

# Blockhouse

**Municipality of the District of Lunenburg**

## Secondary Planning Strategy

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## **PART 1 INTRODUCTION**

### **1.1 BACKGROUND**

In 1993 an asphalt plant was constructed in Blockhouse at the intersection of Highway 103 and the Cornwall Road. This development generated a lot of discussion about development control and land use planning in the community, as many residents were concerned about the possible negative effect on their properties and the community in general.

The asphalt plant met all existing Provincial and Municipal regulations and guidelines, and in spite of the concerns voiced by many residents, construction went ahead. This experience with a major industrial development raised awareness within the community of the planning issues that surround some types of developments. It also showed that the community is lacking a process and procedures for dealing with land use and development issues of this kind. Without such a process, there is nothing to ensure that all of the issues are discussed, information presented, and alternatives considered.

In the wake of this major land use issue, a number of concerned residents petitioned Lunenburg Municipal Council to start a planning program in the community. They asked Council to set up an Area Advisory Committee and authorize District Planning Commission staff to work with the Committee on land use controls. The request was granted and the Committee was formed in February of 1993.

In March of 1993, the Area Advisory Committee circulated a detailed proposal for a Land Use By-law with a survey questionnaire. Of three hundred twenty-four survey forms delivered, one hundred fifteen were returned.

Sixty-six percent of the respondents expressed a concern about land development in the area, and the majority agreed that the Area Advisory Committee should go on to develop a Land Use By-law. Thus the Secondary Planning Strategy and its accompanying Land Use By-law for Blockhouse was adopted by Council on February 11, 1997.

It is important to periodically review planning documents to evaluate any changes or trends that have taken place in the area and to adopt new documents to reflect the current goals and objectives of the community. Planning staff began a review of the Blockhouse Secondary Planning Strategy and Land Use By-law in 2005. Working with the Area Advisory Committee, new goals and objectives were identified and a number of existing ones were reaffirmed. Staff prepared a Background Report which provided valuable information to assist in the preparation of a new Secondary Planning Strategy and Land Use By-law.

During the course of the review the question arose as to whether the residents of Blockhouse still supported having planning controls in their community. The Area Planning Committee decided to address this question by holding a public meeting. At the meeting, following a presentation by planning staff, the majority of those present voted in favour of continuing the planning process in Blockhouse.

## 1.2 COMMUNITY PROFILE

The Planning Area is centered on the community of Blockhouse. It extends south to a point approximately 200 metres north of the Fauxburg Road, north to Hamms Hill and the Sweetland Road, west to the Big Lots Road and east to the Town of Mahone Bay.

Existing land uses in the area are shown on Map 1, the Existing Land Use Map. There are upwards of three dozen small commercial and industrial operations in the Planning Area. These cover a wide range of activities. Examples include a regional cable television studio, a building supplies centre and finishing mill, excavation and landscaping businesses, convenience stores, antiques stores, cleaning services, kennels, auto sales, salvage yards, gravel pits, clothing manufacturers and hobby supplies. This variety of business is not unusual for a rural community which includes a major road intersection and functions as a service centre for an extensive area.

Institutional land uses in the area include an elementary school, a large fire hall and two smaller meeting halls.

Extensive areas of land are inactive or in low intensity resource uses. This category includes forested land, fields, and pasture land. During the era when the homestead farm was a dominant land use in rural areas of the county, there was an abundance of cultivated land, hay fields, and pasture. Remnants of this once dominant land use activity remain today in the form of barns, grassland and regenerating old fields. The farming tradition is carried on by several active farms in the area, and there is ample opportunity for an increase in farming if the economy permits it in the future.

Like many other areas of rural Nova Scotia, early occupation of the land in this area was primarily resource based. A dramatic shift away from this form of tenancy has occurred over the past fifty years. Current occupation of the land is generally unrelated to its potential for production of trees and agricultural crops. The prevailing residential use of land is a function of location with respect to goods and services and other attributes such as family ties and quality of the living environment.

The current mix of residential and non residential uses in this planning area is a comfortable one. Given the scale and nature of these existing non-residential developments, this harmonious relationship is not surprising. Responses to the survey that was carried out in 1993 indicate that property owners are not confident that the existing level of development control will protect them from developments that could affect the enjoyment and value of their properties and the quality of the living environment. Residents have expressed a strong interest in controlling development but not prohibiting it. This suggests that the policies and by-law requirements of this Planning Strategy and Land Use By-law should provide a development control system that will allow a compatible mix of land uses throughout the planning area.

## **PART 2      AUTHORITY AND SCOPE**

This Secondary Planning Strategy and Land Use By-law was adopted by Municipal Council on September 9, 2008. The Strategy and By-law were prepared and adopted in accordance with the *Municipal Government Act* (Chapter 18, Acts of 1998), which replaced the Planning Act as of April 1, 1999. The *Municipal Government Act* states that Council may prepare a Planning Strategy for all or part of a Municipality.

