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# OSPREY VILLAGE

THE HEART OF

*The LaHave River Valley*

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Municipality of the District of Lunenburg

## **SECONDARY PLANNING STRATEGY**

CONSOLIDATED TO INCLUDE BY-LAWS 020A to 020E

FIRST READING BY COUNCIL: NOVEMBER 14, 2006  
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## **PREFACE**

The Municipality of the District of Lunenburg has experienced significant retail growth in the community of Cookville, near Interchange 12 off Highway 103. First PRO Developments acquired approximately 70 acres of land in this area in June 2004 for retail (big box) development. In 2005 Wal-Mart opened its doors. This was followed by the construction of a new Canadian Tire Store, which will open in the summer of 2005. Further commercial/retail interest has been made in the remaining lands of First PRO Developments.

Municipal Council anticipates that this recent development will act as a catalyst for further development. In anticipation of increased development in the Cookville area Municipal Council acquired approximately 170 acres of land adjacent to the First PRO Development. This land acquisition was seen as an economic investment that will attract development to the Cookville area, called Osprey Village. Municipal Council has an opportunity to shape the way development occurs in this area, to set the stage for future development.

Municipal Council commissioned a study in the winter of 2004 /2005 which would identify the highest and best use of the lands acquired by the Municipality. This study was conducted by Cantwell & Associates Limited, and completed in March 2005. Municipal Council has endorsed the principle findings of this study, and is using the same to chart the future course for development of these lands. This study encourages Council to strive for a development that promotes a sense of place, civic pride, and feels like Lunenburg County, as opposed to a suburb that could be on the outskirts of any town or city.

Municipal Council recognizes the importance of planning development to ensure that existing and future quality of life is not compromised, but rather improved upon. The planning envisioned by Council will promote The Osprey Village planning area as a community, where people will want to live, work and play: A place that will attract businesses and citizens for years to come.

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## **INTRODUCTION**

This Secondary Planning Strategy and the accompanying Land Use By-law was adopted by Municipal Council on December 12, 2006, and became effective January 24, 2007. The Strategy and By-law were prepared and adopted in accordance with the Municipal Government Act (Chapter 18, Acts of 1988). The Municipal Government Act states that Municipal Council may prepare a Planning Strategy for all or part of a Municipal Unit. The Planning Area to which this Secondary Planning Strategy applies includes the commercial centre area in Cookville, hereinafter referred to in this document as “the Planning Area”. The Planning Area boundary is as defined on Schedule A, Map 1 –Future Land Use Map.

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 a Municipality. The 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 physical, economic and social environment; the use, protection and development of lands; the provision of municipal services and facilities; environmental protection; land subdivision; energy; and, public involvement in planning. The Municipal Government Act is, then, 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 anytime during this period. This Secondary Planning Strategy consists of policy statements and maps that express Council’s wishes and intentions with respects to development and land-use in the Planning Area during the next ten years.

The Land Use By-law, which has been prepared and adopted in conjunction with this Secondary Planning Strategy, is the primary regulatory mechanism through which the Secondary 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 Secondary Planning Strategy policies. Policies also govern the circumstances under which a rezoning may be considered and approved.

**General Policies.**

**Policy 1.0.1**

**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. The maps and schedules appended to this Secondary Planning Strategy shall form part of the Secondary Planning Strategy.**

**Policy 1.0.2**

**It shall be the policy of Council that the Future Land Use Map, Map 1, which is attached to this Secondary Planning Strategy, shall be regarded as the generalized representation of the intended pattern of future land use in the Planning Area.**

**Policy 1.0.3**

**It shall be the policy of Council that the Land Use By-law, prepared and adopted by Council in conjunction with this Secondary Planning Strategy, shall provide the primary regulatory mechanism for land-use and development control, through which the intent of this Secondary Planning Strategy shall be implemented.**

**Policy 1.0.4**

**Council must integrate this Secondary Planning Strategy with the municipal-wide municipal planning strategy, written under the Municipal Government Act amended in 2019, and repeal this planning document on the adoption of the municipal planning strategy.**

## **2.0 GOALS / OBJECTIVES**

### **2.1 Goals**

Municipal Council acquired the land within the Planning Area as an investment in the municipality's future. Having control over this land enables Municipal Council to set the standard for future development of these lands and surrounding areas. It is a quality development that promotes sense of community, civic pride and the unique culture and heritage of the region that Municipal Council wishes to promote. The goals of this Secondary Planning Strategy are:

- 1. To foster and promote increased economic development activity in the Planning Area.**
- 2. To manage economic growth in a manner that promotes a sense of community, civic pride and is cognizant of the unique culture and heritage of the Municipality.**
- 3. To foster affordable, attainable, and rental housing by encouraging higher density residential buildings in the Planning Area.**

### **2.2 Objectives**

The following objectives will enable Municipal Council to achieve the goals of this Secondary Planning Strategy:

#### **Policy 2.2.1**

**It shall be the policy of Council to establish land use designations and zones which will encourage economic development activity by providing for a variety of commercial and light industrial lands uses.**

#### **Policy 2.2.2**

**It shall be the policy of Council to establish land use designations and zones which will accommodate medium and high density residential land uses.**

#### **Policy 2.2.3**

**It shall be the policy of Council to establish site layout and architectural requirements which will manage development in a manner that will promote a sense of community and civic pride, and which is reflective of unique culture and heritage of the Municipality.**

#### **Policy 2.2.4**

**It shall be policy of Council to provide for open space and passive recreational opportunities within the Planning Area.**

#### **Policy 2.2.5**

**It shall be the policy of Council to manage land use and development in a manner that will minimize land use conflicts.**

### **3.0 LAND-USE PLANNING AND DEVELOPMENT CONTROLS**

#### **Introduction**

Municipal Council's goal is to ensure a quality development that promotes a sense of place, civic pride and reflects the culture and heritage of the region. The development that has occurred to date is a form of development that can be found anywhere in North America. It does not promote a sense of place, but is rather a blanket approach to big-box development. Council recognizes that if left to market forces this blanket approach to big box development may result in development that mirrors what has occurred to date. Municipal Council has adopted this Secondary Planning Strategy and accompanying Land Use By-law as a method of managing future growth in the Planning Area.

