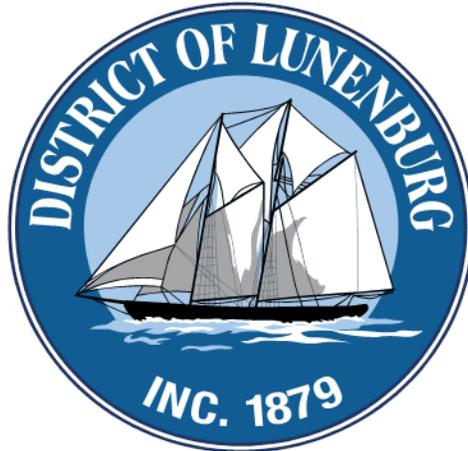


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Municipality of the District of Lunenburg



**Osprey Village
Secondary Planning Strategy
(MODL By-law 020)**

**Adopted by Council: 2007-01-24
Last Amended: 2023-03-08**

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

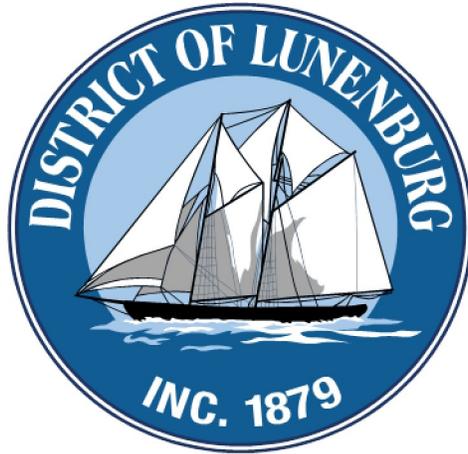
It shall be the policy of Council that the municipality is exempt from obtaining a development permit, from itself, when providing for municipal service facilities and buildings.

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.	
_____	March 8, 2023
Municipal Clerk	Date

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

Municipality of the District of Lunenburg



Osprey Village Land Use By-law (MODL By-law 021)

Adopted by Council: 2007-01-24
Last Amended: 2023-12-12

PART 1 **TITLE AND PURPOSE**

1.1 **TITLE**

This By-law is titled the Osprey Village Land Use By-law.

1.2 **PURPOSE**

The purpose of this By-law is to carry out the intent of the Osprey Village Secondary Planning Strategy, under the Municipal Government Act, by regulating the land use and structures within the Osprey Village Planning Area defined in Schedule A.

PART 2 ADMINISTRATION

2.1 DEVELOPMENT OFFICER

This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the District of Lunenburg, and the Development Officer shall issue Development Permits under this By-law.

2.2 ACTING DEVELOPMENT OFFICER

In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

2.3 REQUIREMENT FOR DEVELOPMENT PERMIT

No developer shall undertake, or cause or permit to be undertaken, any development in the area to which this Land-Use By-law applies, unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council.

2.4 NO DEVELOPMENT PERMIT REQUIRED

Notwithstanding Section 2.3, no Development Permit shall be required for:

- a) a development that involves interior renovations of a building that will not add more dwelling units, or will not involve a change in the use of the building;
- b) subject to Section 4.6, storing or inhabiting a recreational vehicle;
- c) subject to Section 4.13, a temporary use; and
- d) subject to Section 4.23, miscellaneous minor structures.

2.5 REQUIREMENT FOR DEVELOPMENT PERMIT APPLICATION

Every developer wishing to obtain a Development Permit must submit an application for such Development Permit to the Development Officer in the form prescribed from time to time by Council.

2.6 CONTENTS OF DEVELOPMENT PERMIT APPLICATION

Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

- a) the true shape and dimension of the lot to be used or upon which the development is proposed;
- b) the proposed location, height and dimensions of any building or structure for which the permit is applied and the locational information shall include measurements of the lot frontage and front, side and rear yards;

- c) the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;
- d) the proposed location and dimensions of parking areas, parking spaces, loading spaces, driveway accesses and curbs;
- e) the location of existing and proposed landscaping, fencing and outdoor storage;
- f) the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse;
- g) where a proposed development is in a zone that has architectural controls, the principle façade details and façades visible from Highway 10, including façade widths, window and door placement and dimensions, exterior building materials and colours, and the architectural details of the principle façade and façades visible from Highway 10; and
- h) other such information as may be necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

2.7 REQUIREMENT FOR A SITE PLAN APPROVAL APPLICATION

Every developer wishing to obtain a Site Plan Approval must submit an application for such Site Plan Approval to the Development Officer in the form prescribed from time to time by Council.

2.8 CONTENTS OF APPLICATION FOR SITE PLAN APPROVAL

An application for a Site Plan approval shall be accompanied by a plan or sketch, drawn to an appropriate scale and showing sufficient detail to address the matters in subsection 5.3.2, 6.2.3(6.2.3.2), 6.3.3(6.3.3.2), 6.4.5(6.4.5.2) and 7.2.7(7.2.7.2), as applicable.

2.9 SURVEY OF LANDS

Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Section 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.

2.10 SIGNATURES

The application for a Development Permit shall be signed by the owner(s) of the lot, or by his or her authorized agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether or not the proposed development conforms to the requirements of this By-law.

2.11 ISSUANCE OF DEVELOPMENT PERMIT

The Development Officer shall not issue a Development Permit unless:

- a) the proposed development is in conformance with this By-law;
- b) a site plan has been approved by the Development Officer in conformance with this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of; or
- c) the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land-Use By-law.

2.12 DEVIATIONS

No developer shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

2.13 RIGHT OF ENTRY

The Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land-Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law, (pursuant to the Municipal Government Act).

2.14 LAPSE OF PERMITS

Every Development Permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and one year has passed since its issuance.

2.15 DECISION IN WRITING

Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.

2.16 REVOCATION OF DEVELOPMENT PERMIT

The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.

2.17 VIOLATIONS

In the event of any alleged contravention of the provisions of this By-law, the Municipality of Lunenburg may take action as outlined in the Municipal Government Act, as amended from time to time.

2.18 EFFECTIVE DATE

Pursuant to the Municipal Government Act, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Planning Strategy and its implementing Land-Use By-law are in effect.

2.19 SERVICE OF NOTICE OF LAND-USE BY-LAW AMENDMENT

Pursuant to the Municipal Government Act, where Council has given notice of its intention to adopt an amendment to Schedule A, Zoning Map of this By-law, which is not general in scope but which is in direct response to a specific development proposal, Council shall serve notice of the proposed amendment upon affected property owners whose property lies within 30 metres (100 ft.) of the property which is the subject of the proposed amendment. Such notice shall:

- a) set forth a synopsis of the proposed amendment;
- b) state the date, time, and place set for the public hearing on the amendment;
and
- c) be served by ordinary mail.

A suitable notice, containing the above-mentioned information, shall also be erected upon the property that is the subject of the proposed amendment.

2.20 SERVICE OF NOTICE OF SITE PLAN APPROVAL / VARIANCE APPROVAL

Pursuant to the Municipal Government Act, where the Development Officer has approved a site plan or a variance, the Development Officer shall serve a notice of the approval upon affected property owners whose property lies within 30 metres (100 feet) of the property which is subject of the site plan approval. Such notice shall:

- a) set forth a synopsis of the site plan approval or variance;
- b) identify the property where the site plan approval or variance is granted;
and
- c) set out the right to appeal the decision of the Development Officer.

2.21 COST OF ADVERTISING AND NOTICE FOR AMENDMENTS

Pursuant to the Municipal Government Act, an applicant for an amendment to this By-law shall deposit with the Clerk of the Municipality of Lunenburg an amount estimated by the Clerk to be sufficient to pay the cost of advertising and notices required by the Municipal Government Act and, after the advertising has been completed and the notice served, the applicant shall pay to the Clerk any additional amount required to defray the cost of advertising and notice or, if there is a surplus, the Clerk shall refund it to the applicant.

2.22 COST OF NOTICE FOR A VARIANCE

Pursuant to the Municipal Government Act, where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required and in the manner prescribed by the Municipal Government Act, such notice to be served by ordinary mail, and the Municipality of Lunenburg may recover from the applicant the cost of giving such notice.

2.23 FEES

An application for a development permit, a variance, a development agreement, or an amendment to the Land Use Bylaw or an amendment to a Planning Strategy, shall include payment of fees prescribed by Council from time to time, by policy.

PART 3 INTERPRETATION OF ZONES, MAPS, SYMBOLS AND CERTAIN WORDS

3.1 ZONES

For the purpose of this By-law, the planning area is divided into the following zones, the boundaries of which are shown on the attached Schedule A. Such zones are also referred to by symbols as follows:

Light Industrial.....	LI
General Commercial	GC
Open Space	OS
Institutional	IN
Medium Density Residential.....	R-2
High Density Residential.....	R-3

3.2 REFERENCES ARE INCLUSIVE

In this By-law, reference to a zone is deemed to include reference to the permitted uses, special requirements, and regulations of that particular zone.

3.3 ZONING MAP

Schedule A attached hereto may be cited as the "Zoning Map" of the Osprey Village and is hereby declared to form a part of this By-law. The symbols used on Schedule A refer to the appropriate zones established by this By-law.