The *Municipal Government Act* enables Council to adopt a Secondary Planning Strategy for the purpose of providing statements of policy for the management of a specific area of the Municipality. The *Municipal Government Act* also outlines a broad range of matters related to the physical, social or economic environment of the planning area that may be addressed in policies by the Municipality. These include: the goals and objectives of the planning area; the improvement of the physical, economic and social environment; the use, protection, and development of lands; the provision of municipal services and facilities; environmental protection; land subdivision; use and conservation of energy; and public involvement in planning. The *Municipal Government Act* is the legislative basis for the preparation and adoption of these planning documents.

The *Municipal Government Act* states that a Council shall include policies in the Planning Strategy on how and when it intends to review the Strategy and Land Use By-law and enables the Strategy to be amended by Council at any time during this period. This Secondary Planning Strategy consists of policy statements and maps that express Council's wishes and intentions with respect to development and land-use in the planning area during the next 10 years. While the Strategy focuses primarily on development and land-use issues, matters such as municipal services, recreation and infrastructure are also addressed.

The Land Use By-law, which has been prepared and adopted in conjunction with this Planning Strategy, is the primary regulatory mechanism through which the Planning Strategy is implemented. The Land Use By-law contains standards, requirements and zoning designations that control the type and characteristics of developments. Amendments to the By-law that involve rezoning of land for a new or a different use from that permitted by the By-law are provided for in the Planning Strategy policies.

Policies also govern the circumstances under which a Development Agreement, Site Plan, or a rezoning may be considered and approved.

### **2.1      GENERAL POLICIES**

- 2.1.1 It shall be the policy of Council that this Secondary Planning Strategy shall be the primary policy document through which the future growth and development of the planning area shall be guided, encouraged and controlled.

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

## **PART 3 GOALS AND OBJECTIVES**

### **3.1 GOALS**

There is heightened awareness of the quality of Blockhouse's living environment and a growing concern that some types of development could have a negative impact on the community. Residents and landowners are concerned that without appropriate planning and development controls, individual properties or the entire community could be adversely affected. These planning and development controls will be put in place without placing undue restrictions on the other forms of development considered compatible with rural uses.

Municipal Council has set three (3) goals for Blockhouse, an Environmental goal, a Social goal, and an Economic Goal.

3.1.1 The goals of Council shall be:

- a) Environmental - to preserve Blockhouse's environmental resources for present and future generations;
- b) Social - to provide an attractive rural residential environment for all ages;
- c) Economic - to provide a sustainable economic base.

Municipal Council has developed a number of objectives to provide further detail and structure in guiding the community to meet the stated goals.

### **3.2 ENVIRONMENTAL – OBJECTIVES**

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

- 3.2.1 It shall be the policy of Council to protect the water resources of the planning area - surface water, lakes and rivers, wetlands, and drinking water.
- 3.2.2 It shall be the policy of Council to take steps to control development activity having emissions that can negatively impact air quality to the extent that an environmental or a health hazard is created.
- 3.2.3 It shall be the policy of Council to encourage responsible and sustainable development.

### **3.3 SOCIAL – OBJECTIVES**

Council's goal is to provide an attractive rural residential environment for all ages. Council adopts the following policies to achieve the Social goal:

- 3.3.1 It shall be the policy of Council to encourage efforts to maintain and improve existing open space and to acquire and develop land in strategic locations to meet recreational needs.
- 3.3.2 It shall be the policy of Council to enhance and preserve the rural aesthetics of Blockhouse's living environment.
- 3.3.3 It shall be the policy of Council to take all possible steps to see that schools remain in the area.
- 3.3.4 It shall be the policy of Council to provide for a variety of housing options for all ages and needs.
- 3.3.5 It shall be a policy of Council to encourage initiatives for public transportation and improvements to the transportation network.
- 3.3.6 It shall be a policy of Council to promote health care services.

### **3.4 ECONOMIC – OBJECTIVES**

Council's goal is to provide a sustainable economic base. Council adopts the following policies to achieve the Social goal.

- 3.4.1 It shall be a policy of Council to encourage the provision of amenities such as education opportunities, health care, recreational opportunities, public transportation, a variety of housing options and an aesthetically pleasing living environment to attract new industries and business to Blockhouse.
- 3.4.2 It shall be a policy of Council to encourage industrial and commercial activity.



## **PART 4 LAND USE CONTROLS**

The Federal, Provincial and Municipal governments all have regulations affecting land use, although most of these address issues of health, safety and environmental protection. The Municipal Building By-law, the Municipal Subdivision By-law, and the N.S. Regulations Respecting On-site Sewage Disposal Systems have a direct impact on the location and the nature of land uses, but they do not affect the main issue which the community wishes to address through this Secondary Planning Strategy: the need to set up a loose and general framework for dealing with large sudden changes in land use.

More specifically, Council wishes to address:

- 1) a need for Council, the public and potential developers of "problem" developments to have a clear and orderly process for making decisions;
- 2) a need for Council and the public to have clear policies and public procedures to follow when any area asks for a more restrictive zoning;
- 3) the lack of any existing zoning in most of the District and the resulting perception that any general zoning should have a low impact on ordinary land use, affecting only the largest problems;
- 4) *that until such time that a comprehensive planning strategy is adopted, affecting the entirety of the Municipality, the need in this Secondary Planning Strategy, in outlining the prohibition of identified land uses within the Blockhouse Plan Area.*

**Amended July 1, 2015**

### **4.1 RURAL LAND USES**

A land use inventory was conducted in the planning area in November 2004 and is reflected in the "Existing Land Use Map". The Map reveals the dominant form of land use in Blockhouse to be residential, primarily in the form of detached single-unit dwellings (87%), but with the occasional duplex and small apartment building. Small-scale rural businesses intermittently line the main roads within the planning area, especially Highway 325 and Northwest Road, which is called Cornwall Road north of Highway 325. A number of these commercial land uses are associated with residential development. There are also several industrial and institutional uses in the planning area.