The policies in this Secondary Planning Strategy and the accompanying Land Use By-law requirements, address Council's concerns and goals by providing a growth management mechanism that incorporates zoning, development standards and site plan approval requirements. These controls will provide the ability to set minimum standards, as well as flexibility to review each development proposal on a site by site basis.

In order to establish a framework for growth management within the Planning Area, land-use designations will be given to the entire Planning Area. Land-use policies related to these designations will govern the types of land use activities permitted within each designation. The land-use designations are set out on Map 1, Future Land Use Map.

This Secondary Planning Strategy is accompanied by a Land Use By-law. The Land-Use By-law includes a zoning map, which sets out zones that relate to the land-use designation on the Future Land-Use Map. Land-Use control, in the form of zoning, imposes development standards that land-use and development must achieve. Council may deviate or vary these standards by way of amendments or rezonings, where this Secondary Planning Strategy specifically enables such amendment or rezoning.

#### **Statements of Provincial Interest**

As required by the Municipal Government Act, Planning Documents must be reasonably consistent with Statements of Provincial Interest. It is Council's opinion that this document is reasonable consistent with the Statements of Provincial Interest. However, the Provincial Statement of Interest is the Statement of Provincial Interest pertaining to agricultural land warrants some explanation. This statement applies to all active agricultural land and land with agricultural potential. The statement requires that planning documents identify all agricultural land within a planning area and address the protection of the same.

The Planning Area was once an active farm. The drumlin topography and soil types are conducive to agricultural uses. However, in the year 2004, prior to the establishment of this Planning Area, First PRO Developments commenced the development of a retail

complex on lands immediately adjacent to the Planning Area. Thus, due to new economic conditions, being the influx of new commercial development, the lands in the Planning Area were deemed by Council to be more suited towards land uses compatible with the First PRO Developments site. In an effort to promote the continued development of this area, and in recognition of the incompatibility of agricultural land uses with retail shopping complexes, Council has not provided for agricultural land uses in the Planning Area.

### **3.1 ENTERPRISE DESIGNATION**

There are presently no existing land uses within the Planning Area. As noted in the Preface, a Real-estate Strategy was conducted by Cantwell and Associates, which identified the highest and best use for land within the Planning Area. The Study identified an area of land that fronts on both sides of Highway 10, and is adjacent to lands presently being developed by First PRO Developments, as land that would be best suited for Commercial land uses as well as high density residential.

This land will be designated Enterprise. Future land uses in this designation will consist of a mix of commercial uses. Portions of the land within this designation have also been identified for a mixed use development scheme consisting of medium to high density residential development and commercial land uses. Various zones will be established within the designation to accommodate the various land uses.

The development standards that will accompany the zones will provide for development that promotes a village or town centre concept. Development standards will vary in each zone, but will ensure that the pattern of development supports the overall concept of a community with a village centre focus.

#### **Policy 3.1.1**

**It shall be the policy of Council to establish an Enterprise designation within the Planning Area, and as shown on Map 1, Future Land Use Map. This designation will accommodate a mix of commercial and medium to high density residential uses.**

#### **Village Centre (VC) Zone**

**Policy 3.1.2 (Repealed)**

#### **Outdoor Storage in the Village Centre (VC) Zone**

**Policy 3.1.3 (Repealed)**

#### **Architectural Controls in the Village Centre (VC) Zone**

**Policy 3.1.4 (Repealed)**



## **Site Plan Approval in the Village Centre (VC) Zone**

### **Policy 3.1.5 (Repealed)**

### **General Commercial (GC) Zone**

The concept of a downtown is an integral component of the overall development scheme of the Planning Area. Municipal Council wants to create a community with a sense of place and civic pride, where high density urban living and pedestrian activity are encouraged.

A General Commercial (GC) Zone will be established within the Enterprise Designation. This Zone will provide for a wide variety of high-density residential, commercial, institutional, and recreational opportunities. Development standards will ensure that buildings are designed and placed in a manner that they reflect the local culture and heritage found in Lunenburg County.

### **Policy 3.1.6**

**It shall be the Policy of Council to establish a General Commercial (GC) Zone, as shown on the Zoning Map, Schedule A of the Land Use By-law, within the Enterprise Designation. It shall further be the policy of Council to permit within this zone a broad range of commercial uses, institutional uses, and medium to high density residential uses.**

### **Architectural Controls in the General Commercial (GC) Zone**

Council will establish architectural controls to ensure that the buildings are designed and constructed in a manner that is reflective of the heritage and culture of Lunenburg County.

The architectural controls will require that architectural details found in historic buildings of Lunenburg County be incorporated into the design of public facades. Such details will include roof shape, entry ways, wall to window ratios, exterior building materials and details and trim.

