

**TOWN OF
LUNENBURG**

MUNICIPAL PLANNING STRATEGY

AND

LAND USE BY-LAW

**Approved by the Minister of Municipal Affairs
13 June 1996**

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This CONSOLIDATED EDITION is prepared for convenience only. For complete reference, please consult the original documents. This CONSOLIDATED EDITION has the following history:

- 1) Compiled 18 July 1996 from the documents adopted by Council 15 April 1996 and the amendments made by the Minister on 13 June 1996.
- 2) Amended 21 Feb./97 add Policy 7.23 to clarify minor variances in GC Zone.
- 3) Amended 10 April/97 to add Commercial uses to MI Zone.
- 4) Updated 2 May/97 Pagination and margins. No content revisions.
- 5) Amended 12 Feb./98 Insert Policy 5.10A & 5.13A on Dining Rooms.
- 6) Amended 2 April/98 At Map 2 to change 167 Cumberland Street from Residential to Institutional.
- 7) Amended 19 July 2000 At Map 2 to change rear of 12 Sandy Hollow Road from Residential to Rural.
- 8) Amended 18 Oct. 2000 Delete Part 10.0 Architectural Heritage and replace with new Part 10.0 Architectural Heritage to correspond with adoption of Old Town Heritage Conservation District. Also, at Map 2, to remove Old Town Architectural Control Area and replace with Old Town Heritage Conservation District.
- 9) Amended 6 Dec. 2000 Add Policy 17.9 to permit public buildings and uses anywhere in the Town.
- 10) Amended April 4, 2001 Amend both designation and zone of a parcel of land on Victoria Road from Recreation to Highway Commercial
- 11) Amended 16 May 2001 Add Policies 5.15 and 6.6A limiting mobile home development to mobile home parks in Rural Residential Zone.
- 12) Amended 29 May 2002 Amend the designation of 15 Falkland Street from Residential (R) to General Commercial
- 13) Amended 4 June, 2003 Amend commercial policy to reflect Vending By-law
- 14) Amended July 9, 2003 Allow commercial uses at 34 Linden Ave. & 18 Lower Street
- 15) Amended July 29, 2000 Allow craft workshops to be considered by development agreement in the Rural Residential (RR) Zone (amendment inserted April, 2004)
- 16) Amended May 5, 2004 Allow tourist homes in Residential designation
- 17) Amended September 1, 2004 Amend both designation and zone of a portion of a parcel of land on Hall Street from Industrial (I) to Highway Commercial (HC).
- 18) Amended December 4, 2007 Amend Part 18 to reflect revised Subdivision By-law and Specifications
- 19) Amended January 1, 2008 Amend policy 5.10 and 5.13 to increase the possible number of rental units in a guest house
- 20) Amended April 1, 2008 Amend policy to create Medium Density Residential (MDR) Zone
- 21) Amended August 10, 2010 Amend regarding parking throughout document
- 22) Amended February 26, 2013 changing future land use of Industrial on Montague Street etc. to General Commercial (Map change only).
- 23) Amended June 11, 2013 Amend regarding multi-use residential buildings by Development Agreement

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1.0 INTRODUCTION

Lunenburg was established in 1753 by Colonel Charles Lawrence and incorporated as a Town in 1888. The first settlers were recruited by British interests from southern and central Germany, Switzerland and the Montbeliard region of France.

Despite the hilly topography of the site the settlement was laid out in a rectangular grid in blocks containing fourteen (14) lots, each 12 metres by 18 metres (40 x 60 ft.). The original settlement consisted of forty-eight (48) complete blocks.

The settlement was confined to the original site for just over a century. In 1862, areas to the immediate east and west were subdivided to accommodate an expanding population. The major expansion to the west included the establishment of eighty (80) new lots at the head of the harbour. This division and subsequent development formed the core of a new settlement that was to become known as New Town. New Town was also laid out in a grid pattern; however, these lots were larger than those of the original settlement. Lots in New Town measured 21 metres by 24 metres (70 x 79 ft.) and each block contained eight (8) lots. There were three (3) divisions of the New Town, the last of which took place in 1878. The larger lots of New Town marked a notable change in the character of development.

By 1900 the population of Lunenburg had grown to approximately 4,000. After the turn of the century New Town had expanded beyond the third division and with this expansion there came a further change in the character of development with respect to lot and block sizes. Lots in this newer development were larger than the earlier New Town lots and this trend toward larger lots, and a resultant lower density, persists to this day.