The land use inventory revealed a scattering of diverse small-scale businesses; some associated with residential use, concentrated along Highway 325 and Northwest Road. Many of these businesses are characteristic of the rural, low-density nature of Blockhouse.

Council recognizes that a rural setting consists of a mix of compatible land uses. Through this Planning Strategy and accompanying Land Use By-law Council will ensure that this form of development continues in the planning area. To do this Council will establish a Rural designation which provides for a variety of land uses consistent with the existing pattern of development in the planning area.

- 4.1.1 In recognition as being a rural community and the need to accommodate the mix of land uses in the Blockhouse planning area, it shall be the policy of Council to establish a Rural Designation and to apply this designation to the entire planning area. The Rural Designation is shown on Map 1, Generalized Future Land Use. Within this designation a wide variety of residential, agricultural, recreational, industrial, commercial, institutional, and forestry uses of land will be permitted.

## **RURAL (RU) ZONE**

The Rural designation allows for a mix of land uses, however, Council recognizes the need to control the scale of uses permitted to minimize the potential for land use conflicts. Council will do this by establishing a “Rural” (RU) Zone within the Rural designation and permit a range of land uses up to a maximum size deemed to be compatible with a rural setting, subject to zone standards. Land uses that exceed the thresholds established in the Land Use By-law will be subject to a Development Agreement. A Development Agreement will give Council and the community greater flexibility and input into how larger scale developments fit into the planning area.

However Council recognizes that the existing residential, commercial, industrial, and non-municipal institutional uses exceeding the threshold have already been established in the Plan Area need not be treated in the same manner as new uses of this kind. Where such uses are listed on Schedule “B” of the Land Use By-law, these existing uses will be considered permitted uses in the RU Zone, and may expand beyond the established thresholds, subject to approval of a Site Plan. Following a review of Schedule “B” in 2016, the Municipality identified where listed Existing Uses can be associated with descriptions linked to the North American Industry Classification System [2012 Edition].

**Amended June 8, 2016**

*Some uses have the potential to negatively impact on the community, regardless of size. These types of uses will be listed in the Land Use By-law, and will only be allowed by Development Agreement. Certain uses permitted by Development Agreement must also comply with setback requirements, specifically identified in the Land Use By-law, which will provide for the separation of such proposed uses from the existing settlement pattern found in Blockhouse.*

*Further, Council considers that certain commercial and/or intensive industrial land uses would not integrate successfully with existing residential developments in the Blockhouse Plan Area. Such uses can be best directed towards unplanned areas of the Municipality. With the majority of the Municipality having no land use regulations in place, Council considers there to be many opportunities for such uses to develop. Uses prohibited from developing in the Blockhouse Plan Area will be listed in the Land Use By-law.*

*The intention of Council is to provide property owners in the Blockhouse Plan Area with a clear indication of both the size and the type of land uses considered to be complimentary with existing development. Through the adoption of a Development Agreement process for certain developments, it is Council’s intent to inform the community of any larger-scaled proposals, as well as those proposed developments that have a greater potential to impact the broader community.*

**Amended July 1, 2015**

- 4.1.2 To provide for a mix of land uses within the Rural Designation, it shall be Councils policy to establish, within the Rural Designation, a Rural (RU) Zone, as shown on Schedule “A”, Zoning Map, of the Land Use By-law.
- 4.1.3 Pursuant to Policy 4.1.2, it shall be Council's policy to permit the following developments in the Rural Zone, to a threshold as specified in the Land Use By-law and subject to the requirements of the Land Use By-law.
- a) Residential developments to a threshold established in the Land Use By-law;
  - b) Small-scale commercial, industrial, and institutional uses to a threshold size as established in the Land Use By-law;
  - c) Fixed roof accommodation for the traveling public and their associated facilities for food preparation and serving of meals to a threshold as established in the Land Use By-law;
  - d) Non-residential uses which are not commercial or industrial such as (but not restricted to) parks, playgrounds, recreation developments, and cemeteries;
  - e) Emergencies service facilities; and
  - f) Agricultural and forestry uses including the growing of agricultural products and the sale of these products by their producers as well as the primary processing of products at the farm site or harvest sites.
- 4.1.4 It shall be the policy of Council that new commercial, non-municipal institutional and industrial that exceed the thresholds established in the Land Use By-law pursuant to Policy 4.1.3 may be permitted by Development Agreement provided the development proposal satisfies the applicable requirements of Policies 8.1.3 and 8.1.4.
- 4.1.5 It shall be the policy of Council that existing commercial, institutional, and industrial uses as listed in Schedule “B” may expand beyond the established thresholds established in the Land Use By-law subject to the approval of a Site Plan.
- 4.1.6 It shall be the policy of Council that residential developments that exceed the thresholds established in the Land Use By-law may be permitted subject to the approval of a Site Plan to a maximum of 50 dwelling units per hectare (20 units/acre) and no residential building shall contain more than 12 dwelling units.
- 4.1.7 A Site Plan required pursuant to Policy 4.1.5 or 4.1.6 shall deal with the following, if applicable:
- (a) Location of structures;
  - (b) Location of off-street loading and parking;
  - (c) Location, number, and width of driveway accesses to streets;
  - (d) Type, location, and height of walls, fences, hedges, trees, shrubs, ground cover, or other landscaping elements necessary to protect and minimize the land use impact on adjoining lands;

