

# MUNICIPALITY OF THE DISTRICT OF LUNENBURG



## Secondary Planning Strategy for Princes Inlet & Area

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Second Reading by Council: **January 12th, 2016**

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## 1 AUTHORITY AND SCOPE.

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This Secondary Planning Strategy and Land Use By-law was adopted by Municipal Council on January 12th, 2016 and became effective February 17th, 2016.

The Municipal Government Act (Chapter 18 Acts of 1998) is the legislative basis for the preparation and adoption of these planning documents. The Act states that Council may prepare a Planning Strategy for all or part of a Municipal Unit. The planning area ("Plan Area") to which this Secondary Planning Strategy applies includes: the communities of Maders Cove, Martins Brook, Sunnybrook, Hermans Island, parts of Schnares Crossing and Deans Corner. Affected islands include: Westhaver Island, Loye Island, Coveys Island, and Little Herman Island.

The Municipal Government Act provides Council with the authority to adopt policies respecting a broad range of matters, including the improvement of the physical, economic and social environment; and the use, protection, and development of lands.

This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land use in the Plan Area during the next ten years.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments.

Amendments to the By-law that involve rezoning of land for a new or a different use from that permitted by the By-law are provided for in the Planning Strategy policies. Policies also govern the circumstances under which a Development Agreement or rezoning may be considered and approved. The Municipal Government Act also states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land Use By-law, and enables the Strategy to be amended by a Council at any time during this period.

The Princes Inlet Area Advisory Committee has fulfilled an important role since its inception, by providing an ongoing opportunity for residents to have a voice in the local land use planning process. Council anticipates that the Princes Inlet Area Advisory Committee will continue to carry out this important role, on behalf of the Municipality, over the duration of this Planning Strategy.

- 1.1 This Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the Plan Area shall be guided, encouraged and controlled.
- 1.2 The Land Use By-law, prepared and adopted by Council in conjunction with the Secondary Planning Strategy, shall provide the primary mechanism for land use and development control, through which the intent of this Planning Strategy shall be implemented. The Municipality's Subdivision By-law will also guide local development, by identifying regulations affecting the creation, consolidation, and the shape of land parcels within the Plan Area.
- 1.3 The maps and schedules appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy. The Future Land Use Map (Map 1) shall be regarded as a generalized representation of the intended pattern of future land use in the Plan Area.
- 1.4 Throughout this Secondary Planning Strategy and the accompanying Land Use By-law, the metric measurement system is used to indicate the required standards. Imperial measurements are approximate only and are inserted only for convenience.
- 1.5 The Princes Inlet Area Advisory Committee shall act in an ongoing monitoring and advisory capacity to the Municipality, with respect to local land use planning and development activity.

## 2 OBJECTIVES.

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Like many parts of rural Nova Scotia, early European settlement in the Princes Inlet Plan Area was primarily resource based. The dramatic shift away from this historic form of rural land tenancy has occurred over the past seventy years. Current occupation is largely unrelated to the land's potential for production of trees or agricultural crops. The prevailing residential use is a function of location, with respect to employment, goods and services found in the neighboring towns and communities, and to other attributes, such as proximity to the ocean, and quality of the local living environment.

The development of land use by-laws was initially undertaken following a community survey, carried out by the local Property Owners Association in 1991. An Area Advisory Committee (AAC) for the Plan Area was subsequently created, and ultimately led to the adoption of the area's first Secondary Planning Strategy by the Municipality in January 1996.

Since then, residential development has remained the predominant land use. A small number of commercial and industrial activities are distributed throughout the area. Many uses pre-date the By-law's development. As well, extensive areas of privately-owned land are considered to be in an inactive state, or a low intensity resource category of land use. There are a few remaining active agricultural fields, although farming is not considered to be a significant percentage of local economic activity.

Given the scale and nature of the existing non-residential developments, the current mix of residential and non-residential uses in the Plan Area generates little controversy.

The general objective of this Secondary Planning Strategy is to establish a policy framework where there can continue to be a harmonious relationship between new development activities and existing land uses. As with other local Planning Strategies in the Municipality, the intent is to guide proposed changes in local land use over time, but not to prohibit entirely the opportunity for new development to occur.

In particular, there is a heightened awareness of the quality of Princes Inlet's living environment, and an identified concern that some types of development could have a negative impact on the community. Council has therefore adopted particular objective statements specific to maintaining the Plan Area's existing rural aesthetic, and protecting the natural environment.

- 2.1** The Princes Inlet & Area Secondary Planning Strategy shall provide the framework and process for the accommodation of changes in land use and development in communities found in the Plan Area.
- 2.2** It shall be the intention of Council to control land use and development in a manner that will minimize conflicts, so as to provide for an attractive rural residential environment.
  - 2.2.1** Council shall provide development standards for a variety of local housing options, to meet all ages and needs.
  - 2.2.2** Council shall allow for the development of a range of residential, commercial and industrial land uses that are consistent with enhancing the existing rural aesthetics of the Princes Inlet Plan Area.
  - 2.2.3** Council shall establish a specific residential designation and a zone that provides for restrictive development standards that reflect the needs of identified residential areas.
- 2.3** It shall be the intention of Council to control proposed developments in a manner that will protect the natural environment.
  - 2.3.1** Council shall develop policies specific to protecting water quality within the Plan Area, to include safe drinking water, surface water, groundwater, lakes, rivers, wetlands, and oceans.
  - 2.3.2** Council shall develop policies concerned with the impact of emissions attributed with proposed development activities, to the extent where an identified environment or health hazard may be created.
  - 2.3.3** Council shall encourage responsible and sustainable resource management in local Forestry and Agriculture activities.



### 3 LAND USE CONTROLS.

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Since local land use controls were first adopted in 1996, Council has sought to create policy flexible to a variety of potential development opportunities. Council acknowledges that in the two decades since zoning regulations were introduced, the development activity that has occurred in the Princes Inlet Plan Area has, in turn, shaped the perspectives of local citizens.

