

# Municipality of the District of Lunenburg

| Amending By-law Details |   |
|-------------------------|---|
| Name                    | Amendments to the Municipal Planning Strategy, 2024 |
| Number                  | 035C  |
| Legislative Authority   | Municipal Government Act, Section 205               |
| Effective Date          | July 4, 2025  |

**Be it enacted** by the Council of the Municipality of the District of Lunenburg, under the authority of Section 205 of the **Municipal Government Act**, as follows:

**Title**

- 1 This By-law is titled ‘Amendments to the Municipal Planning Strategy, 2024’ and may be cited as the Cluster Development Amendment (2024).

**Amendments to the Municipal Planning Strategy (By-law 035C)**

- 2 Section 5.1, 5.2, and 5.3 is added between Section 5. Municipal-Wide Land Use Policies and Section 6. Implementation. These sections include the following content: “

**5.1 Cluster Developments**

Cluster developments are a type of residential development where several detached and/or multiple-unit dwellings are located on the same property. In response to concerns over the absence of development standards for this kind of development, Council has introduced a process by which cluster development proposals to develop or expand projects, including through new or additional phases, are able to be approved through a development agreement process. The following general policies apply to this kind of development: “

- 5.1.1** Council will review cluster development regulations every five years and update them in accordance with best practices for development regulations.
- 5.1.2** Council will permit cluster developments in all areas of the Municipality unless stricter policies are contained in a Secondary Planning Strategy or associated Land Use By-law.

Conservation design development is a style of cluster development designed to conserve open space in rural areas and protect environmental features. The basic principle of the design is to locate homes on the portion of the site best suited for development while retaining the remainder of the site as open space. While conservation design is not being directly evaluated as part of the development agreement process, Council wishes to promote conservation design as one possible way of meeting environmental and servicing standards.

- 5.1.3** It will be a policy of Council to promote and encourage conservation design style cluster development.”

## **5.2 Cluster Developments by Development Agreement**

The evaluative criteria of the development agreement process provides Council the flexibility to uphold development standards that are appropriate to the size, configuration, and location of the proposed development.

- 5.2.1** Council will consider cluster development applications through the development agreement process.”

## **5.3 Non-Conforming Allowances for Cluster Developments**

A non-conforming use, sometimes called a grandfathered use, is a status given to a land use that pre-dates a regulation to allow its continuation under certain restrictions. A future date has been chosen for grandfathering by means of non-conforming status. This will allow a reasonable period for completion of work needed to obtain registration of units or building permits at the time of the publication of the notice of intent to adopt these planning documents.

- 5.3.1** As outlined in the Municipal-Wide Land Use By-law section on Non- Conforming Uses, it will be a policy of Council that, for cluster developments being developed as bare land condominiums or phased land condominiums, all units that have been accepted for registration by the Registrar of Condominiums as evidenced by their being registered at the appropriate Land Registration office established under the Land Registration Act by December 31, 2026, will be recognized by Council as non-conforming.

- 5.3.2** Council will recognize cluster developments as non-conforming if they are not phased development condominiums. To qualify, a developer must hold a complete building permit application by December 31, 2026.

- 5.3.3** Despite subsection 5.3.2, Council may allow cluster developments to enter into a Development Agreement if it determines that the proposed development cannot be completed within the building permit timeframe.

- 3** Section 6. Implementation is added between Section 5.3.1 and Attachments which includes the following content:

## **6. Implementation**

### **6.1 Development Agreements**

A development agreement is a binding legal agreement between the Municipality and a property owner that can address specific details regarding the design and use of a proposed development.

**6.1.1** Council will consider entering into a new development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement will:

- (a) Specify the development, expansion, alteration, or change permitted;
- (b) Specify the conditions under which the development may occur; and
- (c) Set terms by which Council may amend or by which Council or the Chief Administrative Officer may terminate and discharge the agreement.

**6.1.2** Council will not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6.3.

## **6.2 Content of a Development Agreement**

**6.2.1** Council may specify conditions in the Development Agreement to meet the enabling and general criteria outlined in Policy 6.3. These conditions may include but are not limited to controls regarding:

- (a) Adequacy of street networks, site access, and emergency evacuation;
- (b) Adequacy of services such as water and sewer;
- (c) Access of emergency vehicles;
- (d) Stormwater management;
- (e) Grading and erosion control;
- (f) The phasing of a development;
- (g) Time limits for the initiation and/or completion of development;
- (h) Availability of a safe water supply;
- (i) The suitability of the site in relation to environmental impact; and
- (j) All other matters enabled in Section 227 of the Municipal Government Act.

## **6.3 General Evaluation Criteria of a Development Agreement**

- 6.3.1** Council will not approve a development agreement unless Council is satisfied the proposal:
- (a)** Is consistent with the intent of this Municipal Planning Strategy;
  - (b)** Does not conflict with any Municipal or Provincial programs, bylaws, or regulations in effect in the Municipality;
  - (c)** Is not premature or inappropriate due to:
    - (i)** Impacts on existing drinking water supplies, both private and public;
    - (ii)** The adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
    - (iii)** The creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
    - (iv)** The adequacy of fire protection services and equipment;
    - (v)** Impacts on known habitat for species at risk;
    - (vi)** The potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas; and
    - (vii)** The suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

## **6.4 Specific Evaluation Criteria of a Development Agreement**

**6.4.1** Council may require, in addition to any other required information, any or all the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for adopting a development agreement have been met.

- (a)** A detailed plot plan showing features such as, but not limited to:
  - (i)** The layout of the site and associated wastewater systems in accordance with Nova Scotia Environment's on-site sewage technical guidelines;

- (ii) Location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
- (iii) The location of dedicated green space, including open space and amenities;
- (b) A hydrogeological assessment in accordance with the guidelines set out in Nova Scotia Environment’s groundwater assessment standards;
- (c) An environmental impact study identifying the potential impact and recommended mitigation measure for wetlands, natural habitats, or species at risk;
- (d) Access for emergency vehicles; and
- (e) Any other matters enabled in Section 227 of the Municipal Government Act.”

**4** Sections titled ‘Reserved for Future Use’ removed throughout.

| By-law Adoption  |                 |
|--|-----------------|
| <b>Date of first reading of amending by-law</b>  | April 22 , 2025 |
| <b>Date of second reading of amending by-law</b>   | May 13 , 2025   |
| <b>Date of advertisement of passage of amending by-law</b><br>Effective date of the by-law unless otherwise specified in the text of this by-law.            | July 4, 2025    |
| <b>Date of mailing a certified copy of amending by-law to Minister</b>   | May 21, 2025    |
| <b>I certify that this “Repeal and Replace of the Municipal Planning Strategy (2024)” was adopted by Municipal Council and published as indicated above.</b> |                 |
| <b>Signature of Municipal Clerk</b>  | <b>Date</b>     |
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