- (e) Retention of existing vegetation;
- (f) Location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- (g) Type and location of outdoor lighting;
- (h) Location of facilities for the storage of solid waste;
- (i) Location of easements;
- (j) Grading or alteration in elevation or contour of the land and provision for the management of storm and surface water; and
- (k) Provision for the maintenance of any items referred to in the above list.

4.1.8 The approval of a Site Plan by the Development Officer shall be subject to the following criteria:

- (a) subject to the physical characteristics of the property, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use;
- (b) screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses;
- (c) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties;
- (d) the site for residential development shall be landscaped with trees, shrubs, lawns, fences, and hard surfaced walkways, as necessary to create a residential living environment;

4.1.9 *Notwithstanding Policy 4.1.3 and Policy 4.1.4, it shall be the policy of Council that specific uses, considered to have the potential for creating unacceptable land use conflicts or nuisances, shall be permitted in the Rural (RU) Zone only by Development Agreement, regardless of size or scale of the operation. These uses shall be listed in the Land Use By-law. Before entering into a Development Agreement for any use addressed in this policy, Council shall be satisfied that the development proposal satisfies the conditions and the criteria contained in Policy 8.1.3 and Policy 8.1.4.*

**Amended July 1, 2015**

4.1.9A *Further to Policy 4.1.9, it shall be the policy of Council that specific uses that shall be permitted in the Rural (RU) Zone only by Development Agreement, shall also be required to meet established setback requirements identified in the Land Use By-law.*

**Amended July 1, 2015**

4.1.9B *It shall be the policy of Council that specific uses will be prohibited from the Blockhouse Plan Area, in consideration of the potential negative impacts that such uses would have on existing development, and on residents living in the community.*

**Amended July 1, 2015**

## **OUTDOOR WOOD FURNACES**

Outdoor wood furnaces heat water or air that is piped into dwellings for the use of home heating. Because of their location outside of the home, outdoor wood furnaces generally only require a very short chimney, which may cause them to produce low-lying smoke under certain atmospheric conditions. For this reason, they have the potential to become nuisances and, therefore, likely to cause unacceptable land use conflicts. Consequently, through this Secondary Planning Strategy and accompanying Land Use By-law, Council will control the location of outdoor wood furnaces throughout the Planning Area to minimize land use conflicts.

- 4.1.10 To minimize nuisances and land use conflicts, it shall be the policy of Council to establish within Rural (RU) Zone requirements for the placement, erection or alteration of outdoor wood furnaces.

## **WIND TURBINES**

Wind is caused by the uneven heating of the atmosphere by the sun, the irregularities of the earth's surface, and rotation of the earth. Wind flow patterns are modified by the earth's terrain, waterbodies, and vegetative cover. This wind flow can be "harvested" by wind turbines to generate clean non-polluting electricity.

Council realizes that wind energy is a renewable resource and it should be encouraged as an alternative energy source and as such Council will allow wind turbines in the Rural zone subject to requirements established in the Land Use By-law to reduce the possible noise and safety issues, while not discouraging the use of wind turbines within the Planning Area.

- 4.1.11 To reduce possible noise nuisances of wind turbines, it shall be the policy of Council to establish within the Rural Zone setback requirements for the erection and alteration of wind turbines and their supporting structure. Furthermore it shall be the policy of Council to, for safety reasons, require fencing or guarding specifications to discourage climbing.

## **INSTITUTIONAL ZONE**

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

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

- 4.1.12 The Land Use By-law shall establish an Institutional Zone which shall provide for a range of institutional developments that will accommodate buildings owned by the Municipality of the District of Lunenburg. Furthermore, where an institutional use that would otherwise only be permitted by Development Agreement is to be developed by the Municipality of the District of Lunenburg, Council may rezone land within the Rural Designation to Institutional provided that the development proposal satisfies the conditions and criteria stated in Policies 8.1.3 and 8.1.4.

## **KEEPING OF LIVESTOCK REQUIREMENTS**

Council recognizes the importance of livestock operations to the sustainability of the municipality. However, Council also recognizes that conflicts between livestock operations and residential uses can occur. Common conflicts between residential uses and livestock operations are the nuisance of odor from manure storage facilities and livestock barns, and the concern of a potential risk to watercourses and the ground water supply from manure storage and application practices.