Since early times, the Town of Lunenburg has served an important role as a centre of commerce and industry, particularly with regard to shipbuilding and the fishery. As the Shire Town of Lunenburg Township throughout the eighteenth and nineteenth centuries, the Town naturally became the focus of activities for a much greater region that included much of New Dublin and Chester Townships. Although its role as a regional centre is now shared with the Town of Bridgewater, the Town still plays an important role in the region. Facilities and services have been expanded and diversified over the years, yet Lunenburg has been very successful in warding off the stresses of the modern era that are caused by rapid change.

The industrial base of the Town has declined in recent years with the relocation and closure of key industrial plants. Recently there has been a modest decline in the population from 3,024 in 1976 to 3,014 in 1981 and 2,781 in 1991. The Town has maintained a high profile in the fishing industry and is the home port and service centre of the Province's largest fishing fleet. Recent sharp declines in the fishing industry have resulted in a reduction of the fleet.

Development of the tourism industry has offset the impact of the decline in the industrial sector. Development of the Nova Scotia Fisheries Museum of the Atlantic on the Lunenburg waterfront and tourism-related private development has helped stabilize and bolster the economy.

The Town of Lunenburg occupies a unique niche in the County and the Province as the base of the Province's largest fishing fleet, as part of Nova Scotian and Canadian heritage and as a regional service centre. These attributes give Lunenburg an advantage that has been translated into the prosperity that the Town has enjoyed for many years. Although the current economic conditions have raised concerns for future economic prosperity of the Town, there is still much optimism.

Planning for Lunenburg's future prosperity cannot be assured or dealt with in its entirety within the framework of a Municipal Planning Strategy. A Municipal Planning Strategy can, however, influence the development and redevelopment of the Town by introducing a process by which development and change occurs in an orderly and sensitive manner. This is particularly important in the Town of Lunenburg where the developing tourism industry, which is becoming increasingly important to the Town, is highly dependent upon the marketing of the heritage and character of the community.

2.0 PLANNING CONTEXT

The first Municipal Planning Strategy of the Town of Lunenburg was approved by the Minister of Municipal Affairs on July 19, 1973. This Plan was superseded by the first revised Municipal Development Plan that was approved August 9, 1978. Another review resulted in the second revised Municipal Planning Strategy and Land Use By-law that was approved by the Minister of Municipal Affairs on October 10, 1985.

The current Municipal Planning Strategy and Land Use By-law is the product of a review process that began in December 1992 under the revised Planning Act. (Chapter 346, R.S.N.S.1989)

A Municipal Planning Strategy provides the policy framework for land use and development control. The Planning Act provides Council with the power to make statements of policy with respect to future development, land use, public lands, transportation, municipal services, programming of municipal investment, coordination of public programmes, and any other matter related to the physical, social or economic development of the Town.

The Municipal Planning Strategy for the Town of Lunenburg shall be regarded as the policy framework by which Lunenburg Town Council shall guide and control development, land use, and other matters of interest to the Council within the terms of Section 38(2) of the Planning Act.

The Land Use By-law and the Subdivision By-law are the companion documents to this Municipal Planning Strategy and are the means by which Town Council shall "carry out the intent of the Municipal Planning Strategy" as set out in Section 51 of the Planning Act, for land use and development purposes.

3.0 INTERPRETATION

For the purposes of this Municipal Planning Strategy, the planning area of the Town of Lunenburg is the entire Town of Lunenburg as incorporated in 1888. This Municipal Planning Strategy is only applicable within the boundaries of the Town.

This Municipal Planning Strategy is a policy statement of Council. Council shall have regard to the policies contained within the Municipal Planning Strategy; no development can be permitted which is contrary to the policies of the Municipal Planning Strategy.

The Maps and Schedules appended to this Municipal Planning Strategy form part of the Municipal Planning Strategy.

The metric system is used to show required standards; imperial measurements are inserted for convenience and are only approximations.

For greater understanding of Municipal Planning Strategy policies, reference should be made to the minutes of the Lunenburg Planning Advisory Committee.

This Municipal Planning Strategy has been prepared in accordance with the requirements of the Planning Act, Chapter 346 of the Revised Statutes of Nova Scotia, 1989, as amended.

4.0 OBJECTIVES

It shall be the intention of Town Council to:

- I Provide a planning framework in which the established section of the community can grow and prosper and development can be accommodated in an orderly manner.
- II Control land use and development in a way that will reduce conflicts between incompatible uses, and which will not overburden existing services.
- III Encourage preservation of the architectural and cultural heritage of the Town and minimize any negative impact that may result from new development or redevelopment.
- IV Control land use and development in a manner that will preserve, enhance, and protect both the natural and built environments of the Town.
- V Maintain, improve, and expand municipal services and facilities to the extent of the Town's financial capability.
- VI Encourage development and employment opportunities within the Town without compromising the accustomed life style and living environment.