Perspectives can change over twenty years, as much as the local landscape itself changes. Through Plan Reviews, the policy framework associated with controlling future development activity can be updated, to remain consistent with changes in Council's intentions, and in consideration of the current perspectives of residents and landowners.

The Princes Inlet Plan Area covers approximately 2,300 acres, or 930 hectares. It affects approximately 700 properties. The dominant form of land use in the Princes Inlet Plan Area is residential. The dominant structural type is the detached single unit residential dwelling. The predominance of such units can be considered typical for rural communities without central treatment servicing options. There are less than two dozen commercial uses, storage uses, active agricultural lands, and multi-unit residential uses. Reflective of a rural community development pattern, the majority of development is scattered throughout the Plan Area, and not clustered in any particular one geographic location.

To establish development controls within the boundaries of the Plan Area, land use designations have been given to the entire landmass. The following sub-sections outline the policies that govern the types of land use activities permitted within each of the designations. These designations are set out on Map 1: Future Land Use Map. The accompanying Land Use By-law includes a Zoning Map, identifying zones related to each of the land use designations.

Council recognizes that a rural setting consists of a mix of compatible land uses. Council will therefore establish a Rural designation which provides for a variety of land uses consistent with the existing pattern of development in the Plan Area. The majority of the Plan Area will continue to be identified with a Rural designation. A Residential designation will be established for particular neighbourhoods, and provide for more restrictive policy, as a means to minimize conflicts in these identified areas of residential settlement. Council will also establish an Environmental designation, as a means to protect identified parts of the Plan Area considered significant environmental features.

Other government regulations significantly affect choices in private land use. The Municipality's Building By-law and Subdivision By-law result from requirements identified in provincial legislation. Regulations enforced by NS Environment respecting on-site sewage disposal systems, and provincial environmental legislation more generally, have a substantive impact on development throughout rural Nova Scotia. These regulations influence individual decisions, and are considered by Council to be as crucial components as is the Land Use By-law, in both shaping and controlling the future pattern of new development in the Princes Inlet Plan Area.

### 3.1 RURAL LAND USE DESIGNATION

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In Council's consideration, the majority of the Princes Inlet Plan Area can continue to be identified as Rural, and can continue to provide for a mix of compatible land uses that reflect the Plan Area's existing landscape.

Council also recognizes that the developments that have taken place over the last twenty five years would support the creation of two distinct Zones under the Rural Designation in the accompanying By-law. This distinction provides Council with the ability to direct future development activities to particular parts of the Plan Area, where certain uses may be considered more suitable, as well as provide for identified zone standards consistent with the existing development pattern.

Council also considers that certain intensive land uses would not integrate successfully with existing developments in the Princes Inlet Plan Area. Until such time that a comprehensive planning strategy is adopted, affecting the entirety of the Municipality, there is a need for policy within this particular Secondary Planning Strategy, outlining the prohibition of identified uses from developing at all in the Plan Area. Such uses can be directed towards the pursuit of possible opportunities in unplanned communities in the Municipality. With the majority of the Municipality having no land use regulations in place, Council considers there to be many potential locations for such uses to develop. Uses prohibited from developing in the Princes Inlet Plan Area will be listed in the Land Use By-law.

Council recognizes that there are a number of properties in the Princes Inlet Plan Area that have been used historically for forestry and/or for agricultural purposes. It is Council's intent that these types of traditionally rural -based activities continue to be supported through municipal policy. Council would note that some of the onus of compatibility between existing resource -related land uses, and other types of development, should not be undermined by unreasonable expectations being placed on landowners seeking to use property in a manner consistent with a historical resource use. Future development proponents can be made aware of Council's perspective, by the statements identified in this Strategy.

Council also acknowledges that certain types of development do require special consideration, due to their relative unique impacts on the land and on surrounding properties, and/or due to the nature of jurisdictional authority over such activities resting with senior levels of government. These types of development would include, but are not limited to energy generation installations (i.e. wind turbines). Policy statements, identifying additional requirements regarding particular types of developments in the Princes Inlet Plan Area, have been listed in Section 3.5 of this Secondary Planning Strategy.

Council considers that certain types of development, to include emergency service facilities and non-commercial recreational land uses, can provide potential benefits to the general community, and may be considered as suitable developments in those parts of the Princes Inlet Plan Area that have been identified with a Rural Designation.

- 3.1.1** Council shall establish a Rural (RUR) Designation, as shown on Map 1, Future Land Use Map.
- 3.1.2** Council shall prohibit specific developments entirely from the Princes Inlet Plan Area, in consideration of the potential negative impacts that such uses would have on existing developments, and on residents living in the community. Such uses are identified in the Land Use By-law as Prohibited Uses.
- 3.1.3** Council shall permit agricultural, forestry and land-based aquaculture activities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law. Zone standards shall include yard requirements for the keeping of farm animals and livestock. Such activities include the growing of agricultural and forestry products, and the sale of these products by their producers, as well as the primary processing of products at the farm site or harvest site, but excludes fish processing plants. Proposed developments which exceed the thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy
- 3.1.4** Council shall permit non-commercial recreational uses and emergency service facilities on properties identified with a Rural designation, subject to identified requirements in the Land Use By-law.

## Rural Highway Corridor (R-H) Zone

That part of the Princes Inlet Plan Area situated along Highway 3 is a diverse landscape of residences, resource properties, and a very small number of scattered commercial and industrial uses. Many parcels along this roadway corridor are considered to be inactive. Since the introduction of land use controls, the amount of new development in this particular part of the Plan Area has been comparatively light. The range of potential opportunities is influenced by the consistent volume of highway traffic that uses Highway 3 to travel to the more densely-settled towns of Mahone Bay and Lunenburg.