There are two programs in Nova Scotia that are available to livestock operations that help the operators identify environmental risks on their property, prevent nuisances and help them implement best practices. These programs are an Environmental Farm Plan and a Nutrient Management Plan. The Environmental Farm Plan is a voluntary program that helps farmers identify and assess environmental risk on their property. It allows farmers to incorporate environmental considerations into their everyday business decisions, rather than addressing environmental issues in a reactive sense. The total cost of the Environmental Farm Plan is funded by the Nova Scotia Department of Agriculture. Nutrient Management is the concept of budgeting and allocating nutrient sources, such as soil, manures, fertilizers and crop residues to meet plant requirements while avoiding environmental impact and/or degradation. Funding to complete Nutrient Management Plans is available to through the Farm Improvement Fund of the Nova Scotia Department of Agriculture. Although the existing programs are not mandatory some financial institutions require that an Environmental Farm Plan be completed to secure financing.

Council can help protect water sources by requiring livestock operators to meet best management practices when developing a new or expanding an existing building or structure used for the keeping of livestock or manure storage.

All farms are eligible to receive an Environmental Farm Plan. Small farms, with an income of less than \$10 000, are not eligible to receive funding for a Nutrient Management Plan. To minimize the cost to small farms Council will permit new or the expansion of existing buildings or structures used for the keeping of livestock or manure storage to be subject to a livestock carrying capacity requirement based on the Nova Scotia Department of Agriculture, Manure Management Guidelines, dated 2006. The Nova Scotia Department of Agriculture guidelines do not list all of the livestock animals in their guidelines. Therefore Council has added additional animals based on livestock units from other sources these are but not limited to: horse, goat, llama, alpaca, emu, and ostrich.

- 4.1.13 It shall be the policy of Council, within the Rural (RU) Zone, that new or the expansion of an existing building or structure used for the storage of manure or livestock meet one of the following best management requirements: complete a Nutrient Management Plan, have an approved Environmental Farm Plan, or meet a livestock carrying capacity requirement.

## **PART 5      GENERAL ENVIRONMENTAL PROTECTION**

Impact on the natural environment and the living environment will be a factor in decisions respecting development and land use within the Planning Area, to the extent that the Municipal Government Act permits. All human activity has some affect on the environment. The point at which irreversible damage to the environment occurs is very difficult to detect. Significant damage can be done before there is actual evidence of damage. Although some activities may not appear to pose a threat, incremental events can be damaging and the effects may be irreversible.

This Secondary Planning Strategy and Land Use By-law will include policies and requirements that will seek to prevent or reduce the impact that land use and development can have on the environment. The Land use By-law will contain provisions to ensure that development doesn't cause harm to watercourses and, in relation to a development, that the portion of the natural vegetation adjacent to watercourses is retained so that the impact on the watercourse will be minimized.

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

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

### **WATERCOURSES**

Watercourses and the land adjacent to them are extremely important to wildlife. The plants and trees along the edges of wetlands provide food, nesting sites, shelter and concealment for wildlife moving along these natural corridors. When the trees and plants are removed or destroyed in the waterside areas and valuable wildlife habitat is lost.

In addition to affecting the wildlife habitat, land use activities and development on property near or adjacent to watercourses has potential to effect water quality through surface runoff or the damaging of the natural vegetation immediately adjacent to the watercourse or waterbody. Land use and development can increase the potential for soil erosion. The Wolfville Loam- Drumlin Phase and the Bridgewater Loam- Drumlin Phase



are the most erodable soils in the Planning Area especially in areas with steep slopes. Retaining a portion of the natural vegetation along watercourses and waterbodies achieves several functions in addition to controlling erosion and sedimentation of the watercourse. Retaining natural vegetation is aesthetically pleasing, it moderates air and water temperatures, filters noise and air pollution, reduces runoff of excess nutrients and other foreign materials and provides wildlife habitat corridors near vital water resources.

- 5.1.2 To reduce soil erosion, minimize sedimentation of watercourses and to provide a corridor of wildlife habitat along watercourses, it shall be the policy of Council that, in relation to a development, the infilling, excavation, or removal of natural vegetation shall be controlled in areas in close proximity of the ordinary high water mark of a significant watercourse, as shown on Schedule "C", Development Constraints Map of the Land Use By-law.

## **EROSION CONTROL – EXCESSIVE SLOPES**

As typified by the soil types in the area, the Blockhouse Planning Area is associated with some depressional and level ground to very gently undulating slopes to drumlin relief, some of which is associated with excessive slopes. Of primary concern are the lands within the planning area comprised of Wolfville loam – drumlin phase and Bridgewater loam – drumlin phase soils that are also associated with drumlin relief. Both of these soil types have moderately rapid to moderately slow internal drainage, and thus, have the potential to erode, especially on the steeper slopes associated with drumlin relief. Thus, these soils are a cause for concern especially when they cover steeper slopes close to significant watercourses. Council will require development control standards and requirements to prevent or minimize erosion and sedimentation. The standards will also 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 natural environment.

- 5.1.3 It shall be the policy of Council to identify all areas with excessive slopes, as shown on Development Constraints Map, Schedule "C" of the Land use By-law. All development permitted in these areas shall be subject to erosion control standards, as specified in the Land use By-law, regardless of the zone in which the development is located. Development control standards and requirements to prevent or minimize erosion and sedimentation shall include the retention or replanting of natural vegetation and other measures to stabilize disturbed soils.