3.4 INTERPRETATION OF ZONE BOUNDARIES

For greater certainty, the boundaries of zones shall be as shown on Schedule A and shall be more precisely located as follows:

- a) where a zone boundary is shown as following a street, the boundary shall be the centre line of such street as shown;
- b) where a zone boundary approximately follows lot lines, the boundary shall follow such lot lines;
- c) where a street, railway right-of-way or watercourse is shown on Schedule A, it shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof;

- d) where a railway right-of-way, electrical transmission line right-of-way or watercourse (other than a lake) is included on the zoning map and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long axis thereof shall be considered the boundary between zones unless specifically indicated otherwise;
- e) where a zone boundary is indicated as following the edge of a watercourse the zone shall follow any change in the boundary of that watercourse; or
- f) where none of these above provisions apply, and where appropriate, the zone boundary shall be scaled from the attached Schedule A.

3.5 ZONES NOT ON ZONING MAP

Schedule A, Zoning Map of this By-law, may be amended in conformance with the Secondary Planning Strategy to any zone in this By-law, regardless of whether or not such zone had previously appeared on Schedule A.

3.6 INTERPRETATION OF CERTAIN WORDS

In this By-law, words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular; and the word "used" includes "arranged", "designed or intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in PART 11 of this By-law, entitled DEFINITIONS.

3.7 STANDARDS OF MEASUREMENT

The Metric System of Measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate values, included for convenience only, and are not to be regarded as precise.

PART 4 GENERAL PROVISIONS FOR ALL ZONES

4.1 APPLICATION

The provisions of PART 4, GENERAL PROVISIONS FOR ALL ZONES shall apply to all zones except where otherwise stated.

4.2 SCOPE

No person shall undertake a development, nor shall a Development Permit be issued unless the proposed development conforms to all of the provisions of this Land-Use By-law.

4.3 COMPLIANCE WITH OTHER BY-LAWS AND REGULATIONS

4.3.1 This By-law does not exempt any person from complying with the requirements of other by-laws or regulations in force within the Municipality of Lunenburg or from obtaining any license, permission, permit, authority or approval required thereunder.

4.3.2 Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

4.4 PERMITTED USES - PROHIBITED USES

For the purposes of this By-law, if a use is not listed as a permitted use in any zone or if it is not an accessory use to a permitted use in a particular zone, it shall be deemed to be a prohibited use in that zone, subject to the non-conforming use provisions of the Municipal Government Act.

4.4.1 Adult Entertainment Establishments

Notwithstanding any other provision in this Land Use By-law and pursuant to Secondary Planning Strategy Policy 3.10.11 Adult Entertainment Establishments are prohibited in all zones within the planning area.

4.5 STRUCTURE TO BE MOVED

No structure, residential or otherwise, shall be moved within or into the area covered by this By-law without obtaining a Development Permit from the Development Officer.

4.6 HABITATION OF VEHICLES

4.6.1 Subject to subsections 4.6.2 and 4.6.3, no automobile, truck, bus, coach, streetcar, recreational vehicle, camper, or other motor vehicle, with or without wheels, shall be used for human habitation within the area regulated by this By-law.

4.6.2 Recreational vehicles may be stored on a lot within the Medium Density Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use; and
- b) such use does not occur within the required minimum front yard.

4.6.3 Recreational vehicles may be used for human habitation within the Medium Residential Zone, with no requirements for a development permit if

- a) such use occurs only on a property with an established main use;
- b) such use does not occur within the required minimum front yard; and
- c) such use does not extend for longer than 60 days within a calendar year.

4.7 CANOPIES AND COVERED WAYS

No canopy or covered way shall be erected below a height of 3 metres (10 feet) above grade, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

4.8 DEVELOPMENT CONSTRAINTS

4.8.1 Setback From Watercourse

In accordance with Planning Strategy Policy 3.6.1, in all zones, development near a significant watercourse shown on Schedule C, Significant Watercourses Map, of the Land-Use By-law, shall be setback a minimum of 7 metres (23 feet) from the ordinary high water mark of the watercourse.

4.8.2 Removal of Natural Vegetation Near a Watercourse

In accordance with Planning Strategy Policy 3.6.2, in all zones, and in relation to a development, the removal of natural vegetation, including trees, shrubs and ground vegetation, within 7 metres (23 feet) of the ordinary high water mark of a significant watercourse shall be prohibited, except as may be necessary for the removal of decaying vegetation or vegetation posing a safety hazard.

4.8.3 Exemptions from the Watercourse Setback and Vegetation Retention.

Notwithstanding Subsection 4.8.1, Subsection 4.8.2 and the yard requirements in all zones, but subject to subsection 4.8.4, the development of boardwalks; walkways and trails; fences; parks on public lands; public street crossings; driveway crossings; and, wastewater, storm and water infrastructure may be located within 7 metres (23 feet) of the ordinary high water mark, provided all developments are subject to the provincial guidelines for erosion control, such as the Erosion and Sedimentation Control Handbook for Construction Sites.

4.8.4 Wetland

A development officer must not issue a development permit for any development within any wetland, unless the Province confirms that

- (a) appropriate approvals permitting the alteration or infill of a wetland have been received from Nova Scotia Environment and Climate Change or its designate;
- (b) the development is consistent with the Provincial acts, regulations, departmental policies, and any approval process; or
- (c) the identified wetland does not exist.

4.9 MULTIPLE LAND USES

In any zone, where any lot is to be used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied, except where otherwise stated. Where there is any conflict, as in the case of lot size or lot frontage, the more stringent standards shall prevail.

4.10 MULTIPLE USES IN A BUILDING

In any zone, where any main building is to be used for more than one purpose and applicable zone requirements are in conflict, the more restrictive zone requirement(s) shall prevail.

4.11 MORE THAN ONE MAIN BUILDING PER LOT

More than one main building may be located on a lot.

4.12 ACCESSORY BUILDINGS AND STRUCTURES

4.12.1 Subject to Section 4.23, an accessory structure is permitted in any zone and may be used only as an accessory use to the main building or use.

4.12.2 Where there is no other main building on the lot, a private storage building such as a private garage shall be permitted in the Medium Density Residential Zone if the zone requirements of this By-law are satisfied as if the private storage building were regarded as the main building on the lot.

4.13 TEMPORARY USES PERMITTED

4.13.1 Construction Accessories

Nothing in this By-law shall prevent the use of land or the use or erection of temporary buildings or structures incidental to construction, such as but not limited to, a construction camp, tool shed, or scaffold, and including a sales or rental office incidental to construction, and no Development Permit for such temporary uses, buildings or structures shall be required, provided that a Development Permit for the main structure under construction has been issued. Such temporary uses shall be terminated no more than sixty (60) days after the completion of the construction of the main structure.

4.13.2 Special Occasions

Nothing in this By-law shall prevent the use of land or the erection of temporary buildings, structures or signs for special occasions and holidays and no Development Permit shall be required for such temporary uses, provided that such use of buildings or structures remain in place for no more than ten (10) days following the termination of the special occasion or holiday.

4.14 HEIGHT REGULATIONS

(Repealed)

4.15 OUTDOOR LIGHTING

Pursuant to Secondary Planning Strategy Policy 3.10.3, outdoor lighting shall be directed away from adjoining properties to reduce traffic hazards and nuisances to surrounding land uses.

4.16 MUNICIPAL GOVERNMENT SERVICE FACILITIES

Notwithstanding anything else in this By-law, service facilities provided by the municipality, such as, but not limited to, municipal administration buildings, sewage treatment plants, pumping stations, water storage reservoirs and storm water management facilities may be located in any zone and no Development Permit shall be required and no zone standards shall apply. [Amendment: May 23, 2019]

4.17 PUBLIC AND PRIVATE UTILITIES

Notwithstanding anything else in this By-law, public and private utilities located within the street right-of-way or underground may be placed in any zone, and no Development Permit shall be required and no zone standards shall apply.

4.18 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoring to a safe condition, any building or structure.

4.19 SIGHT TRIANGLE

Notwithstanding anything else in this By-law, on a corner lot, a building, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation, shall not be erected or permitted to grow to a height more than 1 metre (3.3.ft) above grade of the streets that abut the lot within the sight triangle, included within the street lines for a distance of 4.6 metres (15 feet) from their point of intersection.

4.20 SUBDIVISION BY-LAW REQUIREMENTS

4.20.1 Frontage on a Street

Pursuant to Secondary Planning Strategy Policy 3.10.7, the access exemption provisions of the Subdivision By-law shall not apply within the Planning Area and for greater clarity, in all zones, no development permit shall be issued unless the lot intended to be used, or upon which a building or structure is to be placed or erected, meets the frontage requirement of the applicable zone. All other sections of the Subdivision By-law are operative and apply within the Planning Area.

4.20.2 A lot approved in accordance with the Subdivision By-law and Subsection 4.20.1, may be used for a purpose permitted in the zone in which the lot is located and a building may be erected provided all other applicable requirements of the Land Use By-law are satisfied.