### **Policy 3.1.7**

**It shall be the policy of Council that, within the General Commercial (GC) Zone, established by Policy 3.1.6, the external appearance of structures shall be regulated through the use of architectural controls which will require that buildings incorporate architectural elements similar to historic buildings found throughout Lunenburg County, and as shown on Schedule B, Architectural Elements for Building Design and Construction, of the Land Use-By-law.**

### **Outdoor Storage in the General Commercial (GC) Zone**

Outdoor Storage often accompanies the types of commercial uses permitted in the General Commercial (GC) Zone. Outdoor storage will be permitted in the General Commercial (GC) Zone; however, to reduce the impact of outdoor storage on the streetscape outdoor storage will be required to be located in a yard that does not abut a public street.

#### **Policy 3.1.8**

**To reduce the impact of outdoor storage on the streetscape, it shall be the policy of Council to regulate the location and screening of the outdoor storage of goods, materials or equipment within the General Commercial (GC) Zone.**

### **Site Plans**

Site Plans will be used in the General Commercial (GC) Zone to control site specific aspects of development, such as landscaping and parking lot layout. Site Plans are utilized as Municipal Council recognizes that these components of a development are normally dependent on variables such as location, use and adjacent uses. Site Plans provide the flexibility desired by Council in addressing these components of a development.

The matters that will be addressed through a site plan approval will be elements that complement the desired streetscape of the General Commercial (GC) Zone and include landscaping, pedestrian walkways and parking lot location and layout. Storm water management will also be addressed through the use of site plans

#### **Policy 3.1.9**

**It shall be the policy of Council that uses permitted within the General Commercial (GC) Zone, established by Policy 3.1.6, shall be permitted subject to zone standards as well as a Site Plan Approval. The matters that shall be addressed through the Site Plan Approval process shall be identified in the Land Use By-law and shall include landscaping, parking lot layout and location, the provision and location of pedestrian walkways and storm water management.**

### **Mixed Use (MU) Zone**

**Policy 3.1.10 (Repealed)**

**Policy 3.1.11 (Repealed)**

### **Architectural Controls in the Mixed Use (MU) Zone**

**Policy 3.1.12 (Repealed)**

### **Outdoor Storage and Display in the Mixed Use (MU) Zone**

**Policy 3.1.13 (Repealed)**

### **Site Plans in the Mixed Use (MU) Zone**

**Policy 3.1.14 (Repealed)**

### **Rezoning in the Enterprise Designation**

**Policy 3.1.15 (Repealed)**

## **3.2 INDUSTRIAL DESIGNATION**

A portion of the Planning Area has been identified as suitable for Light Industrial land uses. This land is located immediately behind Wal-Mart, as well as around Osprey Ridge Golf Club. This area has the potential to connect with the future high density development with infrastructure services. Municipal Council will place an Industrial Designation on these lands which will accommodate a variety of light industrial land uses along with the supportive residential and commercial uses.

### **Policy 3.2.1**

**It shall be the policy of Council to provide for primarily industrial land uses by establishing an Industrial Designation within the Planning Area, as shown on Map 1, Future Land Use Map.**

### **Light Industrial (LI) Zone**

In 2006, Council felt that heavy industrial land uses were not appropriate for the Planning Area as the Planning Area is not large in area, and heavy industrial uses can negatively impact on the development being sought in the Planning Area, as well as the surrounding community comprised of residential and rural land uses. Consequently, within the Industrial Designation, Council will establish a Light Industrial Zone. The land uses permitted within this Zone will be limited to light industrial uses and its supporting uses that are compatible with light industrial uses, such as residential, commercial, and institutional uses. Because of the high residential demand in this Planning Area, the light industrial uses should be compatible to residential and commercial uses, instead of the opposite.

### **Policy 3.2.2**

**Council establishes within the Industrial Designation the Light Industrial (LI) Zone as shown on the Zoning Map, Schedule A of the Land Use By-law.**

### **Policy 3.2.2A**

**All developments that are permitted within the General Commercial (GC) Zone must also be permitted in the Light Industrial (LI) Zone.**

### **Outdoor Storage in the Light Industrial Zone**

Light Industrial Uses typically involve outdoor storage of equipment or materials. Large expanses of outdoor storage on a lot can impact on the streetscape as well as neighboring properties. Recognizing the necessity of outdoor storage for many of the uses permitted in the Light Industrial (LI) Zone, Council will allow outdoor storage associated with a permitted main use. However, to reduce the impact of outdoor storage on the streetscape and neighboring properties, Council will establish within the Land Use By-law requirements for outdoor storage which will control the location and screening of the same.

#### **Policy 3.2.3**

**To reduce the impact of outdoor storage on the streetscape and neighboring properties, it shall be the policy of Council to regulate the location and screening of the outdoor storage of goods, materials or equipment within the Light Industrial (LI) Zone.**

### **Site Plans in the Light Industrial (LI) Zone**

Site Plans will be used in the Light Industrial Zone to require storm water management systems and landscaping. Site Plans are utilized as the storm water management measures suitable for a lot will vary from site to site, due to the differences in site layout, topography and land use. The location of landscaping will also vary by lot.

The storm water requirements will ensure that storm water is managed on a lot so as to prevent water from draining to neighboring properties, and to further ensure that there is no negative impact on receiving water bodies or existing storm drainage infrastructure.