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

## **WETLANDS**

To help protect wetlands in the planning area any Development Permit Applications received for a development proposed to be located within a wetland will be forwarded to the appropriate government department for their information. The source of the wetland boundaries is the Nova Scotia Department of Natural Resources “Wetlands and Coastal Habitats Inventory”. The “Wetlands and Coastal Habitats Inventory” mapping displays wetlands and salt marshes that are 0.5 of a hectare and greater in size. The boundaries of the wetlands are shown on the Development Constraints Map, Schedule “C” of the Land Use By-law.

- 5.1.5 It shall be the policy of Council to forward any Development Permit Applications for developments that are located within wetlands to Nova Scotia Environment for their information. Wetlands are identified on the Development Constraints Map, Schedule “C” of the Land Use By-law.

## **PART 6 SERVICES**

### **6.1 SEWAGE DISPOSAL**

All of the development in the planning area is serviced by on-site services. Sewage treatment is provided through the use of septic systems or drainage fields and water is provided through the use of drilled and dug wells. The use of these on-site services can have some potentially damaging impacts on the environment and, therefore, development standards are necessary to reduce the damaging impacts.

On-site sewage disposal systems usually involve drainage fields that release sewage effluent water into the soil through seepage beds. During this process, nitrogen, sodium and chlorate organic compounds may be discharged into the groundwater. Nitrogen can potentially cause health effects. If too many drainage fields are clustered together, the potential for polluting underground water supplies, as well as surface water supplies, increases. Water consumption is essential for human survival, thus polluting ground and surface water supplies with nitrogen must be avoided.

There are no standard lot sizes that can be established for on-site sewage disposals. Several factors influence the suitability of a site for on-site sewage disposal, such as the soil and slope of the land. The suitability of a site for on-site sewage disposal is best determined by a field inspection and a test pit analysis of the soil, conducted by a qualified health inspector.

- 6.1.1 It shall be the policy of Council to support the efforts of the Nova Scotia Environment in providing Environmental health services such as the controls on on-site sewage disposal.
- 6.1.2 It shall be the policy of Council to consider extending the Town of Mahone Bay sewer and water infrastructure into the planning area, as capacity and funding allows.

A successfully operating on-site sewage disposal system requires regular maintenance. This involves removal of sludge from the septic tank and relocating a drainage field every 15 to 25 years. Unfortunately, not all owners of on-site sewage disposal systems are aware of the necessity of maintenance. This obstacle can be overcome by educating the public of this need.

The proper maintenance of wells is also important in continuing to have a safe and reliable water source.

- 6.1.3 It shall be the policy of Council to educate the public on the essential maintenance of on-site sewage disposal systems and on-site wells.

## **6.2 TRANSPORTATION**

Consultation with the Municipal Engineer revealed that there is no requirement in this planning area to establish any road reserves. Nova Scotia Department of Transportation & Infrastructure Renewal indicated that although the Department representative feels that the physical infrastructure of the roads could be improved at various locations, there is no requirement at this time to upgrade the roads in terms of road capacities and service volumes. The AADT (Annual Average Daily Traffic Count) conducted in the area is well below numbers that would require upgrades to roads in terms of widening the pavement, providing extra lanes or creating new roads. Council is concerned however that roads and signage be adequately maintained.

Council also believes any initiative to establish and promote public transportation, including transportation for seniors is important for the community and would like to support any efforts to do so. Council may not be in a position to offer financial support but feels is willing to explore other ways of encouraging public transportation in the Blockhouse area.

- 6.2.1 It shall be the policy of Council to encourage the Nova Scotia Department of Transportation and Infrastructure Renewal continue to maintain the existing roads and signage to an acceptable level.
- 6.2.2 It shall be the policy of Council to support, not necessarily financially, initiatives to promote public transportation, including transportation for seniors.

## **6.3 POLICE AND FIRE PROTECTION**

The Royal Canadian Mounted Police from the Lunenburg Office, Lunenburg County Detachment provide Police protection to the section of the Blockhouse planning area south of Highway 103, while RCMP from the Bridgewater Office, Lunenburg County Detachment provide police protection for the section of the planning area north of Highway 103. The Blockhouse Fire Department provides fire protection for all of Blockhouse.

- 6.3.1 It shall be the policy of Council to co-operate with the R.C.M.P. in providing police protection.
- 6.3.2 It shall be the policy of Council to continue to co-operate with Blockhouse Fire Department to ensure the provision of adequate fire protection to the Community of Blockhouse.

## **6.4 RECREATION**

The Municipal Recreation Department focuses on areas with greater concentrations of the Municipality's population to determine where the Municipality will offer recreation programs and services. Blockhouse is not one of the focus areas, however, the area is in close proximity to the Towns of Mahone Bay and Lunenburg, so many of the residents in the planning area likely use the recreation facilities, programs and services in these towns.