It is the intention of Council to recognize and encourage the potential development of this highway corridor, by establishing a Zone that permits for a diverse range of residential, industrial, and commercial uses. While not all types of land uses will be permitted as-of-right, it is identified that this particular Zone will accommodate for a wider diversity of uses than is found anywhere else within the Princes Inlet Plan Area. As with past Planning Strategies, Council will continue to control the scale of uses permitted, and consider those uses that exceed the size thresholds established in the By-law by way of a Development Agreement application.

Some uses have the potential to negatively impact on the community, regardless of size. Council will require that these types of uses, identified as Restricted Developments, be considered only by way of a Development Agreement application. The intention of Council is to ensure that such proposals are considered through a Public Hearing process, so that the community can be made aware of proposed land uses where there is a greater potential to impact on the character of the community.

- 3.1.5** Council shall establish a Rural Highway Corridor (R-H) Zone, within the Rural Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. It is Council’s policy to permit a wide variety of identified land uses within the Rural Highway Corridor (R-H) Zone considered compatible with the existing low-density development pattern. It is Council’s policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.
- 3.1.6** Council shall permit residential uses, to a maximum of eight dwelling units, in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law.
- 3.1.7** Except where uses are identified as Prohibited Uses under Policy 3.1.2, or identified as Restricted Developments under Policy 3.1.8, Council shall permit commercial, industrial and institutional uses in the Rural Highway Corridor (R-H) Zone, subject to identified zone requirements in the Land Use By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.
- 3.1.8** Specific uses, considered to have the potential for creating unacceptable land use conflicts, shall be permitted in the Rural Highway Corridor (R-H) Zone only by Development Agreement, regardless of size or scale of the proposed operation. These uses shall be listed as Restricted Developments in the Land Use By-law. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

## Rural Coastal (R-CO) Zone

As Highway 3 greatly impacts on the potential development of properties located adjacent to it, so too does the coastline affect those parts of the Princes Inlet Plan Area situated in proximity to the water's edge. Over the past twenty-five years, local development has come to resemble much of what has occurred elsewhere on rural Nova Scotia's sea coast - that is, new residential developments generally unconnected with the use of adjacent lands for resource harvesting, and largely unassociated with any sizeable new commercial or industrial developments (i.e. centres of local employment) being developed in the immediate vicinity, or in the surrounding neighborhood.

Since zoning regulations were introduced in 1996, commercial development in this particular part of the Plan Area has been near to non-existent, despite there being a policy framework where such uses would be permitted. The secondary and tertiary nature of the road network serving this part of the Plan Area provides different expectations in terms of traffic volumes and road standards. There are a scattering of tourist accommodation -related uses, the Lunenburg Yacht Club, and a commercial property that has been used for boatworks -related purposes since before the initial By-law's introduction.

While it is not the objective of Council to discourage the potential commercial use of lands in this particular part of the Princes Inlet Plan Area, Council would recognize where the preponderance of new residential development has, in turn, largely created a rural residential environment. Not all types of commercial or industrial land uses may be well-suited with the development activities that have occurred in the last three decades. Council's intent, therefore, is to encourage this area's potential, and its continued development, by establishing a Zone that permits for residential uses, and permits for only those identified types of commercial and industrial uses that are listed in the By-law.

- 3.1.9** Council shall establish a Rural Coastal (R-CO) Zone, within the Rural Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. It is Council’s policy to permit only those identified land uses within the Rural Coastal (R-CO) Zone considered compatible with the existing development pattern. It is Council’s policy to establish specific zone standards in the Land Use By-law, including size thresholds, setbacks, and abutting zone requirements, so as to minimize potential conflicts between the different permitted land uses.
- 3.1.10** Council shall permit residential uses, to a maximum of four dwelling units, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law.
- 3.1.11** Council shall permit commercial, industrial and institutional uses, in the Rural Coastal (R-CO) Zone, subject to identified zone requirements in the Land Use By-law. Any identified uses of this nature which are permitted in the Rural Coastal (R-CO) Zone, shall be listed in the By-law. Proposed developments which exceed the size thresholds identified in the By-law will be considered by Council only by Development Agreement. Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.
- 3.1.12** Specific uses listed as Restricted Developments in the Land Use By-law shall not be permitted to develop in the Rural Coastal (R-CO) Zone.

## **3.2 RESIDENTIAL LAND USE DESIGNATION**

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The majority of the Plan Area is designated Rural, with a small portion of the community of Maders Cove designated as Residential.

- 3.2.1** Council shall establish a Residential (RES) Designation, as shown on Map 1, Future Land Use Map.

### Two-Unit Residential (TR) Zone

While residential development is the most prominent active land use in the Princes Inlet Plan Area, it is only within one particular neighbourhood that there has been an expressed desire for more land use control than what the existing rural zoning related regulations provides. These increased controls aim to preserve the established residential character and the particular quality of their living environment.

In comparison with the predominant zoning identified throughout the majority of the Plan Area, the intent in Council's application of a Residential Zoning designation is to outline clearly to all future development proponents where particular neighbourhoods are restrictive to residential uses only.

- 3.2.2** Council shall establish a Two-unit Residential (TR) Zone, within the Residential Designation, identified on Schedule "A", Zoning Map of the Land Use By-law. It is Council's policy to permit in the Two-unit Residential (TR) Zone, residential uses to a maximum of 2 units per lot. Small scale business developments that are considered to be compatible with residential uses within dwellings and residential accessory buildings shall also be permitted. The size and scale of these uses shall be limited to zone standards and identified requirements specified in the By-law.

## **3.3 ENVIRONMENTAL LAND USE DESIGNATION**

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Council wishes to protect certain lands within the Princes Inlet Plan Area, in recognition of their unique environmental sensitivity. In particular, Council recognizes the lands adjacent to Westhaver Pond, near to Westhaver Beach, are considered as important environmental assets to the local community, and that these lands merit protection through local land use controls.