4.21 VARIANCE
(Repealed)

4.22 PARKING AND LOADING REQUIREMENTS

4.22.1 Commercial Parking

No parking area used to satisfy the parking needs of a commercial or industrial use shall be located in, or have access to a Public Highway through, a lot used for residential purposes.

4.22.2 Parking Space Dimensions

An Off-Street Parking Space shall have a minimum area of 15.1 square metres (162.8 sq. ft.), measuring 5.5 metres (18 ft.) in length and 2.75 metres (9.02 ft) in width, exclusive of aisles or driveways thereto. [Amendment: August 11, 2010]

4.22.3 Number of Parking Spaces Required
(Repealed)

4.22.4 Layout of Parking Areas

If more than four (4) spaces are provided, no Development Permit shall be issued except in conformity with the following requirements:

- a) a parking lot area that is not surfaced with a permanent hard surface shall be treated or surfaced to prevent the raising of dust or loose particles;
- b) any illumination shall be directed away from streets, adjacent lots and buildings;
- c) a structure of no more than 4.5 metres (15 ft.) in height and not more than 4.5 square metres (50 sq. ft.) in floor area may be provided for the use of parking lot attendants;
- d) in the Light Industrial (LI) Zone, and the General Commercial (GC) Zone, the parking lot shall be within a distance of 90 metres (300 ft.) of the building which it serves and shall be located within the same zone as the use which it serves;
- e) each parking space and the direction of travel in each aisle shall be clearly marked and maintained, where a permanent hard surface is provided;
- f) the limits of the parking lot and street access shall be defined by a permanent curb, fence or other suitable obstruction to provide a neat appearance;
- g) the width of any access to a parking area and of any aisle in a parking area, shall be a minimum width of 4.3 metres (14 ft.) if for one-way traffic, and a minimum width of 6 metres (20 ft.) if for two-way traffic.

4.22.5 Parking for People with Disabilities

(Repealed)

4.22.6 Standards For Loading Areas

a) Loading Space Exemption

A loading space is not required for any building less than 140 square metres (1500 sq. ft) in floor area.

b) Number and Layout of Loading Spaces

No person shall erect or use any building or structure for manufacturing, warehousing, storage, a department store, retail store, wholesale store or outlet, market, freight or passenger terminal, hotel, hospital, or other use involving the frequent shipping, loading or unloading of persons, animals, or goods unless:

- i) there is maintained on the same lot one (1) off-street space for standing, loading, and unloading for every 2,700 square metres (29,000 sq. ft.) or fraction thereof of floor area used for any such purpose,
- ii) each loading space measures at least 4 metres (13 ft.) in width by 12 metres (40 ft.) in length with a minimum height clearance of 4.3 metres (14 ft.),
- iii) in the Light Industrial Zone, each loading space is located in the rear or side yard of the lot,
- iv) in all zones except the Light Industrial (LI) Zone, loading spaces, including driveways leading thereto, shall be surfaced with a permanent hard surface, such as but not limited to asphalt, cobblestone or concrete. In the Light Industrial (LI) Zone load spaces, including driveways leading thereto, that are not surfaced with an asphalt surface shall be treated or surfaced to prevent the raising of dust or loose particles, and
- v) the width of any access road to a loading space shall be a minimum of 3.5 metres (12 ft.) for one-way traffic or 7.5 metres (25 ft.) for two-way traffic.

4.23 Miscellaneous Minor Structures

Subject to Section 4.19, no Development Permit shall be required for miscellaneous minor structures such as, by way of example, but not to limit the generality of the foregoing: fences less than 2 metres (6 ft) in height; retaining walls; children's play structures, cold frames, garden trellises, clothesline poles, pet houses, monuments and interpretive displays.

4.24 Outdoor Wood Furnaces / Waterstoves

Outdoor wood furnaces and the "storage" buildings in which they are housed, shall not be considered as accessory buildings or structures within the definition of accessory buildings and structures in this Land Use By-law, and thus their use will require the owner to obtain a Development Permit. Outdoor wood furnaces shall not be permitted in any zone within the Planning Area.

PART 5 LIGHT INDUSTRIAL ZONE

5.1 GENERAL REQUIREMENTS FOR INDUSTRIAL ZONES

5.1.1 Application

The provision of this part shall apply to the Light Industrial (LI) Zone and to other zones as specified in this By-law.

5.1.2 Abutting Yard Requirements

Where a lot in an Industrial Zone abuts a lot used for agricultural or residential purposes the following restrictions shall apply to the abutting yard within the Industrial Zone:

- a) the minimum required yard for the abutting yard shall be 9 metres (30 feet) and shall be landscaped with a mixture of trees and hedges to effect a solid visual screening and reduce noise;
- b) no outdoor storage or outdoor display shall be permitted within the abutting yard; and
- c) no parking space, driveway or travel lane shall be permitted in the abutting yard.

5.1.3 Outdoor Storage

5.1.3.1 Outdoor storage located on a lot in the Industrial Zone shall not be located in the front yard or flanking yard, or in a yard that abuts a public street.

5.1.3.2 Outdoor storage located on a lot in the Industrial Zone shall be screened from the view of neighboring properties and the street by:

- a) an opaque fence or berm of no less than 1.5 metres (5 feet) in height; or
- b) vegetation that has a minimum height of 1.5 metres (5 feet) and is of a thickness sufficient to screen outdoor storage from the view of neighboring properties and the street; or
- c) a combination of opaque fencing and vegetation that has a minimum height of 1.5 metres (5 feet) and is sufficient to screen outdoor storage from the view of neighboring properties and streets.

5.1.4 Signs

Signs located in an Industrial Zone shall satisfy the applicable requirements of Part 10 of this By-law.

5.1.5 Services Required

In the Light Industrial (LI) Zone, lots on and including the west of 265 Harold Whynot Road must be serviced with Central Water, and may be serviced with either Central Sewer or on-site sewage disposal systems.

5.2 LIGHT INDUSTRIAL ZONE

5.2.1 Permitted Developments

A lot within the Light Industrial (LI) Zone may be used for one or more of the following uses:

- a) any activity connected with the automotive trade, including service stations, auto sales, automobile repair shops, auto body repair shops, but excludes salvage operations;
- b) automobile washing establishments;
- c) *repealed*;
- d) construction equipment storage, rental and repair;
- e) crematoria;
- f) *repealed*;
- g) *repealed*;
- h) *repealed*;
- i) *repealed*;
- j) landscaping business including equipment and material storage;
- k) machinery and motor vehicle repair shops;
- l) *repealed*;
- m) recreation facilities;
- n) recreation vehicle sales;
- o) repair shops;
- p) self storage facilities;
- q) supply and distribution centres;
- r) *repealed*;
- s) trucking and transport depots;
- t) *repealed*;
- u) veterinary clinics;
- v) wholesale and warehousing facilities;
- w) manufacturing, processing, assembly or production development;
- x) a use permitted in the General Commercial (GC) Zone, including a use permitted in the Institutional (IN) Zone.

5.2.2 Zone Requirements

In the Light Industrial (LI) Zone, no Development Permit shall be issued except in conformity with the following requirements:

5.2.2.1 Lot Size Requirements

Minimum Lot Area (Central Sewer)	929 square metres (10,000 sq.ft)
Minimum Lot Area (without Central Sewer)	Subject to the Requirements of the Nova Scotia Department of Environments for On-Site Sewage Disposal Systems.
Minimum Frontage	30.5 Metres (100 feet)

5.2.2.2 Yard Requirements

Minimum Front Yard	5.Metres (16.5 feet)
Minimum Side Yard	4 Metres (13 feet)
Minimum Rear Yard	4.6 Metres (15 feet)
Minimum Flankage Yard	5 Metres (16.5 feet)
Maximum Height of Structures	<i>repealed</i>
Minimum Distance Between Main Buildings	4 Metres (13 feet)

5.3 SITE PLAN REQUIREMENTS

5.3.1 Uses Subject to Site Plan Approval

Any development in the Light Industrial (LI) Zone on and including the west of 265 Harold Whynot Road shall be subject to Site Plan Approval.

5.3.2 Site Plan Approval Requirements

In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval.

a) Storm Water Management

The lot shall be provided with a storm drainage system that achieves zero increase in peak flow discharge from the fully developed site as well as water quality controls that result in no net increase in total nitrogen and total phosphorous daily loading to the LaHave River Watershed.

b) Landscaping Requirements

- i) The percentage of landscaping on a lot shall be as follows:
 - A) a minimum of 15% on a lot in which the area of the lot is equal to or less than 3 acres in size;
 - B) a minimum of 10% on a lot in which the area of the lot is greater than 3 acres but less than 10 acres in size; and
 - C) a minimum of 7% on a lot in which the area of the lot is 10 acres or more in size.
- ii) The lot shall be landscaped using a variety of kinds and height of vegetation; and
- iii) Landscaping shall be used to provide a separation between the street and the parking lot;

PART 6 COMMERCIAL ZONES

6.1 GENERAL REQUIREMENTS FOR ALL COMMERCIAL ZONES.

6.1.1 Application

The provision of this part shall apply to all Commercial Zones and to other zones as specified in this By-law.