#### **Policy 3.2.4**

**Subject to Policy 3.2.5, uses permitted in the Light Industrial (LI) Zone, established by Policy 3.2.2, shall be permitted subject to zone standards as well as Site Plan Approval. The Site Plan Approval shall address the matters of storm water management and landscaping. The storm water management and landscaping requirements will be as identified in the Land Use By-law. The storm water management requirements will minimize the impact of development on neighboring properties, municipal infrastructure, and receiving water bodies. Landscaping requirements will minimize the impact of development to neighboring properties as well as the Planning Area.**

#### **Policy 3.2.5**

**The Site Plan Approval is not required for the Light Industrial (LI) Zone that was originally the Lunenburg Municipal Industrial (LMI) Zone located in Lunenburg Municipal Industrial Zone Planning Area before 2022.**

### **3.3 COMMUNITY USE DESIGNATION**

Lands within the Planning Area have been identified by Council as lands for community use. These lands include lands that are suited towards passive recreational uses, to lands for active recreation uses as well as civic uses. These lands will be given a Community Use Designation on the Future Land Use Map.

#### **Policy 3.3.1**

**It shall be the policy of Council to establish Community Use Designation, as shown on the Future Land Use Map, and to include within this designation all lands identified by Council as suitable for community and civic uses.**

#### **Open Space (OS) Zone**

Portions of the Planning Area have been identified as being not suited towards development. These include lands within the Nova Scotia Power easement, as well as lands containing excessive slopes. Areas of excessive slope pose many limitations for development, including unstable ground. Development on steep slopes can increase the possibility for instability through construction activity, loss of vegetation, undercutting and a change in drainage patterns resulting from development. Municipal Council does not wish to enable development beyond the natural terrain capacity and so Municipal Council will designate these lands as Open Space. The lands within this designation will include lands that are within the Nova Scotia Power easement, as well as lands in excess of 20 percent slope. Land Uses within this designation will be limited to parks, parking lots and multi-use trails.

#### **Policy 3.3.2**

**It shall be the policy of Council to establish an Open Space Zone with in the Community Use Designation, as shown on Map 1, Zoning Map, of the Land Use By-law. Lands within this zone shall include lands within the Nova Scotia Power Easement and lands in excess of 20 percent slope. It shall further be Council's policy to permit parks, parking lots and multi-use trails within the Open Space (OS) Zone.**

Due to Council's concerns regarding the instability of the steep slopes within the Open Space (OS) Zone as well as the restrictions on land use within the Nova Scotia Power easement, Council will only consider structures associated with park use, parking lot and multi-use trail development.

#### **Policy 3.3.3**

**It shall be the policy of Council that within the Open Space (OS) Zone established by Policy 3.3.2, that only structures associated with park use, parking lot and multi-use trail development will be permitted.**

### **Institutional (I) Zone**

Council has identified the need for public facilities within the Municipality that may be used for government, civic, cultural, recreational, educational, medical, and other communal uses. Such use would further complement the range of uses permitted in the Planning Area and act as a catalyst for further development of lands.

#### **Policy 3.3.4**

**Council establishes, within the Community Use Designation, an Institutional (IN) Zone, as shown on Map 1, Zoning Map of the Land Use By-law, to permit cultural, educational, medical, recreational, and public institutional uses along with supporting residential institutional, and commercial uses.**

#### **Policy 3.3.5 (Repealed)**

### **3.4 RESIDENTIAL DESIGNATION**

Council's goal within the Planning Area is to manage growth in a manner that promotes a sense of community, civic pride and is cognizant of the unique culture and heritage of the Municipality. A key component of creating a sense of community is residents. Residents are the heart of a community; without residents, there is no community. Council does recognize that there are communities that surround the Planning Area which are residential in nature, and which will support the uses within the Planning Area. However, Council wishes to ensure that there are residential land uses within the Planning Area that diversify the land base, and ensure a vibrant community. People residing in the Planning Area will further ensure that the community remains alive after business hours.

To be consistent with the Statements of Provincial Interest Regulations, to encourage the most efficient use of existing infrastructure, and to accommodate the high demand of high density residential use, the Municipality establishes a residential designation to create a vibrant community where residents will have access to affordable, attainable, and rental housing.

#### **Policy 3.4.1**

**Council establishes a Residential Designation, as shown on the Future Land Use Map.**

#### **Policy 3.4.1(a)**

**Council must permit the operation and implementation of Small Options Homes within all residential zones under Osprey village's Residential Designation**

Within the Residential Designation, there will be two zones. A High Density Residential Zone, which used to be the Two Unit Residential Zone before 2022, accommodates multi-unit dwellings and other high density residential uses. To best use the existing central water and sewer infrastructure, a minimum residential density that effectively

prevents single-detached dwellings will be established to implement the Statements of Provincial Interest Regulations regarding Infrastructure and Housing.

**Policy 3.4.2**

**Council establishes a High Density Residential (R-3) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit medium to high residential uses with supporting neighbourhood commercial uses.**

Council recognizes that with technological advancements there are increased opportunities for home based business. Council further recognizes the importance of home based businesses to the economic well being of a community and the Municipality. However, these uses can grow to a size and scale in which the commercial uses may negatively impact other residential uses, in essence these home based businesses have become commercial uses and should be regulated as such. It is for these reasons that Council will permit home based business, in dwelling units and accessory buildings, which are of a scale and type that will not negatively impact surrounding residential land uses.