- 3.3.1** Council shall establish an Environmental Protection (ENV) Designation, as shown on Map 1, Future Land Use Map.

Council recognizes that there is a general lack of municipal mandate to protect the environment from harmful individual activities, and acknowledges that this responsibility rests with applicable senior level government departments. However, municipalities are enabled in various ways, including zoning, to help protect specific environmentally sensitive areas within their jurisdiction.



As found in previous Strategies for the Plan Area, and initially resulting from a request of the adjacent residents, Council will place the identified provincial wetland which is located around Westhaver Pond in a restrictive Zone, which will not permit for any structures, including raised boardwalks, to be built within its boundaries.

- 3.3.2** Council shall establish an Environmentally Sensitive (ES) Zone, within the Environmental Protection Designation, identified on Schedule “A”, Zoning Map of the Land Use By-law. The Environmentally Sensitive (ES) Zone shall be considered a “no build” zone, in which no structures shall be permitted. For further clarity: it shall be the policy of Council to prohibit development within the Environmentally Sensitive (ES) Zone.
- 3.3.3** Council shall rezone the Environmentally Sensitive (ES) Zone in the Land Use By-law to an adjacent zone where study of a wetland, by a qualified person recognized by the provincial department responsible for provincial wetland identification, has identified to the Department’s satisfaction that land within the Environmentally Sensitive (ES) Zone is not wetland.

#### **3.4 INSTITUTIONAL LAND USE DESIGNATION**

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There are no large-scale institutional uses identified in the Princes Inlet Plan Area. In this Planning Strategy, it is noted that Policy 3.1.7 allows for institutional uses, subject to an identified size threshold in the By-law, to be developed in the Rural-Highway Corridor Zone. Policy 3.1.11 also allows for the development of certain institutional uses, subject to an identified size threshold, to be developed in the Rural-Coastal Zone. Any proposed institutional uses that are larger than the identified thresholds shall only be considered within these Zones by Council by way of Development Agreement.

Council recognizes that many municipal developments are institutional in nature. As a Municipality cannot enter into a Development Agreement with itself, Council shall provide policy so as to enable for the rezoning of lands to the Institutional (I) Zone, where the Municipality is itself proposing an institutional development. This zone will be a floating zone, as no land identified on Schedule “A”, Zoning Map of the Land Use By-law, is zoned Institutional (I) at the time that the Planning Strategy and Land Use By-law becomes effective.

- 3.4.1** Notwithstanding Policy 3.1.7 and Policy 3.1.11, the Land Use By-law shall provide for the establishment of an Institutional Zone within the Rural Designation, as shown on Map 1, Future Land Use Map. The Institutional (I) Zone shall provide for a range of institutional uses that will accommodate developments undertaken by the Municipality of the District of Lunenburg. Council may re-zone identified lands within the Rural Designation to Institutional, provided that the development proposal satisfies the following conditions:
- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

### **3.5 GENERAL PROVISIONS - IDENTIFIED USES**

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Certain proposed developments shall be subject to special regulatory requirements established in the Land Use By-law, in addition to any specified zone standards.

#### Wind Turbines

Council recognizes where there is ongoing change in technology, societal demands, and public policy affecting renewable energy generation. Such changes are likely to continue over the next ten years. Communities - particularly in rural Nova Scotia - will be potentially impacted by proposed developments. Council considers that wind turbines may be considered in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, provided these proposed uses comply with requirements set out in the Planning Strategy and Land Use By-law. Council recognizes that additional provisions can mitigate potential conflicts that can occur within a community where such proposed developments are introduced. In particular, Council considers that as-of-right wind turbine developments are to be restricted in the Princes Inlet Plan Area to smaller-scale applications, of a specific generation capacity.

**3.5.1** Council shall provide for the location and use of small scaled wind turbines in the Rural-Highway Corridor (R-H) Zone and in the Rural-Coastal (R-CO) Zone, whose annual energy generation capacity shall be established in the Land Use By-law, provided such proposed developments also comply with identified setback, safety, screening and noise emissions requirements. Given the potential conflict with adjacent land uses, Council shall consider the development of any proposed turbines that are of a larger generation capacity only by Development Agreement, where Council shall be satisfied that the proposal meets the following conditions:

- a) the proposal shall conform with the relevant criteria of Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

#### Farm Animals Requirements

Odour resulting from the keeping of livestock, fur bearing animals, fowl, or other animals can be a nuisance, especially when these animals are kept in close proximity to neighbouring residences. To reduce the possible impact of odour resulting from the keeping of farm animals, Council will require structures affiliated with these uses to be setback from adjacent land uses. Requirements shall also apply to any associated manure storage sites or facilities. Council also recognizes that those specific neighbourhoods that have been identified with a Residential Designation are not considered as areas suitable for the keeping of livestock.

**3.5.2** Council shall establish yard requirements within the Land Use By-law for the keeping of farm animals, and any associated manure storage sites or facilities, in those parts of the Princes Inlet Plan Area identified with a Rural Designation. Keeping of livestock shall not be permitted in those parts of the Plan Area identified with a Residential Designation. Yard requirements shall minimize the impact of livestock, fur bearing animals, fowl, and other animals.

### Fixed Roof Accommodations

- 3.5.3** Council shall establish threshold requirements within the Land Use By-law for fixed roof accommodation uses, and their associated facilities for food preparation and serving. Any existing uses of this nature that are listed in Schedule “C”, List of Existing Permitted Uses, of the Land Use By-law, shall be permitted to expand to an identified threshold, also established in the Land Use By-law.

### Outdoor Wood Furnaces

- 3.5.4** Council shall regulate the placement, location or alteration of outdoor wood furnaces on a lot within the Plan Area to minimize nuisances and conflicts with surrounding land uses.

## **4 GENERAL ENVIRONMENTAL PROTECTION**

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Section 214 of the Municipal Government Act permits municipalities to develop policy concerned with prescribing methods for controlling activities, in particular activities associated with erosion and sedimentation, during the construction of a development. In particular, Council would identify policies consistent with its objectives in looking to protect local water quality within the Plan Area.