6.1.2 Abutting Yard Requirements

Where a lot in a Commercial Zone abuts a lot used for residential purposes the following restrictions shall apply to the abutting yard within the commercial zone:

- a) the minimum required yard for the abutting yard shall be 9 metres (30 feet);
- b) no outdoor storage or outdoor display shall be permitted in the abutting yard of the commercial zone; and
- c) no portion of any parking or loading space within the commercial zone shall be permitted in any abutting yard except where the parking or loading space is screened from view with a 1.3 metre (5 feet) high fence and/ or vegetation 1.3 metres (5 feet) in height.

6.1.3 Screening of Refuse Containers

In any commercial zone where refuse, recycling and composting containers are located outside a building they shall be located in the rear yard, except where a rear yard abuts a public street, in which case they shall be located in a side yard. Refuse, recycling and composting containers shall be screened from parking areas, adjacent properties and the street through the use of landscaping, opaque fencing, or both.

6.1.4 Services Required

In the General Commercial (GC) Zone, lots shall be serviced with both central sewer and central water.

6.1.5 Signs

Signs located in a Commercial Zone shall satisfy the requirements of Part 10, Signs.

6.2 VILLAGE CENTRE (VC) ZONE

Repealed.

6.3 GENERAL COMMERCIAL (GC) ZONE

6.3.1 Permitted Developments

A lot within the General Commercial (GC) Zone may be used for one or more of the following uses:

- a) a retail use;
- b) an office use;
- c) a food establishment use;
- d) subject to being 500 metres away from a structure with an institutional use listed under subsection 7.2.5., a drinking establishment use;
- e) a short term rental use;
- f) a bakery, crafting, creative, and printing establishment use;
- g) other commercial uses except adult entertainment, wholesale, warehousing, and vehicle sale uses;
- h) a residential use, with the minimum density of 25 units a hectare;
- i) uses permitted in the Institutional Zone.

6.3.2 Zone Requirements

In the General Commercial (GC) Zone, no Development Permit shall be issued except in conformity with the following requirements:

6.3.2.1 Lot Size Requirements

Minimum Lot Area	929 square metres (10,000 sq. ft)
Minimum Frontage	Nil

6.3.2.2 Yard Requirements

Repealed.

6.3.2.3 Architectural Controls

- a) The principle façade and main entry way shall face the street upon which the lots principle access is located;
- b) The public façade shall incorporate architectural details similar to historic commercial and residential buildings found in Lunenburg County. The architectural elements that shall be incorporated into the design are shown on Schedule B and include:
 - i) roof shape,
 - ii) architectural details and trim;

6.3.2.4 Outdoor Storage

In the General Commercial (GC) Zone, outdoor storage associated with a permitted main use, shall be located in the rear yard, except where a rear yard abuts a street, in which case the outdoor storage shall be located in the side yard.

6.3.3 SITE PLAN APPROVAL REQUIREMENTS

6.3.3.1 Uses Subject to Site Plan Approval

Any development in the General Commercial (GC) Zone shall be subject to Site Plan Approval.

6.3.3.2 Site Plan Requirements

In addition to any other applicable requirements found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

a) Parking Requirements

- i) Vehicular access locations on a lot shall be approved by the traffic authority,
- ii) Access to parking lots may be combined with a parking lot on an adjacent lot, provided the parking lot has access to a public highway, at an access location approved by the traffic authority, and
- iii) Landscaping shall be incorporated into the parking lots, with more than 4 parking spaces, to reduce the visual impact of large open parking areas.

b) Pedestrian Walkways

A minimum of a 1 metre (3 ft) wide pedestrian walkway shall be provided from the parking lot to the entrances of the building.

c) Landscaping

- i) The lot shall be landscaped using a variety of kinds and height of vegetation;
- ii) Landscaping and / or fencing shall be used to provide an adequate buffer between adjacent land uses;
- iii) Landscaping shall be used to provide a separation between the street and the parking lot; and
- iv) Landscaping in the form of vegetation at least 1.5 metres (5 feet) in height and / or opaque fencing at least 1.5 metres (5 feet) in height shall be provided to screen outdoor storage areas from the street and neighboring properties.

d) Storm Water Management

The lot shall be provided with a drainage system that achieves zero increase in peak flow discharge from the fully developed site as well as water quality controls that results in no net increase in total nitrogen and total phosphorus daily loading to the Lahave River Watershed.

6.4 MIXED USE ZONE

Repealed.

PART 7 COMMUNITY USE ZONES

7.1 OPEN SPACE (OS) ZONE

7.1.1 Permitted Developments

A lot within Open Space (OS) Zone may be used for one or more of the following uses:

- a) multi-use trails;
- b) parks; and
- c) parking lots.

7.1.2 Zone Requirements

In the Open Space (OS) Zone no Development Permit shall be issued for any structure, except for :

- a) boardwalks for multi-use trails;
- b) park structures such as picnic benches and gazebos;
- c) interpretation displays; and
- d) development of parking lots.

7.2 INSTITUTIONAL (IN) ZONE

7.2.1 Abutting Yard Requirements

Where a lot in the Institutional (IN) Zone abuts a lot used for residential purposes the following restrictions shall apply to the abutting yard within the Institutional (IN) Zone:

- a) the minimum required yard for the abutting yard shall be 9 metres (30 feet);
- b) no outdoor storage or outdoor display shall be permitted in the abutting yard of the institutional zone; and
- c) no portion of any parking or loading space within the Institutional (IN) Zone shall be permitted in any abutting yard except where the parking or loading space is screened from view with a 1.3 metre (5 feet) high fence and / or vegetation 1.3 metres (5 feet) in height.

7.2.2 Screening of Refuse Containers

In any Institutional (IN) Zone where refuse and recycling and composting containers are located outside a building they shall be located in a rear yard, except where a rear yard butts a public street, in which case they shall be located in a side yard. Refuse, recycling and composting containers shall be screened from parking areas, adjacent property and the street through the use of landscaping, opaque fencing or both.

7.2.3 Services Required

In the Institutional (IN) Zone lots shall be serviced with both central sewer and central water.

7.2.4 Signs

Signs located in the Institutional (IN) Zone shall satisfy the requirements of Part 10, Signs.

7.2.5 Permitted Developments

The permitted uses in the Institutional Zone are

- (a) a government and emergency service use;
- (b) a community recreational, assembly, and cultural use;
- (c) a park and public open space use;
- (d) an educational institutional use;
- (e) a medical institutional use;
- (f) a religious institutional use;
- (g) a day care use;
- (h) a retirement home, group home, and special care use;
- (i) a multi-tenant residential and shelter use;
- (j) a horticultural use; and
- (k) a retail use that is
 - (i) limited to a farmers’ market, or
 - (ii) accessory to a permitted use.
- (l) an office use that is accessory to a permitted use (amended, 2023)
- (m) a café use that is accessory to a permitted use (amended, 2023)

7.2.6 Zone Requirements

In the Institutional (IN) Zone, no development permit shall be issued except in conformity with the following requirements:

7.2.6.1 Lot Size Requirements

Minimum Lot Area	NIL
Minimum Frontage	15.2 metres (50 feet)

7.2.6.2 Yard Requirements

Minimum Side Yard	0
Minimum Rear Yard	0
Maximum Height of Structures	N/A
Minimum distance between main buildings	0

Front and Flanking Yards are subject to site plan approval

7.2.6.3 Architectural Controls

No Development Permit shall be issued in the Institutional (IN) Zone unless the structure is constructed in a manner that:

- a) the principle entrance and main entry way for all buildings shall face the street;
- b) the public façade shall incorporate architectural details similar to historic commercial and residential buildings found in Lunenburg County. The architectural elements that shall be incorporated into the design are shown on Schedule B and include:
 - i) roof shape,
 - ii) the shape and size of entry ways,
 - iii) the window to wall ratio, and
 - iv) architectural details and trim;
- c) building materials vary from building to building to create diversity and reduce scale;
- d) the exterior cladding of the public façade shall not include vinyl. Metal exterior cladding shall be a heritage facsimile metal siding, such as shake shingles or clapboard siding.
- e) rooftop mechanical equipment, such as, but not limited to, HVAC units, shall be screened from public view.

7.2.7 SITE PLAN APPROVAL REQUIREMENTS

7.2.7.1 Uses Subject to Site Plan Approval

Any development in the Institutional (IN) Zone shall be subject to Site Plan Approval.