**Policy 3.4.3**

**In all the zones within the Residential Designation, the Council permits small scale home based businesses. Council shall define in the Land Use By-law the range and scale of the home occupations permitted and shall limit these to activities that are compatible with residential uses.**

**Policy 3.4.4**

**In all the zones within the Residential Designation, Council permits parks and children’s playgrounds.**

A Medium-Density Residential Zone, which used to be the Mixed Residential (MR) Zone in Lunenburg Municipal Industrial Zone Planning Area before 2022, accommodates a variety of residential uses. Because of the reduced availability of central water and sewer infrastructure, the density will be mostly consistent with the previous policy in place in Lunenburg Municipal Industrial Zone Planning Area.

**Policy 3.4.5**

**Council establishes a Medium Density Residential (R-2) Zone within the Residential Designation, as shown on the Zoning Map, Schedule A of the Land Use By-law, to permit low to medium residential uses.**

**3.5 ENVIRONMENTAL PROTECTION DESIGNATION**

**Policy 3.5.1 (Repealed)**

**Environmentally Sensitive (ES) Zone**

**Policy 3.5.2 (Repealed)**

**Policy 3.5.3 (Repealed)**



### **3.6 GENERAL ENVIRONMENTAL PROTECTION**

As is demonstrated through the establishment of the Open Space Designation and Open Space Zone, impact on the natural environment and living environment will be a factor in decisions respecting development and land use within the Planning Area. Land Use activities and development on property near or adjacent to a watercourse have potential to affect water quality through surface runoff or damaging the natural vegetation immediately adjacent to the watercourse or water body, to name just a few issues.

Soils in the Planning Area consist of Wolfville Loam, which is susceptible to erosion, the Bridgewater Sandy Loam and Swamp. Drumlin topography is characteristic of the Planning Area which equates to susceptibility to erosion. Land Use and development can exacerbate this susceptibility to erosion. Retaining a portion of the natural vegetation to create a buffer zone along watercourses and water bodies achieves several functions in addition to controlling erosion and sedimentation of the watercourse. Buffer areas are aesthetically pleasing, moderate air and water temperatures and reduce and filter surface runoff.

This Secondary Planning Strategy and Land Use By-law will include policies and requirements that will seek to 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 is set back from watercourses and, in relation to a development, that the natural vegetation adjacent to watercourses is retained to minimize the impact on the watercourse.

#### **Policy 3.6.1**

**It shall be the policy of Council to protect water resources within the Planning Area. Further it shall be the policy of Council that development near significant watercourses, as shown on Schedule C, Significant Watercourses Map, of the Land Use By-law, shall be set back from the bank of the watercourse in order to minimize the impact of development on watercourses.**

#### **Policy 3.6.2**

**To provide a buffer that will minimize the impact of development on a watercourse, it shall be the policy of Council that, in relation to a development, the removal of the natural vegetation in close proximity to a significant watercourse shall be prohibited, with the exception of the removal of vegetation that is decaying or decayed, or required to be removed for safety reasons.**

The land that is located within the setback area of a watercourse offer opportunities for trail development. This land use will be permitted within the setback area, and as such, the natural vegetation will be permitted to be removed as necessary for the development of a trail and subject to erosion control standards. The erosion control standards will be sufficient to minimize the impact of the development of a trail, such as erosion and sedimentation, on a watercourse.

**Policy 3.6.3**

**Notwithstanding Policy 3.6.1 and Policy 3.6.2, it shall be the policy of Council to enable the development of boardwalks, walkways and trails; fences; parks on public lands; public street crossings; driveway crossings; and wastewater, storm and water infrastructure adjacent to or in close proximity to a significant watercourse subject to erosion control standards established in the Land Use By-law.**

**Policy 3.6.4**

**Notwithstanding Policy 3.6.1 and Policy 3.6.2, it shall be the policy of Council that, if it is determined, based on the advice of a qualified person, that development can occur within the required setback, or the watercourse can be altered Council will consider an amendment to the Schedule "C" Significant Watercourse Map of the Land Use By-law.**

### 3.7 PUBLIC UTILITIES

The Planning Area is not presently serviced with Central Water or Central Sewer. However, central sewer and central water exist in close proximity to the Planning Area. Central Sewer is provided by the Municipality and Central Water is provided by the Bridgewater Public Service Commission.

#### **Central Sewer**

In January 2005 the Municipality officially commenced the operation of a central sewage treatment plant, located in Cookville, adjacent to Highway 103 and accessed from Highway 10. Terrian Group was contracted by the Municipality to design and construct this Treatment Plant and system of pipes. The central sewage treatment and collection system was designed to be implemented in three phases that are based on capacity requirements. Phase 1 of the Sewage Treatment and collection scheme was completed in January 2005. Phase 1 of the Sewage Treatment Collection System will accommodate the development of the First PRO Development lands for retail development. This sewage treatment and collection system will need to be expanded to handle increased flows as the collection system is expanded to provide increased capacity. The density of development within the planning area will promote an efficient use of this infrastructure.

The Municipality is committed to permitting the expansion of this system as development occurs in the Planning Area, and as such will require that all new development be serviced by a central sewage treatment and collection system. Developers will be responsible for the provision of that portion of the collection system located on the site, and the cost to connect to the Municipality's collection system will be subject to negotiation with Municipal Council. The exception to this requirement will be the Light Industrial (LI) Zone, in which Council will consider development that is serviced with or without central sewer.