### **4.1 EROSION CONTROL**

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Council will require development control standards to minimize erosion and sedimentation in identified areas of steep slope in the Plan Area. Standards will include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils. Council's objective is to minimize the impact of development on the environment.

- 4.1.1** All development permitted in identified areas with excessive slopes, as shown on Schedule "B", Development Constraints Map of the Land-Use By-law, shall be subject to erosion control standards, as specified in the By-law, regardless of the zone in which the development is proposed to be located. Requirements to prevent or minimize erosion and sedimentation shall include the retention or replanting of natural vegetation, and other measures to stabilize disturbed soils.
- 4.1.2** Wherever this Secondary Planning Strategy provides for developments by way of Development Agreement, that are also proposed to be within identified areas of excessive slopes, as shown on Schedule "B", Development Constraints Map of the Land-Use By-law, the related Development Agreement shall contain provisions respecting erosion and sedimentation, so as to minimize the impact on the natural environment.

### **4.2 WATERCOURSES**

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Council recognizes that development near or adjacent to significant watercourses has the potential to impact water quality through surface runoff, or the damaging of the natural vegetation immediately adjacent to the watercourse. Retaining a portion of the vegetation along identified watercourses achieves several functions, in addition to controlling the impacts of erosion and sedimentation.

Vegetated buffer areas are aesthetically pleasing, can help moderate air and water temperatures, filter noise and air pollution, reduce runoff of excess nutrients and other foreign materials, and provide wildlife habitat corridors near to water resources. For these reasons, the Land Use By-law will contain provisions to ensure that new development will be set back from significant watercourses.

- 4.2.1** Council shall protect identified water resources within the Plan Area, by restricting development activities near to significant watercourses and waterbodies, as shown on Schedule “B”, Development Constraints Map of the Land-Use By-law. Proposed developments shall be set back from the ordinary high water mark in order to minimize the impacts of development on fish, wildlife, aquatic ecosystems, and to preserve the natural aesthetic characteristics of waterbodies and the immediate shoreline.
- 4.2.2** To reduce soil erosion, minimize sedimentation of watercourses, and to provide a corridor of wildlife habitat along watercourses, the infilling, excavation, or removal of natural vegetation, where in relation to a development, shall be controlled in areas in close proximity of the ordinary high water mark of a significant watercourse as shown on Schedule “B”, Development Constraints Map of the Land-Use By-law.

### **4.3 WETLANDS**

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Wetlands act as nature’s water purifiers by effectively absorbing and breaking down contaminants, and helping prevent a number of toxic chemicals from entering surface water and groundwater supply. Wetlands can also help stabilize surface water levels and reduce soil erosion and sedimentation. Although Council acknowledges there are applicable senior government departments mandated with the primary responsibility to manage and protect wetlands in the Province, municipalities are enabled in various ways to support the Province in this objective.

To assist in the protection and preservation of wetlands, Council recognizes where the Municipality’s development permit application process may be linked with relevant provincial departments, where and when any proposed development may be proposed to be located within an identified wetland. The most comprehensive information source regarding wetland location and boundaries on properties in the Plan Area is identified as the NS “Wetlands Vegetation and Classification Inventory”, which is maintained and updated by the NS Department of Natural Resources. Council also recognizes where NS Environment are appropriately identified as the principal officials on the location of wetlands, in that NS Environment’s regional offices oversee any proposed wetlands alterations approval process.

- 4.3.1** Council shall assist in the protection of any provincially-identified wetlands located in the Princes Inlet Plan Area, by corresponding with both the Department of Environment and Department of Natural Resources, prior to processing any permit application for developments proposed to be located in an identified wetland. Provincially-identified wetlands are those identified on the “Wetlands Vegetation and Classification Inventory”, administered by NS Natural Resources, and as shown on Schedule “B”, Development Constraints Map of the Land-Use By-law. No development permit application will be issued by the Municipality until such time that it has been confirmed by the Province that the proposed development does not affect, or is inconsistent with, any related provincial policy, and, where necessary, that the proposed development has satisfied any related wetlands-related approvals process.

#### 4.4 LAND USE ON COASTAL PROPERTIES

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The potential impacts of coastal flooding and erosion events can result in significant costs for property owners, as well as impact on the potential costs associated with public safety and emergency response. Section 220 of the Municipal Government Act provides for a Land Use By-law to be able to regulate the location of structures on a lot.

In previous Planning Strategies, Council adopted policy statements that provided for setbacks from significant watercourses, as a means to address potential erosion and sedimentation concerns. In the review of this Planning Strategy, Council recognizes that it can also mitigate - although not eliminate completely - potential concerns regarding future coastal hazards, by adopting a policy that identifies a vertical setback requirement, to couple with the existing horizontal setback requirements.

The Municipality is aware of climate change adaptation research and analytical work undertaken on behalf of the Province through the Atlantic Climate Adaptation Solutions initiative, and in particular the development of **Scenarios and Guidance for Adaptation to Climate Change and Sea Level Rise for Nova Scotia Municipalities (2011)**. In review of the possible scenarios associated with coastal flooding, Council is, at this time, prepared to restrict new development from parts of the coastline where the estimated risk is perceived to be more pronounced in 2055.

It is important to note that this identified limitation does not eliminate risk to developments which may be situated at higher vertical elevations from flooding, erosion, or storm surge events. Council will therefore be prepared to consider amending any existing requirements at such time as information becomes known, or to conform with Provincial guidelines as they may be developed.

- 4.4.1** It is the intention of Council to reduce potential impacts associated with coastal hazards, by restricting the location of development activities near the coastline, within an area shown on Schedule "B", Development Constraints Map of the Land-Use By-law. Proposed developments shall be set back from the coast at a distance identified in the By-law.

