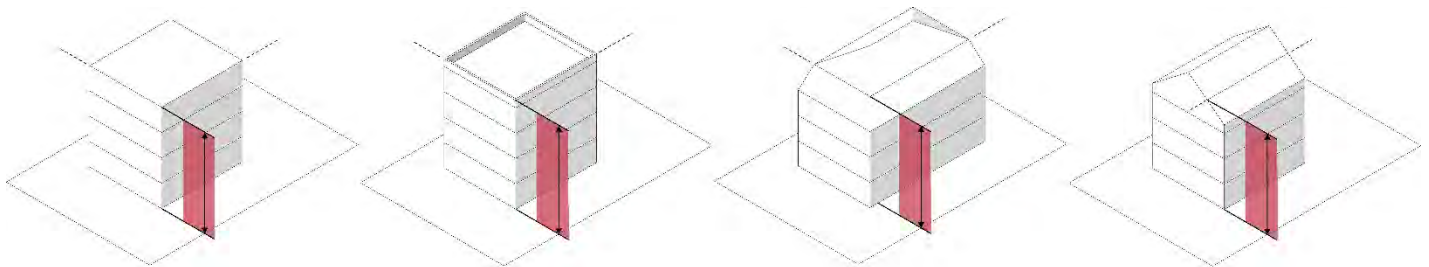
H

Habitable Area means an enclosed area of a building designed and/or used for the purposes of human habitation or care but shall not include parking areas or building access areas, such as lobbies.

Heavy Industrial 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.

Height means the vertical distance from average grade to the referenced point.

Building Height means the height measured to the highest point of the roof surface on a flat roof without a parapet; the highest point on the parapet around a flat roof, if there is one; the deckline of a mansard roof; the midpoint between the eaves and ridges of other roof types, measured to the highest gable.





Ground Floor Height means the height measured to the bottom of the slab or floor joists of the second floor of a multi-story building or to the bottom of the ceiling joists in a one-story building. In the case of one-story buildings with cathedral ceilings, ground floor height shall be measured to the mid-point between the lowest and highest points on the interior of the finished ceiling.

Structure Height means the height measured to the highest point on any non-building structure.

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.

I

Interpretive Centre means the use of a building or structure 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.

J

K

Kennel means the use of land, a building, or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold, and/or boarded.

L

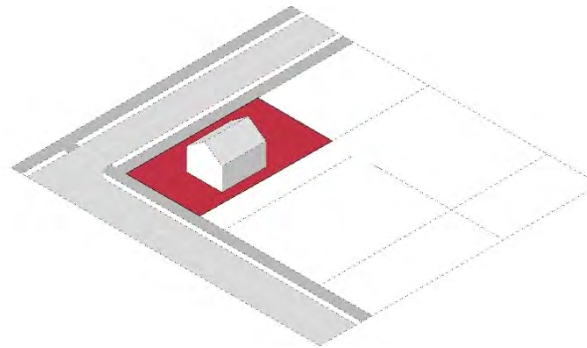
Licensed Liquor Establishment means the use of land, a building, or part thereof for a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Light Industrial means the use of a building for machining, manufacturing, assembly, and/or processing and such use shall be wholly contained within the building and shall not include explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

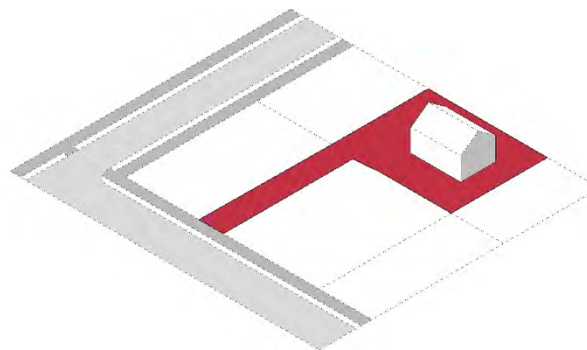
Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.



Corner Lot means a lot situated at the intersection of land abutting on two or more streets or private roads.



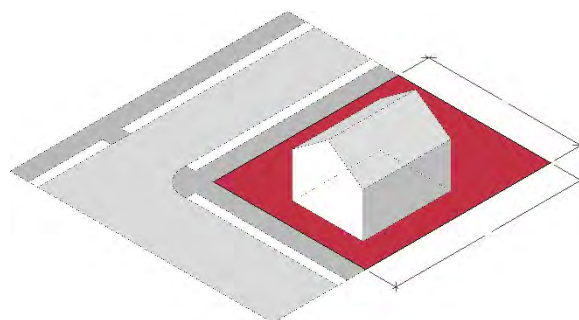
Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a prolongation or "pole" with a width less than the minimum lot frontage permitted in the applicable lot zone and that extends from the main body of the lot to a public or private road.



Serviced Lot means a lot that is serviced by a municipal sewer system, or is in the process of tentative subdivision approval and has been identified for connection to a municipal sewer system, and may or may not include municipal water services.

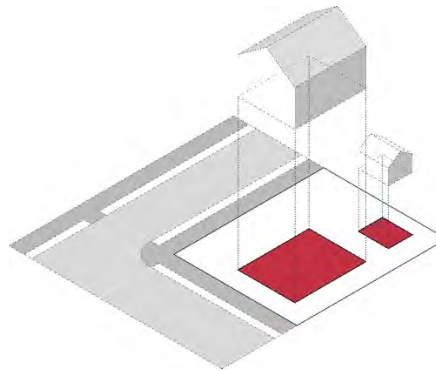
Unserviced Lot means a lot that is not serviced by a municipal sewer system.

Lot Area means the total horizontal area within the lot lines of a lot.

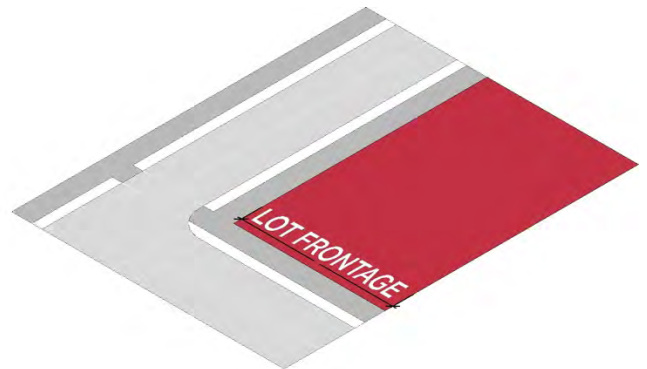




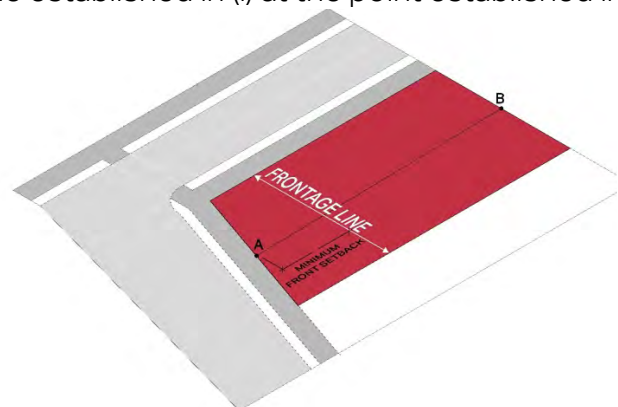
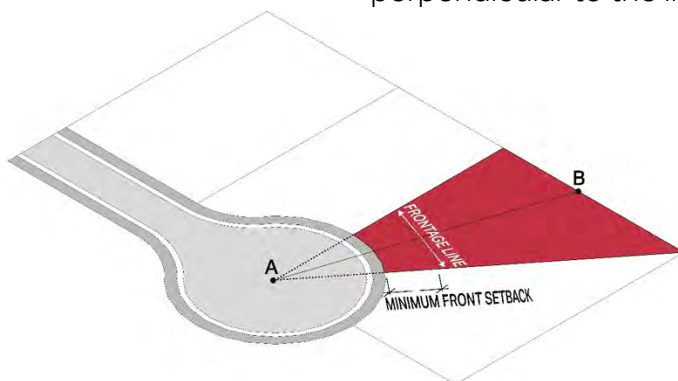
Lot Coverage means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition cantilevers shall be counted.



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. Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,



- i. establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
- ii. establish the point on the line established in (i) that is the distance of the minimum front setback required in the applicable zone from the street; and
- iii. measure the distance between the side lot lines along the line perpendicular to the line established in (i) at the point established in (iii).





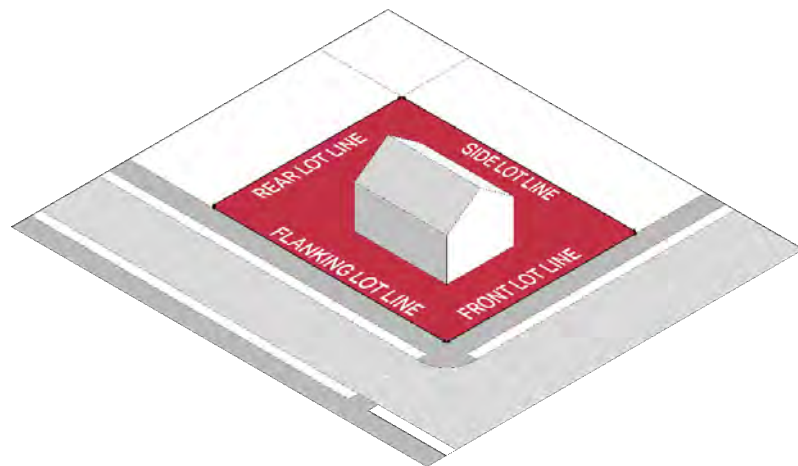
Lot Line means a boundary line of a lot.

Flankage Lot Line means any lot line that abuts a street or private road but is not a front lot line.

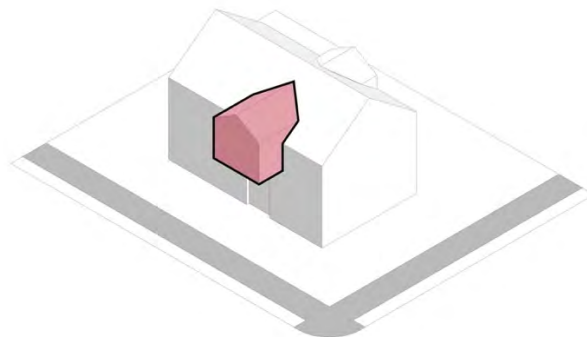
Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot. In the case of an island lot with no street or private road on the island the front lot line shall be the lot line dividing the lot from the water and where multiple lot lines abut the water the developer may choose which is designated as the front lot line. In the case of a lot with no frontage on a street or private road it may be any lot line.

Rear Lot Line means the lot line that is not a flankage lot line and is farthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front, flankage, or rear lot line.



Lunenburg Bump means a dormer that cantilevers over the front door of a building.





M

Main Building means the building designed or used for the principle use on the lot.

Marina means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public.

Marine Industrial means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, fish processing, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear.

Marine Recreation Provider means the use of land, buildings, or structures for 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, and jet ski rentals, but does not include uses related to the commercial fishing industry.

Medical Clinic means the use of a building or part thereof where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital.

Municipal Planning Strategy ("MPS") means the Municipal Planning Strategy of the Town of Lunenburg.

N

Nursing Home means the use of a building or part thereof for 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

Obnoxious means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration; or by the emission of gas, fumes, dust or objectionable odour; or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

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.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Personal Service Shop means the use of a building or part thereof 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.

Private Club means the use of a building or part thereof for 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 that is not owned by the Town of Lunenburg or the Crown.

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.

Public Recreation means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

Public Transportation means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

**Q****R**

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.

Religious Institutions means the use of land, a building, or part thereof for 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.

Residential Care Facility means the use of a building or part thereof as a family home, group care facility, or similar facility for the non-medical care of more than six 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 the use of land, a building, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

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 Store means the use of a building or part thereof 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, or heavy equipment sales and rentals.

Rooming House means a dwelling in which the proprietor lives on-premises and supplies room for monetary gain to no more than six roomers for rental periods of 30 days or more.



S

School, Academic means the use of a building or part thereof as 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 the use of a building or part thereof as 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, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Scrap 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.

Self-storage Facility means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

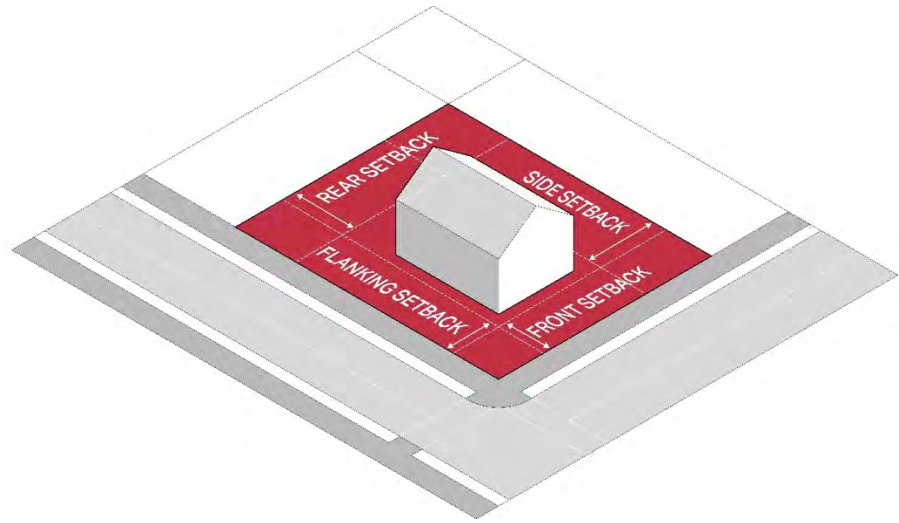
Setback, Flankage means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

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. On a flag lot the front setback shall be measured to the lot line of the main body of the lot that is closest to parallel with the street or public road.

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.



Shipping Container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodations for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties.

Sign means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this By-law and are not subject to the signage requirements of this By-law.

Changeable Copy Sign means a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words.

Ground Sign means a sign permanently affixed in or to the ground.

Portable Sign means a ground sign that is not permanently affixed, and includes signs such as sandwich board signs.

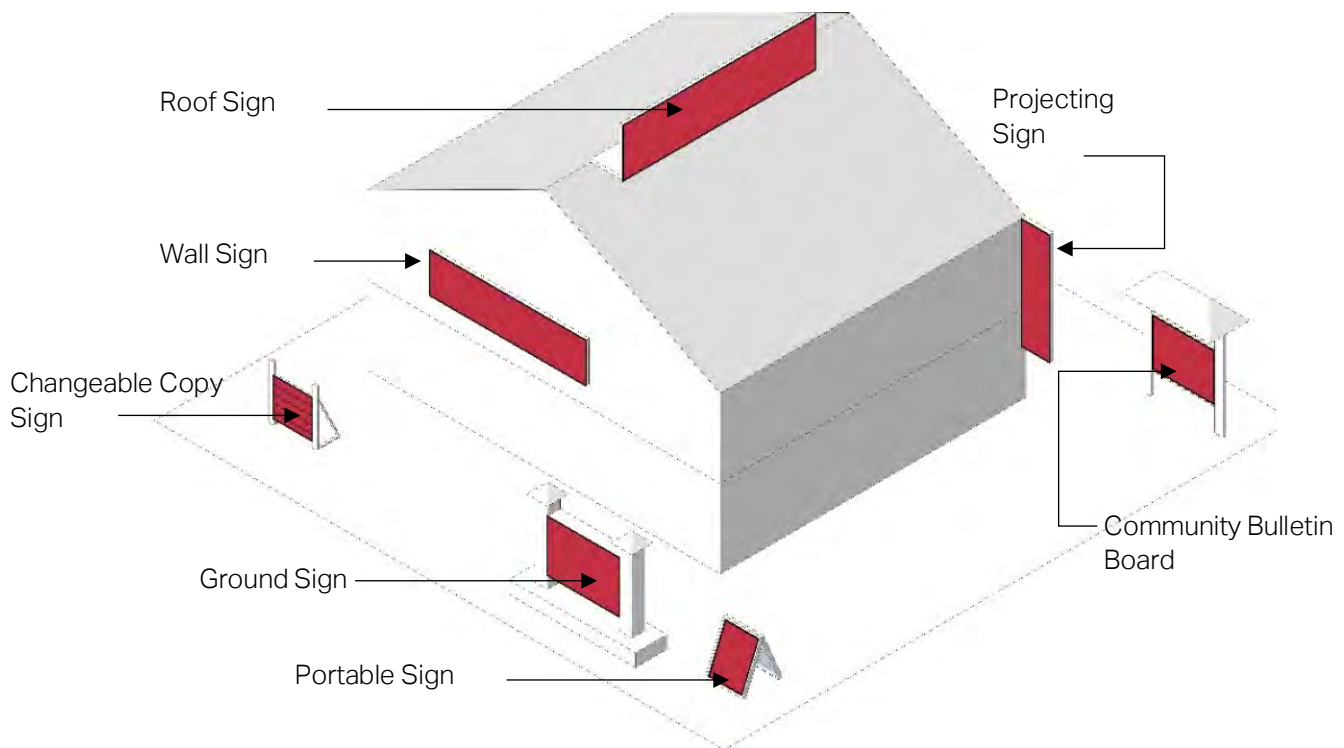


Projecting Sign means a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall. A sign mounted on or that forms part of a canopy or awning is a projecting sign.

Roof Sign means a sign affixed to or supported by the roof of any structure.

Wall Sign means a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.

Community Bulletin Board means a sign where all or part of the sign is intended for the posting of notices by the general public.





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.



Small Options Home means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six 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.

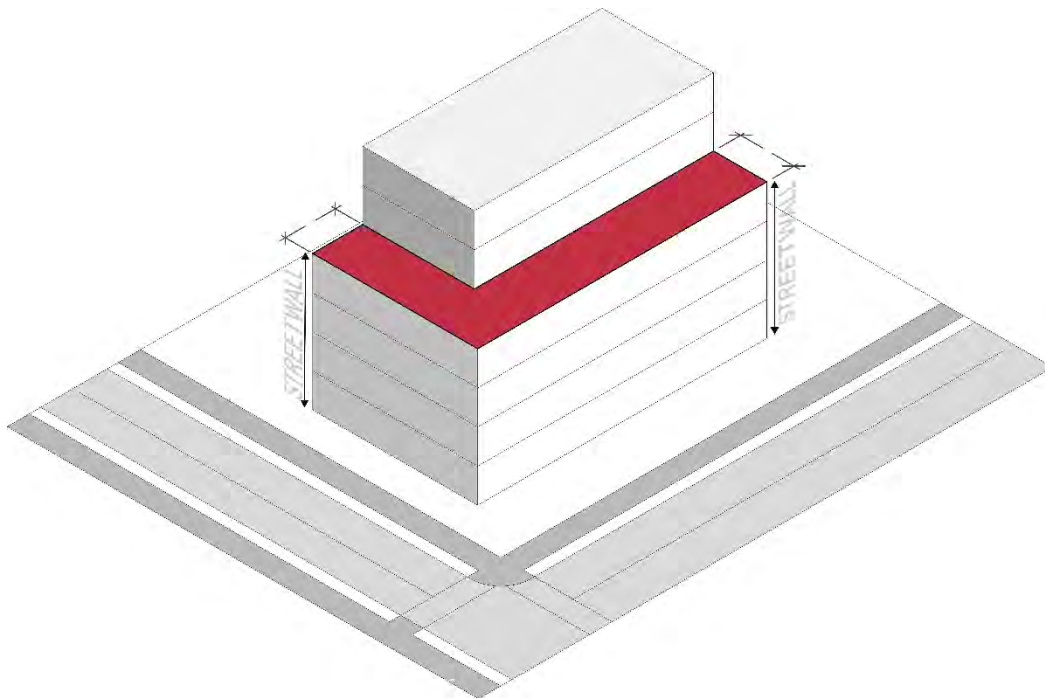
Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating 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,

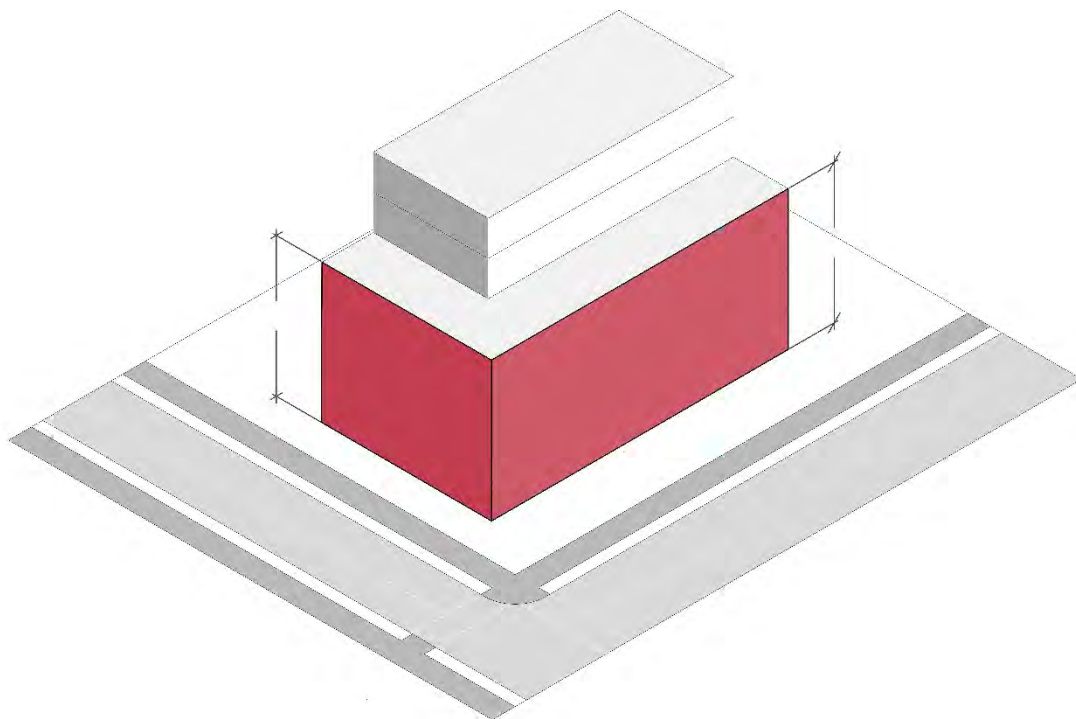
Solar Collector System, Large-scale means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.