#### **Policy 3.7.1**

**It shall be the policy of Council to provide efficient and responsive sanitary collection and treatment and storm drainage programs for the Planning Area.**

#### **Policy 3.7.2**

**It shall be the policy of Council to require that within the Planning Area, and where feasible, development be serviced by a Sanitary Treatment and Collection System, owned and operated by the Municipality and further that the Land Use By-law identify those areas in which development shall be serviced by a Sanitary Treatment and Collection System owned and operated by the Municipality.**

**Policy 3.7.3**

**It shall be the policy of Council to require a developer to install sanitary sewers, and storm sewers or open channels, within a development and to negotiate the cost of connecting the sanitary sewers to the Municipality's sanitary sewer system.**

**Policy 3.7.4**

**It shall be the policy of Council to consider capital expenditures for the extension of trunk services for sanitary collection and treatment in areas where such services do not exist within the Planning Area, and where development warrants the extension, or where development is to be facilitated.**

**Water Services**

The Bridgewater Public Service Commission presently services the Wal-Mart and Canadian Tire retail stores on the First PRO Development sites with central water. Under a Memorandum of Understanding between the Municipality and the Bridgewater Public Service Commission, the Municipality extended the water lines from the Town of Bridgewater to the First PRO Development lands. Subject to the terms of that Memorandum and the approval of the Nova Scotia Utility and Review Board, the Public Service Commission has agreed to supply the site with water.

The Municipality has expressed a desire to have the Public Service Commission service the lands within the Planning Area. The servicing of this land would be subject to further negotiations between the Municipality and the Bridgewater Public Service Commission, as well as approval by the Nova Scotia Utility and Review Board. In anticipation that the Bridgewater Public Service Commission will provide the Planning Area with water services, Council will require that all development be serviced by a central water system owned and maintained by a Public Utility.

**Policy 3.7.5**

**It shall be the policy of Council to encourage the Bridgewater Public Service Commission to extend the water system network to service lands within the Planning Area.**

**Policy 3.7.6**

**It shall be the policy of Council to require that all development within the Planning Area be serviced by Central Water System owned and maintained by a Public Utility, except for the area used to be the Lunenburg Municipal Industrial Zone before 2022.**

### **3.8 ROAD NETWORKS**

At the time of adoption of this Secondary Planning Strategy and accompanying Land Use By-law the Planning Area did not have any internal streets. Highway 10, Pine Grove Road and the Harold Whynot Road are the public roads that boarder the Planning Area.

The Cantwell and Associates Report identified two primary internal roads that were key to the development of the Planning Area. These were identified in the report as a “Main Street” and a “Centre Road”. Municipal Council is aware that the Department of Transportation and Public Works has strict requirements for access points on Highway 10 and Pine Grove Road, as controlled access is preferred. Consequently, Municipal Council has engaged a consultant to identify the possible access points for the “Main Street” and “Centre Road”. Once these points have been determined, Council will consider a Street Development Plan which will identify the access points to Highway 10, Pine Grove Road, and Harold Whynot Road. This plan will ensure that, as land is sold by the Municipality for development, the access points and right-of-way of the Main Street and Centre Road are not disposed of.

#### **Policy 3.8.1**

**It shall be the policy of Council to consider the development of a Street Development Plan which will identify future road locations within the Planning Area, as well as identify the future access points to Highway 10, Pine Grove Road and Harold Whynot Road. It shall further be the policy of Council to ensure that as land is sold by the Municipality for development, the right-of-way and access point locations are not disposed of.**

### **3.9 PARKING**

Parking areas are required to accommodate motor vehicles that are associated with various land uses. Although Municipal Council may consider on-street parking in the Institutional Zone, Council does not wish to rely on on-street parking to accommodate the motorist's need for adequate parking. As such, Council will establish off-street parking specifications in the Land Use By-law.

#### **Policy 3.9.1 (Repealed)**

#### **Policy 3.9.2**

**It shall be the policy of Council to establish within the Land Use By-law requirements for the size and location of parking lots and parking lot accesses within the Planning Area to minimize traffic hazards and guard public safety.**

### 3.10 MISCELLANEOUS PLANNING MATTERS

#### **Landscaping, Fencing and Outdoor Lighting**

Establishment of turf, grading, planting of vegetation, installation of surfacing materials on walkways and driveways, and erection of structures such as fences and walls constitute the basic elements of landscaping. Besides the obvious benefits of providing shade, being aesthetically pleasing, and providing buffering between properties, landscaping provides continuity in a streetscape with a variety of land uses and site elements; provides a human scale to sites with large scale buildings; helps minimize runoff and erosion; and filters noise.

This Secondary Planning Strategy and Land Use By-law will require landscaping to be incorporated into the development of a site within the Planning Area. The method of controlling landscaping will involve zone standards and site plan requirements.

#### **Policy 3.10.1**

**It shall be the policy of Council to establish landscaping requirements within the Land Use By-law which will provide an element of human scale to site development to enhance the character of the area, to screen or reduce the visual impact of site elements from the street and neighbouring properties, to reduce site runoff, and erosion and to otherwise reduce incompatibility with surrounding land uses. Landscaping requirements shall be incorporated into the Land Use By-law through the use of zone requirements and site plan requirements.**

Fencing will be required for the purpose of screening unattractive or objectionable features of any development such as outdoor storage areas and refuse containers, and to reduce any negative impact upon properties adjacent to the development. Fences that are high and imposing will be considered structures, whereby they will be required to meet the minimum yard requirements.

#### **Policy 3.10.2**

**It shall be the policy of Council to incorporate requirements in the Land Use By-law to regulate the type, height and location of fencing. Furthermore, fencing shall be required for the purposes of screening outdoor storage areas and refuse containers, screening areas that are used for any purpose where it is considered to be necessary to enhance and preserve the character of the area or to reduce incompatibility with surrounding land uses. Fencing requirements shall be incorporated into the Land Use By-law through the use of zone requirements or site plan requirements.**

Outdoor lighting, although necessary for safety and security reasons, can create a nuisance and traffic hazard if it is improperly directed. Where lighting is proposed in any development, consideration will be given to its proper installation, to avoid interference with abutting properties and traffic hazards.