#### 4.5 ENVIRONMENTAL OVERSIGHT - AMENDMENTS

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Where particular types of developments are permitted by Development Agreement, or where amendments to the Land Use By-law and Planning Strategy are proposed by application, the determination of environmental protection -related measures will be a consideration in the granting of amendments and Development Agreements.

- 4.5.1** Where Council determines on the advice of a qualified person that there is a significant risk of environmental damage from any development which may be permitted by Development Agreement, amendment, or rezoning, an environmental impact assessment shall be undertaken by the developer for the purpose of determining the nature and extent of any impact. No amendment or Development Agreement shall be approved until Council is satisfied that the proposed development will not cause or result in environmental damage.

As with other local planning documents in the Municipality, this Secondary Planning Strategy references infrastructure services that Council considers has a direct effect on the development of local land uses, and where the inclusion of statements has potential relevance, by being explicitly included. This would include policy statements concerning water, wastewater treatment, and transportation infrastructure.

This Secondary Planning Strategy does not include statements concerned with the provision of policing, fire protection, health, education, waste management, or programs concerned with recreation, economic development, or social assistance. It is evident that such matters have profound consequences on a community's ongoing development. However, the formation of public policy on such issues may be recognized as being removed from the context of a local planning strategy. Such matters are guided by existing legislation and strategic documents developed, directed, and resourced through well-established bureaucracies, nearly all of whom operate exclusive of direction that may be identified or espoused in local land use planning.

### Water Supply and Wastewater Treatment

Development in the Princes Inlet Plan Area is serviced by on-site infrastructure. There are no recent municipal studies or documents that would propose to change current practices, and/or to see to the provision of municipal-owned water or wastewater infrastructure services in the Plan Area. The policy framework that Council has adopted in this particular Planning Strategy has repeatedly referenced the rural nature of communities found in this particular Plan Area, and the respective types of rural land uses that it provides for.

On-site sewage treatment is provided through the use of private septic systems or drainage fields, and water is provided to property owners through the use of drilled and/or dug wells. The placement and use of these on-site services can impact on the natural environment. Development standards are necessary to reduce any damaging impacts consequential to neighbouring property owners.

Generally stated: there are no standard lot sizes that can be established for on-site sewage disposal. Several factors influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. In Nova Scotia, the Department of Environment provides the legislative oversight for the installation of adequate on-site services. Any lot area requirements that are identified in the Land Use By-law shall therefore recognize that any proposed development remains subject to the Province's on-site sewage disposal regulations.

- 5.1** It is the intention of Council to support the efforts of the Nova Scotia Department of Environment in providing environmental services, such as controls for on-site sewage disposal.

## Transportation

Communities in the Plan Area are currently serviced by long-established provincial roadways, or else by a series of more newly-developed private roads that are individually connected with the provincial road network. The current infrastructure is oriented towards allowing automobiles to travel along the major highway corridor, and a few secondary roads, at speed. Identified shoulders along these roads, for potential use by pedestrians, is limited to non-existent.

Conditions of the identified 21 local private roads (to include width, surfacing, and ditches), and the degree of settlement that these private roads can serve, varies widely. Local private roads may be best considered as “subdivision” roads. That is: none provide for connectivity between the main provincial corridors, or act as connections between themselves. Both the design and infrastructure conditions of existing private roadways in the Plan Area are unlikely to change in the near-term.

Provincial trunk Highway #3 is the principal conduit between the Town of Mahone Bay and the Town of Lunenburg. It serves as the arterial spine for traffic entering and exiting the Plan Area. Maders Cove Road, Hermans Island Road, and Princes Inlet Drive act as secondary roads, and provide access for most residents onto Highway #3.

In regards to annual average automobile traffic volumes in the Plan Area: the NS Department of Transportation and Infrastructure Renewal conducted traffic counts at particular sites in the last decade, including along Highway #3. There are no future plans for improvements, based on capacity or service volume issues, pertaining to these roads. It is noted that the Department, per the Public Highways Act, administers regulations and permits concerned with any alterations or new developments that would impact, or seeking new access points onto, provincial roads. Council therefore would identify the input of the Department as one of the considerations within any Development Agreement or amendment process taking place in the Plan Area.

As there are no municipal roads identified in the Plan Area, the Municipality has no established transportation reserves specific to roadway construction in this particular area.

- 5.2** Council’s intention is to communicate regularly with the Province, to ensure the continued functionality of the existing road network in the Princes Inlet Plan Area, including the identification of any volume, maintenance, or traffic safety issues, which may impact on local land use and future development.



## 6 DEVELOPMENT / REGULATORY POLICIES

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The following policies shall apply, except where there are relevant conditions, specifically stated under applicable Zoning Designations, identified in Part 3 of this Planning Strategy.

Council considers where municipalities are provided with the authority to regulate such matters under the Municipal Government Act, development controls over lot frontage and lot area, signage, storage, parking, and restrictions regarding nonconforming uses and structures, are to be included in the Land Use By-law. These policies are to reflect the concerns of the general community, in terms of how development and land use impact on matters pertaining to public safety, aesthetics, and existing community design.

This Planning Strategy and the accompanying Land Use By-law also contain policies and regulations that make provisions of the Municipality's Subdivision By-law operative within the Plan Area.