Stepback means the horizontal distance measured between the top of the streetwall and the main face of building floors above the streetwall.



Streetwall means the wall of a building facing a streetline that is below the height of a specified stepback, which does not include minor recesses for elements such as doorways or protrusions for elements such as bay windows.





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, but shall exclude fences less than 1.8 metres in height.

Structured Parking means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 2.4 metres below grade.

T

Town means, where the context dictates, either the Body Corporate of the Town of Lunenburg, or the geographical area incorporated as the Town of Lunenburg.

Transportation and Logistics means the use of 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 or very small commercial scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or rabbits, but shall not include the keeping of any other livestock, the keeping of which is covered by the definition of agricultural uses.

V

Variance means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in Section 235-237 of the *Municipal Government Act*.

W

Warehousing means the use of a building or part thereof for the storage of commercial or industrial wares or goods, excluding retail stores and self-storage facilities.



Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Watercourse means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Workshop means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include “maker spaces”.

X



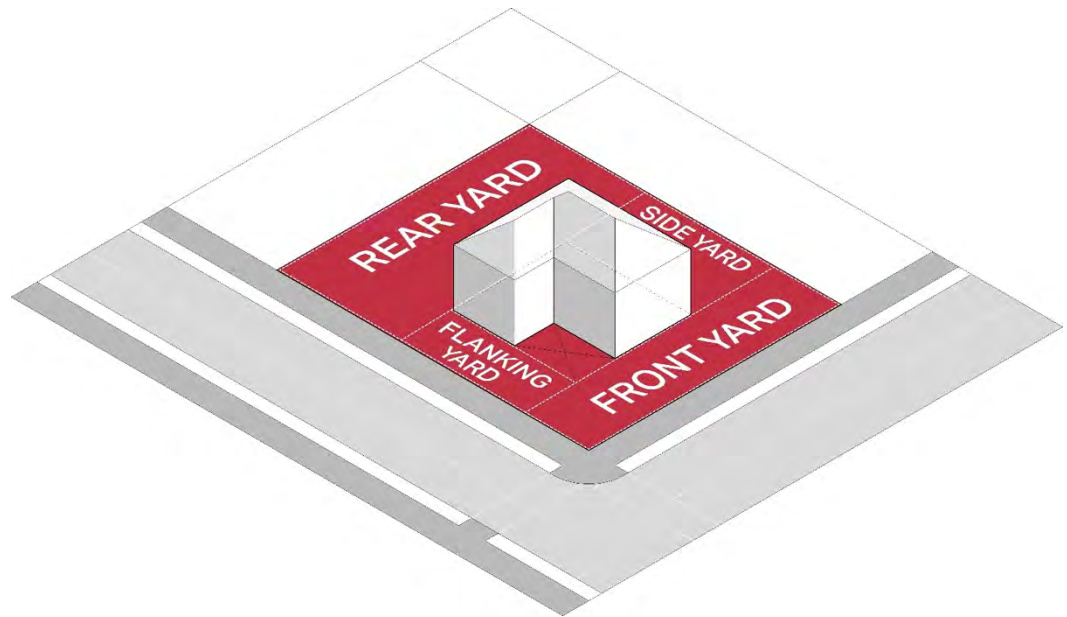
Y

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 nearest main wall of any main building on the lot.



Z



Schedules

Schedule 'A' – Existing Uses

Schedule 'B' – Lot Zoning Map

Schedule 'C' – Use Zoning Map

Schedule 'D' – Form Zoning Map

Schedule 'E' – Flood Risk Area Map

Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Schedule 'G' – Vending



Schedule 'A' – Existing Uses

Civic Address	Existing Use
11 York Street	Commercial storage
162 Townsend Street	Residential storage
166 Townsend Street	Residential storage
18 Lower Street	Use of 450 square feet of the property for outdoor sales and display Use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys Use of two signs, each a maximum of 5 square feet in area
186 Fox Street	Dwelling (4 units)
195 Green Street	Retail florist
200 Montage Street	Dwelling (1 unit)
205 Pelham Street	Law office, retail store
220 Montague Street	Accommodations (3 sleeping units)
23 James Road	Dwelling (14 units)
268 Montage Street	Dwelling (1 unit)
272 Montage Street	Dwelling (3 units)
30-36 Broad Street	Dwelling (8 units)
34 Linden Avenue	Use of 100 square feet of the property for outdoor sales and display Use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs Use of three signs: one 25 square foot quilt hung on the dwelling; one 13.6 square foot ground sign; and one 3.5 square foot flat fixed wall sign
41 James Road	Dwelling (14 units)
49 Tannery Road	Dwelling (1 unit)
57 Tannery Road	Dwelling (1 unit)
60 Dufferin Street	Part-time upholstery business in accessory building
61 Tannery Road	Dwelling (1 unit)
62 Duke Street	Dwelling (4 units)
74 York Street	Dwelling (6 units)
78 Lawrence Street	Retail shoe store



Schedule 'B' – Lot Zoning Map



MAP
Lot Zoning Map

SCHEDULE	LAST UPDATED
B	6/1/2021

NORTH	SCALE
	1:10,000

LEGEND	
	LZ1 Lot Zone 1
	LZ2 Lot Zone 2
	LZ3 Lot Zone 3
	LZ4 Lot Zone 4





Schedule 'C' – Use Zoning Map



MAP

Use Zoning Map

SCHEDULE

C

LAST UPDATED

6/1/2021

NORTH

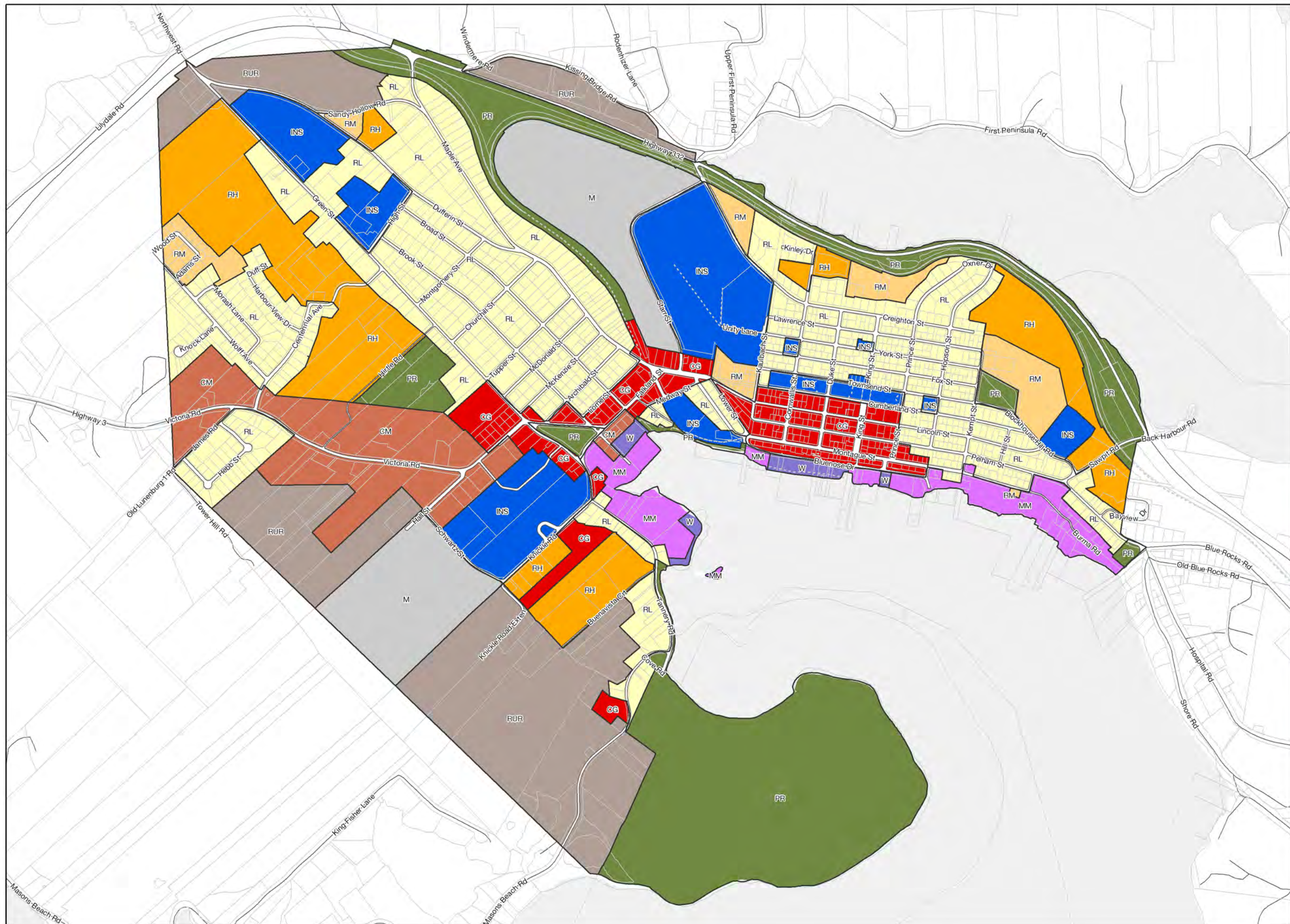


SCALE

1:10,000

LEGEND

	RL	Lower Density Residential
	RM	Medium Density Residential
	RH	Higher Density Residential
	CM	Mixed Use
	CG	General Commercial
	W	Waterfront
	M	Industrial
	MM	Marine Industrial
	RUR	Rural
	INS	Institutional
	PR	Parks and Recreation





Schedule 'D' – Form Zoning Map



MAP
Form Zoning Map

SCHEDULE	LAST UPDATED
D	6/1/2021

NORTH
↑

SCALE
1:10,000

LEGEND		
	OT1	Old Town 1
	OT2	Old Town 2
	ONT1	Old Town/ New Town 1
	ONT2	Old Town/ New Town 2
	NT1	New Town 1
	MST	Main Street
	MA	Marine
	CTY	Community
	IN	Industry
	RF	Rural
	S	Shoreline





Schedule 'E' – Flood Risk Area Map



MAP

Flood Risk Area Map

SCHEDULE

E

LAST UPDATED

6/1/2021

NORTH



SCALE

1:10,000

LEGEND

Flood Risk Area

Town of Lunenburg





Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

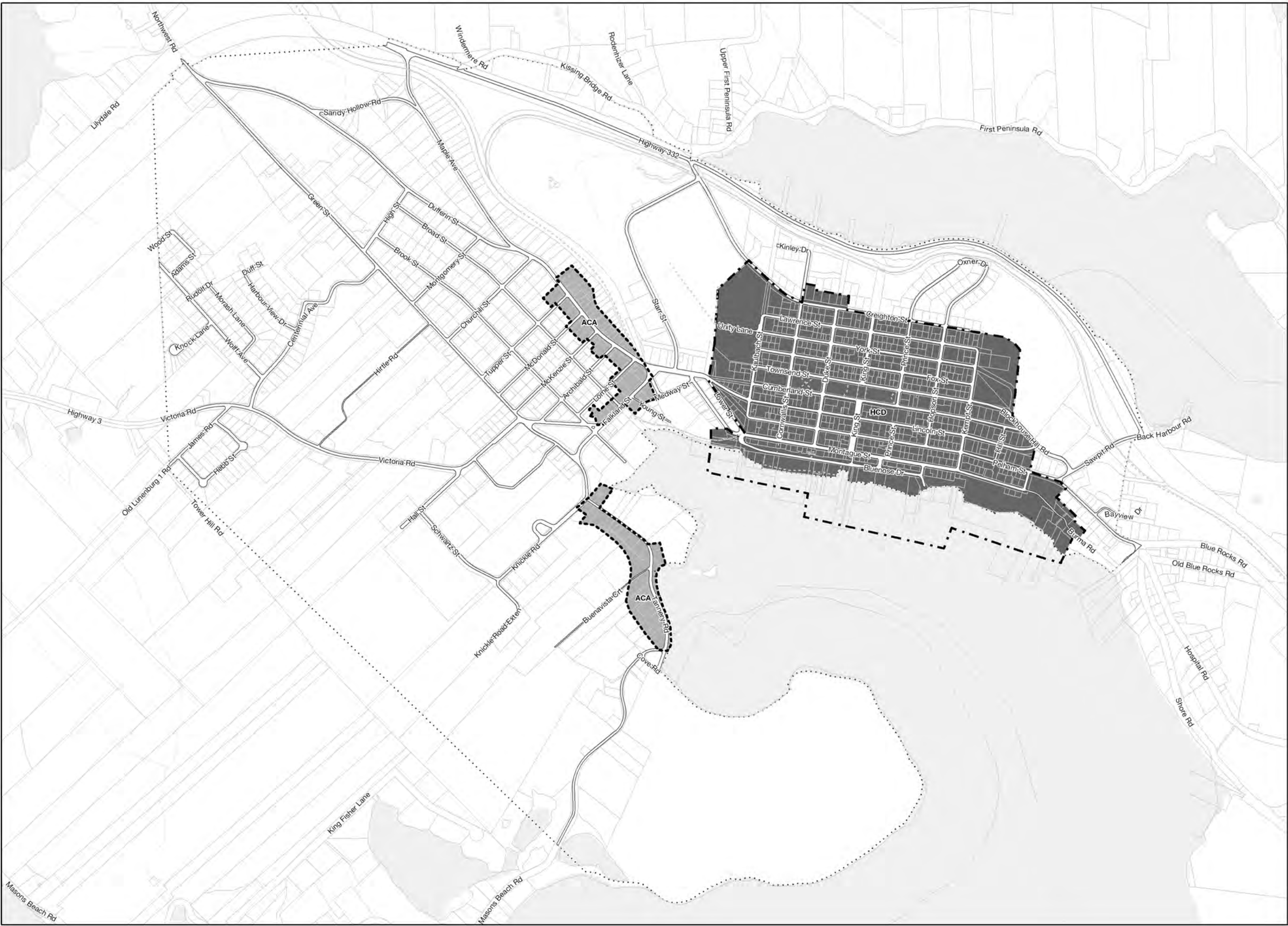


MAP
Heritage Conservation District and Architectural Control Area Map

SCHEDULE	LAST UPDATED
F	6/1/2021

NORTH	SCALE
	1:10,000

LEGEND	
	HCD Heritage Conservation District
	ACA Architectural Control Area
	Town of Lunenburg





Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
 - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
 - ii. only two yard sales may take place on any property during each calendar year; and
 - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.

Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;



- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and
- (e) outdoor food sales at Craft Markets and Farmers' Markets.

Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*:

- (a) Commercial Mixed Use Zone

SUBDIVISION BY-LAW DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SUBDIVISION BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Authority and Title

- 1.1.1 This By-law is enacted by the Council of the Town of Lunenburg under the provisions of sections 271-274 of the *Municipal Government Act* (S.N.S. 1998, ch. 18)
- 1.1.2 This By-law may be cited as the "Subdivision By-law" of the Town of Lunenburg.
- 1.1.3 This Subdivision By-law may also be cited as "By-law" when used in a self-referential manner within the text.
- 1.1.4 All former Subdivision By-laws of the Town of Lunenburg are hereby repealed.



2 Administration

- 2.1.1 This By-law shall be administered by the Development Officer of the Town appointed under the authority of the *Municipal Government Act*.
- 2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.



3 Interpretation

3.1 Measurement

- 3.1.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

3.2 Specifications and Standards

- 3.2.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Town Engineer in exceptional circumstances and in accordance with accepted engineering practices.



4 Definitions

- 4.1.1 For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

Act means the *Municipal Government Act*.

Area of Land means any existing lot or parcel as described by its boundaries, except in Section 5.6 (Main Building).

Back Flow Prevention means a device or method which prevents backflow.

Council means the Council of the Town of Lunenburg.

Central Sewer System means a system of pipes and associated facilities owned by the Town for the collection and disposal of sewage from two (2) or more lots.

Central Water System means a system of reservoirs and pipes owned by the Town which supplies potable water to two (2) or more lots.

Lot means any parcel created by the filing of a plan or instrument of subdivision.

Proposed Lot means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot.

Province means the Province of Nova Scotia.

Public Street means any street or road owned and maintained by the Town, a municipality, or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

Land Registration Office means the office of the registration district in which the area of land being subdivided is situate.

Service Specifications means the specifications for design and construction of public streets, central sewer systems, and central water systems adopted by Council.

Subdivider means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.



Subdivision means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

Town means the Town of Lunenburg.

Town Engineer means the Engineer appointed by the Town and includes a person acting under the supervision and direction of the Town Engineer.

Usable Land means:

- (a) land that:
 - i. contains an average slope of land not greater than the average slope of the land being subdivided;
 - ii. is not comprised of lands subject to flooding or classified as wetlands;
 - iii. has a minimum area of 550 square metres; and
 - iv. has frontage on a public street or access to a public street by means of abutting publicly-owned lands; or
- (b) land that:
 - i. has frontage on the ocean; and
 - ii. has frontage on a public street or access to a public street by means of abutting publicly-owned lands.



5 Lot Requirements

5.1 Abut Public Street

- 5.1.1 All lots shall abut a public street.

5.2 Land Use By-law

- 5.2.1 All lots shall meet the applicable requirements contained in the Land Use By-law.
- 5.2.2 Sections 5.3 (10% Variance), 5.5 (Encroachments), and 5.6 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

5.3 10% Variance

- 5.3.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law) the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met.
- 5.3.2 Subsection 5.3.1 does not apply if the area requirements established by the Department of Environment and Climate Change for the construction or installation of an on-site sewage disposal system are not met.

5.4 Boundary Alteration

- 5.4.1 Notwithstanding Section 5.1 (Abut Public Street), and the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
 - (a) no additional lots are created;
 - (b) each resulting lot:
 - i. meets the minimum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, reduced;



- (c) each resulting lot:
 - i. meets the maximum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, increased;
 - (d) each resulting lot:
 - i. meets the minimum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area reduced; and
 - (e) each resulting lot:
 - i. meets the maximum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area increased.
- 5.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Subsection 5.4.1 shall:
- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and
 - (b) notwithstanding Clause 15.1.2(b), other than the new boundaries which have been surveyed pursuant to Clause 5.4.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and



- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

5.5 Encroachments

- 5.5.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land prior to October 25, 2007, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 5.5.2 Where a lot created pursuant to Subsection 5.5.1 is not surveyed, the provisions of Subsection 5.4.2, (Boundary Alteration), shall apply.

5.6 Main Building

- 5.6.1 For purposes of Subsection 5.6.2, "main building" means a building that is not an accessory building to another building on the area of land.
- 5.6.2 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land and used as a main building prior to November 4, 1966, (the date of the first Subdivision Regulations in the Town of Lunenburg) the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment for on-site sewage disposal systems.



5.7 Lot Shape

- 5.7.1 Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).



6 Streets

6.1 Private Roads

- 6.1.1 The development of new private roads shall not be permitted.

6.2 Continuation of Existing Streets and Connections to Abutting Properties

- 6.2.1 All proposed public streets and subdivision designs shall connect to existing streets and provide connections to abutting properties in conformance with the requirements of Part 6 of the Specifications for Subdivision.

6.3 Approval of Public Streets

- 6.3.1 All proposed municipal public streets shall be approved by the Town Engineer in accordance with the Specifications for Subdivision adopted by Council.
- 6.3.2 Where a proposed municipal public street intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Active Transit.

6.4 Lot Access

- 6.4.1 A proposed lot that abuts a public street shall have any new access to the public street approved by the authority having jurisdiction for that public street.

6.5 Identification of Public Street

- 6.5.1 Where a plan shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street or road is a public street.



7 Water Supply

- 7.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central water supply system shall be connected to the Town central water supply system.
- 7.1.2 Where lots are not to be served by the Town central water supply system, the subdivider shall design, lay out and construct a water supply system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



8 Sanitary Sewers

- 8.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central sanitary sewer system shall be connected to the Town central sanitary sewer system.
- 8.1.2 Where lots are not to be served by the Town central sanitary system, the subdivider shall design, lay out and construct a sewage disposal system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



9 Public Open Space

9.1 Dedication Required

- 9.1.1 Where the area of land proposed to be subdivided has frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall transfer to the Town, free of encumbrances, for park, playground and similar public purposes, an area of usable land with frontage on the ocean and is equal to at least 10% of the area of all new lots created by the plan.
- 9.1.2 Where the area of land proposed to be subdivided does not have frontage on the ocean and is within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes cash-in-lieu in the amount of at least 10% of the assessed value of the lots created by the plan.
- 9.1.3 Where the area of land proposed to be subdivided does not have frontage on the ocean and is not within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes usable land equal to at least 10% of the area of all new lots created by the plan, free of encumbrances.
- 9.1.4 For the purposes of public dedication calculations, remainder land and lots for street right-of-ways shall be excluded.