5.0 RESIDENTIAL DEVELOPMENT AND LAND USE

BACKGROUND

The Town of Lunenburg has, over the years, experienced relatively slow but steady residential growth. Old Town and New Town have long since developed to the extent possible within the areas that were originally laid out for development. Land formerly owned by the Town on a slope facing the Back Harbour next to Old Town has been developed. A subdivision to the west of New Town, between Green Street and Victoria Road, represents the latest addition to the Town's single unit housing stock. Approximately fifty (50) homes have been built in this area and there is considerable opportunity for further subdivision. Council is aware of the need to have lands available for new low density residential use and recognizes that these areas and the existing low density residential areas deserve protection from uses that would conflict with the enjoyment of residential properties.

In the late 1980's a number of new multi-unit dwellings were constructed. As a relatively new housing form within the Town, with potential for considerable impact on the developed areas, future multi-unit housing is considered to require the site control that may be achieved through the development agreement process.

The demand for affordable housing has increased since the 1996 adoption of this Municipal Planning Strategy. Council has responded to this by adding the ability to have two-unit dwellings on separately-owned lots in 2006 and now in 2008, creating a new Medium-Density Residential (MDR) Zone which will allow four-unit townhouses as-of-right and allow these to be located on separately-owned lots. The zone will only be applied to undeveloped parcels of land at the request of a developer in order to minimize the impact of townhouses on the developed residential areas.

Conversion of large old single unit dwellings and other buildings to multi-unit dwellings serves a housing need and provides an acceptable use for the larger buildings. Small scale conversions will be permitted; larger scale conversions will require a development agreement.

Council recognizes that mobile homes and mini homes, also known as single section manufactured homes, are an affordable and preferred form of housing for many people. At the same time, it is the view of Council that mobile homes and mini homes are incompatible with the heritage character and established residential character of the Town because of their long, narrow proportions and other architectural characteristics and the perception that they have a negative effect on property values. Mobile homes and mini-homes will therefore be permitted only in mobile home parks (also sometimes known as 'land lease communities') located in the primarily rural, undeveloped parts of the Town, away from established residential areas. Mobile home parks will be allowed only by development agreement subject to criteria intended to reduce the visual impact of this form of development on the heritage character of the Town. Other forms of manufactured housing, however, such as modular houses built of prefabricated units joined together with a finished form and proportions similar to conventional, site-built dwellings, will be permitted in other residential areas on the same terms as site-built dwellings. Controls on the maximum length to width ratio of new structures will be included in the Land Use Bylaw to ensure that manufactured housing in established residential areas will have proportions comparable to those of conventional, site-built dwellings. In historic areas, more detailed architectural controls and/or design guidelines will apply to protect the heritage character of those areas (see Part 10 of this Municipal Planning Strategy).

Old Town has marked differences in development form and architectural character from the remainder of Lunenburg. In establishing By-law requirements for residential uses and in setting standards and criteria for new multi-unit housing or large scale conversions, the unique characteristics of residential areas will be recognized to ensure that standards are realistic and that new development will complement the neighbourhood in which it is located.

Residential development with on-site services has occurred on the fringes of the residential neighbourhoods, beyond the easy reach of sewer and water services. The large minimum lot area required for this type of residential development is a deterrent to large scale unserviced development. The undeveloped rural lands within the Town boundary that could be serviced by gravity sewer lines are regarded essentially as reserve areas for future development, subject to physical constraints. In these outlying areas, low density residential development with on-site services and compatible resource related activities will be permitted.

A relatively new use in residential areas of Lunenburg is the rental of "tourist homes". Tourist homes are dwelling units which are rented for periods of 30 days or less and are licenced by Department of Tourism and Culture under the Tourist Accommodations Act, in a manner similar to hotels and guest houses, to ensure they meet specific standards. Council considers these uses to have a strong commercial component, in that they are intended to generate income for the owners, without necessarily being the primary residence of the owner. In the continuum of uses allowed in the residential zones by development permit, tourist homes are considered to have an impact similar to any other uses permitted "as-of-right" subject to special requirements.