### Lot Frontage and Lot Area

- 6.1** Minimum lot area, minimum lot frontage, and minimum yard requirements shall be established in the Land Use By-law, where Council considers that such requirements, as identified, provides for the adequate separation of uses, as a means to minimize potential land use conflicts. These requirements also allow for adequate fire separation between structures, the maintenance of buildings and land, the provision of private outdoor space, and solar exposure. Requirements also help minimize the potential of on-site water supply or on-site sewage disposal system problems affecting adjacent properties.
- 6.2** Notwithstanding Policy 6.1, a lot may be used for any purpose permitted in the Zone in which the lot is located, provided all applicable Land Use By-law requirements are met, excepting those specified requirements set out in the Land Use By-law for lot area and lot frontage, provided the lot was either:
- 6.2.1** created prior to the effective date of the Land Use By-law;
  - 6.2.2** created by an instrument to which the Municipal Government Act does not apply; or
  - 6.2.3** created in accordance with a Subdivision Plan approved in accordance with the Municipal Government Act.
- 6.3** Notwithstanding Policy 6.1, a lot created for a designed road, or for a public highway, is exempted from requirements identified in the Land Use By-law, but is required to meet specific design standards outlined in the Municipality's Subdivision By-law.

## Signage

- 6.4** Council shall control the impact of signs on the landscape, streetscape and skyline of the Plan Area. It is Council's policy to regulate or prohibit signs in all zones in the Land Use By-law to ensure that signs will not create hazards or nuisance with respect to the following:
- 6.4.1** sign area;
  - 6.4.2** height of sign;
  - 6.4.3** illumination and animation
  - 6.4.4** location of sign on lot.

## Parking

- 6.5** Council shall require and regulate zone-specific off-street parking standards and loading facilities in the Land Use By-law. Where uses are permitted by Development Agreement, the agreement shall make provision for adequate parking to serve the development proposal.

## Landscaping

- 6.6** Council shall require landscaping to be carried out for any development that is subject to a Development Agreement, where landscaping is considered to be reasonably necessary in preserving the character of the area, providing screening or buffers, reducing erosion and dust, or to otherwise minimize incompatibility with surrounding land uses.

## Storage

- 6.7** The development of private storage buildings are permitted within the Rural and Residential Zones of the Plan Area, subject to the requirements of the Zone they are located in.

## Nonconforming Structures and Uses

Section 242 of the Municipal Government Act enables Council, through a Planning Strategy and Land Use By-law, to provide for a relaxation of the restrictions respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure. The following policies identify Council's intentions in regards to where provisions in the By-law will impact such structures and uses:

- 6.8** Council shall incorporate provisions within the Land Use By-law enabling the extension, expansion, alteration or reconstruction of non-conforming structures, subject to satisfying the requirements of the zone in which they are located.
- 6.9** In recognition of the need to not impose unreasonable restrictions on non-conforming uses and at the same time the need to protect, preserve and enhance the rural character of the Princes Inlet Plan Area, it shall be the policy of Council to permit only by way of Development Agreement within the Rural and Residential Zones:
  - 6.9.1** the extension of a non-conforming use of land;
  - 6.9.2** the extension, enlargement and alteration of structures containing non-conforming uses and the expansion of the non-conforming use within the extension, enlargement or alteration; and
  - 6.9.3** the reconstruction of structures containing non-conforming uses, after destruction.

Before entering into a Development Agreement, Council shall be satisfied that the proposal satisfies the applicable criteria in Policy 7.2.6 as identified in the implementation section of the Planning Strategy.

- 6.10** It shall be the policy of Council to permit a non-conforming use of land or a non-conforming use in a structure to recommence after it has been discontinued for a continuous period in excess of six months, provided the non-conforming use of land or the non-conforming use of a structure has not been discontinued for a period in excess of 12 continuous months.

## Subdivision Requirements

- 6.11** It shall be the Policy of Council that all sections of the Subdivision By-law shall apply and are operative in the Plan Area, and any lot that has been created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to applicable requirements of the Land-Use By-law.
- 6.12** Notwithstanding Policy 6.9, it shall be the policy of Council that, where the Subdivision By-law provides for the subdivision of a lot on an island with no public highway, the minimum lot frontage requirement that would otherwise apply shall apply to the lot frontage on a watercourse, as specified in the Land Use By-law.

## **7 IMPLEMENTATION**

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

### **7.1 GENERAL ADMINISTRATION**

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

- 7.1.1** This Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes as may be applicable.
- 7.1.2** The Land Use By-law shall be the principal means for implementing the Planning Strategy, pursuant to the Municipal Government Act.
- 7.1.3** The Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the authority of the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 7.1.4** Any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It is Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 7.1.5** Where this Planning Strategy and accompanying Land-Use By-law permits developments up to an identified threshold that is based on floor area, site area, number of guest rooms, or on the amount of goods or materials that are processed and/or produced annually, this threshold shall not be exceeded on any lot as it existed on the effective date of this Planning Strategy, regardless of the effect of any subsequent subdivision approval, except as may be permitted by Development Agreement where provided for in this Strategy and By-law.
- 7.1.6** Temporary uses associated with a construction site, a special occasion, or a holiday shall be permitted for a time period to be regulated in the Land Use By-law, with no requirement for a development permit.
- 7.1.7** This Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Municipal Affairs or by Council, but not later than ten years from the date of its coming into force and effect.

## **7.2 AMENDMENTS AND PROCEDURES**

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Council may make amendments to the Land-Use By-law, provided that they conform to the overall policy framework imposed by the Planning Strategy. Amendments to planning strategies are subject to the review of the Provincial Director of Planning at the NS Department of Municipal Affairs, and must be reasonably consistent with the Municipal Government Act's Statements of Provincial Interest. Only under certain circumstances are planning strategy amendments subject to the approval of the Minister of Municipal Affairs.

This section describes Council's policies with regards to any amendments, rezonings, development agreements, variances, and related considerations pertaining to the implementation of this Planning Strategy and accompanying Land Use By-law.