9.2 Waiver

- 9.2.1 Council hereby waives the requirements of section 9.1 (Dedication Required), where:
 - (a) fewer than three vacant lots are created from an area of land, including the remainder lot;
 - (b) the subdivision is the consolidation of two or more lots;
 - (c) lot boundaries are changed but no new vacant lots are created;
 - (d) the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
 - (e) the subdivision is undertaken by a government body.



10 Construction of Services

10.1 Inspection

- 10.1.1 The subdivider shall permit the Town Engineer to inspect the construction of streets and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or streets.

10.2 Deviations

- 10.2.1 No deviation from the plans, drawings, and specifications required by Subsections 6.3 (Approval of Public Streets), 7.1.2 (Water Supply) and 8.1.2 (Sanitary Sewers) shall take place during construction unless such deviation is approved by the Town Engineer.

10.3 Duty on Completion

- 10.3.1 Within thirty (30) days of being notified that the Town Engineer has determined that the new public streets, central water systems, and central sewer systems have been constructed as required by this By-law, the subdivider shall:
- (a) Provide the Town Engineer with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Service Specifications; and
 - (b) Provide the Town Engineer with all necessary operating and procedural manuals for each water or sanitary sewer system; and
 - (c) Provide the Town Engineer with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Service Specifications; and
 - (d) Post for one (1) year a maintenance bond or other security acceptable to the Town Engineer or Development Officer in an amount equal to ten percent (10%) of the actual cost of construction; and



- (e) Transfer to the Town title in fee simple to all public streets and to all plants and assets necessary to the operation of the public streets, central water systems and central sewer systems together with easements sufficient for the maintenance of all services and public street drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

10.4 Construction Agreement and Bond

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of public streets or services, the subdivider shall, with the consent of Town Council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by Subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer, at the subdivider's cost.
- 10.4.3 The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Town, free of encumbrances and at no cost to the Town, title in fee simple to:
 - (a) all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services; and
 - (b) all plants and assets necessary to the operation of central water systems that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services; and
 - (c) all proposed public streets that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated drainage systems.



11 General Requirements for Applications

11.1 Application Form

- 11.1.1 Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.
- 11.1.2 The development officer shall comply with all notification and approval provisions of the Act.

11.2 Agencies to Forward Recommendations

- 11.2.1 Any agency that has been forwarded a copy of a concept, tentative or final plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure) shall forward a written report of its assessments or recommendations to the Development Officer. A copy of any repeal shall be sent to the relevant agency.

11.3 Additional Information

- 11.3.1 Where the concept, preliminary, tentative, or final plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the following additional information, if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan:
 - (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway, and water wells;
 - (b) the location of any watercourse, wetland, marine water body, and other features that may influence the design of the on-site sewage disposal system, including any ditch, street and driveway, or easement;
 - (c) the surface slopes and directions;
 - (d) the location of any test pit;
 - (e) the proposed on-site sewage disposal system, selected or designed;
 - (f) an explanation of the extent, volume and type of usage to which the system will be subjected;



- (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- (h) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

11.4 Plan Contrary to Provincial Law or Regulation

- 11.4.1 Approval of a concept, preliminary, tentative, or final plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Climate Change, the Department of Transportation and Active Transit or of any other agency of the Province or the Town unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

11.5 Notification of Land Registration Office

- 11.5.1 For final plans of subdivision, the Development Officer shall forward to the Land Registration Office:
 - (a) within seven (7) days of approving the plan, one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule 'B' of this By-law; and
 - (b) if applicable, the items required by Section 15.7 (Approval of Consolidation or Additions) of this By-law.
- 11.5.2 For repeals of subdivision, the Development Officer shall forward to the Land Registration Office a notice of repeal in the form specified in Schedule D of this By-law.



11.6 Notification of Subdivider

- 11.6.1 The Development Officer shall forward an approved copy of the concept, preliminary, tentative, or final plan or notice of repeal to the subdivider.
- 11.6.2 Where the Development Officer refuses to approve a concept, preliminary, tentative, or final plan, or a repeal of subdivision, the development officer shall:
- (a) give notice of the refusal to all agencies which were forwarded a plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure); and
 - (b) inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the Act.

11.7 Fees

- 11.7.1 At the time of application for approval of a tentative plan of subdivision, the subdivider shall submit to the Development Officer:
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan at the Land Registration Office; and
 - (b) the processing fee set by Council.
- 11.7.2 Where the development officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the Development Officer shall return the fees referred to in Clause 11.7.1(a) to the subdivider.



12 Concept Plans

12.1 Concept Plan Optional

12.1.1 Concept Plans shall be optional, at the subdivider's discretion.

12.2 Concept Plan Requirements

- 12.2.1 A subdivider proposing to subdivide an area of land in phases which will contain new streets may submit to the development officer eight (8) printed copies and one (1) digital copy of a concept plan of the entire area of land. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
- (a) the words "Concept Plan" located in the title block;
 - (b) the name of the owner of the area of land being subdivided;
 - (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (d) the names of all owners of all properties abutting the area of land being subdivided;
 - (e) the proposed internal street system with connections to existing public streets;
 - (f) the proposed location of public open space;
 - (g) the location of existing development, if any;
 - (h) the location of any municipal service boundary;
 - (i) the north point;
 - (j) contours at 5-metre intervals; and
 - (k) any other information necessary to determine if the subdivision meets the Service Specifications and accepted engineering practice as determined by the Town Engineer.



12.3 Concept Plan Procedure

- 12.3.1 The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to request evaluation of the concept plan in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
 - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (d) public open space; and
 - (e) any proposed community and commercial uses.

12.4 Stamps to Appear on Concept Plan

- 12.4.1 The following information shall be stamped or written and completed by the Development Officer on any concept plan that is approved:
- (a) "This concept plan is approved.";
 - (b) the date of the approval of the concept plan; and
 - (c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the Land Registration Office.".



13 Preliminary Plans of Subdivision

13.1 Preliminary Plan Optional

13.1.1 Preliminary Plans shall be optional, at the subdivider's discretion.

13.2 Preliminary Plan Requirements

- 13.2.1 A subdivider proposing to subdivide an area of land may submit to the development officer four (4) printed copies and one (1) digital copy of a preliminary plan of subdivision drawn to scale and showing:
- (a) the name of the owner of the area of land being subdivided;
 - (b) the names of all owners of all properties abutting the area of land being subdivided;
 - (c) the civic number of main buildings on the area of land being subdivided and the unique Parcel Identifier (PID) of all the areas of land being subdivided;
 - (d) the approximate location of railways and railway rights-of-way;
 - (e) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
 - (f) the shape, dimensions, and area of the lots being created;
 - (g) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter. There shall be no duplication of lot identifiers;
 - (h) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - (i) the location of existing buildings within 10 metres (32.8 feet) of a property line;
 - (j) the general location of watercourses and wetlands;



- (k) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (l) the north point;
- (m) the scale to which the plan of subdivision is drawn; and
- (n) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

13.2.2 Where the preliminary plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan.

13.3 Preliminary Plan Procedure

13.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.

13.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Town Engineer;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.



- 13.3.3 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.



14 Tentative Plans of Subdivision

14.1 Tentative Plan Optional

14.1.1 Tentative Plans shall be optional, at the subdivider's discretion.

14.2 Tentative Plan Requirements

14.2.1 A subdivider proposing to subdivide an area of land may submit to the Development Officer eight (8) printed copies and one (1) digital copy of the tentative plan of the proposed subdivision meeting the requirements of this section.

14.2.2 Tentative plans of subdivision submitted to the development officer shall be:

- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed;
- (c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

14.2.3 Tentative plans of subdivision shall show the following:

- (a) the words "Plan of Subdivision" located in the title block;
- (b) the words "Tentative Plan" located above the title block;
- (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- (d) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
- (f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (g) the civic number and location of main buildings on the area of land being subdivided;



- (h) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;
- (i) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (j) the width and location of railroads and railway rights-of-way;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- (p) the general location of watercourses, wetlands, or prominent rock formations;
- (q) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (s) the location of any existing access from a proposed lot to a public street;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
 - (w) the scale to which the plan of subdivision is drawn; and
 - (x) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.
- 14.2.4 Where the tentative plan of subdivision is to be forwarded to the Department of Environment and Climate Change additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the tentative plan.
- 14.2.5 Where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
 - (b) be accompanied by four copies of a plan showing:
 - i. contours at 2-metre intervals;
 - ii. drainage patterns;
 - iii. the width and location of proposed public streets and their intersection with existing public streets;
 - iv. the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.
- 14.2.6 Where new Town public streets, central water systems, or central sewer systems are required the Development Officer shall not approve a tentative plan of subdivision until the subdivider has submitted plans, drawings and specifications that satisfy the requirements of Subsection 14.2.5 and the Service Specifications.



14.3 Tentative Plan Procedure

- 14.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.
- 14.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Town Engineer;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.

14.4 Stamps to Appear on Tentative Plan

- 14.4.1 The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:
- (a) "This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan";
 - (b) the date of the approval of the tentative plan;



- (c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."

14.4.2 The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.



15 Final Plans of Subdivision

15.1 Final Plan Requirements

- 15.1.1 A subdivider proposing to subdivide an area of land shall submit twelve (12) printed copies and one (1) digital copy of the final plan of subdivision meeting the requirements of this section to the Development Officer for approval.
- 15.1.2 Final plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed public street have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to Subsection 5.4.2 (Boundary Alteration), of this By-law; and
 - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 15.1.3 Final plans of subdivision shall show the following:
- (a) the words "Plan of Subdivision" located in the title block;
 - (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (c) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
 - (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
 - (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (f) the civic number and the location of main buildings on all the areas of land being subdivided;
 - (g) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;



- (h) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (i) the width and location of railroads and railway rights-of-way;
- (j) the location of any existing access from a proposed lot to a public street;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (r) the general location of watercourses, wetlands, and prominent rock formations;
- (s) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
 - (w) the scale to which the plan of subdivision is drawn; and
 - (x) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.
- 15.1.4 Where the final plan of subdivision is to be forwarded to the Department of Environment and Climate Change the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the final plan.
- 15.1.5 Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.
- 15.1.6 Where a new Town public street, central water system or a central sewer system is required, the Development Officer shall not approve a final plan of subdivision until the requirements of Section 10.3 (Duty on Completion), or of Section 10.4 (Construction Agreement and Bond) have been met.

15.2 Public Open Space

- 15.2.1 Where a transfer to the Town of money for public open space is required by Section 9.1 (Dedication Required) the transfer shall take place prior to endorsement of the final plan.

15.3 Final Plan Procedure

- 15.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;



- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:

- (a) the Town Engineer;
- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
- (c) the authority having jurisdiction for public streets shown on the plan; and
- (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.4 Public Open Space Contribution Required

15.4.1 No approval of a final plan of subdivision may be given unless the subdivider has conveyed to the Town land, or a combination of land or money or value in kind, that satisfies the requirements of Part 9 (Public Open Space).

15.5 Sewer and Water Approvals Required

15.5.1 No approval of a final plan of subdivision may be given until the subdivider has obtained the required approvals from the Town Engineer of any central water system required by Part 7 (Water Supply) or a central sewer system required by Part 8 (Sanitary Sewers).

15.6 Public Street Construction or Agreement Required

15.6.1 No approval of a final plan of subdivision may be given unless the subdivider either has laid out and constructed public streets and any other services required in accordance with the provisions of Section 10.3 (Duty on Completion) or has entered into an agreement with the Town in accordance with Section 10.4 (Construction Agreement and Bond).



15.7 Approval of Consolidation or Addition

- 15.7.1 No approval of a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships shall be given before the development officer has received:
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
 - (b) the fees for registering the deeds;
 - (c) the affidavit of value, including particulars of any exemption, pursuant to Part V of the Act;
 - (d) the deed transfer tax applicable to the transaction, if any; and
 - (e) forms sufficient to meet the requirement of the *Land Registry Act*.

15.8 Approval after Conveyance

- 15.8.1 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

15.9 Stamps to Appear on Final Plan

- 15.9.1 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:
- (a) "This final plan of subdivision is approved for Lots _____";
 - (b) where applicable,
 - i. "[lot(s) approved and/or remainder] (is, are) suitable for the construction or installation of an on-site sewage disposal system for [proposed use] and any conditions which apply are contained in a report dated [date] and available from the Department of Environment and Climate Change.";



- ii. " IMPORTANT NOTICE [lot(s) approved and/or remainder] (has, have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of Environment and Climate Change are met.";
 - iii. "[lot(s) approved and/or remainder] (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment and Climate Change is required"; or
 - iv. "lot(s) are serviced with central sanitary sewer; and
- (c) where applicable,
- i. a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets; or
 - ii. where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted.



16 Repeal of Subdivision

16.1 Approval May be Repealed

- 16.1.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

16.2 Application to Repeal

- 16.2.1 Any person requesting a repeal shall submit an application in the form specified in Schedule C to the Development Officer.
- 16.2.2 At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer:
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of subdivision; and
 - (b) the processing fee set by the Council.

16.3 Provisions Applicable

- 16.3.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.
- 16.3.2 Parts 5 to 15 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

16.4 Agency Assessments

- 16.4.1 When the Development Officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency that provided an assessment or recommendations on the original plan of subdivision.



16.5 No Violation of By-laws

- 16.5.1 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of the Town Building By-law, the Land Use By-law, or sewage disposal regulations unless the violation will be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

16.6 Approval Notification

- 16.6.1 The Development Officer shall forward the repeal in the form specified in Schedule 'D' to:
- (a) the Land Registration Office;
 - (b) the subdivider, and
 - (c) any agency that provided an assessment or recommendations on the original plan of subdivision.

SPECIFICATIONS FOR SUBDIVISION DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SPECIFICATIONS FOR SUBDIVISIONS, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Definitions

1.1.1 Whenever the following terms are used in any part of these specifications the intent and meaning shall be interpreted as follows:

ACT means the *Municipal Government Act*.

APPROVAL means the approval of the Town Engineer. The Town Engineer's decision shall be final and binding in matters of design and construction.

BOARD means the Nova Scotia Utility and Review Board

DEVELOPMENT OFFICER means the officer of the Town of Lunenburg charged from time to time by Council with the administration of the Subdivision By-law.

FORCEMAIN means a section of sanitary sewer through which sewage is either pumped or flows by gravity under a low pressure head.

PUBLIC STREET means any street or road owned and maintained by the Town, a municipality or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

INSPECTION means a field inspection by the Town Engineer at various stages of construction.

LATERAL means a service pipe for either sanitary sewage, storm water or potable water that extends from the main to the property line.

MAIN LINE means the primary pipeline in a water or sewer system. In the case of a sewer line a main line includes both collection and trunk lines, and in the case of a water main includes both distribution and transmission lines.

MAINTENANCE PERIOD means one year from the date of final approval of a subdivision.

NATURAL WATERCOURSE means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.

PROFESSIONAL ENGINEER means a Professional Engineer who is a member of the Association of Professional Engineers of Nova Scotia.



RUNOFF means overland flow that occurs when the rainfall rate exceeds the soil's capacity to absorb water.

SANITARY SEWAGE means wastewater from residential, industrial, institutional, and commercial buildings, excluding storm water runoff and ground water.

SETBACK means the minimum setback requirements as defined by the Land Use By-law or the Subdivision By-law of the Town.

SERVICES means all of the sanitary sewer, storm sewer, and water systems.

STORM SEWER means a buried drain for conveyance of storm water that includes the storm sewer main, manholes, laterals, catch basins, and catch basin leads.

SUB-BASE COURSE means the crushed rock or aggregate which is placed immediately upon the subgrade.

SUBDIVISION means the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels.

SUBGRADE means that portion of the roadbed upon which the sub-base course is to be placed.

TOWN means the Town of Lunenburg.

TOWN ENGINEER means the engineer of the Town of Lunenburg and includes a person acting under the supervision and direction of the engineer.

TRAFFIC STUDY means a study carried out by a professional engineer specializing in traffic, paid for by the Town, and shall include, at the discretion of the Town Engineer, information regarding:

- (a) existing traffic patterns; and
- (b) estimate of future traffic patterns and volumes; and
- (c) ability of existing adjacent streets to support the anticipated traffic volumes; and
- (d) sight distances; and
- (e) recommendations regarding traffic safety improvements; and



- (f) recommendations regarding upgrades to existing streets affected by the proposed subdivision; and
- (g) recommendations regarding upgrades to pedestrian and active transportation infrastructure affected by the proposed subdivision.

TRIBUTARY AREA means the area that contributes runoff flow to an inlet or given point immediately downstream of the contributing area.



2 Submission Requirements

2.1 General

- 2.1.1 This Part is intended to assist the applicant for subdivision approval in preparing a submission for the approval of municipal services. This Part must be read in conjunction with the Subdivision By-Law.

2.2 Tentative Approval

- 2.2.1 Three (3) copies of the information in this Section shall be submitted with an application for tentative approval of subdivision.

Permit to Construct

- 2.2.2 A copy of the Certificate of Approval from Nova Scotia Department of Environment and Climate Change shall be required prior to approval of the Tentative Plan.

General Service Plan

- 2.2.3 A copy of the plan indicating proposed street layout, tributary areas for servicing, existing and proposed services; including pipe sizes, valves, hydrants, manholes, lift stations, directions of flow, and points of connection to existing systems shall be required prior to approval of the Tentative Plan.

Drainage Plan

- 2.2.4 A copy of the plan indicating contributing area, the tributary area for each inlet, natural watercourse, and existing and proposed storm drainage systems; including run-off rates at each inlet and outlet, pipe/culvert size, and other relevant features shall be required prior to approval of the Tentative Plan. Lot grading plans and minimum basement elevations may be required for areas prone to flooding.

Survey Plan

- 2.2.5 A tentative plan of subdivision in accordance with the Subdivision By-law, showing proposed lot layout and all proposed public streets, street reserves, and easements to be transferred to the Town shall be required prior to approval of the Tentative Plan.
- 2.2.6 Proposed streets shall be identified with preferred street names.



Detailed Design Drawings

- 2.2.7 The following material is required prior to approval of the Tentative Plan:
- (a) Plan and profile drawings (1 :40 horizontal, 1 :4 vertical), drawing size D (24" x 36" overall dimensions) indicating lot layout, manhole locations, main and lateral locations, valves, hydrants, pipe size, material, and slope, horizontal and vertical street alignment data, existing and proposed street center line profiles, and cross sections; and
 - (b) All streets, water, storm and sewer systems shall be designed in accordance with the specifications included in this document. These specifications shall be read in conjunction with the latest edition of "Standard Specifications for Municipal Services" which may be obtained from the Joint Committee on Contract Documents c/o Spectech Ltd. , Halifax, NS. The design shall also be in compliance with the latest edition of the "Nova Scotia Standards and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage" prepared by the Nova Scotia Department of Environment and Labour; and
 - (c) The Town's specifications shall govern over other specifications referred to in this document; and
 - (d) In the case where the developer proposes to substitute an equivalent product or procedure departing from these specifications a description of the proposed substitute with sufficient supporting documentation shall be submitted to the Town Engineer for approval; and
 - (e) All engineering work must be undertaken and stamped by a Professional Engineer registered in the Province of Nova Scotia; and
 - (f) The developer shall notify the Town of work or tests a minimum of two (2) working days in advance of such work or test taking place. Work or tests completed without prior notice may not be accepted by the Town; and
 - (g) Details for lift stations indicating pump data, invert elevations for gravity inlet, overflow, and forcemain, float elevations, base elevation, top elevation, wet well size, bypass piping arrangement, and other relevant details; and
 - (h) Details for environmental control measures, and other relevant details as required or as requested by the Town Engineer.



Design Submission

- 2.2.8 Depending on the size of the proposed subdivision development, the following information may be required by the Town Engineer:
- (a) Design summary for the sewer system in tabular form giving population density peak flow, design flow, pipe size, slope, minimum and maximum velocity, and depth of flow; and
 - (b) Design summary for the water system in tabular form giving population density, domestic demand, fire flow requirements, maximum and minimum static pressures under normal operating conditions, and residual pressures under fire flow conditions; and
 - (c) Design information for the storm drainage system in tabular form giving runoff rates at each inlet and outlet, design flow, pipe, culvert, or channel size, and depth of flow; and
 - (d) Design information in tabular form for lift stations and forcemains giving minimum, maximum, and peak flow rates, pipe size, velocity in forcemain, and pump cycle time, system and pump curves for lift stations and forcemains; and
 - (e) Erosion and sedimentation control plan.

Traffic Study

- 2.2.9 The Town may commission a traffic study by a qualified consultant to determine the impact of the proposed subdivision on adjacent streets, pedestrian networks, and active transportation facilities. The cost of the traffic study shall be paid by the Town, and the cost of improvements required by the study shall be paid for by the developer.

2.3 Final Approval

- 2.3.1 The information in this Section shall be required for final approval of municipal streets and services.

Record Drawings

- 2.3.2 Reproducible record drawings stamped by a Professional Engineer. Plan and profile, detail drawings and a drainage plan similar to those submitted for tentative approval are required.



- 2.3.3 Record drawings prepared on a CAD system must be submitted in both hard and electronic format. Hard copies must be on a high-quality bond paper (1 set) and mylar (1 set). Electronic copies are to be submitted on compact disc or USB drive and be saved in AutoCAD "dwg" or "dxf" format. Record drawings prepared manually must be submitted on both high-quality bond paper (1 set) and mylar (1 set).

Deeds and Easement Documentation

- 2.3.4 The following shall be submitted by the developer:
- (a) Warranty Deed for all street rights-of-way and street reserves; and
 - (b) Easement agreements for water, sanitary sewer, and storm drainage systems located outside of the proposed street right-of-way; and
 - (c) Title certificate by developer's solicitor for land and easements being transferred. A copy shall be provided to the Town Solicitor for approval; and
 - (d) Information and documentation sufficient to record the deeds in either the Traditional Registry or Land Registry, as applicable. Title to streets shall be migrated if required under the Act; and
 - (e) Plan of subdivision submitted for final approval.