There are few formal opportunities for recreation in Blockhouse. Perhaps the main outdoor recreational resource is the abandoned rail bed, which is being developed as a multi-use trail, and there is a Provincial Day Use Park along Highway 325, near the west boundary of the planning area. Other than these resources, residents must travel to other areas for formal recreational activities, such as swimming, skating and team sports. There are no parcels of Municipal Land, Municipal Common Land or Private Commons in the Blockhouse planning area.

In 2004, Municipal Council approved a Public Open Space Strategic Plan for the Municipality. Part of the research for the Open Space Plan involved a survey of the quantity, quality and location of the Municipal owned public open space within the Municipality of Lunenburg. The Open Space Strategic Plan includes recommendations for the evaluation of existing municipal lands respecting its recreational potential as well as to target locations where the acquisition of open space for recreational use is considered a priority.

- 6.4.1 It shall be the policy of Council to recognize the importance of open space and low impact recreational opportunities.
- 6.4.2 It shall be the policy of Council to acquire and develop land in strategic locations to meet recreational needs by implementing the Open Space Strategic Plan.
- 6.4.3 It shall be the policy of Council to work with the RCMP to police the multi-use trail.
- 6.4.4 It shall be the policy of Council to continue to support the local trail groups in the development and maintenance of trails.
- 6.4.5 It shall be the policy of Council to promote healthy living to the residents of Blockhouse.

## **6.5 MISCELLANEOUS SERVICES**

A number of services such as recreational programs, education, health care, garbage collection, building inspection and planning are funded by the general tax base. Sewer, water, street lighting and other services are available by way of area rates as provided for by the Municipal Government Act and subject to the agreement of ratepayers.

- 6.5.1 It shall be the policy of Council to continue to recognize the importance of historic sites, cultural sites and buildings through the Heritage By-law.
- 6.5.2 It shall be the policy of Council to continue to encourage local volunteer groups in providing a range of services.
- 6.5.3 It shall be the policy of Council to co-operate with the Nova Scotia Department of Community Services in providing housing for senior citizens within the planning area.

## **PART 7 DEVELOPMENT / REGULATORY POLICIES**

### **7.1 TEMPORARY USES, STORAGE BUILDINGS, WASTE MATERIALS, NON-CONFORMING, PARKING**

The following general policies apply to the Planning Area.

#### **TEMPORARY USES**

- 7.1.1 It shall be the policy of Council that temporary uses associated with a construction site, a special occasion, or a holiday are permitted for a time period to be regulated in the Land Use By-law, with no requirement for a development permit.

#### **STORAGE BUILDINGS**

- 7.1.2 It shall be the policy of Council that private storage buildings such as garages and boathouses are permitted within the Planning Area, subject to the requirements of the zone they are located in.

#### **WASTE DISPOSAL**

- 7.1.3 It shall be the policy of Council to maintain and improve the systems of solid waste collection and disposal, including programs for recycling materials and reducing the volume of waste.

#### **NON-CONFORMING STRUCTURES**

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

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

## **NON-CONFORMING USES**

- 7.1.5 It shall be the policy of Council that land uses and associated structures in existence on February 11, 1997 and which would not otherwise be permitted shall be subject to the non-conforming use provisions of the *Municipal Government Act*.

## **PARKING**

- 7.1.6 It shall be a policy of Council to require and regulate off-street parking and loading facilities.

## **7.2 SUBDIVISION BY-LAW REQUIREMENTS**

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

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



## **PART 8 IMPLEMENTATION**

### **8.1 ADMINISTRATION**

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

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

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

8.1.1 *repealed.* **Amended September 16, 2020**

8.1.2 It shall be the policy of Council that the Land Use By-law shall be the principal means for implementing the Planning Strategy, pursuant to the Municipal Government Act.

8.1.3 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:

**Amended June 8, 2016**

- a) the development conforms to the intent of the Municipal Planning Strategy and of the Secondary Planning Strategy;
- b) the development is not premature or inappropriate due to:
  - i. financial ability of the Municipality to absorb costs related to the development;
  - ii. adequacy of Municipal services;
  - iii. the adequacy of physical site conditions for on-site services;

- iv. creation or worsening of a pollution problem including soil erosion and siltation;
  - v. adequacy of storm drainage and effects of alteration to drainage pattern including potential for creation of a flooding problem;
  - vi. adequacy and proximity of school, recreation, emergency services, and other community facilities;
  - vii. adequacy of street networks and site access regarding congestion, traffic hazards and emergency access.
- c) the development site is suitable regarding grades, soils, geological conditions, location of watercourses, flooding, marshes, bogs, swamps, and susceptibility to natural or man-made hazards as determined by a qualified person.
- d) all other matters of planning concern have been addressed.