- 7.2.1** Amendments to this Planning Strategy will be required where any policy is to be changed, or where any amendment to the Land-Use By-law would contravene Map 1, Future Land-Use Map.
- 7.2.2** Council shall provide for the rezoning of lands subject to the following conditions:
- a) where lands are designated as Environmentally Sensitive Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to Rural Coastal (R-CO) Zone, provided all conditions identified in Policy 3.3.3 have been satisfied.
  - b) where lands are designated as Rural Highway Corridor (R-H) Zone or as Rural Coastal (R-CO) Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to Institutional (I) Zone, provided all conditions identified in Policy 3.4.1 and Policy 7.2.6 are satisfied.
  - c) where lands are designated as Rural Highway Corridor (R-H) Zone or as Rural Coastal (R-CO) Zone on Schedule "A", Zoning Map of the Land Use By-law, such lands may be rezoned to the other type of Rural Zone; provided all conditions of Policy are satisfied.
  - d) all proposals for rezoning shall meet the requirements of the Land Use By-law for the zone that is being sought.
- 7.2.3** Where any development shall require amendment of the Land Use By-law, Council shall adopt no amendment unless the application is for a specific development proposal. In assessing any amendment application for a rezoning, Council shall consider the planning implications of the proposed use, as well as other uses that are permitted in the requested zone.
- 7.2.4** A Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.
- 7.2.5** It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, the applicant has, in Council's consideration, clearly shown that the development can be serviced with on-site sewer and water, and that the disposal of sewage or other effluent, as well as the demand on the water source, will not have a negative impact on the environment, or the quality and quantity of the water resources.

**7.2.6** It shall be the policy of Council that when considering amendments to the Land Use By-law and in considering Development Agreements, in addition to all other criteria as set out in the various policies of this Secondary Planning Strategy, Council shall be satisfied that:

- a) the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy; and where in considering a Development Agreement, with specific requirements as identified in applicable sections previously found in this Planning Strategy:
  - i. **Policy 3.1.3** (proposed forestry, agricultural, and land-based aquaculture uses exceeding identified threshold levels in both Rural Zones)
  - ii. **Policy 3.1.7** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels in the Rural Highway Corridor (R-H) Zone)
  - iii. **Policy 3.1.8** (proposed Restricted Development uses in the Rural Highway Corridor (R-H) Zone)
  - iv. **Policy 3.1.11** (proposed commercial, industrial, and institutional uses exceeding identified threshold levels in the Rural Coastal (R-CO) Zone)
  - v. **Policy 3.5.1** (proposed wind turbine uses in both Rural Zones, which have a generation capacity that exceeds the By-law's identified generation capacity threshold)
  - vi. **Policy 6.9** (proposed developments that would result in the extension, enlargement, alteration, expansion or reconstruction of nonconforming uses or structures containing nonconforming uses)
- b) the development conforms with the specific policies concerned with environmental protection identified in Part 4 of this Planning Strategy;
- c) the development conforms with the regulatory policies identified in Part 6 of this Planning Strategy, so that Council has been satisfied that any impacts pertaining to the following components have all been sufficiently addressed, and are in compliance with regulations identified in the Land Use By-law, or, where Council considers it necessary, with specific items identified in the Development Agreement, to include:
  - i. signage;
  - ii. outdoor display and storage;
  - iii. screening measures;
  - iv. parking;
  - v. landscaping;
  - vi. lighting measures
- d) the development shall not, in Council's consideration, generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground, so as to create an excessive nuisance or health hazard for adjacent properties, or for residents in the immediate vicinity.

- e) the proposed development is not premature or inappropriate due to:
  - i. the financial ability of the Municipality to absorb costs related to the development;
  - ii. the adequacy of Municipal services;
  - iii. the adequacy of physical site conditions for on-site services;
  - iv. the creation or worsening of a pollution problem, including soil erosion and siltation;
  - v. the adequacy of storm drainage and effects of alteration to drainage patterns including potential for creation of a flooding problem;
  - vi. the adequacy of local emergency services;
  - vii. the adequacy of street networks and site access regarding traffic volume and congestion, traffic hazards and emergency access.
- f) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards that could present a health risk, as determined by a qualified person.
- g) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
- h) parking areas, loading areas and driveways shall be hard surfaced or otherwise surfaced with stable materials, to prevent dust from blowing into adjacent properties;
- i) where any development includes facilities such as dance halls or entertainment facilities that have amplified or other loud music or sound, the building shall be located on the property and designed such that activities within the building or otherwise associated with the use, will not unduly disturb any abutting residential uses;
- j) all other matters of planning concern have been addressed.

- 7.2.7** No Development Agreements shall be executed until all necessary permits required by a Federal, Provincial or Municipal Government agency have been issued, or Council is satisfied that the required permits will be issued.
- 7.2.8** Pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy as well as in conjunction with the review of this Planning Strategy and Land-Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public. Council shall meet with the Area Advisory Committee when Council is considering a proposal for a rezoning or Development Agreement, or an amendment to the Planning Strategy or Land-Use By-law. Public notice of any Area Advisory Committee meeting at which the proposal is to be discussed, shall comply with the Public Participation Program policy as adopted by Council.
- 7.2.9** A public hearing shall be held by Council, pursuant to the Municipal Government Act, prior to entering into any Development Agreement or prior to approving any amendment to the Land-Use By-law, and no Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.
- 7.2.10** Council shall permit the Development Officer to grant a variance in one or more of the following Land Use By-law requirements, pursuant to the Municipal Government Act:
- a) number of parking spaces and loading spaces required;
  - b) floor area occupied by a home-based business / home occupation;
  - c) lot frontage;
  - d) size or other requirements related to yards
- provided that a variance is not granted where the:
- a) variance violates the intent of the Land-Use By-law;
  - b) difficulty experienced is general to properties in the area; or
  - c) difficulty experienced results from an intentional disregard for the requirements of the By-law.



**8 LIST OF ATTACHMENTS**

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Map 1 Future Land Use Map (attached)

**9 REPEAL**

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The Secondary Planning Strategy for the Princes Inlet Plan Area, adopted by Municipal Council on September 13, 2005 is hereby repealed and this Secondary Planning Strategy substituted therefor.

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the Secondary Planning Strategy for the Princes Inlet Plan Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on **January 12th, 2016**.

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

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Sherry Conrad, Municipal Clerk