7.2.7.2 Site Plan Requirements

In addition to any other applicable requirement found elsewhere in this By-law, the following requirements shall apply to all uses subject to site plan approval:

- a) **Parking Requirements**
 - i) Where a lot has frontage on a street, parking and loading areas shall be located in the rear and side yard (amended, 2023),
 - ii) Notwithstanding clause (i), parking and loading areas shall not be located in a rear yard that abuts a street, unless screened from the street through the use of landscaping that provides a filtered view, regardless of season, from the street,

- iii) Landscaping in the form of vegetation shall be incorporated into the parking lots, with more than four parking spaces, to reduce the visual impact of large open parking areas, and to provide a filtered view from the street,
- iv) Where possible, parking lots shall locate next to adjacent parking lots, and accesses to parking shall be combined with existing parking lots entrances,
- v) There shall be a maximum of one curb cut per lot for parking lot access,
- vi) Vehicular access locations shall be subject to the approval of the traffic authority, and
- vii) The front lot line shall be as defined in Part 11 of this By-law, except where the lot has frontage on Highway 10 only, in which case the front lot line shall be the line dividing the lot from Highway 10.

b) Pedestrian Walkways

A minimum of a 1 metre (3 ft) wide pedestrian walkway shall be provided from the parking lot to the entrances of the building.

c) Landscaping

The lot shall be landscaped using a variety of kinds and height of vegetation.

d) Building Location

- a) Where applicable, the building shall be located on the lot so as to reduce impact of nuisances on adjacent property;
- b) Lots shall have a maximum front/flankage yard of 4 metres (13 feet) except where a lot has frontage on Highway 10, in which case the lot shall have a minimum front /flankage yard of 5 metres (16.5 feet); and
- c) The front lot line shall be as defined in Part 11 of this By-law, except where the lot has frontage on Highway 10 only, in which case the front line shall be the line dividing the lot from Highway 10.

e) Storm Water Management

The lot shall be provided with a drainage system that achieves zero increase in peak flow discharge from the fully developed site as well as water quality controls that result in no net increase in total nitrogen and total phosphorus daily loading to the LaHave River Watershed.

PART 8 RESIDENTIAL ZONE**8.1 Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone****8.1.1 Application**

The provisions of this part shall apply to the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone and to other zones as specified in this By-law.

8.2 Special Requirements**8.2.1 Home Occupations**

- (a) A lot in the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone being used as a residential use may be used for a home occupation provided that all of the following requirements are satisfied:
- (i) the home occupation shall be located in a dwelling unit on the same lot or in an accessory building on the same lot,
 - (ii) the exterior appearance of the dwelling is not changed by the home occupation,
 - (iii) the home occupation shall occupy no more than 30 square metres (320 sq.ft) or 25 percent of the floor area of the dwelling unit, which ever is less,
 - (iv) a minimum of two off street parking spaces, other than that required by the dwelling unit , shall be provided on the lot,
 - (v) there shall not be more than one (1) sign on the lot related to the home occupation. The sign shall be non-illuminated and shall not exceed 0.5 square metres (5 sq. ft) in area,
 - (vi) the home occupation shall not emit noise, odour, dust, light or radiation that would be a nuisance or is uncustomary in a residential neighborhood,
 - (vii) no more than two (2) commercial vehicles related to the business shall be kept upon or operated from the lot on which the business is located,
 - (viii) there shall be no outdoor display or outdoor storage of materials or products related to the home occupation,
 - (ix) except for catalogue sales, retail sales shall be limited to: the sale of products made, assembled, refinished, or repaired on the premises, and
 - (x) no more than three (3) employees, including the operator of the business shall be employed by the home occupation.

- (b) A home occupation shall fall within one (1) of the following types of uses:
 - (i) offices,
 - (ii) artisan workshops,
 - (iii) catering establishments,
 - (iv) hairdressing salon, including a barbershop,
 - (v) photographic studio,
 - (vi) residential daycare, and
 - (vii) catalogue sales.

8.2.2 Short term rental

In the Medium Density Residential (R-2) Zone any lot used for residential purposes may include a bed and breakfast / tourist home use provided that all the following requirements are satisfied:

- a) the use shall be conducted within the principal detached single-unit dwelling;
- b) the number of rental rooms devoted to the use shall not exceed three (3) in number;
- c) no cooking equipment shall be provided in a room that is used for sleeping accommodations;
- d) no sign in connection with the use shall exceed 0.5 square metres (5 sq.ft) in area, nor exceed one (1) in number;
- e) parking shall be provided in accordance with the applicable requirements of Section 4.22 and shall not be located in any required yard.

8.2.3 Commercial Motor Vehicles.

No more than two (2) Commercial Motor Vehicles, as defined in Part 11 of this By-law, shall be permitted to be parked on a lot in the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone. All other commercial motor vehicles shall be prohibited from parking on a lot in the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone.

8.2.4 Services Required

In the High Density Residential (R-3) Zone lots shall be serviced with both Central Sewer and Central Water

8.2.5. Neighbourhood Commercial Use

In the High Density Residential Zone, the maximum floor area of

- (a) a retail use per lot is 1,000 square metres; and
- (b) a food establishment use per lot is 300 square metres.

8.3 Permitted Developments

8.3.1 Medium Density Residential (R-2) Zone

The permitted uses in the Medium Density Residential Zone are

- (a) a residential use;
- (b) subject to subsection 8.2.1, a home occupational use; [and]
- (c) *repealed*;
- (d) a park and public open space use.
- (e) small option homes

8.3.2 High Density Residential (R-3) Zone

The permitted uses in the High Density Residential Zone are

- (a) a residential use, with the minimum density of 25 units a hectare;
- (b) subject to subsection 8.2.1, a home occupational use;
- (c) subject to subsection 8.2.5, a retail use;
- (d) subject to subsection 8.2.5, a food establishment use; and
- (e) a park and public open space use.
- (f) small option homes

8.4 Zone Requirements

In the Medium Density Residential (R-2) Zone and High Density Residential (R-3) Zone, no Development Permit shall be issued except in conformity with the following requirements:

8.4.1 Lot Size Requirements

	Other Residential Buildings	Attached Dwellings	Two-Unit Dwellings
Minimum Lot Area	650 square metres (7,000 sq. ft)	325 square metres (3500 sq.ft)	325 square metres per unit (3500 sq.ft per unit)
Minimum Lot Frontage	15.2 metres (50 ft)	7 metres (23 feet)	7 metres per unit (23 feet per unit)

8.4.2 Yard Requirements

	All Buildings
Minimum Front Yard	5 metres (16.5 feet)
Maximum Height of Structures in the R-2 Zone	4 storeys
Minimum Flankage Yard	5 metres (16.5 feet)
Minimum Rear Yard	1.5 metres (5 feet)
Minimum Side Yard	1.5 metres (5 feet)
Minimum Distance between Main Buildings	3 metres (10 feet)

PART 9 ENVIRONMENTAL PROTECTION ZONES

Repealed.

PART 10 SIGNS

10.1 GENERAL REQUIREMENTS FOR SIGNS

10.1.1 Development Permit Required

- (a) No person shall erect any sign without first obtaining a Development Permit except for signs specified in Section 10.1.2 below.

- (b) An indoor sign shall not be considered a sign for the purpose of this By-law unless it is intended to be viewed from outside the building.

10.1.2 Signs for Which No Development Permit is Required

The following signs are permitted in all zones, without any requirement for a Development Permit:

- a) signs identifying the name and address of a resident, and of not more than 0.5 square metres (5 sq. ft.) in sign area;

- b) "No trespassing" signs or other such signs regulating the use of a property, and of not more than 0.5 square metres (5 sq. ft.) in sign area;

- c) non-illuminated real estate signs which advertise the sale, rental or lease of the premises, including off-site signs;

- d) signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premises provided that such signs are each less than 0.5 square metres (5 sq. ft.) in area;

- e) signs erected by a government body or under the direction or authority of such a body, and bearing no commercial advertising, including but not limited to, traffic signs, safety signs, signs identifying public schools, public election lists, directional signs, signs and banners for special events which bear an incidental commercial component advertising sponsorship or support;

- f) memorial signs or tablets and signs denoting the historical significance and date of erection of a structure;

- g) the flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization;

- h) temporary election signs;

- i) signs incidental to construction and located on the same site as the building under construction. Such signs shall not remain in place for more than sixty (60) days following completion of construction; and
- j) sandwich signs permitted by Section 10.2.5.

10.1.3 Signs Prohibited in All Zones

All other provisions of this By-law notwithstanding, the following signs shall not be erected or used in any zone:

- a) signs which incorporate in any manner any flashing or moving illumination which varies in intensity or which varies in colour, and signs which have any visible moving part or visible mechanical movement of any description except for signs which display only time, temperature or humidity;
- b) signs affixed to, applied to, or supported by the roof of any structure;
- c) signs which constitute a hazard to public safety or health;
- d) signs which by reason of size, location, content, colouring, or manner of illumination, obstruct the vision of drivers or obstruct the effectiveness of any traffic sign or traffic control device on streets;
- e) signs which obstruct the use of a fire escape door, window, or other required exit;
- f) signs which make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse drivers on a street;
- g) signs which advertise a product, service or business which is discontinued. Such signs are considered to be obsolete signs and shall be removed once the use has been discontinued for a period of thirty (30) days; or
- h) signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

10.1.4 Limit on Number of Signs

- a) For the purposes of this section:
 - i) where one building is occupied by more than one business, each such business shall be considered a separate business, and
 - ii) a sign shall be considered to be a single display surface, or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered a single sign.

- b) Notwithstanding anything else in this By-law, signs erected within the Osprey Village Planning Area shall not exceed the following:
 - i) *repealed*,
 - ii) not more than one (1) ground sign shall be permitted for any one lot,
 - iii) not more than one (1) flat fixed wall sign per wall shall be permitted for each business,
 - iv) not more than one (1) projecting wall sign per wall shall be permitted for each business, and
 - v) not more than one (1) sandwich sign shall be permitted for any one (1) business.