Maintenance Deposit

- 2.3.5 The following shall be submitted by the developer:
- (a) Statement of construction costs which must be reviewed and approved by the Town Engineer; and
 - (b) Statutory declaration from the developer indicating that all accounts for labor and material used in the construction of the subdivision and all statutory liens have been paid in full; and
 - (c) Maintenance deposit in accordance with Subdivision By-law.

Street Completion Agreement and Bond for Street Completion

- 2.3.6 The street completion agreement and bond shall be provided in accordance with the Subdivision By-law.



Operation and Maintenance Manuals

- 2.3.7 Operation and Maintenance Manuals shall be provided for pumps and other similar equipment.

Certificate of Compliance

- 2.3.8 A Certificate of Compliance shall be provided by the developer from a Professional Engineer stating that the streets and services have been constructed in accordance with the approved plans and specifications.

Inspection and Testing Reports

- 2.3.9 The following inspection and testing results as applicable, shall be provided:
- (a) video inspection file and report for sanitary and storm sewer; and
 - (b) test results for allowable leakage testing of the sanitary and storm sewer, stamped by a Professional Engineer; and
 - (c) test results for hydrostatic and leakage tests for water lines, stamped by a Professional Engineer; and
 - (d) bacteriological test results for water lines; and
 - (e) sieve analysis for base and sub-base gravel; and
 - (f) compaction test results on trench compaction, subgrade, sub-base and base courses; and
 - (g) test results for asphaltic concrete paving shall be required after completion and prior to release of standby letter of credit.

2.4 Listing Procedure for Subdivision Streets

- 2.4.1 Before the constructed streets and services are accepted, the Town must receive confirmation from the Nova Scotia Environment and Climate Change that all its requirements have been met.
- 2.4.2 When the preceding information has been submitted and approved, the developer may then officially request the Town take over the street system in the subdivision. The request shall be accompanied by four (4) copies of a final plan showing the entire subdivision, its boundaries and street layout. The Town Engineer may then recommend that the Town officially accept the deeds for the streets in the subdivision.



3 Sanitary Sewer System Specifications

3.1 General

- 3.1.1 This Part specifies the requirements for a central sanitary sewer collection system. A sanitary sewer consists of main lines, laterals, forcemains and appurtenances (including manholes and lift stations).

3.2 References

- 3.2.1 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association; and
 - (b) Sanitary sewage systems shall conform to the Nova Scotia Department of the Environment and Climate Change Standard and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage. No systems shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.
- 3.2.2 In addition, please note that any discharge into a sanitary sewer must comply with the Town of Lunenburg's *Sewer Discharge By-law*.

3.3 Design Criteria

General

- 3.3.1 The sanitary sewage system shall be designed for flows generated from all lands within the serviceable area which are naturally tributary to the drainage area as determined from topographic plans. In addition, lands within the serviceable area which are tributary by pumping or regrading which are at present or anticipated to flow through the design area are to be included.
- 3.3.2 Design shall be based on an appropriate population density according to land use and zoning.



Design Flows

- 3.3.3 Sewer collection mains shall be sized for the domestic peak hourly water demand. Unless data is supplied by flow metering, the design sewage flow shall be calculated as follows:
- (a) Average Dry Weather Flow (Q_A) shall be calculated on the basis of an allowance of 75 Imperial Gallons per person per day (340 liters per person per day).
 - (b) Design Peak Flow (Q_P) shall be based on the peak wet weather flow according to the following:

$$Q_P = M \cdot Q_A + I \cdot A$$

where:

M = Peaking Factor, determined using the Harmon formula:

$M = (1 + 14)/(4 + P^{0.5})$, where P = design population in thousands;

I = a minimum of 1080 Imperial Gallons per acre per day (12,096 liters per hectare per day); and

A = tributary area in Acres (Hectares) as defined in Section 1, Definitions.

- 3.3.4 The Town Engineer shall have the right to request flow and other engineering calculations including impact on the downstream systems prior to approval to install a sewer system.

3.4 Gravity Systems

Pipe Material

- 3.4.1 Polyvinyl Chloride (PVC), SOR 35 shall be used for sanitary sewer main installations within the Town, unless otherwise approved by the Town Engineer.

Hydraulic Design

- 3.4.2 Sanitary sewer mains shall be designed to convey the calculated Design Peak Flows. The Designer shall ensure that surcharging of the system does not occur during such peak flow conditions by taking into consideration such factors as energy loss at manholes. The capacity of the sanitary sewer mains shall be calculated using the "Manning Formula" or an appropriate nomograph. A Manning roughness coefficient (n) equal to 0.011 shall be used for PVC pipe.



- 3.4.3 Sewers shall be designed to maintain a minimum velocity of 2 feet per second (0.6 meters per second) and a maximum velocity of 15 feet per second (4.6 meters per second) when operating under Design Peak Flow conditions from the tributary area when fully developed.

Minimum Pipe Size

- 3.4.4 No sanitary sewer main shall be less than 8 inches (200 mm) in diameter.

Minimum Slope

- 3.4.5 Sanitary sewer mains shall have a minimum slope of 1 percent. Slopes less than 1 percent may be considered where the depth of flow will be at least 30 percent of the diameter of the pipe for Design Peak Flow. In no case shall the slope be reduced to less than 0.75 percent.
- 3.4.6 Calculations shall be presented in a tabular form to indicate depths and velocities at minimum, average and maximum daily wastewater flow for the different sizes of sewer proposed.

High Velocity Protection

- 3.4.7 Where velocities greater than 15 feet per second (4.5 meters per second) are attained, special provision shall be made to protect against displacement of pipe and structures by erosion and shock.

Depth

- 3.4.8 The sanitary sewer shall be installed at a sufficient depth to provide service by gravity flow from all proposed lots within the proposed subdivision and to provide service to adjoining lands.
- 3.4.9 The minimum depth of sanitary sewer mains shall not be less than 5 feet (1.5 meters).
- 3.4.10 The depth of sanitary sewer mains shall not normally exceed a maximum of 14 feet (4.3 meters). However, under special conditions, if full and justifiable reasons are given (such as elimination of a pumping station), the maximum depth of sanitary sewer mains may be increased to 18 feet (5.5 meters).



Location

- 3.4.11 Where possible, all sanitary sewer pipe and appurtenances shall be located within a street owned by the Town. If approved by the Town Engineer, sanitary sewer mains may be installed within an easement granted in favor of the Town. The actual width of the easement shall depend upon the depth of any pipe lines contained within the easement. The minimum width of any such easement shall be 20 feet (6.1 meters).
- 3.4.12 Depending upon the length and location of the easement, the Town Engineer may require a suitable surface to provide vehicle access within the easement for maintenance purposes.
- 3.4.13 Where a need is identified by the Town Engineer to accommodate future upstream lands which are naturally tributary areas to the drainage area, an easement shall be provided from the edge of the street right-of-way to the upstream limit of the subdivision.

Joints

- 3.4.14 All joints on gravity lines shall be bell and spigot as recommended by the manufacturer.

Alignment

- 3.4.15 All sanitary sewer mains shall be laid with a straight alignment between manholes.

3.5 Gravity System Manholes

General

- 3.5.1 A manhole shall be provided on a sanitary sewer at the end of each line, at any change in pipe size, vertical or horizontal alignment and at all pipe intersections. All manholes shall be watertight.



Hydraulic Losses

- 3.5.2 The following criteria shall be used for pipe elevation and alignment in sanitary sewer manholes to account for hydraulic losses through the manhole:
- (a) minimum drop across manholes of similar diameters shall be:
 - i. straight run - 0.10 feet (30 mm); and
 - ii. deflections up to 45 Degrees - 0.10 feet (30 mm); and
 - iii. deflections 45 to 90 Degrees - 0.20 feet (60 mm); and
 - (b) the crown of a downstream pipe shall not be higher than the crown of an upstream pipe.

Minimum Diameter

- 3.5.3 The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Maximum Spacing

- 3.5.4 The distance between manholes shall not exceed 400 feet (120 m) for sewer main diameter of 24 inches (600 mm) or less. For sewer mains greater than 24 inches (600 mm) in diameter, the maximum spacing shall be 500 feet (150 m).

Location

- 3.5.5 All sanitary sewer manholes shall be positioned so as to minimize the inflow of surface water or ground water. Manholes shall not be located at or near drainage ditches or roadway low points.
- 3.5.6 In some situations where manholes cannot be easily located to minimize inflow, the use of berms and/or water-tight frames and covers may be permitted by the Town Engineer.

Drop Manholes

- 3.5.7 Where the difference between invert elevations of any two pipes entering and leaving a manhole is greater than 3 feet, either an internal or external drop chamber shall be provided. Drop manholes will only be approved when there are no other means of installing the pipe near the base of the manhole.



Frames & Covers

- 3.5.8 The following manhole frames and covers are approved for use:
- (a) IMP Type R60 for manholes within a public street allowance; and
 - (b) IMP R12 bolt down frame and cover for manholes in easements, parks or wet wells.

Lateral Connections at Manholes

- 3.5.9 If services must be designed to enter a manhole then the maximum number entering any manhole shall be limited to three (3). All entrances shall be cast into the manhole by the manufacturer and be complete with watertight gasketed joints.

3.6 Gravity System Laterals

General

- 3.6.1 In any subdivision for which tentative or final approval is being sought, a single sanitary sewer lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 3.6.2 A single sanitary sewer lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services, except that duplex or semi-detached unit lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 3.6.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material

- 3.6.4 Polyvinyl Chloride (PVC), SOR 28 shall be used for sanitary sewer service laterals. Pipe markers and end caps for sanitary sewer laterals shall be red in color.

Minimum Pipe Size

- 3.6.5 Minimum pipe size for laterals shall be 4 inches (100 mm) in diameter.



Clean-out

- 3.6.6 Service laterals with a total length greater than 85 feet (25 metres) shall be installed complete with a wye type clean-out or approved manhole in locations approved by the Town Engineer. A 1 foot (300 mm) by 1 foot (300 mm) x 1/4 inch (6mm) steel plate shall be placed above cleanouts and located 6 inches (150 mm) below the ground surface to allow detection by a metal detector.

Minimum Slope

- 3.6.7 Sewer laterals shall have a minimum slope of 2 percent.

Depth

- 3.6.8 The minimum depth of sanitary sewer laterals shall not be less than 5 feet (1.5 metres) below a traveled way (such as a driveway or street) or less than 3 feet (1 meter) below the bottom of a ditch.
- 3.6.9 To minimize future maintenance costs, all service laterals shall be eliminated from the deep section of the sewer main either by installation of a rider sewer for lateral connections or by the installation of all laterals at manholes.

Connection to Mains

- 3.6.10 Service connections to an existing main in service shall be made using the approved saddles listed below:
- (a) PVC Main - PVC gasketed strap on, in line or wye tee
 - (b) Concrete or AC main - Daigle 050
- 3.6.11 All saddles shall be fitted with a gasket and a double stainless steel strap and shall not protrude into the main.
- 3.6.12 Service connections to any newly constructed main shall be made using a service tee or wye fittings of the same material as the pipe with gaskets.
- 3.6.13 For laterals greater than 6 inches (150 mm) in diameter the connection to the sewer main shall be made by installing a manhole on the sanitary sewer main.



- 3.6.14 Any service connection requiring a major change in horizontal or vertical alignment shall be constructed using a maximum of one horizontal and one vertical bend per service lateral unless an approved manhole structure or "wye" type clean-out is provided. All bends shall be long-radius type with a maximum deflection of forty-five degrees.
- 3.6.15 The center line of any service connection at the main shall be located at an angle of 45 degrees above the horizontal at the main.

Joins

- 3.6.16 Sewer joints shall be designed to prevent infiltration and to prevent the entrance of roots, and shall be made in accordance with the manufacturer's recommendations.

Repairs

- 3.6.17 Repairs to pipe damaged after installation will be accepted only if carried out in accordance with the manufacturer's recommendations and after the damaged section has been retested.

Groundwater Movement

- 3.6.18 The design engineer shall assess the possible change in groundwater movement caused by the use of pervious bedding material and shall be responsible for the design of corrective measures to prevent flooding as a result of this groundwater movement. Clay plugs in service lateral trenches may be required for low lying lots and impervious soils.

3.7 Pumped Systems

General

- 3.7.1 Pumping stations shall be provided when, in the opinion of the Town Engineer, a gravity system is not possible or is not economically feasible.
- 3.7.2 Sewage pumping station structures and electrical and mechanical equipment shall be protected from physical damage from the 1 in 100 year flood. Sewage pumping stations shall be designed so that they remain fully operational and accessible during the 1 in 50 year flood.
- 3.7.3 During preliminary location planning, consideration shall be given to the potential of emergency overflow provisions and the avoidance of health hazards, nuisances and adverse environmental effects.



- 3.7.4 Unless otherwise approved by the Town Engineer, all pumping stations, pumps, and forcemains shall be designed for the ultimate sanitary sewer peak flows from the tributary area for drainage. In the selection of pumps, both present and future conditions shall be considered, and pump overloading situations shall be avoided.
- 3.7.5 Design parameters such as the roughness coefficient of pipe and flow volumes can vary over time, and such variances shall be considered in the selection of the pumps.

3.8 Pumped System Pumping Stations

General

- 3.8.1 All pumping stations shall include above ground self-priming pumps unless approved otherwise by the Town Engineer.

Pump Capacity

- 3.8.2 All pumping stations shall have a minimum of two pumping assemblies. If only two pumps are provided, each shall be capable of handling the expected Design Peak Flow. Where three or more units are provided, they shall be designed to fit actual flow conditions and must be of such capacity that, with the largest unit out of service, the remaining units will have capacity to handle maximum sewage flows, taking into account head losses with parallel operation. The pump control circuitry shall be designed to automatically alternate pumps for each pump cycle. Run time meters shall be provided to record run time for pumps operation.

Wet Well Size

- 3.8.3 The wet well shall be designed to allow for a minimum cycle time for each pump of fifteen minutes. For a duplex station, the volume in cubic feet, between pump start and pump stop shall be 0.5 times the pumping rate of one pump, expressed in US gallons per minute. The wet well size and control settings shall be appropriate to avoid heat build-up in the pump motor due to frequent starting and to avoid septic conditions due to excessive detention time.
- 3.8.4 The wet well shall be designed for a maximum retention time of 30 minutes to avoid septic conditions.



Phased Development

- 3.8.5 In situations of phased development, the effects of minimum flow conditions shall be investigated to ensure that the retention time in the wet well will not create an odor or septic conditions.

Structural Design

- 3.8.6 The wet well structure shall be designed for all external loads, including bearing capacity with the wet well full, lateral earth pressure and hydraulic uplift with the wet well empty.

Pump Manufacturers

- 3.8.7 The following pumps and pump manufacturers may be approved for use in sewage pumping stations in the Town:
- (a) submersible pumps manufactured by "ITT Flygt" or "Gorman Rupp"
 - (b) self priming pumps manufactured by "Gorman Rupp"
- 3.8.8 All pumps shall be solids-handling type complete with electric motors.

Pump Supplier

- 3.8.9 The pump supplier shall have as a minimum:
- (a) 15 years of continuous sales and repair service in Canada; and
 - (b) a replacement mechanical seal, a replacement wear plate, and a replacement impellor for the electrical pump in inventory in Nova Scotia; and
 - (c) factory trained personnel available at all times in Nova Scotia; and
 - (d) all pumps and motors must carry a minimum 24-month warranty.

Emergency Overflows

- 3.8.10 Each pumping station shall be provided with an emergency overflow arrangement acceptable to both the Town Engineer and the Nova Scotia Environment and Climate Change. The invert of the overflow pipe at the pumping station shall be lower than the invert of any sanitary sewer laterals at the property line. As well, the invert of the overflow pipe shall be at an elevation high enough to prevent backflow from surface runoff or during extreme high tides.



Safety Precautions

- 3.8.11 The pumping station and appurtenances shall be designed in such a manner to ensure the safety of Town employees, in accordance with all applicable Municipal, Provincial and Federal regulations including the *Occupational Health and Safety Act*. All moving equipment shall be covered with suitable guards to prevent accidental contact.
- 3.8.12 Equipment that starts automatically shall be suitably and visibly posted with warning signs to ensure that the Town employees are aware of this condition. Lock-outs on all equipment shall be supplied to ensure that the equipment is completely out of service when maintenance or servicing is being carried out.

Pump Selection

- 3.8.13 Pumping equipment shall be selected to perform at maximum efficiencies under normal operating conditions. Pumping stations, wet wells and dry wells shall be designed such that all pumps will operate under a continuous positive prime condition during the entire pump cycle. (This criteria will not apply to pumping stations designed to use self-priming pumps). System head calculations and curves shall be provided for the following operating conditions:
- (a) $C=100$ and low water level in the wet well; and
 - (b) $C=120$ and medium water level over the normal operating range in the wet well; and
 - (c) $C=130$ and overflow water level in the wet well.

Where C is Hazen-Williams flow co-efficient.

Curve (b) shall be used to select the pump and motor since this most closely represents normal operating conditions. The extreme operating ranges will be given by the intersections of curves (a) and (c) with the selected pump curve. The pump and motor shall be capable of operating satisfactorily over the full range of operating conditions.

Surcharge

- 3.8.14 Pumping stations shall be designed such that the incoming sewers will not surcharge under the peak flow conditions.



Flow Velocity

- 3.8.15 Suction and header piping shall be sized to carry the anticipated flows. Flow velocities shall be:
- (a) minimum cleansing velocity of 2.6 feet per second (0.8 meters per second), and
 - (b) maximum velocity of 6.6 feet per second (2.0 meters per second).
- 3.8.16 Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter shall not be acceptable, unless otherwise approved by the Town Engineer.

Piping

- 3.8.17 Pumping station internal piping shall be either ductile iron Class 54 with coal tar epoxy lining or stainless steel, Type 316 or 316L, 11 Gauge. Regular steel pipe spool pieces will not be permitted.
- 3.8.18 Threaded flanges or victaulic couplings shall be used for all ductile iron pipe joints, fittings and connections within the station. Pressed or rolled vanstone neck flanges shall be used for all stainless steel pipe joints, fittings and connections. All piping within the pumping station shall be properly supported and shall be designed with appropriate fittings to allow for expansion and contraction, thrust restraint, etc.

Wet Well Inlet

- 3.8.19 Only one inlet will be permitted into the wet well. If more than one sewer main flows to a pumping station site then a manhole shall be provided near the pumping station to collect the flow from the contributing mains.

Hydraulic Analysis

- 3.8.20 A hydraulic transient analysis shall be undertaken to ensure that transients (water hammer) resulting from pumps starting, stopping, full load rejection during power failure, etc. do not adversely affect the pipe or valves in the system.

Valves

- 3.8.21 Hand operated gate or plug valves shall be provided on discharge piping to allow for proper maintenance. A check valves shall be provided on the discharge lines between the isolation gate valve and the pump. Check valves shall be accessible for maintenance.



Ventilation

- 3.8.22 Forced ventilation shall be provided for pumping station wet wells and dry wells. A ventilation system capable of delivering a complete air change in ten minutes and with automatic operation of the fan at least four times in a 24-hour period is required.

Access & Removal

- 3.8.23 Access hatchways and doorways shall be provided to allow adequate maintenance and servicing. All pumping stations shall be provided with an acceptable device for the removal of pumps and motors for repair and maintenance. Lift hatches shall have gas assisted cylinders and be able to be "locked in" in the upright position.
- 3.8.24 Submersible pumps shall be readily removable and replaceable without dewatering the wet well or disconnecting any piping in the wet well. A non-corroding working platform shall be constructed in the wet well of any submersible station. The platform shall be set on a concrete lintel cast integrally with the station walls. Alternatively, a separate valve chamber shall be provided.
- 3.8.25 All locks shall be keyed to the Town's standard key system.

Electrical / Supervisory Control and Data Acquisition (SCADA) System

- 3.8.26 Electric motors less than 10 horsepower shall be 208 volt and 3 phase. Electric motors 10 horsepower and larger shall be 600 volt and 3 phase. Single phase pumps will only be permitted if in the opinion of the Town Engineer that three phase power is not feasible. All pumping station control equipment shall be mounted in a CSA Type 3 enclosure that is weather tight, heated and rated NEMA 4. Alternatively, control equipment may be mounted in an aboveground, prepackaged enclosure as manufactured by Gorman Rupp. Control package and wiring shall be CSA approved and the complete package shall meet CSA requirements for the type of equipment.
- 3.8.27 Run-time meters shall be provided for each pump. The run-time shall be recorded both on SCADA and also locally on meters at the station, mounted in the panel, facing outwards.