**Policy 3.10.3**

**It shall be the policy of Council to control outdoor lighting to minimize any nuisance created by such lighting to properties in the surrounding area and to minimize traffic hazards.**

**Yard Requirements and Temporary Uses**

The National Building Code and Fire Safety Act have established minimum separation distances for buildings from adjacent buildings and lot lines. These separation distances primarily address the spread of a fire. Municipal Council will establish yard requirements in the Land Use By-law which will further address separation distances between buildings for access, safety, privacy and to reduce conflicts between adjacent land uses. These yard requirements will vary dependent on the zone and the form of development to be established in that zone.

**Policy 3.10.4**

**It shall be the policy of Council to establish minimum yard standards for the separation between buildings and from buildings to lot lines or provide adequate separation between buildings for safety, to complement the streetscape and to reduce conflicts between adjacent land uses.**

**Policy 3.10.5**

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

**Signs**

Signs involve the public display and advertising of many components of a development. Council recognizes the importance and necessity of signs to business, commercial and industrial land uses. Council also recognizes that signs have the potential for creating public nuisance and hazards, and there are concerns with appearance, impact on the streetscape and architectural character of the area and the surrounding community. This Secondary Planning Strategy and accompanying Land Use By-law will regulate signage to prohibit signs that pose a hazard to public safety; to provide an opportunity for advertising while at the same time ensure that the signs do not dominate the landscape or streetscapes in the Planning Area.



**3.10.6**

**It shall be the policy of Council to establish provisions in the Land Use By-law which:**

- a) prohibit signs which create hazards to traffic or pedestrians, which constitute a public nuisance, or which are incompatible with the Planning Area;**
- b) regulate the height, maximum area, illumination and location of signs throughout the Planning Area in order to minimize hazards and nuisances;**
- c) control the impact of signs on the landscape, streetscape and skyline; and ensure that the nature, size and location of signs permitted in the various zones are appropriate and compatible with the character of the areas within those zones.**

**Subdivision of Land, Lot Frontage and Lot Area**

The By-law Respecting the Subdivision of Land in the Municipality of the District of Lunenburg governs the subdivision of land throughout the municipality. Where a Land Use By-law exists, the subdivision of land is also shaped by the frontage, area and yard requirements of a Land Use By-law. The Land Use By-law contains provisions respecting lot frontage and lot area, which are used to define streetscapes, landscapes, reduce nuisances and minimize land use conflicts.

Provisions in the Subdivision By-law that relate to frontage exemptions, lot access and lot area variances can apply to the Planning Area, notwithstanding the frontage or lot area requirements established elsewhere in the Land Use By-law. Municipal Council wishes to enable these provisions to be operative within the Planning Area, with the exception of the Frontage Requirements. The Land Use By-law's frontage requirements will apply throughout the Planning Area, and these may not be varied by the provisions of the Subdivision By-law. Furthermore, the lot frontage shall be on a street that is owned and maintained by the Municipality of the District of Lunenburg or the Province of Nova Scotia.

**Policy 3.10.7**

**It shall be the policy of Council that in all zones the access exemption provisions of the Subdivision By-law shall not apply and that for greater clarity, all lots shall satisfy the minimum frontage requirements of the Land Use By-law as established within the applicable zones.**

**Policy 3.10.8**

**It shall be the policy of Council that in all zones the required street frontage shall be frontage on a street owned and maintained by the Municipality of the District of Lunenburg or the Province of Nova Scotia.**

**Policy 3.10.9**

**Subject to Policy 3.10.7, it shall be the policy of Council that all other sections of the Subdivision By-law are operative and apply within the Planning Area, and any lot created through subdivision approval may be used for a development that is permitted in the zone where the lot is located, subject to the applicable requirements of the Land Use By-law.**

**Outdoor Wood Furnaces**

Outdoor wood furnaces are a relatively new form of wood burning appliances used to heat homes and water. These appliances heat water (or air) that is, in turn, piped into dwellings for the use of home or water 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 conflicts. Given the compact and dense development pattern, outdoor wood furnaces will not be permitted within the Planning Area.

**Policy 3.10.10**

**It shall be the policy of Council that outdoor wood furnaces shall not be permitted within the Planning Area.**

**Adult Entertainment Establishments**

The Municipal Government Act allows Council to adopt a Municipal Planning Strategy which sets out Council's policies for governing the Municipality. The Municipal Planning Strategy can address problems and opportunities in the development of land, as well as the environmental, social and fiscal effects of development and can establish programs for putting policies into effect.

Council has adopted a Municipal Planning Strategy for the entire Municipality. The Municipal Planning Strategy sets out Secondary Planning Strategies which apply to specific areas of the Municipality. The purpose of these Secondary Planning Strategies is to address issues with respect to these particular areas of the Municipality which, in the opinion of Council, are not adequately addressed in the Municipal Planning Strategy alone.

Under the Municipal Government Act a Municipal Planning Strategy can not prohibit development everywhere in the Municipality unless stated in Part 8 of the Municipal Government Act. However, where Council has created a Secondary Planning Strategy Council may prohibit a development from that planning area as long as that same development is provided for elsewhere in the Municipality.