- c) Notwithstanding subclauses 10.1.4(b)(ii) to (v) inclusive, signs on corner lots and through lots shall not exceed the following:
 - i) not more than two (2) ground signs shall be permitted for any one (1) lot,
 - ii) not more than two (2) sandwich signs shall be permitted for any one (1) business,
 - iii) not more than one (1) flat fixed wall sign per wall shall be permitted for each business, and
 - iv) not more than one (1) projecting wall sign per wall shall be permitted for each business,

provided that signs are not accumulated and used on one street in excess of that allowed for lots with only frontage on one (1) street.

10.1.5 Commercial Advertising Signs

No sign shall be erected or used for commercial advertising except where the sign is located:

- a) on the same lot as the establishment which it advertises;
- b) on the same lot as the dealer for the product which it advertises; or
- c) within the boundaries of a Public Highway owned by the Province of Nova Scotia.

10.1.6 Place Name Signs

Signs that advertise the name of a place, community or development shall be permitted in all zones, subject to Section 10.2.

10.2 REQUIREMENTS FOR SIGNS

The following requirements shall apply to all signs in all zones unless otherwise specified elsewhere in this By-law.

10.2.1 Ground Signs

No ground sign shall:

- a) In the Light Industrial (LI) Zone, and General Commercial (GC) Zone:
 - i) exceed 3.7 square metres (40 sq. ft.) in sign area on each side, where the height of the sign is 3 metres (10 ft.) or less above grade,
 - ii) exceed 9.3 square metres (100 sq. ft.) in sign area on each side, where the height of the sign is greater than 3 metres (10 ft.) but less than 6.1 m (20 ft.) above grade; provided a minimum of seventy-five percent (75 %) of the square area is at least 3 m (10 ft.) above grade,
 - iii) exceed 14 metres square (150 sq. ft.) in sign area on each side where the height is greater than 6.1 metres (20 ft.) but less than 10.5 metres (34 ft.) above grade, provided that seventy-five percent (75 %) of the square area is at least 6.1 metres (20 ft.) above grade,
 - iv) exceed a height of 10.5 metres (34 ft.) from grade to the highest part of the sign, nor
 - v) extend beyond a property line or extend over a public right-of-way, a driveway or parking space, or into a sight triangle (Section 4.19);
- b) *repealed.*

10.2.2 Projecting Wall Signs

No projecting wall sign shall:

- a) exceed 2 square metres (20 sq. ft.) in sign area on each side;
- b) project over a property line of the property on which it is erected;
- c) project above the eaves, parapet or roof line of a building;
- d) subject to subsection 10.2.3., be erected below a height of 3 metres (10 ft.) above grade;
- e) be permitted to project more than 2 metres (6.5 ft.) from the wall upon which it is attached; nor
- f) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

10.2.3 Projecting Wall Sign Exemption

- a) Subject to clause b), small projecting wall signs of less than 0.3 sq. metres (3 sq. ft.) in sign area on each side may be erected no less than 2.5 metres (8 ft.) above grade; and
- b) The minimum height requirements shall not apply to projecting wall signs that project entirely over private property and present no hazard to public safety.

10.2.4 Flat Fixed Wall Sign

No flat fixed wall sign shall:

- a) cover more than 0.09 square meters (1 sq. ft.) for each 30 centimetres (linear foot) of the wall on which the sign is affixed with proportional allocation for each business premises in case of multiple occupancy buildings; not to exceed a total maximum sign area of 9 square metres (100 sq. ft.) for each side of the building;
- b) extend above the top of the wall upon which it is attached; nor
- c) extend beyond the extremities of the wall upon which it is attached.

10.2.5 Sandwich Signs

No sandwich sign shall:

- a) exceed a single face area of 0.55 sq. metres (6 sq. ft.); nor
- b) be located so as to obstruct pedestrian or vehicular traffic along any publicly owned land such as a sidewalk or street right-of-way.

10.2.6 Portable Signs

Portable signs shall not be permitted within any zone.

PART 11 DEFINITIONS

ABUTTING LOT - See Lot

ABUTTING YARD - See YARD, ABUTTING

ACCESSORY BUILDING - See BUILDING

ACCESSORY USE - See USE, ACCESSORY

ADULT ENTERTAINMENT ESTABLISHMENT means any premises or part thereof in which is provided services of which a principal feature or characteristic is the nudity or partial nudity of any person and includes a massage parlour. For the purposes of this definition "partial nudity" shall mean less than completely covered or opaquely covered: human genitals or human pubic region; human buttocks; or female breast below a point immediately above the top of the areola.

ALTER means to make any change in the structural components of a building, any increase or decrease in the volume of a building or structure, or any change made in the use of land or structures.

ATTACHED BUILDING - See Building

AUTO BODY REPAIR SHOP means a building, or part of a building, or a clearly defined space on a lot, where motor vehicle bodies are repaired.

AUTOMOBILE SALES means a building or part of a building, or a clearly defined space on a lot used for the retail sale or rental of motor vehicles and motor vehicle accessories, and may include an Automobile Repair Shop, an Auto Body Repair Shop or an Automobile Service Station.

AUTOMOBILE REPAIR SHOP means a building, or part of a building, used for the mechanical repair of motor vehicles and includes an auto body shop or an automobile sales establishment, and does not include an automobile washing establishment.

AUTOMOBILE SERVICE STATION means a building or a clearly defined space on a lot used for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles, and may include an automobile wash, a convenience store, or automobile sales.

AUTOMOBILE WASHING ESTABLISHMENT means a building, or part thereof, used for the operation of automatic or semi-automatic automobile washing equipment.

BUILDING means a structure, whether permanent or temporary, which is roofed and which is used for the shelter or accommodation of persons, animals, materials or equipment and includes all additions, porches and decks attached thereto, and for greater certainty:

- a) **ACCESSORY BUILDING** means a subordinate building or structure, located on the same lot as the main building and devoted exclusively to an accessory use. Outdoor wood furnaces shall not be considered as accessory buildings or structures; and
- b) **ATTACHED BUILDING** means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

CANOPY means an overhanging shelter.

CATALOGUE SALES means the use of a building as a transfer outlet for the purpose of receiving orders by mail, telephone, electronic mail or facsimile, for the selling of goods and merchandise, and as a location for the shipment of such goods or merchandise to the customer and does not include a retail outlet for the on-site sale or display of any commodity.

CATERING ESTABLISHMENT means a building where food is prepared for distribution and consumption outside the premises and does not include a restaurant or drive in restaurant.

CENTRAL SEWER means a sewage collection system, owned and operated by the Municipality of the District of Lunenburg.

CENTRAL WATER means a system of reservoirs and pipes which supplies potable water and owned and maintained by a public utility, and approved as such by the Nova Scotia Utility and Review Board.

CHANGE IN USE - See **USE, CHANGE IN**

CHURCH means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday School, parish hall, and day nursery operated by the Church.

COMMERCIAL FLOOR AREA - See **FLOOR AREA, COMMERCIAL**

COMMERCIAL MOTOR VEHICLE, means any motor vehicle which is used for a business activity and which has as its main purpose financial gain and includes taxis, ambulance, trucks, tractors, tractor trailers, buses, delivery vehicles, and oil trucks, which has three or fewer axels.

COMMERCIAL SCHOOL means a school conducted for monetary gain, including but not limited to, a secretarial school, language school or driving school, but does not include a day care centre.

COMMUNITY CENTRE means any tract of land, or building or buildings, or any part of any buildings, used for community activities whether for commercial purposes or not, the control of which is vested in the Municipality, a local board or an agent thereof or a not-for-profit group or agency.

CORNER LOT - See LOT, CORNER.

CORRECTIONAL FACILITY means a government operated or funded facility to house youth or adults in the custody of or sentenced by a Court of Law.

COUNCIL means the Council of the Municipality of the District of Lunenburg.

CRAFT PRODUCTS means products made by hand or small custom production processes by: potters; pewterers; goldsmiths; silversmiths; jewellers; toymakers; leatherworkers; upholsterers; woodworkers; furniture makers; musical instrument makers; clothing designers and makers; shoemakers; antique refinishers; glass or stained glass workers; sailmakers; and similar skilled craftspersons.

CRAFT WORKSHOP means a building, or part of a building, where craft products are made by hand or small production processes.

DAY CARE, RESIDENTIAL means a part of a dwelling where the owner or occupier of the dwelling provides accommodation and care, for financial remuneration, for four or fewer people, without providing overnight accommodation.

DAY CARE CENTRE, COMMERCIAL means a facility other than a Residential Day Care Centre, located in a building or part of a building, where people are accommodated and cared for, for financial remuneration, without providing overnight accommodation.

DEVELOPMENT includes any erection, construction, alteration, placement or location, replacement or relocation of or addition to any structure, and any change or alteration made in the use of land or structures.

DEVELOPMENT OFFICER means the person appointed by Council under the authority of the *Municipal Government Act* to administer the provisions of the Land-Use By-law.