- 3.8.28 Pumping stations shall have ultrasonic echo controls to control pump starts and stops. Mercury float switches may be required in stations where ultrasonic echo control is unsuitable or used as a back-up to the ultrasonic echo controls. The station liquid levels shall be displayed both locally and remotely. Pump controls are to be provided with two over-rides (over-riding the normal function of the station), both of which are to be operated by mercury float switches. One float is to be set to lock-out the pumps if the liquid level drops 3 inches (75 mm) below the normal pump shut-off level. This condition is to provide an alarm but is to be self-resetting. The other float is to be set at the high-level alarm level, both to provide that alarm but also to start both pumps, if they are not already running.
- 3.8.29 Each panel is to be equipped with a pump controller complete with communications hardware, including but not limited to, radio, radio power supply, antenna and interface cable. Adequate lighting arresters shall be provided. The SCADA system must be compatible with the system presently used by the Town.
- 3.8.30 The SCADA unit shall have two extra digital points and two extra analog points and shall be capable of transmitting the following signals and alarms to the central monitoring location:
- (a) hand off automatic selector switch status; and
 - (b) output control through SCADA system; and
 - (c) power generating system (overload, battery status, fuel tank level, running, etc.); and
 - (d) low level alarm; and
 - (e) high level alarm; and
 - (f) panic alarm; and
 - (g) building fire alarm; and
 - (h) power failure alarm; and
 - (i) illegal entry alarm; and
 - (j) pump information (overload, motor current, pump status, line voltage, pump running hours, pump starts, and phase monitoring); and
 - (k) dry well alarm - where applicable; and



(l) any other requests of the Town Engineer

- 3.8.31 The electrical service meter socket is to be mounted on a utility pole and come complete with CEMA 3 weatherproof enclosure and disconnect switch suitable for the service provided.
- 3.8.32 The service connection shall meet requirements of the Town's electric light utility.
- 3.8.33 Electrical service from the supply to the control panel and between the control panel and the pumping station shall be through buried conduit. Each pump cable shall be installed in a separate conduit and a spare conduit shall be provided for future use. All conduits entering or leaving shall be adequately sealed to protect against corrosion, water intrusion or harmful gases.

Site Considerations

- 3.8.34 Whenever possible, all pumping stations and control panels shall be within the street right-of-way in an appropriate area specifically designated for that purpose. Property required for the pumping station shall be deeded to the Town. All pumping station land shall be graded such that ponding of water does not occur. The elevation of the top of the wet well shall be no less than 4 inches (100 mm) and no more than 6 inches (150 mm) above the finished grade of the pumping station lot. Adequate areas for vehicular access and parking areas shall be paved. All other exposed areas shall be sodded. The pumping station shall not be located in areas which may flood. Low maintenance shrubs and foliage are to be planted by the developer to screen the site.

Testing

- 3.8.35 The wet-well shall be tested for water-tightness by filling to the top cover level with water and after a 24-hour period, being topped up and tested for 4 hours to ensure that there is no more leakage from the station than 5 liters/hour/0.8 m² surface area/1000 mm of vertical height. Any visible leaks, seepage or weeping shall be repaired regardless of test results.
- 3.8.36 The capacity of the pumps shall be tested both individually and together by means of a station draw-down test or approved equivalent method. Results shall be submitted to the Town Engineer in order to compare the results obtained with the pump curve and design. Pumps failing to meet the design will be not be accepted.



- 3.8.37 The pumps shall be tested both individually and together for voltage and current draw. Copies of the manufacturer's start-up report, including capacity test, and certification from the pump manufacturer that the pumps meet the electrical and installation specifications are required.

Operations and Maintenance Manual

- 3.8.38 Three copies of the pumping station operation and maintenance manual shall be prepared in a form acceptable to the Town Engineer and provided to the Town Engineer prior to acceptance of the pumping station. This manual shall contain the following as a minimum:
- (a) system description; and
 - (b) design parameters, system hydraulics and design calculations (including curves); and
 - (c) as-constructed civil, mechanical and electrical drawings; and
 - (d) pump literature, pump curves and operating instructions; and
 - (e) manufacturer's operation and maintenance instructions of all equipment; and
 - (f) name, address, and telephone number of all equipment suppliers and installers; and
 - (g) information on guarantees/warranties for all equipment.
- 3.8.39 All special tools and standard spare parts for all pumping station equipment shall be provided by the contractor prior to acceptance of the system by the Town Engineer.

3.9 Pumped System Forcemain

Pipe

- 3.9.1 PVC DR 18 pipe is approved for use for all sanitary sewer forcemains in the Town. Warning tape (150 mm wide polyethylene) shall be placed 6 inches above the top of the pipe's first backfill layer and labeled "Caution, Sewer Line Buried". The minimum pipe diameter shall be 4 inches (100 mm). The hydraulic losses in the forcemain shall be calculated using the Hazen-Williams formula. Variations in the roughness coefficient (C) through the life of the pipe shall be taken into account.



Limiting Velocities

- 3.9.2 The forcemain shall be designed such that a minimum cleansing velocity of 2 feet per second (0.6 meters per second) is maintained. The maximum velocity in any forcemain shall not exceed 8 feet per second (2.4 meter per second). Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter is not acceptable, unless otherwise approved by the Town Engineer.

Minimum/Maximum Depth

- 3.9.3 Forcemains shall have a minimum cover of 5 feet (1.5 m) and a maximum cover of 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Slope

- 3.9.4 Forcemains shall be installed at uniform slopes and under no circumstance shall they be installed at zero slope.

Location

- 3.9.5 Forcemains shall not be located in a common trench with a water main and the soil between them shall be undisturbed. Forcemains crossing water mains shall be laid to provide a minimum vertical distance of 1.5 feet (450 mm) between the outside of the forcemain and the outside of the water main. The water main shall be above the forcemain. At crossings, one full length of water pipe shall be located so that both joints are as far from the forcemain as possible. Special structural support for the water main and forcemain may be required.

Termination

- 3.9.6 Forcemains shall terminate at a manhole on the gravity sewer system, and at a point not more than 2 feet (0.6 meters) above the flow line of the receiving manhole. A bend may be required to direct the flow down into the barrel of the receiving gravity sewer.

Valves

- 3.9.7 Where high points in the forcemain profile cannot be avoided, automatic air relief and vacuum valves shall be installed in a manhole to prevent air locks in the pipe or in other locations as determined by the Town Engineer. Drain valves housed in manholes shall be provided at low points in the forcemain system as directed by the Town Engineer.



Air Relief & Vacuum Valves

- 3.9.8 Heavy duty type cast iron body valves with bronze trim and combination of small orifice and large orifices shall be used. Small orifice size shall be 3.2 mm. Valves shall be suitable for operation at 150 psi (1 MPa) working pressure and shall have flanged ends.
- 3.9.9 Operation shall be through independent floating stainless steel buoy balls located in both orifices.
- 3.9.10 Orifices shall be capable of expelling air at a high rate during filling and at a low rate during operation and shall admit air while draining the pipeline. Seats shall be replaceable.
- 3.9.11 Valves shall have no moving parts except for stainless steel balls which shall remain in the throat area discharging air without blowing shut or collapsing the balls.
- 3.9.12 Valves shall not leak in the closed position when pipe is being filled.

Changes in Direction

- 3.9.13 Any change in direction which is in excess of the pipe joint deflection tolerance will require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change of direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa). In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the forcemain through the use of stainless steel tie rods securely embedded in concrete. The use of restrained joints is not permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Pipe Installation

- 3.9.14 Repairs to pipe after installation will only be accepted if carried out in accordance with the manufacturer's recommendations and shall be re-tested.



3.10 Inspections and Testing

General

- 3.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.

Manholes

- 3.10.2 Manholes and valve chambers shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 3.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 3.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer.

Deflection

- 3.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 3.10.6 Leakage test shall be done in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 3.10.7 Video inspections shall be carried out at the following times:
- (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 3.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



4 Water System Specifications

4.1 General

- 4.1.1 This Part specifies the requirements for a water distribution system. A water distribution system consists of water mains, laterals and appurtenances, including pumping stations, pressure control facilities and reservoirs, which is designed to convey and distribute an adequate supply of potable water for domestic consumption and fire protection.

References

- 4.1.2 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.
- 4.1.3 The following reference standards and organizations are supplementary to these specifications:
- (a) "Water Supply For Public Fire Protection" prepared by the Fire Underwriters Survey-Insurer's Advisory Organization (IAO)
 - (b) National Fire Protection Association (NFPA)
 - (c) American Water Works Association (AWWA)
 - (d) Canadian Standards Association (CSA)
 - (e) National Building Code (NBC)
 - (f) Canadian Plumbing Code (CPC)
 - (g) Underwriters Laboratories of Canada (ULC)

Nova Scotia Environment and Climate Change Requirements

- 4.1.4 Water distribution systems shall conform to any requirements established by the Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.



Quality Assurance

- 4.1.5 Water quality is monitored and maintained by the Town's Water Utility. The system shall be designed such that water quality is maintained and supplied to water utility customers at an adequate pressure and volume.

4.2 Design Criteria

System Capacity

- 4.2.1 Water distribution systems shall be designed to supply fire flow demand plus maximum daily demand, or the maximum hourly demand, whichever is greater, unless otherwise approved by the Town Engineer.
- 4.2.2 Fire flow demand shall be established in accordance with the latest edition of Fire Underwriter's Survey publication, "Water Supply for Public Fire Protection: A Guide to Recommended Practice".
- 4.2.3 The following domestic demand rates shall be used for water distribution systems design:
 - (a) average daily demand: 90 Imperial Gallons per capita per day (410 liters per capita per day).
 - (b) maximum daily demand: 200 Imperial Gallons per capita per day (909 liters per capita per day).
 - (c) maximum hourly demand: 300 Imperial Gallons per capita per day (1364 liters per capita per day).

Design Population

- 4.2.4 Water distribution systems shall be designed based upon appropriate population projections. The design population and assumed domestic demand shall be clearly stated in the calculations submitted for review and approval.



Hydraulic Analysis

- 4.2.5 Hydraulic analysis of the distribution system shall be carried out by the design engineer. Water distribution designs shall be supported by a hydraulic analysis of the system which determines flows, pressures and velocities under maximum day plus fire, maximum hour and minimum hour conditions. The analysis shall be of sufficient scope to identify and describe any impact on the existing system. The analysis shall include a location of known hydraulic grade line determined by the Engineer and include demands on the existing system downstream of the known hydraulic grade line, as well as demands generated by the proposed development. Maximum day plus fire analysis shall include sufficient scenarios to test all extreme conditions, such as high fire flow requirements, fires at locations of high elevations and fire at a location remote from the source or feeder main.
- 4.2.6 Subject to the Engineer's review, new water system extensions of thirty (30) dwelling units, as defined in the Land Use By-law, or less may not require a hydraulic analysis if it can be demonstrated that minimal or no impact will be created on the existing system.
- 4.2.7 The Town Engineer shall have the right to request flow and other engineering calculations prior to granting approval to install a water system.

4.3 Water Main

Looping

- 4.3.1 Water distribution systems shall be designed to exclude any dead-end pipes unless otherwise approved by the Town Engineer.

Limiting Velocities

- 4.3.2 The water main shall be sized such that the maximum velocity in the pipe shall not exceed 5 feet per second (1.5 meters per second) during maximum hourly domestic flow conditions or 8 feet per second (2.4 meters per second) during fire flow conditions.

Minimum Pipe Size

- 4.3.3 The pipe size for local distribution mains shall be no smaller than 8 inches (200 mm) in diameter. The pipe size for a main feeder shall be no smaller than 12 inches (300 mm)



Oversizing

- 4.3.4 Oversizing of water mains to accommodate the water supply requirements of future off-site development may be required by the Town Engineer.

Type of Pipe

- 4.3.5 Pipe shall be Polyvinyl Chloride (PVC) conforming to AWWA C900, DR18 unless otherwise approved by the Town Engineer.
- 4.3.6 Fittings shall conform to AWWA C110, with a minimum working pressure rating of 1035 kPa (150 psi).
- 4.3.7 Joints shall be mechanical or push-on conforming to AWWA C111. Mechanical joint restraints shall be as approved by the Town Engineer.

Cover Over Watermain

- 4.3.8 All water mains shall be designed with a minimum cover of 5 feet (1.5 m).
- 4.3.9 In no situation shall the depth of cover over the water main exceed 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Location

- 4.3.10 Water lines installed in the same trench as sewer lines shall be installed to one side on a shelf of undisturbed earth, and a minimum horizontal separation of 20 inches (500 mm) and vertical separation of at least 12 inches (300 mm) shall be maintained between the crown of the sewer line and the bottom of the water line. If the vertical separation cannot be maintained, the two lines shall be installed in separate trenches with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.11 Under no circumstances shall a water main be installed in the same trench as a sewer forcemain. Water mains and sewer forcemains shall be installed with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.12 Whenever a sewer crosses underneath a watermain a separation of at least 18 inches (450 mm) must be maintained between the top of the sewer and the bottom of the watermain.



- 4.3.13 All water mains and appurtenances shall be located within a street or within an easement, of minimum 20 feet (6.1 meters) width, granted in favor of the Town. Depending on the length and location of the easement, the Town Engineer may require a suitable surface to provide access within the easement for maintenance purposes. Water mains shall be installed as close as possible to the centerline of the easement.
- 4.3.14 All watermains shall be installed at a consistent grade to avoid localized high points. The location of watermains and laterals shall also meet the requirements of the Nova Scotia Department of Environment and Climate Change.
- 4.3.15 Where a need for water mains to accommodate future development on adjacent lands is identified, easements shall be provided from the edge of the street right-of-way to the property boundary of the subdivision.

Changes in Direction

- 4.3.16 Any change in direction which is in excess of the pipe joint deflection tolerance shall require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change in direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa).
- 4.3.17 In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the water main through the use of stainless steel tie rods securely embedded in the concrete. The use of restrained joints shall not be permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Groundwater Movement

- 4.3.18 The design of the water system shall give consideration to the possible change in ground water movement caused by the use of pervious bedding material. The design shall include corrective measures to prevent flooding as a result of this ground water movement.
- 4.3.19 Water mains installed in a single pipe trench may require a trench drainage relief system to lower the ground water in the trench. The design of the relief system shall be specific to the situation with consideration for topography, subsurface conditions, ground water conditions and local drainage patterns.



- 4.3.20 Service lateral trenches that have a trench bed sloping down from the main trench may require the installation of an appropriate clay plug, or similar solution, to prevent the flow of ground water from the trench towards the abutting properties.

Air Relief Valve and Vacuum Valves

- 4.3.21 Air relief and vacuum valves shall be installed in a manhole at all high points in the distribution system.

Connections to Existing Mains

- 4.3.22 Tapping sleeves and valves shall be provided for connections to existing water mains where required by the Town Engineer.

4.4 Service Laterals

General

- 4.4.1 In any subdivision for which tentative or final approval is being sought, a single water service lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 4.4.2 A single water service lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services except that duplex or semi-detached units lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 4.4.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material and Size

- 4.4.4 Water service laterals shall be copper tubing conforming to ASTM 888, Type K annealed, minimum working pressure of 150 psi (1035 kPa).
- 4.4.5 All water service laterals between the corporation stop and curb stop shall be a minimum of 3/4 inch (19 mm) in diameter.



- 4.4.6 A single lateral designed to service duplex or semi-detached units shall have a minimum inside diameter of 1 inch (25 mm). Individual service laterals from the curb stop to the street line shall have a minimum inside diameter of 3/4 inch (19 mm).
- 4.4.7 Where the length of service laterals from the curb stop to the serviced building is longer than the typical setback, a larger diameter service maybe required to avoid excessive pressure loss.

Service Fittings

- 4.4.8 Corporation and curb stops shall be brass conforming to ASTM B 62 with compression type joints. Threads on corporation stops shall conform to AWWA C800. All service connections on PVC mains shall include a service clamp (saddle) with bronze body, confined "o"-ring seal cemented in place, stainless steel straps suited for the main size, and outlet threads conforming to AWWA C800.
- 4.4.9 Service connection joints shall be compression type, with a minimum pressure rating of 150 psi (1035 kPa).
- 4.4.10 For services which are longer than 66 feet (20 m), the number of compression couplings used shall be kept to a minimum.
- 4.4.11 Service boxes shall be adjustable with cast iron bottom section, cast iron lid with recessed nut, and internal stem to suit the depth of bury.

Minimum Cover

- 4.4.12 All service laterals shall be installed with a minimum cover of 1.5 meters (5 feet).

4.5 Valves

General

- 4.5.1 All connections to an existing water system shall be valved so that the system can be isolated from the existing main to facilitate construction and testing. The connection to the existing water system shall be coordinated through the Town Engineer.



Type of Valves

- 4.5.2 Valves on water mains 12 inches (300 mm) and smaller shall be mechanical joint gate valves conforming to AWWA C509, minimum working pressure rating of 200 psi (1380 kPa), with cast iron body and resilient rubber seat. Cast iron adjustable height valve boxes shall be provided on all valves 12 inches (300 mm) and smaller.
- 4.5.3 Valves larger than 12 inches (300 mm) shall be gate valves conforming to AWWA C500, minimum working pressure rating of 150 psi (1035) kPa, with cast iron body and bronze mounted mechanism. Butterfly valves conforming to AWWA C504, Class 150B, minimum pressure rating of 150 psi (1035 kPa), with cast iron body and mechanical joint ends may be approved by the Town Engineer.
- 4.5.4 All meter chambers, air release chambers, and other special works shall be as approved by the Town Engineer.

Valve Locations

- 4.5.5 Valves shall be provided on water mains at the following locations:
 - (a) where required to adequately isolate sections of the water system as determined by the Town Engineer; and
 - (b) four valves for each cross in the watermain - one on each leg of the cross; and
 - (c) three valves for each tee in the watermain - one on each leg of the tee; and
 - (d) at intervals of 1,000 feet (300 m) on watermain sections where there are no junctions; and
 - (e) at the street line for all domestic and sprinkler services.

4.6 Backflow Prevention Devices

General

- 4.6.1 Backflow prevention devices shall be provided on new water services if in the Town Engineer's opinion there is a risk of contamination of the potable water supply. Premises which require backflow prevention devices include, but are not limited to, the following:
 - (a) industrial, commercial and institutional buildings; and



- (b) dwellings larger than four units; and
- (c) sprinkler service lines.

Location

- (d) Backflow prevention devices shall be installed downstream of water meters. A water distribution connection shall not be permitted between a water meter and a backflow prevention device.
- (e) Where a meter by-pass is required, a backflow prevention device shall be installed on the main service line and on the by-pass line.

Type of Device

- 4.6.2 Backflow prevention devices shall conform to CSA B64-M88.

4.7 Fire Hydrants

Spacing and Location

- 4.7.1 Fire hydrants shall be spaced in accordance with the latest revision of the publication "Water Supply for Public Protection". In no case shall the spacing exceed 500 feet (150 m).
- 4.7.2 The following are desirable hydrant locations:
- (a) at high points on the water main profile unless an automatic air release valve is required at that location;
 - (b) at low points on the water main profile;
 - (c) at street intersections;
 - (d) near the middle of long blocks;
 - (e) at the end of dead-end streets or cul-de-sacs greater than 300 feet (90 m) in length.
- 4.7.3 Fire hydrant laterals shall have a minimum diameter of 6 inches (150 mm) and shall be provided with a gate valve between the hydrant and the tee on the main. The depth of bury of hydrant laterals shall be 5 feet (1.5 m).
- 4.7.4 Hydrants shall be provided with adequate drains to prevent freezing.
- 4.7.5 If dead end mains are permitted by the Town Engineer then a hydrant or blow off is required to permit flushing of the distribution system.



- 4.7.6 Fire hydrants shall be dry barrel type, conforming to AWWA C502 and shall be two-piece with safety break-away flange and stem. The safety flange shall be installed above the ground but it shall be no higher than 6 inches (150 mm) above finished grade.
- 4.7.7 Hydrants shall have two (2) two and one-half (2.5) inch hose nozzles Nova Scotia thread and one standard pumper nozzle with a diameter of four inches. The Town Engineer shall consult with the fire department prior to approval. Clow "Brigadier" -67 is an acceptable product.

4.8 Insulation

- 4.8.1 Insulation shall be placed where, due to special circumstances, the depth of bury is less than 5 feet (1.5 m). Insulation shall conform to CAN/CGSB 51.20M, type 4, expanded polystyrene. Styrofoam HI40 is an acceptable product.
- 4.8.2 Insulation of a main shall consist of insulation over the top of the pipe, with clean dry sand filling the annular space between the pipe and insulation.

4.9 Pumping and Storage Facilities

- 4.9.1 Differences in ground elevations or distance from the source of supply may require that the water system pressure be boosted in certain areas to provide adequate pressure and flows to meet domestic and fire flow requirements.
- 4.9.2 To accomplish this, a pumping station may be required to service a specific and defined area of a water distribution system which is generally isolated from the remainder of the system. All pumps, pump houses and storage facilities shall be designed in consultation with and meet the requirements of the Town Engineer.



4.10 Inspections and Testing

Valve Operation

- 4.10.1 The operation of any valve not part of the new construction shall only be by the Town.

Operation Notice

- 4.10.2 The Town shall be notified forty-eight (48) hours in advance of all filling, flushing, or chlorination operations for new construction.

Requirements

- 4.10.3 Testing shall be carried out with the following additional requirements:
- (a) all services, hydrants, mains, and other appurtenances shall be included in the system test; and
 - (b) testing shall be performed in presence of the Town Engineer or his representative. Test results shall be verified and submitted to the Town Engineer by a Professional Engineer registered to practice in Nova Scotia; and
 - (c) all water used for pipe testing shall be the contractor's responsibility and shall be chlorinated potable water.

Hydrostatic Pressure Test

- 4.10.4 Water lines shall be flushed before testing. The duration of each hydrostatic pressure test shall be at least (2) hours, and the pressure shall be maintained at a minimum of 200 psi (1380 kPa) throughout the test period.
- 4.10.5 Pressure gauges shall be liquid filled type, minimum 4 inch (100 mm) face diameter, graduated in psi, accuracy 3% at maximum reading.
- 4.10.6 There shall be no leakage or drop in pressure for the duration of the test.
- 4.10.7 The test must be conducted with all service laterals installed to the property line.
- 4.10.8 Should any section of the pipe leak the contractor shall, at their own expense, locate and repair the defects, and re-test the section that failed the pressure test.