Adult entertainment establishments have the potential to generate off-site noise and safety concerns that can impact the reasonable enjoyment of properties within the planning area. Council feels that permitting adult entertainment establishments within

the planning area will have a negative impact on the sense of community and civic pride that Council wishes to promote in the planning area. It is for these reasons that Council has prohibited adult entertainment establishments from locating within the planning area.

**Policy 3.10.11**

**It shall be the policy of Council that adult entertainment establishments shall not be permitted within the Planning Area.**

**Commercial Taxation**

Council wishes to foster economic growth by encouraging commercial developments in the Plan Area. Municipality may establish a Commercial Development District to phase in property taxes for the eligible commercial properties within the district. This tool supports new businesses by softening tax increases from the increases of assessed value of properties. This will provide commercial businesses with greater predictability on their taxes, leading to a more stable and competitive investment environment.

**Policy 3.11.1**

**Council may establish, by by-law, one or more Commercial Development Districts in the Plan Area, provided that the district is serviced by wastewater and water infrastructure.**

## **PART 4            IMPLEMENTATION AND ADMINISTRATION**

The Secondary Planning Strategy and Land Use By-law are legal documents that govern land-use and development within the Planning Area. The Secondary 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 Secondary Planning Strategy.

Council may make amendments to the Land Use By-law provided that they conform to the overall policy framework imposed by the Secondary Planning Strategy. Amendments to the planning strategies are subject to the review of the Director of Planning, Service Nova Scotia and Municipal Relations and must be reasonably consistent with the Municipal Government Act's Statements of Provincial Interest. Only when considered to be inconsistent with the Provincial Statements of Interest as outlined in the Municipal Government Act, are Planning Strategies and amendments to Planning Strategies 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.

### **Policy 4.0.1**

**This Secondary Planning Strategy shall be implemented by means of powers conferred upon Council by the Municipal Government Act and such other provincial statutes that may be applicable.**

### **Policy 4.0.2**

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

### **Policy 4.0.3**

**It shall be the policy of Council that the Development Officer for the area covered by this Secondary Planning Strategy, appointed under the authority of the Municipal Government Act, shall be responsible for the administration of the Land Use By-law and shall issue or deny development permits under the terms of the said By-law.**

**Policy 4.0.4**

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; and such permit shall automatically lapse and become null and void if the development has not commenced within one year of its issuance. Further, where a permit has been issued on mistaken or false information or the use for which the permit has been issued is suspended or discontinued for a period of one year or more, the permit may be revoked.

**Policy 4.0.5**

It shall be the policy of Council that the Land Use By-law shall contain a list of permitted developments for each zone, and developments that are not included in the list of permitted developments shall be deemed as prohibited.

**Policy 4.0.6**

It shall be the policy of Council that amendments to this Secondary Planning Strategy will be required where any policy is to be changed or where any amendments to the Land Use By-law would contravene Map 1, Future Land Use Map.

**Policy 4.0.7**

It shall be the policy of Council that 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 an 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. The planning implications that shall be considered by Council include, but are not limited to, the following:

- a) the impact of the proposed use and uses permitted in the zone on traffic with respects to traffic hazards, congestion, and pedestrian hazards;
- b) the impact on the natural environment;
- c) the ability of the Municipality to absorb costs related to the development;
- d) the adequacy of municipal services;
- e) the adequacy and proximity of community facilities for education, recreation and emergency services as well as other amenities;
- f) the adequacy of the street networks; and
- g) the suitability of the site regarding grades, soils, geological conditions, location of watercourse, flooding, marshes, bogs, swamps, and proximity to natural or man-made hazards or land uses that could present a health risk or result in a poor quality living environment.

**Policy 4.0.8**

It shall be the policy of Council that all proposals for rezonings shall meet the requirements of the Land Use By-law for the zone that is being sought, except, however:

- a) a rezoning may be granted for an undersized vacant lot that has less than the minimum area or frontage required in the zone being sought, provided that all other applicable requirements of the Land Use By-law are satisfied;
- b) a rezoning may be granted for a lot with a building on it provided:
  - i) all applicable requirements of the Land Use By-law except for minimum lot area, frontage, setback or yard requirements are satisfied, and
  - ii) any proposed addition to any building, or any building that will replace an existing building, meets the setback or yard requirements of the zone being sought.

**Policy 4.0.9 (Repealed)**


**Policy 4.0.10**

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. Council shall meet with the Planning Advisory Committee when Council is considering a proposal for a rezoning or Development Agreement, or an amendment to the Planning Strategy or the Land-Use By-law. Public Notice of any Planning Advisory Committee meeting at which the proposal is to be discussed shall comply with the Public Participation Program policy as adopted by Council.

**Policy 4.0.11**

It shall be the policy of Council that the municipality is exempt from obtaining a development permit, from itself, when providing for municipal service facilities and buildings.

**Annotation for official by-law book**

Date of first reading	November 14, 2006
Date of second reading	December 12, 2006
Effective date for the original by-law	January 24, 2007
Effective date for By-law 020A	May 30, 2007
Effective date for By-law 020B	April 1, 2015
Effective date for By-law 020C	May 26, 2019
Effective date for By-law 020D	May 15, 2020
Effective date for By-law 020E	May 25, 2022
I certify that this "Osprey Village Secondary Planning Strategy" was adopted by Municipal Council and published as indicated above.	
 <hr/> <b>Municipal Clerk</b>	<p>March 8, 2023</p> <hr/> <b>Date</b>

\*Effective date of the enactment unless otherwise specified in the text of this By-law