DEVELOPMENT PERMIT means the permit issued by the Development Officer certifying that a proposed development complies with the provisions of the Land-Use By-law.

DEVELOPER means any person, incorporated body, partnership or other legal entity which undertakes a development.

DRIVE-THRU RESTAURANT - See Restaurant

DWELLING means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, and containing one or more dwelling units; but shall not include a motel, a hotel, an apartment hotel or a hostel.

DWELLING, DETACHED SINGLE-UNIT means a completely detached dwelling containing one dwelling unit and does not include a mobile home or mini home.

DWELLING, MULTI-UNIT means any dwelling containing three or more dwelling units.

DWELLING, ATTACHED means a single-unit dwelling attached to another single-unit dwelling by a common above grade wall, with each dwelling located on a separate lot.

DWELLING, TWO-UNIT means any dwelling containing two dwelling units.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one or more individuals as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of such individual or individuals, with a private entrance from outside the building or from a common hallway or stairway inside the building.

EMERGENCY SERVICE FACILITY means the use of land, buildings or structures or portions thereof to provide an emergency service to the public, and without limiting the generality of the foregoing may include such uses as Fire Protection, Police Protection, Emergency Measures Organizations, Ground Search and Rescue Operations and Ambulances.

ENTERTAINMENT USE means any activity carried on within a building or part thereof which involves commercial entertainment, amusement or relaxation and, without limiting the generality of the foregoing, includes an arcade or amusement centre, pool or billiard hall, tavern, nightclub, beverage room, lounge, cabaret, but excludes adult entertainment establishments and massage parlours.

ERECT means to build, construct, reconstruct, alter or relocate, and without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

ESTABLISHED GRADE means in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior main walls of such building, or

with reference to a structure means the average elevation of finished grade of the ground immediately surrounding such structures exclusive in both cases of any artificial embankment or entrenchment.

FLANKING LOT LINE - See LOT LINE, FLANKING

FLANKING YARD - See YARD, FLANKING

FLAT FIXED WALL SIGN - See SIGN, FLAT FIXED WALL

FLOOR AREA means the floor area within a building, measured between the exterior faces of the exterior walls of the building at ground level.

FLOOR AREA, COMMERCIAL means the total usable floor area within a building used for commercial purposes, but excluding washrooms, storage rooms, furnace and utility rooms, and common halls between stores.

FRONT LOT LINE - See LOT LINE, FRONT

FRONT YARD - See YARD, FRONT

FRONTAGE - See LOT FRONTAGE

GROUND SIGN - See SIGN, GROUND

HEIGHT means the vertical distance on a building between the established grade and

- a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof;
- b) the decline of a mansard roof; or
- c) the mean level between the eaves and ridges of a gabled, hip, gambrel or other type of pitched roof; but

shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

HOME OCCUPATION means an accessory use, which is clearly incidental to the residential use of the property and is for gainful employment involving the production, sale or provision of goods on a small scale .

HOTEL means a building or establishment which provides accommodation for the travelling public for financial remuneration and may include other facilities including meeting rooms, restaurants and entertainment facilities, and which is open to the general public.

LANDSCAPING means the use of any combination of horticultural elements, decorative stone work, paving, fencing, or other architectural elements to enhance the visual quality of property or to provide a visual barrier between one property and another.

LICENSED LIQUOR ESTABLISHMENT means a premise licensed by the Liquor License Board of Nova Scotia.

LOADING SPACE means an area of land provided for the temporary parking of motor vehicles while merchandise or materials are being loaded or unloaded from the vehicles, and which has adequate access to permit ingress and egress by means of a driveway, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary parking or storage of one or more vehicles, and such parking shall not be for the purpose of sales or display.

LOT means a parcel of land described in a deed or as shown on a registered plan of subdivision.

LOT, ABUTTING means a lot having one or more boundaries coincident with one or more zone boundaries.

LOT AREA means the total horizontal area within the lot lines of a lot.

LOT, CORNER means a lot situated at the intersection of, and abutting on, two or more streets.

LOT COVERAGE means the percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and when lot coverage is discussed in a particular zone, the term is deemed to apply to that portion of such lot which is located within said zone.

LOT FRONTAGE means:

- a) for a lot with a regular shape, the horizontal distance between the side lot lines as measured along the front lot line and in the case of corner lot, the front and flanking lot lines shall be deemed to extend to their hypothetical point of intersection for the purpose of calculating frontage; or
- b) for a lot with an irregular shape, the distance between the side lot lines drawn at a 90 degree angle from a line drawn from the mid point of the rear lot line to the mid point of the front lot line and at a point equal to the required front yard.

LOT, INTERIOR means a lot situated between two lots and having access to one street.

LOT LINE means the boundary line of a lot.

LOT LINE, FLANKING means a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT means the line dividing the lot from the street or other means of access; and

- a) in the case of a corner lot, the shorter boundary line abutting the street shall be deemed to be the front lot line and the longer boundary line abutting the street shall be deemed to be the flanking lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flanking lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line;
- b) in the case of a lot which abuts an access road and which has another of its boundaries adjoining the shoreline of a lake, river or stream, the lot line facing the access road shall be deemed to be the front lot line; or
- c) in the case of a through lot, the lot line abutting the street providing the primary access shall be regarded as the front lot line.

LOT LINE, REAR means the lot line farthest from, or opposite to, the front lot line.

LOT LINE, SIDE means a lot line other than a front, flankage or rear lot line.

LOT, THROUGH means a lot bounded on two opposite sides by streets or public highways provided, that if any lot qualifies as being both a corner lot and a through lot as defined herein, such lot shall be deemed to be a corner lot for the purposes of this By-law.

MAIN BUILDING means the building in which is carried on the principal purpose for which the building lot is used.

MAIN WALL means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.

MASSAGE PARLOUR means any premises or a part thereof where a massage, body rub, alcohol rub, or stimulating by any means of a person's body are part thereof is performed, offered, or solicited, but does not include any premises or part thereof where the treatment is performed for the purposes of a spa, medical or therapeutic treatment and are preformed or offered by persons duly qualified, licensed or registered to do so under applicable laws of the Province of Nova Scotia.

MEDICAL CLINIC means a building or part of a building used for the medical, dental, surgical, or therapeutic treatment of human beings, but does not include a public or private hospital or a professional office of a doctor located in his residence.

MOBILE /MINI HOME means a transportable, single or multiple section dwelling unit certified by Canadian Standards Association prior to placement on the site as complying with the CAN/CSA-Z240 Series “Mobile Homes” at the time of manufacture.

MOTEL means a building or part of a building other than a hotel which provides accommodation designed for the travelling public and is characterized by separate outside entrances to individual sleeping accommodations and close-by parking, and which may include meeting rooms, restaurants and entertainment facilities.

MULTI-UNIT DWELLING - See DWELLING, MULTI-UNIT

MUNICIPAL GOVERNMENT ACT means an Act Respecting Municipal Government, Chapter 18 of the Acts of 1998.

NURSING HOME means a licensed residential institution where nursing and supervisory care is provided along with room and board for individuals who are mentally or physically unable to look after themselves.

OFFICE means a room or rooms where business may be transacted, a service performed or consultation given, and includes but is not limited to, the following: physicians, surgeons, dentists, lawyers, architects, engineers, accountants, real estate agents, insurance agents, photographers, optometrists, chiropractors, eye specialists and similar uses, and may include retail sales or dispensing of goods associated with and incidental to the main use.

OUTDOOR CAFE means any open space terrace or deck, contiguous with, and operated as, an extension of a restaurant where food and beverages may be served or entertainment provided.

OUTDOOR DISPLAY means a display of goods or merchandise in the open air which are available for sale to the general public from a retail store on the same lot.

OUTDOOR MARKET means a retail sales operation where purchases are made directly from an outdoor display, from a vendor or group of vendors that may or may not be associated with any retail sales building on the lot.

OUTDOOR STORAGE means the storage of any items outside a building, not primarily for the encouragement of sale of the item or of similar items, but principally for storage purposes.

OUTDOOR WOOD FURNACE / WATER STOVE means any individual furnace designed to burn untreated wood and wood products and used for the purpose of heating liquid or air where the furnace is located outside the structure into which the hot water or air is produced or piped.

OWNER means a person controlling the property under consideration and, includes prima facie, the assessed owner of the property whose name appears on the assessment roll prepared in accordance with the Assessment Act.

PARK means an open area devoted to passive recreational uses or conservation uses, and which may include ornamental gardens and lawns, outdoor furniture and accessory structures, and which may include a children's playground.

PARK, PRIVATE means a park other than a public park.

PARK, PUBLIC means a park owned or controlled by a public authority, or by any board, commission or other authority, established under any statute of the Province of Nova Scotia or Government of Canada.

PARKING LOT means an open area of land, other than a street, for the parking of motor vehicles, available for public use or for clients, customers or residents, and which has adjacent access to permit ingress or egress of motor vehicles to a street or public highway by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted.