Disinfection

- 4.10.9 Chlorination of any water system may proceed only after the system has been successfully pressure tested, with the test witnessed by the Town Engineer or their representative.
- 4.10.10 All water mains shall be chlorinated in accordance with AWWA C651.
- 4.10.11 All water mains shall be flushed before and after chlorination. Dechlorination of the water mains shall be the responsibility of the contractor. Dechlorination procedures shall satisfy the requirements of the Nova Scotia Department of Environment and Climate Change and the Town.
- 4.10.12 After chlorination and dechlorination are complete, water samples shall be delivered to a facility approved by the Nova Scotia Department of Environment and Climate Change for bacteriological testing. Chlorination shall be repeated if necessary.
- 4.10.13 Bacteriological test results shall be forwarded to the Town Engineer.



5 Storm Drainage System Specifications

5.1 General

- 5.1.1 This Part specifies the requirements for a storm drainage system. A storm drainage system is a system which receives, carries and controls discharges from rain and snow which includes overland flow, sub-surface flow, groundwater flow and snow melt. A storm drainage system may consist of ditches, culverts, swales, subsurface interceptor drains, roadways, curb and gutters, catch basins, manholes, pipes or conduits, retention ponds, lateral lines, to the lots from pipes or conduits to street lines, watercourses, floodplains, canals, ravines, gullies, springs and creeks.
- 5.1.2 The design criteria contained in this Part are included to illustrate the more common aspects encountered in the design of storm drainage systems. Any storm drainage system within the Town shall be designed to achieve all of the following objectives:
- (a) prevent loss of life and to protect structures and property from damage due to a major storm event; and
 - (b) provide safe and convenient use of streets, lots and other land during and following storm events; and
 - (c) to adequately convey stormwater flow from upstream sources; and
 - (d) to mitigate the adverse effects of stormwater flow, such as flooding and erosion, on downstream properties; and
 - (e) to preserve natural water courses and other natural features; and
 - (f) to minimize the long term effect of development on receiving watercourses and on groundwater.

Nova Scotia Environment and Climate Change Requirements

- 5.1.3 Storm drainage systems shall conform to any requirements established by Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by Nova Scotia Environment and Climate Change.



5.2 Design Approach

Minor Drainage System

- 5.2.1 The minor drainage system is the system which is used for initial stormwater flows. The minor drainage system shall be designed to provide safe and convenient use of streets and properties, and reduce street maintenance costs. All pipes within the system shall be designed to carry runoff from a minor storm without surcharge.

Major Drainage System

- 5.2.2 The major drainage system is the path which stormwater will follow during a major storm, when the capacity of the minor drainage system is exceeded. The minor and major drainage systems together shall be capable of carrying the runoff from the major storm. The designed flow of stormwater in a major storm shall prevent basement flooding and damage to property, streets and structures. Easements may be required for the identification and protection of certain elements of the major drainage system.

Downstream Drainage Systems

- 5.2.3 All downstream drainage systems must have adequate capacity to receive and carry discharge from the proposed storm drainage system in addition to its natural rate of discharge. An investigation of the downstream system shall be carried out from the outfall location of the proposed storm drainage system to a point sufficiently downstream that will demonstrate no adverse impacts on downstream lands, such as erosion or flooding.
- 5.2.4 The effect on downstream development will be assessed by the Town Engineer based on design engineer's investigation. Mitigative measures may be required to alleviate any adverse downstream impacts.

Design Storm Frequencies

- 5.2.5 Piped systems and other minor drainage systems shall be designed based on a design storm frequency of 1 in 10 years.
- 5.2.6 Roadways, road cross culverts and other major drainage systems shall be designed for the combined capacity of the major drainage system and minor drainage system and shall be based on a design storm frequency of 1 in 100 years. The design capacity of a natural watercourse, including a floodplain, or any drainage system where a minor drainage system is not provided, shall be based on a design storm frequency of 1 in 100 years.



5.3 Meteorological Data

- 5.3.1 Acceptable rainfall data to calculate runoff flows is to be based on the following intensity-duration-frequency data:
- (a) most current information from the Atmospheric Environment Service for area closest to project; and
 - (b) Rainfall Frequency Atlas for Canada; and
 - (c) Meteorological Services of Canada (MSC).

5.4 Runoff Methodology

- 5.4.1 The design engineer shall determine the best runoff calculation method to be used. The design engineer shall also calibrate and verify for local conditions. The designer shall provide for future reference the reason why a certain method is selected. The Town Engineer may request that a second method be used as verification or for checking the results.
- 5.4.2 The Rational Method may be used for drainage areas less than 50 acres (20 hectares) and for the preliminary design of storm drainage systems servicing larger areas.
- 5.4.3 Generally, the Rational Method shall not be used for the design of storage facilities, except that the modified Rational Method may be used for the design of storage facilities for highly impervious areas, and shall use the graphical hydrograph method.

5.5 Storm Drainage Report

- 5.5.1 A storm drainage report shall be prepared and included as part of the submission for any land development to deal with storm water and drainage issues related to the development. The report shall include site engineering analysis to a level consistent with the size of the development, its location within the drainage basin, and the sensitivity of the area's drainage system. The report shall include details of the safety implications of the proposed system, and an examination of the potential for erosion in the downstream receiving streams due to increased peak and total flows and flow velocities as a result of the development.



- 5.5.2 The storm drainage report shall also include drainage plans and detailed runoff calculations. The calculations shall include input information showing sub-watersheds, rainfall abstraction, antecedent moisture conditions and schematization of the system for pre and post development and all stormwater management alternatives, and output information which shows the main step of the calculations and the peak discharge at key points in the system.
- 5.5.3 The drainage plans shall show the location of the proposed development within the topographic drainage area, the area tributary to the proposed and existing storm drainage system(s), boundaries of all drainage sub-areas, contours at intervals not exceeding 6.5 feet (2 m), site layout including proposed streets and lots, locations of proposed storm drainage system(s) and stormwater management facilities, location of outfalls or connections into existing systems, hydrologic and hydraulic data table and any other information required by the Town Engineer.

5.6 Recommended Coefficient of Runoff Values for Various Selected Land Uses

Description of Area	Runoff Coefficients
Business, Downtown	0.75 to 0.95
Business, Neighbourhood	0.50 to 0.70
Residential, Single Unit	0.30 to 0.50
Residential, Multi-unit Detached	0.40 to 0.60
Residential, Multi-unit Attached	0.60 to 0.75
Residential, Suburban	0.25 to 0.40
Residential, ½ Acre Lots or More	0.25 to 0.40
Apartment Dwelling Areas	0.50 to 0.70
Industrial, Light	0.50 to 0.80
Industrial, Heavy	0.60 to 0.90
Parks and Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.40
Rail Yards	0.20 to 0.40
Unimproved	0.10 to 0.30

- 5.6.1 It is often desirable to develop a composite runoff coefficient based on the percentage of different types of surfaces in the drainage area. This procedure is often applied to typical "sample" blocks as a guide to selection of reasonable values of the coefficient for an entire area. Coefficients with respect to surface type, currently in use are:

Character of Surface	Runoff Coefficients
Street, Asphalt	0.70 to 0.95
Street, Concrete	0.80 to 0.95
Drives and Walks	0.75 to 0.85
Roofs	0.75 to 0.95
Lawns, Sandy Soil – Flat, 2%	0.05 to 0.10
Lawns, Sandy Soil – Average, 2% to 7%	0.10 to 0.15
Lawns, Sandy Soil – Steep, 7%	0.15 to 0.20
Lawns, Heavy Soil – Flat, 2%	0.13 to 0.17
Lawns, Heavy Soil – Average, 2% to 7%	0.18 to 0.22
Lawns, Heavy Soil – Steep, 7%	0.25 to 0.35

- 5.6.2 The coefficients in these two tabulations are applicable to storms of 5 to 10 year frequencies. Less frequent, higher intensity storms will require the use of higher coefficients because infiltration and other losses have proportionally smaller effect on runoff.
- 5.6.3 Winter Runoff Coefficient is recommended to be 0.80 for all areas and surfaces with summer coefficients less than or equal to 0.80.
- 5.6.4 Source: Hydrology, Federal Highway Administration, HEC No. 19, 1984.

5.7 Easements Within Future Development

General

- 5.7.1 All storm drainage shall be carried by either an unconfined natural watercourse, an excavated ditch or a storm sewer.
- 5.7.2 All excavated ditches and storm sewers within a subdivision shall be located either within a street right-of-way or on an easement in favor of the Town. The minimum width of an easement shall be 20 feet (6.1 m).
- 5.7.3 Where subdivision storm drainage flows onto abutting land other than through a natural watercourse or a right-of-way then an easement in favor of the Town shall be provided.
- 5.7.4 Where a need is identified by the Town Engineer to accommodate future upstream development, and where no future street reserve is available, a drainage right-of-way or an easement in favor of the Town shall be provided.
- 5.7.5 Natural watercourses shall not be carried in roadside ditches or piped roadside storm drainage systems.



Discharge to Adjacent Properties

- 5.7.6 All storm drainage shall be self-contained within the subdivision boundaries, except natural run-off from undeveloped areas.
- 5.7.7 All run-off from the developed limits of a subdivision must be directed to either a natural watercourse or storm drainage system owned by the Town.
- 5.7.8 Discharge of run-off to adjacent properties other than in a natural watercourse shall be prohibited unless the developer obtains consent in writing from the adjacent property owner(s) and drainage easements over this property are provided in favor of the Town.

5.8 Piped Storm Drainage System Components

Pipe Materials

- 5.8.1 All storm pipe 15" (375 mm) in diameter or smaller shall be PVC DR35. All storm pipe 18" (450 mm) in diameter or larger shall be concrete to CSA A 257 .2 65 D.

Velocity in Storm Sewer

- 5.8.2 The minimum design velocity for storm sewers shall be 2 fps (0.6 m/s). Consideration shall be given to initial minimum cleansing velocity for phased development.
- 5.8.3 The maximum design velocity for storm sewers shall be 15 fps (4.5 m/s) for pipes up to and including 30" (750 mm) in diameter. The maximum design velocity for storm sewer pipes greater than 30" (750 mm) in diameter shall be 20 fps (6 m/s).
- 5.8.4 The Manning Formula shall be used for pipe design.

Pipe Size

- 5.8.5 The minimum diameter for a storm sewer main shall be 12" (300 mm).
- 5.8.6 The minimum diameter for a catch basin lead shall be 10" (250 mm).
- 5.8.7 Pipe sizes shall not decrease in the downstream direction unless approved by the Town Engineer.

Depth of Sewers and Laterals

- 5.8.8 The minimum depth for a storm sewer main and laterals located within the street right-of-way shall be 5 feet (1.5 m).



Manholes

- 5.8.9 Manholes shall be installed at all changes in grade or alignment, at all intersections and at intervals not exceeding 400 feet (120 meters).
The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Service Laterals

- 5.8.10 All laterals from the storm sewer main to the property line shall be provided by the developer or owner and shall have a minimum grade of 2.0 percent.
- 5.8.11 Storm sewer laterals of 6 inch (150 mm) diameter or less shall be PVC DR 35 (green) from main to property line.

Catch Basins

- 5.8.12 Catch basins shall be installed at the curb of the street and shall be adequately spaced to prevent ponding on the street and to prevent water from entering on or flowing in the travel lanes during storm events corresponding to the design of the Minor Drainage System. In no case shall the spacing of the catch basins exceed 330 feet (100 meters).
Catch basin leads shall be connected to a storm drainage main at a manhole.

Inlets

- 5.8.13 Vertical grates shall be installed at inlets.

Outfalls

- 5.8.14 The design of outfalls shall take into consideration such factors as public safety, erosion control, and appearance. Horizontal grates shall be installed at outfalls.

Ditches/Open Channel Drainage System

- 5.8.15 Ditches /open channels shall have adequate capacity for the 1 in 100 years storm.

Velocity in Channels

- 5.8.16 To prevent erosion, the maximum velocity during a 1 in 100 year storm event in ditches or open channels shall not exceed the following values:



Channel	Mean Channel Velocity FPS (m/s)
Fine Sand	1.5 (0.46)
Coarse Sand	2.5 (0.76)
Fine Gravel	6.0 (1.83)
Earth, Sandy Silt	2.0 (0.61)
Earth, Silt Clay	3.5 (1.07)
Earth, Clay	4.0 (1.22)
Grass-lined Earth, Bermuda Grass, Sandy Silt	6.0 (1.83)
Grass-lined Earth, Bermuda Grass, Silt Clay	8.0 (2.44)
Grass-lined Earth, Kentucky Blue Grass, Sandy Silt	5.0 (1.52)
Grass-lined Earth, Kentucky Blue Grass, Silt Clay	7.0 (2.13)
Poor Rock (Usually Sedimentary)	10.0 (3.05)
Soft Sandstone	8.0 (2.44)
Soft Shale	3.5 (1.07)
Good Rock (Usually Igneous or Metamorphic)	20.0 (6.10)

Culverts

- 5.8.17 The size of culverts shall be as shown on the engineering drawings with a minimum 20" (500 mm) depth of bury for any culvert. The minimum size for any culvert shall be 10" (250 mm).
- 5.8.18 Culverts other than driveway culverts shall be designed for the 1 in 100 year peak flow with a headwater depth not greater than the diameter of the pipe.
- 5.8.19 Storm sewer outfalls and culverts greater than 50 feet (15 m) in length require inlet and outlet grating.
- 5.8.20 All culverts shall be reinforced concrete pipe to ASTM C76-M or CAN/CSA A257.2.

Roof Drains

- 5.8.21 Roof drains shall discharge on the ground surface and shall not be connected to a storm drainage system.

Foundation Drains

- 5.8.22 Where a buried storm drainage system exists, foundation drains will normally be connected to the storm sewer by laterals. The invert of the lateral at the property line must be at least 2 feet (610 mm) above the top of the main at the point of connection.
- 5.8.23 Where a buried storm drainage system does not exist, Section 9.14 of the National Building Code of Canada, latest revision, shall apply.



- 5.8.24 Under no circumstance shall foundation drains direct stormwater to the street surface, sidewalk or adjacent property.

5.9 Erosion and Sediment Control

- 5.9.1 An Erosion and Sediment Control Plan shall be provided in compliance with Provincial regulations, and a copy of the plan must be submitted to the Town Engineer. The plan shall address measures during construction of streets, services, and houses, as well as long term measures after the completion of development.
- 5.9.2 The Erosion and Sediment Control Plan including control measures, shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared by the Nova Scotia Department of the Environment.
- 5.9.3 During construction, surface water flows across the construction site must be minimized. Exposed soils within ditches and on cut and fill slopes shall be permanently stabilized by hydroseeding or equivalent within two weeks after final grading is complete. Temporary stabilization measures shall be used to prevent erosion of exposed soils during construction and prior to reaching finished grades. These measures are required to prevent downstream sedimentation of watercourses and storm damage systems.
- 5.9.4 Long term environmental protection measures to be addressed in the subdivision design may include but are not limited to:
- (a) minimization of erosion and sediment transport; and
 - (b) protection of outfall areas; and
 - (c) utilization of wetland areas for filtration of stormwater run-off; and
 - (d) minimization of disruption to natural watercourses.

5.10 Inspections and Testing

General

- 5.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.



Manholes and Catch Basins

- 5.10.2 Manholes and catch basins shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 5.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 5.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer at the expense of the subdivider.

Deflection

- 5.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 5.10.6 Leakage test shall be in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 5.10.7 Closed circuit video inspections shall be carried out at the following times:
 - (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 5.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



6 Public Streets

General

- 6.1.1 This Part specifies the requirements for all public streets in the Town of Lunenburg.
- 6.1.2 A street shall consist of the wearing surface, road bed and all slopes, ditches, channels, waterways and structures necessary for proper drainage and protection.
- 6.1.3 The design and location of all streets, sewers, water mains, electrical, telephone and such utilities located within the right-of-way of the public street shall be in accordance with the appropriate specification(s) and must be approved by the Town Engineer prior to their construction.
- 6.1.4 With the exception of street cross sections, the Town Engineer may consider variances to these specifications.

6.2 Street Classification and Characteristics

- 6.2.1 Schedule A provides three classes of public streets applicable to development within the Town of Lunenburg.
- 6.2.2 The Subdivision By-law regulates the minimum lot sizes and development character. The lot size and the development character may dictate the appropriate street classification and characteristics. The following criteria shall be considered in determining which design and construction standard will apply to a particular development:
 - (a) where practicable, the Lower Volume class shall be preferred over the Local class, which shall be preferred over the Minor Collector class;
 - (b) a design brief prepared by the developer's consultant shall be submitted addressing the design intent including rationalization of the selected street type and length. The design brief shall address issues such as capacity, parking and maintenance; and
 - (c) the final decision on the street classification and characteristic and parking allowances shall be made by the Town Engineer.



6.3 Design Criteria

General

- 6.3.1 This section covers the more common aspects for design and construction of public streets within the Town of Lunenburg. In cases where this section needs to be expanded or additional specifications are required, the "Geometric Design Guide for Canadian Roads and Streets", the "Manual of Uniform Traffic Control Devices for Canada" in the latest edition as published by Transportation Association of Canada (TAC), and the Standard Specifications for municipal services as prepared by the- Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineer's Association shall be used. Specific design criteria are listed throughout these Specifications.

Design Speed

- 6.3.2 Design speed shall be in accordance with Schedule A.
- 6.3.3 A design speed of 30 to 50 km/hr will be used for all public streets unless the intended use of the street requires a higher design speed as determined by the Town Engineer.

Connections to Adjacent Lands

- 6.3.4 Streets must be laid out where reasonably possible in prolongations of other streets either in the same subdivision or in adjacent subdivisions.
- 6.3.5 In all subdivision designs, an acceptable right-of-way access to adjacent vacant properties and to watercourses must be provided and deeded to the Town. The access street right-of-ways should be located to maximize development potential of adjacent lands but in no case shall be more than 200 metres (657 feet) apart.
- 6.3.6 Where a subdivision is being designed adjacent to a subdivision with previously deeded access right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective road layout for the subdivision under design.
- 6.3.7 Where a roadway can be extended to service adjacent or future development, a right-of-way shall be provided and approved by the Town Engineer.



Maximum Block Length and Pedestrian Connections

- 6.3.8 Block lengths shall not exceed the “Maximum distance between intersections” in Schedule ‘A’.
- 6.3.9 Where any street exceeds a length of 150 metres (500 feet) between intersections, acceptable pedestrian right-of-ways to adjacent vacant properties, streets, and watercourses must be provided and deeded to the Town.
- 6.3.10 The pedestrian right-of-ways shall be a minimum of 3 metres (10 feet) in width and shall either be located approximately at the mid-point of the length of the road or at a location that would connect to pedestrian right-of-ways on adjacent lands, if any.
- 6.3.11 Where a subdivision is being designed adjacent to a subdivision with previously deeded pedestrian right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective layout for the subdivision under design.

Right-of-Way

- 6.3.12 The minimum street right-of-way width shall be in accordance with Schedule A or as determined by the Town Engineer.
- 6.3.13 Any property susceptible to damage as a result of construction must be within the right-of-way. All cut or fill slopes which will not be eliminated by changes in lot elevations must be included within the right-of-way.

Street Layout

- 6.3.14 Unless there are unique circumstances, the minimum length of a street considered for acceptance as a public street shall be 500 feet (152 m).
- 6.3.15 Cul-de-sacs shall not be used when the subdivision can be effectively serviced by other street layouts. All cul-de-sacs must end in a permanent or temporary turn around area as approved by the Town Engineer. The grade of the turning area shall not exceed 4%. Cul-de-sacs shall be graded to drain from the centre of the cul-de-sac to the curb.



- 6.3.16 The maximum permanent cul-de-sac length where a walkway is located at the end of the cul-de-sac and connects to another street shall be 500 feet (152 m). Otherwise the maximum length shall be 330 feet (100 m) measured from the intersection of the cul-de-sac's centreline between the street-line of the intersecting street to the centre of the cul-de-sac.
- 6.3.17 Boulevards will not be permitted in residential subdivisions.
- 6.3.18 Guardrails are required on fills 10 feet (3 m) or greater (unless a slope of 6: 1 can be provided) and in other hazardous areas. Details of guardrail construction and location are to be provided to the Town Engineer for approval.
- 6.3.19 Sign installation including stop signs, street signs and all other required signs shall be the responsibility of the developer and shall be installed in accordance with the approved street design prior to conveyance of the street to the Town.

Intersections

- 6.3.20 Intersection location and minimum curb radius for streets shall be in accordance with Schedule A.
- 6.3.21 Where public streets meet existing provincial highways, the intersection must be approved by the Provincial Department of Transportation and Active Transit.
- 6.3.22 All intersecting streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 100 feet (30 m) from the intersection measured from the respective center lines.
- 6.3.23 Offset intersections will not be permitted. A maximum of four streets will be permitted at an intersection.

Driveways

- 6.3.24 Driveway widths shall be in accordance with the following table:

	Minimum Driveway Width*	Maximum Driveway Width*	Curve Radius
Residential	10 ft (3 m)	16 ft (5 m)	0 ft (0 m)
Commercial	23 ft (7 m)	33 ft (10 m)	0 ft (0 m)
Industrial	33 ft (10 m)	40 ft (12 m)	20 ft (6 m)

*Residential and commercial driveway widths are measured at curb or edge of pavement. Industrial driveway widths are measured at street line.



Sidewalks

- 6.3.25 Sidewalks, constructed in accordance with the "Typical Sidewalk Section", are required as identified in Schedule 'A'.