8.1.4 Pursuant to Policies 4.1.4 and 4.1.9, it shall be the policy of Council that new commercial, non-municipal institutional, industrial, and uses associated with aggregate and mineral resource extraction that exceed the thresholds established in the Land Use By-law as well as uses that are considered to be hazardous or that have the potential for creating unacceptable land use conflicts or nuisances as listed in the Land Use By-law may be permitted by Development Agreement provided Council is satisfied that:

- a) the development shall not create undue traffic hazards, traffic congestion, or pedestrian hazards;
- b) the development shall not generate emissions such as sound, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a nuisance or health hazard or so as to compromise the development potential or value of properties in the vicinity;
- c) subject to the physical characteristics of the site, the development shall achieve optimum separation from adjacent properties which are not in Commercial or Industrial use.
- d) screening in the form of fences, vegetation, or berms as appropriate shall be constructed or installed wherever possible in order to minimize impact on the abutting uses and ensure public safety;

- e) all structures shall be built, repaired, and maintained with durable, weather-resistant building material, such that the appearance complements the natural surroundings and existing built environment;
- f) no Development Agreement shall be approved until all necessary permits required by Federal, Provincial, and Municipal government agencies have been issued or Council is satisfied that the required permits will be issued;
- g) no development shall increase traffic volume so as to have an undue negative effect on properties that are served by a residential street;
- h) the applicant has clearly shown both that the development can be serviced with central or on-site sewer and water and that the disposal of sewage or other effluent as well as the demand on the water source will not have a negative impact on the environment or the quality and quantity of the water resources;
- i) driveways, parking areas, and any areas used for the open storage of equipment or stock shall be surfaced with stable materials to prevent dust from blowing onto adjacent properties.
- j) 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.

8.1.5 It shall be the policy of Council that a Development Agreement, approved by Council pursuant to this Planning Strategy, may contain terms with respect to any or all matters specified in the Municipal Government Act for the matters that may be addressed by Development Agreement.

8.1.6 It shall be the policy of Council that, pursuant to the Municipal Government Act, a Public Participation Program (MDL-66) shall be held prior to any proposed amendment to the Secondary Planning Strategy, as well as in conjunction with the review of this Planning Strategy and Land Use By-law. The purpose of the Public Participation Program shall be to hear the opinions of the public.

**Amended April 1, 2015**  
**Further amended September 16, 2020**

- 8.1.7 It shall be the policy of Council that a public hearing shall be held by Council, pursuant to the Municipal Government Act, prior to entering into any Development Agreement or prior to approving any amendment to the Land use By-law or the Subdivision By-law, and no Development Permit shall be granted until the appeal period and any appeals pursuant to the Municipal Government Act have been completed.
- 8.1.8 It shall be the policy of Council that amendments to this Planning Strategy will be required where any policy is to be changed or where any amendment to the Land use By-law would contravene Map 1, the Generalized Future Land use Map.
- 8.1.9 It shall be the policy of Council that the Development Officer for the area covered by this Secondary Planning Strategy and Land Use By-law, appointed under the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and Development Agreements, and shall issue or deny permits under the terms of said By-law and Agreement.
- 8.1.10 It shall be the policy of Council that any Development Permit issued under the Land Use By-law shall specify the development and the period for implementation. Any such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. It shall further be Council's policy that the Development Officer may revoke a Development Permit where the permit was issued in error or on the basis of false or mistaken information.
- 8.1.11 It shall be the policy of Council that this Secondary Planning Strategy and any subsequent amendments shall be reviewed, pursuant to the Municipal Government Act, when deemed necessary by the Minister of Services Nova Scotia and Municipal Relations or by Council, but not later than 10 years from the date of its coming into force and effect.
- 8.1.12 It shall be the policy of Council that where this Secondary Planning Strategy and Land use By-law permits developments up to a threshold that is based on floor area, site area, number of rental units, number of units or on the amount of goods or materials that are processed and produced annually, this threshold shall not be exceeded on any lot as it existed February 11, 1997, 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.

## **MISCELLANEOUS MINOR STRUCTURES**

- 8.1.13 It shall be the policy of Council to establish within the Land use By-law provisions enabling miscellaneous minor structures, such as but not limited to, fences less than 2 metres in height, children's play structures, pet houses, and accessory buildings less than 20 m<sup>2</sup> (215 ft<sup>2</sup>) in floor area, to be erected, located, constructed, or altered without the necessity of obtaining a development permit.

## **VARIANCE**

- 8.1.14 It shall be the policy of Council to permit the Development Officer to grant a variance in one or more of the following Land use By-law requirements, pursuant to the Municipal Government Act:

- a) number of parking spaces and loading spaces required;
- b) size or other requirements related to yards

provided that a variance is not granted where the:

- c) variance violates the intent of the Land use By-law;
- d) difficulty experienced is general to properties in the area; or
- e) difficulty experienced results from an intentional disregard for the requirements of the By-law.

**PART 9      PROCEDURE**

**(Repealed by Amendment - April 1, 2015)**

**PART 10      ATTACHMENTS**

Map 1      “Generalized Future Land Use”

Map 2      “Existing Land Use”

**PART 11 REPEAL OF BLOCKHOUSE SECONDARY PLANNING STRATEGY**

The Secondary Planning Strategy for the Blockhouse Planning Area, adopted by Council on February 11, 1997 is hereby repealed and this Secondary Planning Strategy substituted therefore.

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MUNICIPAL CLERK

I, \_\_\_\_\_, 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 Blockhouse Planning Area which was duly passed by the Council of the Municipality of the District of Lunenburg at a meeting duly held on \_\_\_\_\_, 20\_\_.

DATED at Bridgewater, N.S.  
\_\_\_\_\_, 20\_\_.

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MUNICIPAL CLERK