PARKING SPACE means an area reserved for the temporary parking or storage of a motor vehicle, exclusive of driveways or aisles, and which has adequate access to permit ingress and egress of a motor vehicle to and from a street or public highway by means of driveways, aisles or maneuvering areas.

PERSON includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of other persons, and without limiting the generality of the foregoing, may include such establishments as barber shops, beauty parlours, hairdressing shops, shoe repair and shoeshining shops, and depots for the collection of drycleaning or laundry but excludes any manufacturing or fabrication of goods for sale.

PRINTING ESTABLISHMENT means a building or part of a building used for blueprinting, engraving, stereotyping, electro-typing, printing or typesetting, and shall include a duplicating shop and a letter shop.

PUBLIC BUILDING means a building of the Public Authority of the Government of Canada, Province of Nova Scotia, Town of Bridgewater, Municipality of the District of Lunenburg, including any agency or commission or corporation of the Municipality.

REAR LOT LINE - See LOT LINE, REAR

REAR YARD - See YARD, REAR

RECONSTRUCT when used with reference to a building or structure, means to build a wholly or substantially new structure in the same location as an existing structure, where the original existing structure has been wholly or partially removed and the resulting structure is of substantially the same dimensions and volume as the original structure, as demonstrated by photographs or measured drawings of the original structure.

RECREATIONAL VEHICLE means a vehicle which provides sleeping and other facilities for short periods of time, while traveling or vacationing, designed to be towed behind a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

RECREATIONAL FACILITIES means the use of land, buildings and structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres and uses similar to the foregoing, together with necessary and accessory buildings and structures, but not including a track for the racing of animals, or any form of motorized vehicles.

REPAIR when used with reference to a building or structure, means to renovate or mend by replacing or repairing parts without altering the size or volume of the structure.

REPAIR SHOP means any building or part thereof, used for the repair of household articles, including but not limited to radio, television, and appliance repair shops, plumbing repair shops, electrical repair shops, furniture repair shops and shoe repair shops, but shall not include industrial or manufacturing, automobile repair shops or auto body shops.

REPLACE when used with reference to a building or structure, means to build a wholly or substantially new structure on a lot where the original structure has been partially or wholly demolished.

RESIDENTIAL CARE FACILITY means licensed residential institution where 24 hour supervisory care or personal care is provided for four or more persons but does not include a nursing home, correction facility or a hospital. .

RESIDENTIAL DAY CARE CENTRE - See DAY CARE

RESTAURANT means a building or part thereof, where food and drink is prepared and served to the public for consumption within the building or attached cafe or patio, and for greater certainty:

- a) DRIVE-THRU RESTAURANT means an establishment or part thereof, where food and drink is served to the general public for consumption, off the premises or on the premises outside of the restaurant building.
- b) TAKE-OUT RESTAURANT means a building or part thereof where food and drink is sold to the public and which does not provide facilities for consumption thereof on the premises.

RETAIL SALES means the keeping or offering for sale, rent or lease, directly to the public at retail value, of goods, wares, merchandise, substances, articles or things.

RETAIL STORES means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale, rent or lease directly to the public at retail value, and shall include minor food processing and packaging in connection with the sale of food products.

RETIREMENT HOMES mean any or part of a building or place containing multi-family dwellings designed for and principally occupied by senior citizens, in which such facilities may include a congregate meals program in a common dining area, but exclude institutional care, such as supervisory and personal cares, and are distinguished from homes for special cares defined by the Province of Nova Scotia.

SALVAGE OPERATION means land or buildings used for the storage or handling of scrap materials such as, but not limited to, autobodies and automobile parts, used building products and other metals where such materials are bought, sold, exchanged, baled, packed, disassembled, handled or processed for future use.

SERVICE STATION - See AUTOMOBILE SERVICE STATION

SHOPPING CENTRE means a group of commercial uses that have been designed and developed as a continuous unit and characterized by shared parking facilities and may or may not have enclosed common walkways.

SIDE LOT LINE - See LOT LINE, SIDE

SIDE YARD - See YARD, SIDE

SIGHT TRIANGLE means the triangular shaped area of land formed by measuring from the point of intersection of street lines on a corner lot, a minimum of 4.6 metres (15 ft.) along each such street line and adjoining such end points with a straight line.

SIGN means any structure, device, light or natural object, including the ground itself, or any part thereof, or any device attached thereto or painted or represented thereon, which shall be used to identify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs which are affixed to the inside of windows and glass doors and are intended to be seen from outside the building. No other indoor sign shall be deemed a sign within this By-law.

SIGN AREA means the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of one (1) side of the sign. For canopies and awnings, sign area is considered to be the area of the smallest triangle, rectangle, circle or semi-circle which can wholly enclose the surface area of the elements which convey information.

SIGN, FLAT FIXED WALL means a sign which is attached directly to, or painted upon, a building wall and which does not extend above the roof line.

SIGN, GROUND means a sign supported by one or more uprights or braces permanently affixed in or to the ground.

SIGN, ILLUMINATED means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign.

SIGN, PORTABLE means a sign supported by one (1) or more uprights or braces, not permanently affixed in or to the ground, whether or not mounted on wheels or intended to be moved, and which is larger than 0.55 square metres (6 sq. ft.) in area.

SIGN, PROJECTING WALL means a sign which projects from, and is supported by, a wall of a building, including signs which are mounted on, or from, part of a canopy.

SIGN, SANDWICH means a two-sided, A-frame style self-supporting sign, which is not permanently affixed to the ground, and which is designed to be moveable.

SMALL OPTION HOMES are a type of community residential placement licensed under the Homes for Special Care Act. They house three to four residents with developmental, mental health or physical disabilities. Residents live independently in community homes

and receive support services from staff. Small Option Homes are permitted in a residential zone and treated consistent with their residential nature.

SPS or SECONDARY PLANNING STRATEGY means the Secondary Planning Strategy for the Osprey Village within the Municipality of the District of Lunenburg.

STUDIO means a building, or part thereof, used as a workroom for the study, execution or instruction of any fine or commercial art or craft, including photography, music, visual arts and commercial design.

STREET means a road right-of-way owned and maintained by the Municipality of the District of Lunenburg or the Province of Nova Scotia.

STRUCTURE means anything that is erected, built, or constructed of parts joined together or any such erection, fixed to or supported by, the ground or by any other structure. "Structure" shall include buildings, walls and also fences exceeding 2 metres (6 ft.) in height, but for the purposes of determining yard requirements, shall not include signs.

SUBDIVISION BY-LAW means a By-law Respecting the Subdivision of land in the Municipality of the District of Lunenburg.

THROUGH LOT - See LOT, THROUGH

TOURIST INFORMATION CENTRE means a building or booth where tourist information is provided to the travelling public.

USE means the purpose for which any land, building or structure is utilized, and also means the purpose for which any land, building or structure is designed, arranged, or intended or the purpose for which any land, building or structure is occupied or maintained or leased, and for further certainty:

- a) USE, ACCESSORY means a use subordinate and naturally, customarily and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot. Outdoor wood furnaces / water stoves shall not be considered as accessory uses.
- b) USE, CHANGE IN means any alteration in the use made of the whole, or any part of, a parcel of land, a building or a structure and includes, in the case of a livestock operation, a change from one type of livestock to another.

UTILITY means any private or public system, works, plant, equipment or services which are provided at regulated rates to or for the use of the general public.

VETERINARY CLINICS means a place where animals are given medical care and the boarding of animals is limited to short term care incidental to the medical care given.

WAREHOUSE means a building where merchandise, wares or goods are stored but shall not include a retail store.

WATERCOURSE means a lake, river, stream, ocean, wetland, or other natural body of water.

WHOLESALE ESTABLISHMENT means a building in which commodities in quantity are offered for sale, mainly to industrial, institutional, and commercial users, or to retailers or other merchants usually for resale or business use.

YARD means an open, uncovered space on a lot appurtenant to a building; and in determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

YARD, ABUTTING means a yard of an abutting lot which adjoins an adjacent zone boundary.

YARD, FLANKING means the side yard of a corner lot, which side yard abuts a street.

YARD, MINIMUM FLANKING means the minimum side yard required by this By-law where such yard abuts a street.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM FRONT means the minimum depth required by this By-law of a front yard on a lot between the front lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, SIDE means a yard extending between the front yard and the rear yard of a lot between a side lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM SIDE means the minimum width required by this By-law of a side yard on a lot between a side lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

YARD, MINIMUM REAR means the minimum depth required by this By-law of a rear yard on a lot between a rear lot line and the nearest structure or main wall of any building on the lot. (See definition of MAIN WALL)

ZONE means a designated area of land shown on Schedule A of this By-law, and more particularly, as referred to in PART 3 of this By-law.

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 021A	May 30, 2007
Effective date for By-law 021B	August 11, 2010
Effective date for By-law 021C	May 10, 2011
Effective date for By-law 021D	March 9, 2016
Effective date for By-law 021E	May 26, 2019
Effective date for By-law 021F	May 15, 2020
Effective date for By-law 020E	May 25, 2022
I certify that this “Osprey Village Land Use By-law” was adopted by Municipal Council and published as indicated above.	
_____	March 8, 2023
Municipal Clerk	Date

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