Horizontal Alignment

- 6.3.26 Horizontal alignment shall be in accordance with Schedule A.
- 6.3.27 Tangent distances between horizontal reverse curves shall not be less than 20 m.
- 6.3.28 Tangent distances between horizontal curves turning the same way shall not be less than 40 m.

Vertical Alignment

- 6.3.29 Vertical alignment shall be in accordance with Schedule A.
- 6.3.30 The grade of a street at an intersection shall not exceed 4% for at least 66 feet (20 m) measured from the shoulder of the intersecting street.
- 6.3.31 Local streets shall not be superelevated unless there are safety or drainage concerns.
- 6.3.32 Curb elevations at intersections, critical grade locations and bulbs of cul-de-sac's shall be shown on the drawings at a minimum 10 ft (3 m) spacing.

Design Limits

- 6.3.33 Where streets are required to service future or adjacent property the design shall include sufficient detail to illustrate that the extension is compatible with adjacent topography and can be constructed in accordance with this specification.

Construction Limits

- 6.3.34 All street accesses to adjacent property must be constructed to the property lines.

Access

- 6.3.35 A maximum of 25 lots may receive final approval prior to a second access being provided.



Stopping Sight Distance

- 6.3.36 Stopping sight distance shall be in accordance with Schedule A Minimum stopping and turning sight distances shall be as defined by the TAC Geometric Design Guide.

Bridges

- 6.3.37 Bridges shall be designed and constructed to Canadian Standards Association (CSA) specification "S6 Design of Highway Bridges".

Extension of Existing Street

- 6.3.38 Where a proposed extension to an existing street increases traffic volumes to a degree that a traffic study requested by the Town Engineer and carried out at the Town's expense warrants improvements be made to an existing street then the developer shall pay for these improvements.

6.4 Inspection and Testing

Notification

- 6.4.1 A preconstruction meeting shall be required before construction work begins on any public streets. Inspections may be carried out at any time, however, inspection reports by the developer's engineer shall be provided at the following stages:
- (a) after clearing and grubbing prior to earthwork; and
 - (b) after installation of piped systems including services prior to subgrade work; and
 - (c) after compaction of the subgrade prior to placing gravels; and
 - (d) after compaction of each type of gravel prior to paving; and
 - (e) after compaction of each type of asphalt; and
 - (f) prior to the Town taking over the streets.

Reporting

- 6.4.2 All results of laboratory and field density tests shall be submitted to the Town Engineer.



Subgrade

- 6.4.3 Subgrade material shall be placed and compacted to the specified minimum density attained using the "Control Strip" method. Additional guidance on the Control Strip method may be found in the DOT Standard Specification for Highway Construction and Maintenance (April 1996), Division 2, Earthworks.
- 6.4.4 At least one field density test shall be taken for every 300 feet (90 m) of street subgrade. Testing frequency is subject to the direction and approval of the Town Engineer and may be altered based on street conditions.

Soft Spots

- 6.4.5 All "soft spots" in the subgrade shall be removed to full depth and replaced with approved backfill.

Trenches

- 6.4.6 Pipe bedding, cover and backfill in trenches shall be to the depth and width indicated in the details. Field density tests shall be taken within a section of trench to determine the level of effort required to achieve the specified compaction for each of the following:
- (a) pipe bedding; and
 - (b) pipe cover material; and
 - (c) trench backfill excluding final 12 inches (300 mm) to subgrade; and
 - (d) final 12 inches (300 mm).
- 6.4.7 Compaction within trenches may proceed using the compactive effort determined for each of the above provided there is no change in materials, equipment or site conditions. Such a change will require re-determination of the compactive effort. Quality control testing of compaction within trenches shall be as required for site soil conditions or as directed by the Town Engineer.

Gravels

- 6.4.8 At least one field density test shall be taken for every 100 feet (30 m) of roadway gravels for each gravel lift.



Moisture Content

- 6.4.9 Moisture content of gravels, subgrade and trench backfill materials must be controlled to obtain the specified compaction.
Asphalt Concrete
- 6.4.10 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregates(s) and asphalt cement has been sampled and tested, and that the asphalt concrete mix design meets the specification.
- 6.4.11 A minimum of one series of tests per day or for each 500 tonnes of asphalt concrete shall be performed. The series of tests shall include all of the following:
- (a) Marshall Stability, kN; and
 - (b) Marshall Flow, x 0.25 mm; and
 - (c) Voids in Mineral Aggregate (VMA), %; and
 - (d) Air Voids, %; and
 - (e) Asphalt Cement Content, %; and
 - (f) Gradation of Extracted Aggregate.
- 6.4.12 There shall be at least one field density test per day for each 550 tons (500 tonnes) of asphalt concrete placed. Each lift for every individual street shall have at least one field density test taken.
- 6.4.13 Tests shall conform to the NS Department of Transportation Active Transit specifications. All test results shall be forwarded to the Town Engineer prior to paving.

Curbing

- 6.4.14 At least one set of concrete test cylinders (3 cylinders - 6 inch x 12 inch) shall be taken for every 328 feet (100 m) of curbing and tested for compressive strength at 7 days and 28 days.



6.5 Street Construction

- 6.5.1 Contract specifications shall be developed in conjunction with "Standard Specifications for Municipal Services" as published by the Nova Scotia Road Builders Association & Consulting Engineers of Nova Scotia Joint Committee on Contract Documents. The following specification shall take precedence where there is a conflict with the Standard Specification for Municipal Services:
- 6.5.2 Streets shall be constructed including pavements in accordance with this section. Cost of paving is borne by the Town of Lunenburg.

Clearing and Grubbing

- 6.5.3 All brush, trees and cuttings shall be removed. In no case shall cleared materials be buried in the street right of way.
- 6.5.4 All grubbed materials under the street right of way shall be removed. In no case shall grubbed material be buried in the street right of way.

Right of Way

- 6.5.5 The right-of-way shall be left properly drained and should the work, as performed, create pockets of isolated water holes, this drainage condition shall be rectified by the subdivider at their expense.

Subgrade

- 6.5.6 Topsoil, peat and other unsuitable materials under the roadbed must be removed prior to placing embankment material. Rock cuts shall be excavated to at least 1 foot (300 mm) below the subgrade and backfilled with material satisfactory to the Town Engineer. Water pockets shall not be left in the bottom of rock cuts. All cuts or embankment must be backfilled with graded material approved by the Town Engineer. The top 12 inches (300 mm) of subgrade must be free of rocks larger than 6 inches (150 mm) in any dimension.
- 6.5.7 The subgrade must be well drained and compacted using the method described in Subsection 6.4.3. Any unsuitable material including soft or yielding clay material shall be removed, replaced with suitable material and compacted.



Sub-base and Base Gravels

- 6.5.8 The sub-base course shall conform to Gravel Type 2, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The sub-base course must be applied to compacted thickness of not less than 12 inches (300 mm).
- 6.5.9 The base course shall conform to Gravel Type 1, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The base course must be applied to a compacted thickness of not less than 6 inches (150 mm).
- 6.5.10 Compaction of sub-base and base gravels shall be via the control strip method and field density test described in Subsections 6.4.4 and 6.4.8 respectively.

Shoulder Gravels

- 6.5.11 Shoulder gravels shall conform to Gravel Type 1 S, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. Shoulder gravels must be applied to compacted thickness of 6 inches (150 mm).

Asphalt Paving

- 6.5.12 Cost of paving is borne by the Town of Lunenburg.
- 6.5.13 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregate(s) and asphalt concrete have been duly sampled and tested, and that the asphalt concrete to be manufactured from these ingredients has been duly designed to achieve the specified properties. The letter will list the test results for aggregate and asphalt. The Town Engineer may also require the letter to state that the hot mix asphalt concrete plant conforms to the Nova Scotia Department of Transportation and Active Transit Standard Specifications.
- 6.5.14 The asphalt concrete shall conform to Division 4, Section 4, of the Nova Scotia Department of Transportation and Active Transit Standard Specifications and be placed in two lifts. The lower course of Class "B" asphalt must be applied to a compacted thickness of not less than 2.0" (50 mm). The upper course of Class "C" asphalt must be applied to a compacted thickness of not less than 1.5" (40 mm).



7 Road Signage

7.1 Road Signage Standards

- 7.1.1 All road signage, signals and markings shall be in accordance with the Manual of Uniform Traffic Control Devices for Canada manual and the Nova Scotia Traffic Signs Regulations.
- 7.1.2 All road signage shall be placed in the right-of-way, subject to approval by the Town Engineer. Signage shall not be placed in the municipal right-of-way without the prior approval of the Town Engineer.

7.2 Stop Signs

- 7.2.1 Stop signs shall be placed within 5 metres of all intersections, at the minor leg approaches, at the developer's cost. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Town Engineer.

7.3 Traffic Signals

- 7.3.1 If traffic volumes indicate electrified traffic signals are necessary, a traffic signal warrant shall be submitted for approval by the Town Engineer.

7.4 Road Names

- 7.4.1 All road names shall be subject to approval by the Civic Address Coordinator prior to final approval being given by the Development Officer.

7.5 Road Name Signage

- 7.5.1 All roads are required to have road name signage placed on each road intersection, at the developer's cost.

7.6 Other Road Signage

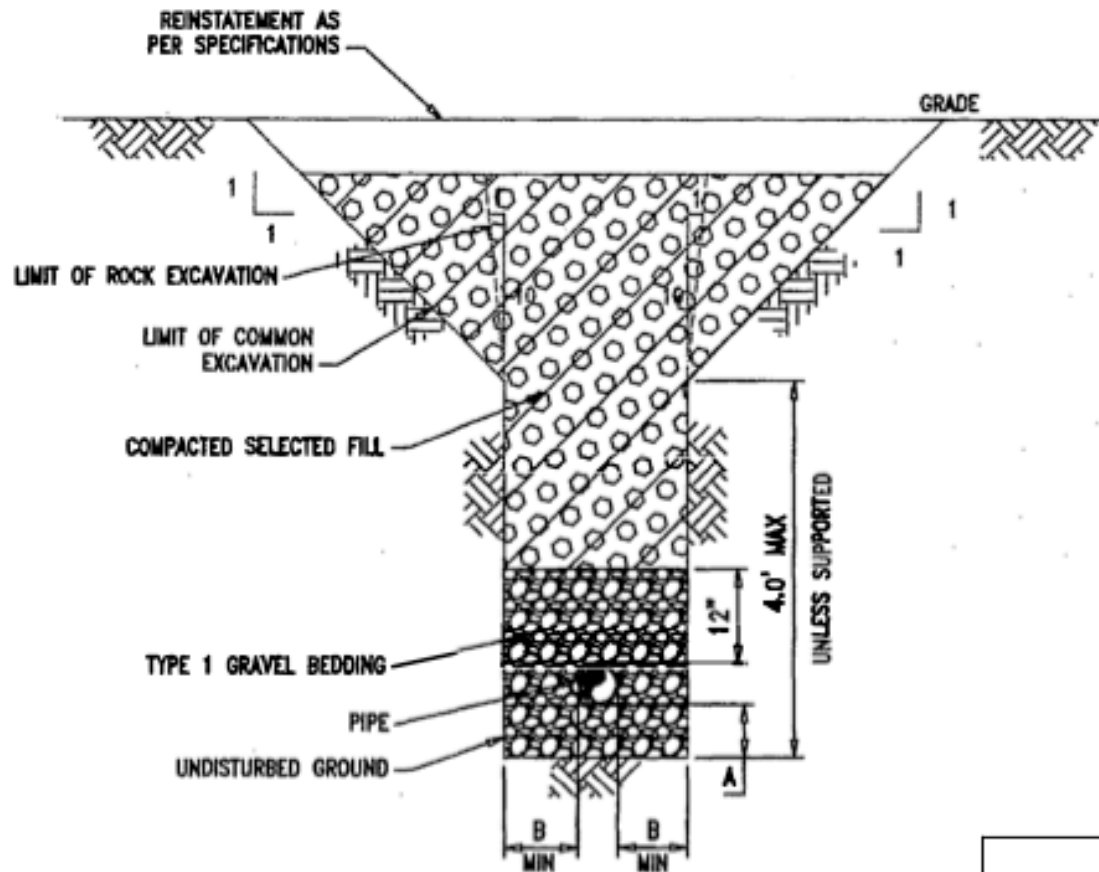
- 7.6.1 Other directional, speed rating and cautionary signage shall be placed in the right-of-way, as warranted, in the sole discretion of the Town Engineer and at the developer's cost.

Schedule 'A'

Characteristic	Minor Collector	Local – 50 km/h	Low Volume – 30 km/h
Traffic services & function	Traffic movement of equal importance with land access	Land access first consideration, traffic access second consideration	Aesthetics first, land access second, traffic third
Maximum number of lots or dwelling units	n/a	n/a	n/a
Maximum distance between intersections	365 m	200 m	120 m
Maximum street length	n/a	n/a	n/a
Parking	Permitted on both sides	Permitted on one side	Permitted on one side
Sidewalks	Required on both sides	Required on one side	Required on one side
Bicycle lane	Required	Not required	Not required
Average daily volume	Up to 3,000	Less than 1,000	Less than 300
Average running speed	30 – 50 km/h	30 – 50 km/h	15 – 30 km/h
Vehicle types	All types with truck limits	Passenger and service vehicles, with limits on large vehicles	Passenger and service vehicles
Design speed (km/h)	50	50	30
Right-of-way width	20 m to 25 m	16 m to 20 m	13 m to 16 m
Minimum travel lane width	4.5 m	3.0 m	3.0 m
Minimum grade	1%	1%	1%
Maximum grade	8%	10% *	10% *
Minimum centreline radius	See TAC	100 m	30 m
Minimum sight distance	85 m	65 m	45 m
Typical road cross section	Cross-section 1	Cross-section 2	Cross-section 3
Minimum centreline distance between intersections • Same side of street • Opposite side of street	150 m 60 m	75 m 45 m	60 m 45 m
Minimum K factors • Crest • Sag	See TAC See TAC	7 12	2 4
Minimum curb radius	10 m	7.5 m	7.5 m

* A 12% grade may be permitted by the Town Engineer under exceptional circumstances.

TAC = Transportation Association of Canada Geometric Design Guidelines



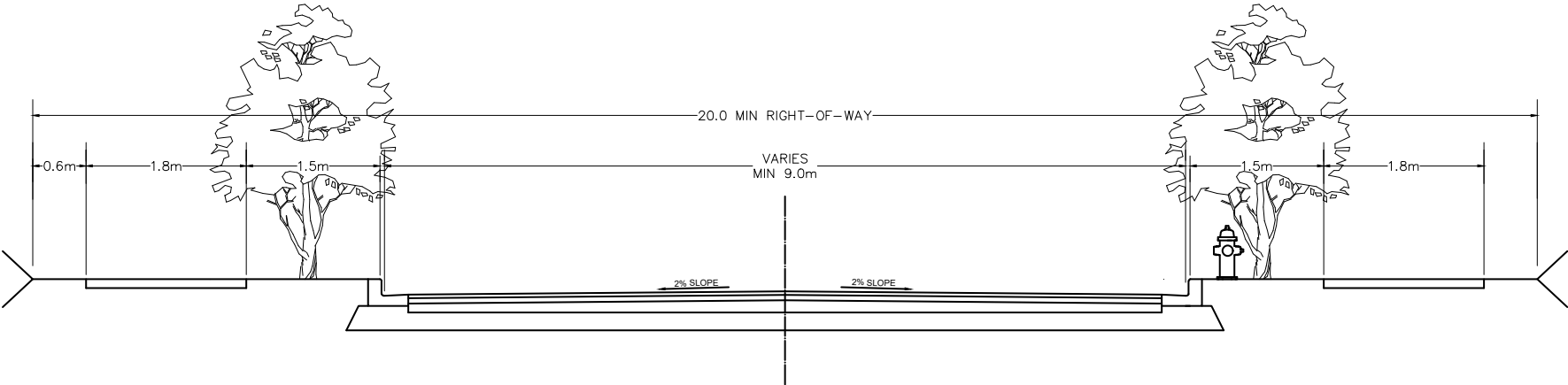
NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS
2. LETTERED DIMENSIONS BASED ON STANDARD SPECIFICATIONS FOR MUNICIPAL SERVICES

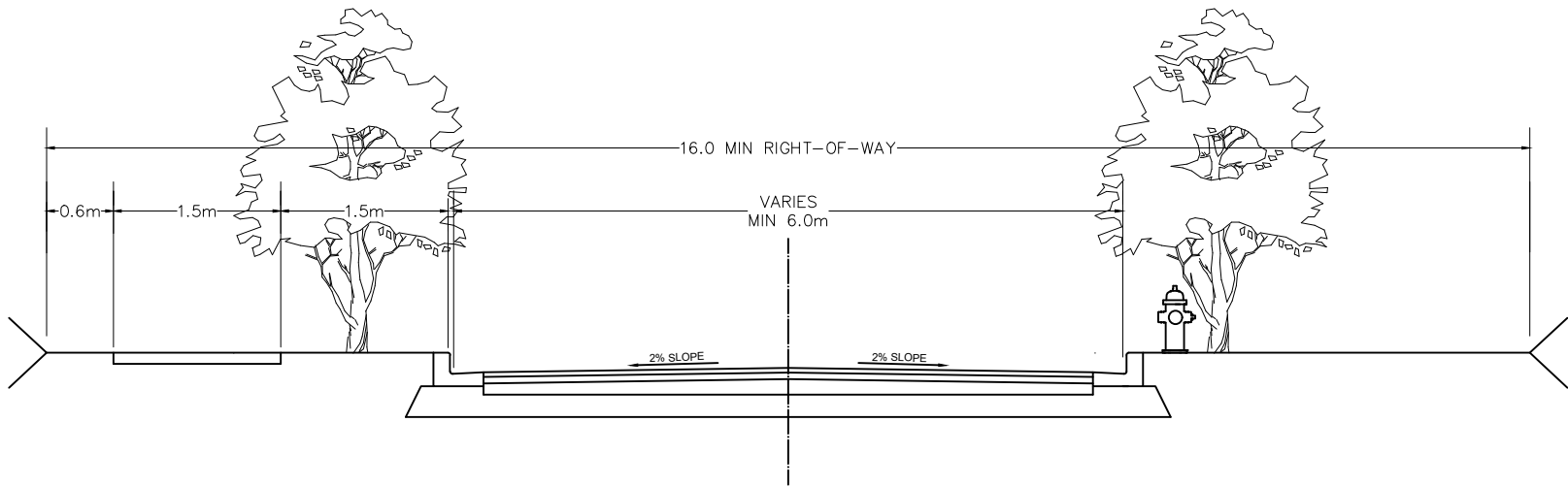
TOWN OF LUNENBURG

TYPICAL
TRENCH DETAIL

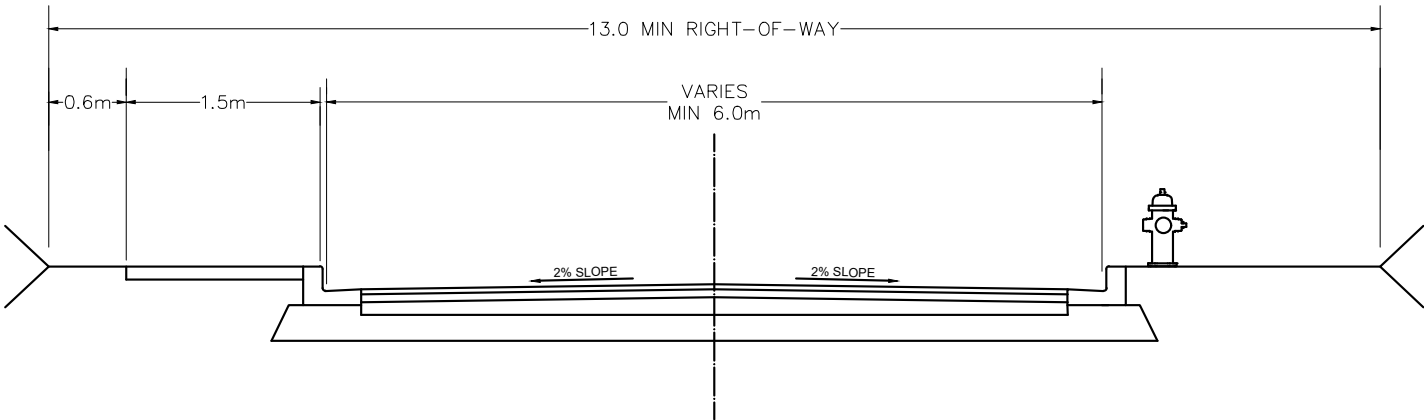
January 2007



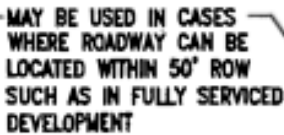
1 TYPICAL MINOR COLLECTOR CROSS SECTION
20m ROW, 9m PAVED TRAVEL LANE
Scale: NTS upto 3000 vehicles daily



2 TYPICAL LOCAL 50 km/hr CROSS SECTION
16m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 1000 vehicles daily



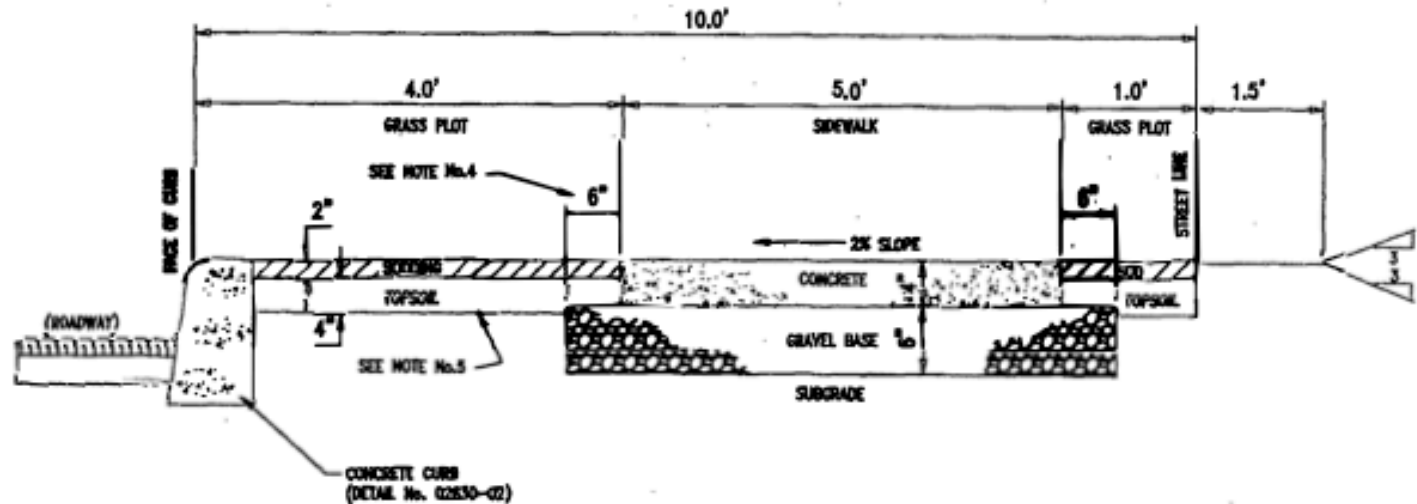
3 TYPICAL LOCAL LOW VOLUME CROSS SECTION
13m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 300 vehicles daily



FACE OF CLIMB

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS

January 2003



NOTES

1. NORMAL THICKNESS OF CONCRETE SIDEWALK TO BE 4.0"
2. THICKNESS OF CONCRETE SIDEWALK THROUGH DRIVEWAY AREA TO BE 6.0"
3. 152X152 MW 18.7 X MW 18.7 (WELDED WIRE FABRIC) TO BE USED IN ALL COMMERCIAL DRIVEWAYS
4. THE BASE COURSE SHALL EXTEND 6.0" MINIMUM ON EACH SIDE OF THE SIDEWALK STRUCTURE
5. TOPSOIL TO BE TREATED WITH FERTILIZER AND LIME
6. SIDEWALK ABUTTING COMMERCIAL AREAS SHALL HAVE FULL WIDTH AND BE 6.0" IN DEPTH
7. ALL DIMENSIONS ARE IN IMPERIAL UNITS
8. CONCRETE: 5000 PSI, 0.4 WATER TO CEMENT RATIO, 5% TO 8% ENTRAINED AIR

TOWN OF LUNENBURG

TYPICAL SIDEWALK SECTION

January 2007

This AGREEMENT dated the 22nd day of October, 2018

Between MUNICIPALITY OF THE DISTRICT OF CHESTER

(hereinafter referred to as "MODC")

-AND -

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

(hereinafter referred to as "MODL")

-AND-

TOWN OF MAHONE BAY

(hereinafter referred to as "TOMB")

-AND-

TOWN OF LUNENBURG

(hereinafter referred to as "TOL")

WHEREAS the Parties are each responsible for the provision of municipal services and wish to pursue the joint delivery of Building Inspection Services, Fire Inspection Services, and Dangerous and Unightly Inspection Services. The goals of which are to improve service delivery, provide a sustainable service, improve training opportunities, capacity, and ensure continuity in service delivery in the region;

AND WHEREAS the Parties have identified a two-phased approach to the delivery of said services;

AND WHEREAS the Parties wish to participate in Phase 1 of the two-phased approach being the planning and implementation phase, and then assess the interest in proceeding with Phase 2 of the project;

AND WHEREAS Section 5(3) of the Building Code Act allows the Parties to enter into an Agreement with another council, councils or regional organization to provide Building Inspection Services to properly cover the administration and enforcement of the Building Code Act within their respective jurisdiction;

AND WHEREAS Section 60 of the Municipal Government Act enables a municipality to enter into an Agreement with one or more municipalities to provide or administer municipal services; and

AND WHEREAS the Parties are prepared to share resources required to provide the required services for Phase 1 on the terms and conditions hereinafter set forth.

NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSETH that in consideration of the foregoing recitals, the Parties hereto agree as follows:

Definitions

1.
- (a)

"Building Code Act" means and *An Act to Adopt and Implement a Building Code for the Province*, Chapter 46 of the Revised Statutes, 1989, as amended;
- (b)

"Committee" means a Joint Planning and Implementation Steering Committee;
- (c)

Fire Safety Act means *An Act to Promote and Encourage Fire Safety*, Chapter 6 of the Acts of 2002, as amended;
- (d)

"Fiscal Year" means a 12-month period from April 1 through to March 31;
- (e)

"Parties" means collectively the Municipality of the District of Chester, Municipality of the District of Lunenburg, Town of Mahone Bay, and the Town of Lunenburg;
- (f)

"Services" means

1. Fire Inspection Services including administration and enforcement of the Nova Scotia Fire Safety Act, National Fire Code and each municipality's policy respecting a System of Fire Inspections
2. Building Inspection Services including administration and enforcement of the National Building Code, Nova Scotia Building Code Act, Nova Scotia Building Code Regulations
3. Dangerous and Unsightly Premises Services including administration of each Municipality's Dangerous and Unsightly Premises Policy pursuant to the Municipal Government Act and all relevant dangerous and unsightly premises policies, with duties as assigned by the CAO for each jurisdiction.
4. Reviewing plans as related to the Provincial Building Code and the National Fire Code.
5. Issuing building permits, demolition permits and occupancy permits as appropriate.
6. Conducting Inspections based on the relevant by-laws, policies and procedures and completing all related documentation and reporting.
7. Providing advice and assistance to contractors, developers, public, By-Law enforcement personnel, Municipal Council, other Departments and senior administration.
8. Administrative duties related to the provision of Fire, Building and Dangerous and Unsightly Premises Services including:
 - a. Intake and processing applications and compliant forms
 - b. Scheduling inspections and site visits;
 - c. Maintaining an accurate record of inspections.
 - d. Documenting appropriate case file information while conducting site assessment and maintain detailed records;
 - e. Advising customers on the process and procedures for obtaining building permits.
9. Preparing and presenting statistical reports, requests for direction/decision, and annual reports.
10. Enforcement Services include but are not limited to:
 - a. Issuing various orders; stop work, cease occupancy, etc. as required under by-law provisions;
 - b. Adhering to municipal enforcement policies and procedures in investigating and remedying non-compliance.
 - c. Delivering Orders and Summary Offence or long form summary information when required.
11. Promote the establishment of uniform code enforcement across municipalities

(g) "Staff" means the inspection and administrative staff for Building Inspection, Fire Inspection and Dangerous and Unsightly Inspection services of the parties

Phase One

2. That Phase One shall be a planning and implementation phase and include the following:
 - (a) The Parties staff shall be collectively coordinated and shared, with each party retaining their current employer status or status of party engaging independent contractor for their respective staff;
 - (b) The review of Position Descriptions and respective salary ranges to ensure equity in duties and compensation amongst the Parties' staff as it applies to the services shared;
 - (c) The development and implementation of uniform regional policies/procedures and processes pertaining to the Parties "services";
 - (d) The development of proposed associated budgets and service levels for Phase One;
 - (e) The development of a plan for the development and implementation of a Phase Two, as described in Clause 18; and
 - (f) Immediately following the execution of the Agreement, the Parties shall unanimously agree on a Host Unit, who shall ensure the development and implementation of the Phase One,

including providing any notice required under this Agreement and providing support to the Joint Planning and Implementation Steering Committee. Upon unanimous agreement of the Parties, the Parties may change the Host Unit.

3. During Phase One the Parties shall provide those services which may be necessary for the administration and enforcement of the Building Code Act, Fire Safety Act and the Dangerous and Unightly Premises By-laws/Policies within the regional boundaries of the Parties. In providing these services the Parties shall be responsible for ensuring their respective individuals carrying out the services are qualified to do so and shall provide to each respective party a copy of the Diploma of Qualifications, as issued by the Nova Scotia Building Code Training Certification Board and the Fire Inspectors Association, as applicable, for those individuals providing said services.
4. The Parties agree that the provisions of services, pursuant to this Agreement, shall not constitute an employment contract between any individuals carrying out the necessary services and the party receiving the services, unless that party should also be the Employer. The recipient party shall not become or deem to become an Employer by virtue of this Agreement. The respective party shall remain responsible for all wages, benefits, remittances and the like either required by federal or provincial law or as a term of any contract between the individuals providing the services and the respective party contracting for the same. If an inspector is an independent contractor engaged by a municipal unit that municipal unit shall continue to be responsible for all wages and associated costs of that independent contractor. This agreement shall not be deemed an assignment of that contract.

Joint Planning and Implementation Steering Committee

5. Upon the execution of this Agreement, a Joint Planning and Implementation Steering Committee (Committee) is hereby established which shall have the mandate to:
 - a. Facilitate the development of uniform regional policies/procedures and processes by recommending to Municipal Councils changes to Municipal Policies / By-laws and procedures as it pertains to Building and Fire Inspection and Dangerous and Unightly Properties;
 - b. Oversee the implementation of Phase One and recommend to Councils matters respecting budgets;
 - c. Develop, for consideration by the respective Parties Councils, an Inter-Municipal Agreement that establishes a funding scheme, governance structure and organizational structure for Phase Two, of which Phase Two is described in Clause 18; and
 - d. Develop, for consideration by the respective Parties Councils, a Strategy and Implementation Plan for Phase Two.
6. Within 30 days of executing this Agreement, each party to this Agreement shall appoint two elected representatives as members of the Committee, whose term shall be specified by the appointing party. Each party may appoint an "alternate member". An Alternate Member shall vote in place of a Member appointed by the same party during any absence of a Member.
7. Each party to this Agreement is responsible for remuneration (such as meeting fees) and meeting expenses (travel, meals, etc.), if any, to be paid to all Members appointed by that party serving on the Committee.
8. A majority of the Members appointed to the Committee constitutes a quorum.
9. Any decision requiring the agreement of the members of the Committee shall be decided by a majority vote of those members present at the meeting.
10. The Committee shall establish Rules of Procedure, as deemed necessary and appropriate. In lieu of Rules of Procedure respecting a procedural matter, Roberts Rules of Order shall be followed.

Costs for Phase 1

11. The Committee shall present to the Parties an Operating and Capital Budget that addresses common costs amongst the Parties, for each fiscal year of Phase One, no later than Feb 28, in the preceding fiscal year. Common costs are those new, additional costs incurred for items

associated with Phase One which are used in common by the Parties, including, but not limited to, software, data and records management, consulting services, but for Phase One excludes salaries, and general operating expenses.

- 12. An annual Operating and Capital Budget recommended for approval by the Committee shall be approved by all Parties to this Agreement prior to being effective. If the annual budget is not approved by the start of the fiscal year, following the first year of this Agreement, the Parties agree to continue with the approved operating budget of the previous fiscal year, until an annual Operating and Capital Budget is approved.
- 13. The Host Municipal Unit shall be responsible for the payment of the “common costs” portion of the Operating and Capital Budget. The municipal units will fund the common costs as identified in the budget and in accordance with Clause 14.
- 14. The Parties agree to fund the approved Operating and Capital Budget (IT and software) based upon the following funding formula.

2017-18 Party Y’s Operating Budget for Services

X 100 = % of total budget

2017-18 Total budgets of all Parties combined Operating Budget for Services

Example for illustration

\$350,000 (MODC)

X 100 = 38.8% (MODC’s share of total budget)

\$900,000 (combined total)

- 15. Phase One shall have a term ending March 31, 2020, unless otherwise unanimously agreed to by the Parties.
- 16. Each Party to this Agreement shall be notified 90 days prior to the expiry of Phase One, as noted in Clause 15 above, upon which each Party to this Agreement, within 30 days of being notified, shall determine if they wish to proceed to Phase Two, described in Clause 18. Within the 30-day period, each Party shall provide to the others, notification in writing, of their decision to proceed or not to proceed to Phase Two. A Party that does not provide notification of its decision within the 30 days is deemed to have decided not to proceed to Phase 2. A Party that provides notification that they do not wish to proceed to Phase Two or who are deemed to have decided to not proceed to Phase 2, shall not be liable for any costs beyond the end of Phase One.
- 17. Where the interest is sufficient among two or more Parties to make Phase Two feasible, the Parties wishing to proceed shall enter into a subsequent Inter-Municipal Agreement that outlines the terms and conditions of Phase Two and as developed by the Joint Committee and approved by the Parties. Any Parties not wishing to proceed to Phase Two, shall be deemed to have withdrawn and paragraphs 20 and 21 shall apply.
- 18. Phase Two shall be the implementation of a Regional Model for the delivery of the services, in which all resources will be combined and cost shared. The governance model, operational model and funding formula shall be developed by the Joint Committee and approved by the Parties that wish to proceed to Phase Two as per Clause 16.

Withdrawal by Party

- 19. Any party that wishes to withdraw from this Agreement, other than the Parties who have previously withdrawn under the provisions of Clause 16 shall give notice of withdrawal to the other Parties not less than six months prior to the intended withdrawal date.

20. Any party which withdraws from the Agreement ceases to have any interest in any assets created or acquired in Phase One.
21. Any party who withdraws from the Agreement according to the provisions of Clause 16, shall not bear any liability beyond the initial contribution to Phase One costs

Termination of Agreement

22. The Agreement may be dissolved upon unanimous consent of the Parties.

Insurance and Indemnity

23. In the event of any litigation arising from the actions of a party's inspectors in the conduct of their duties on behalf of another party, the party receiving the service shall remain responsible for any costs arising from those inspectors' necessary involvement in the litigation process, including any damage awards against the receiving municipal unit, except gross negligence on the part of the inspector providing the service.
24. Each party shall be responsible for carrying and maintaining adequate commercial general liability insurance coverage with respects to its responsibilities under this Agreement. This insurance shall cover bodily harm, property damage, and other loss occasioned or incurred as a result of a party's role in carrying out the terms of this Agreement. A minimum limit per occurrence of \$15,000,000.00 shall be maintained. The Parties agree to add each party as an additional insured under their respective insurance policy.

The Policy shall further be endorsed to include:

- (a) Cross- Liability and severability of interest;
- (b) Contractual Liability;
- (c) Personal Injury; and
- (d) Non-owned Automobile Coverage
- (e) Waiver of subrogation

Each Party shall carry and maintain an Automobile Liability Policy covering third party property damage and bodily injury liability and all statutory coverages as may be required by Applicable Laws arising out of any licensed vehicle operated in connection the with the Agreement with limits not less than \$15,000,000. The policy shall further provide All Perils Loss or Damage coverage with respect to any vehicle used to provide the services to this Agreement.

Each party shall take out and keep in force Errors and Omissions Insurance in the amount of \$15,000,000.00 per claim with no aggregate, providing coverage for acts, errors and omissions arising from the inspection services performed under this Agreement

25. Each party in receipt of services pursuant to this Agreement shall indemnify and save harmless each Employing Party or party engaging independent contractor, its Inspectors, Agents, Employees and Councillors from all actions, negligence (excluding gross negligence) or any other legal consequence (including damages) arising as a result of the provision of services pursuant to this Agreement.
26. Each party shall provide to the other Parties thirty (30) days written notice of the cancellation, material change or expiry of any insurance policy as required under Section 24 of this Agreement.

IN WITNESS WHEREOF the parties have hereunto site their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

) MUNICIPALITY OF THE DISTRICT OF CHESTER
)

Cindy Hanna Ford
Witness
Cindy Hanna Ford
Witness

) Per: Allen B. Webber
ALLEN B. WEBBER, Warden
)
Pamela M. Myra
) PAMELA M. MYRA, Municipal Clerk
)

) MUNICIPALITY OF THE DISTRICT OF LUNENBURG
)

Joanne Pevens
Witness
Joanne Pevens
Witness

) Per: Carolyn Bolivar-Getson
CAROLYN BOLIVAR-GETSON, Mayor
)
Sherry Conrad
) SHERRY CONRAD, Municipal Clerk
)

) TOWN OF MAHONE BAY
)

David Devenne
Witness
David Devenne
Witness

) Per: David Devenne
DAVID DEVENNE, Mayor
)
Dylan Heide
) DYLAN HEIDE, Chief Administrative Officer
)

) TOWN OF LUNENBURG
)

Chris Duffey
Witness
" "
Witness

) Per: Rachel Bailey
RACHEL BAILEY, Mayor
)
Bea Renton Oct. 16/18 RS.
) BEA RENTON, Chief Administrative Officer
)



Circulated: _____

Document No:

Meeting: Council June 22, 2021

Circulate To: Council, LD, KR

File: Budget 2021/22

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA - FINANCE DIRECTOR

DATE: JUNE 8, 2021

RE: ELECTRIC UTILITY TEMPORARY BORROWING RESOLUTION

1. FACTS

In 2006 the Electric Utility undertook a 20-year debenture in the amount of \$2,000,000 for substation upgrades. The debenture now requires refinancing balloon payment for the remaining five-year term. To facilitate this a TBR (Temporary Borrowing Resolution) needs to be forwarded to the Minister of Municipal Affairs for approval.

2. ISSUES AND OPTIONS

When this debenture was originally secured the interest rate was 4.4%. The most recent Municipal Finance Debenture issue secured loans at a rate of 1.24% for 5-year loans.

The interest cost for the remaining 5-year term would be \$65,700 if the interest rate remained at 4.4%. Assuming an interest rate of 1.24% the interest cost will be approximately \$18,600, a savings of \$47,100 over the 5-year term.

The alternative to refinancing would be to pay out the loan but that would result in the Electric Utility having a one-time unanticipated expenditure of \$500,000 in the current fiscal year and would negatively impact the Utility's cash position and therefore is not recommended.

A debenture will be secured in the next Municipal Finance debenture issue (Fall 2021).

3. FINANCIAL IMPACT

As note above.

4. STRATEGIC PLAN RELEVANCE

Servicing and Facilities: Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

A Temporary Borrowing Resolution is approved in the amount of \$500,000 as outlined in Schedule 1.

Acknowledged only by:

Bea Renton
CAO

Attachments – Schedule 1 – Temporary Borrowing Resolution

MUNICIPAL COUNCIL OF THE
Town of Lunenburg
TEMPORARY BORROWING RESOLUTION

Amount: \$ 500,000.00

Refinancing Project: Electric Utility Substation Upgrades

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the
Town of Lunenburg subject to the approval of the Minister of Municipal
Affairs, may borrow to expend funds for a capital purpose as authorized by statute; and,

WHEREAS clause 66 (4)(b) of the Municipal Government Act authorizes the Municipality to
expend funds for the purpose of paying or retiring debentures;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the
Town of Lunenburg borrow a sum or sums not exceeding
Five hundred thousand Dollars (\$ 500,000.00)
for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the
Town of Lunenburg to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act
and that the Town borrow from time to time a sum or sums not exceeding
Five hundred thousand Dollars (\$ 500,000.00)
in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval
of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read
and duly passed at a meeting of the Council of the
Town of Lunenburg held on the 22 day
of June, 2021.

GIVEN under the hands of the Clerk and under the seal of the Council of
the Town of Lunenburg this 22 day of
June, 2021.

Clerk

Document No:
Meeting: Council June 22, 2021
Circulate to: Council, BR, LD, KR
File: Budget 2021/22

M E M O R A N D U M

TO: TOWN COUNCIL

FROM: LISA DAGLEY, FINANCE DIRECTOR

DATE: JUNE 8, 2021

RE: PROVINCIAL CAPITAL ASSISTANCE PROGRAM (PCAP)

1. FACTS

Municipalities can now apply for the Provincial Capital Assistance Program (PCAP). The deadline for applications is June 29, 2021.

2. ISSUES AND OPTIONS ANALYSIS

PCAP is available to help municipalities invest in high priority infrastructure projects and prioritizes projects that will eliminate actual or potential environmental and health problems. The program will fund up to 50% of eligible project costs. Eligible projects typically are related to water, wastewater, stormwater, and solid waste management.

Of the Town's approved 21-22 capital projects the **Salt Water Intrusion – Check Valve Installation** seems to be the ideal project for this funding program.

The Salt Water Intrusion – Check Valve Installation project includes:

- a. Fisherman's Wharf lift station overflow check valve in a 450mm pipe.
- b. Back Harbour lift station overflow check valve in a 600mm pipe.
- c. Bluenose Drive lift station overflow check valve in a 900mm pipe.

Applications require a supporting motion from Council.

3. FINANCIAL IMPACT

The 21-22 Salt Water Intrusion – Check Valve Installation project has an approved budget of \$105,000 funded from Deed Transfer Taxes. PCAP funding applications do not delay the start of capital projects because the approval, if received, is retro-active to the application date. The Deed Transfer Taxes would still be used to cover the Town's 50% contribution to this project should PCAP funding be received. If PCAP funding is received in the amount of \$52,500 then that amount of Deed Transfer Taxes not

expended on this project will be reallocated to other 21-22 capital projects that have a borrowing component, to reduce the Town's borrowing requirements for the year.

4. STRATEGIC PLAN RELEVANCE

Servicing and Facilities: Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve an application to the Provincial Capital Assistance Program for the Town's 21-22 Salt Water Intrusion – Check Valve Installation project in the amount of \$105,000.

Draft Motion:

Moved and seconded that staff apply to the Provincial Capital Assistance Program for the Town's 21-22 Salt Water Intrusion – Check Valve Installation project in the amount of \$105,000.

Acknowledged only by:

Bea Renton
CAO