Over the past several years a number of these short-term rental dwelling units have come into use in Lunenburg. Considerable discussion occurred both in the media and Council meetings in 2000 and 2001. As a result of the discussions and the considerable public input, Council has determined that it will control the total number and impact of individual tourist homes by ensuring that some separation is maintained between them. While recognizing that commercial development of various types has greatly contributed to the refurbishment of older homes in Lunenburg, allowed some families to purchase houses when they would not otherwise have been able to afford a home, and contributed to the economic growth of the community, Council also recognizes that unlimited development of tourist homes may have a detrimental affect on the community. An unlimited number of tourist homes may mean a decreasing number of dwellings available for families to live in and an increase in the price of these dwellings as a result. A decrease in the number of families in the Town means decreasing use of and support of facilities which create community, such as schools, hospitals, and shops which are open year-round. In addition, any type of short-term rental without a resident owner may result in noise, light, garbage/recycling and parking problems. The decline of a neighbourhood-based community may also mean an opportunity for an increase in crime (fewer Block Parents, Neighbourhood Watch, etc.). By limiting the possible concentration of tourist homes, Council hopes to allow reasonable development of tourist homes while lessening these possible negative impacts.

Small institutional uses, particularly those which are related to the heritage of Lunenburg, such as museums, are considered to be appropriate in the Old Town residential area. The need to control the impact of these uses is evident; they will be allowed only by development agreement, with emphasis on the impact on the residential neighbourhood.

POLICIES

It shall be the policy of Council to:

Residential Designation

- 5.1** designate the areas shown as Residential on Map 2, the Future Land Use Map, for uses that are customary in and compatible with residential neighbourhoods. These areas are intended to include the established and serviced residential areas and unserviced areas that are intended for residential development in the near future.

Old Town Residential Zone and Uses

- 5.2** establish an Old Town Residential Zone in the Land Use By-law, within the Residential designation, that includes the older residential development that occurred primarily on smaller lots.
- 5.3** consider, only by development agreement, in areas zoned Old Town Residential (OTR) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for institutional uses, including but not limited to museums, or expansion of institutional uses, provided:
- (a) the use is located in a building constructed before 1994; and
 - (b) development is in accordance with policy 5.11.

Residential Zone and Uses

- 5.4** establish a Residential Zone in the Land Use By-law, within the Residential designation, that includes the newer residential development that occurred primarily on larger lots.

- 5.5** consider, only by development agreement, in areas zoned Residential (R) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for new institutional uses, including but not limited to museums, or expansion of institutional uses, provided development is in accordance with policy 5.11.

Rural Residential Zone and Uses

- 5.6** establish a Rural Residential (RR) Zone in the Land Use By-law within the Rural designation, that includes unserviced and undeveloped lands that are considered reserve areas for future residential development.
- 5.7** permit in the Rural Residential (RR) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.
- 5.7A** establish a Medium Density Residential (MDR) Zone in the Land Use By-law within the Rural designation, and apply the Medium Density Residential (MDR) Zone to unserviced and undeveloped lands within the Rural Designation on the Future Land Use Map of the Municipal Planning Strategy at the request of the owner of the land.
- 5.7B** permit in the Medium Density Residential (MDR) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.

Uses Allowed Throughout Residential Designation

- 5.8** permit in areas designated Residential and zoned Old Town Residential (OTR) or Residential (R):
- (a) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area, signs and parking; and
 - (b) conversion of buildings to three unit dwellings; and
 - (c) existing commercial uses; and
 - (d) existing multi-unit dwellings; and
 - (e) existing residential and commercial storage buildings; and
 - (f) one and two unit dwellings; and
 - (g) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent; and
 - (h) visitor-oriented commercial uses existing on January 1, 2003 and listed in the Residential (R) Zone of the Land Use By-law.
 - (i) tourist homes subject to specific requirements regarding maximum size, location and parking.
- 5.9** consider, only by development agreement, in areas designated Residential on Map 2, the Future Land Use Map proposals for multi-unit dwellings including conversions, expansions and new construction provided the development is in accordance with policy 5.12.
- 5.10** consider, only by development agreement, in areas designated Residential on Map 2, the Future Land Use Map, proposals for new guest houses, and the expansion of guest houses, where such proposals are for a minimum of four (4) to a maximum of seven (7) rental units, provided the development is in accordance with policy 5.13.
- 5.10A** consider, only by development agreement in areas designated Residential on Map 2, the Future Land Use Map, and only in conjunction with guest houses, proposals for dining rooms which are open to the public, provided the development is in accordance with policy 5.13A.

Criteria for Development Agreements

- 5.11 ensure that the following criteria are met when Council is considering proposals for new institutional uses, including but not limited to museums, or expansions of institutional uses, by development agreement:
- (a) the lot size is adequate;
 - (b) Town services are available or on-site services can be provided; and
 - (c) development is in accordance with policies 19.8 and 19.9.
- 5.12A (1) Ensure that the following criteria are met when Council is considering proposals for new construction of multi-unit residential buildings by development agreement:
- (a) the minimum lot size must be 279 square metres (3,000 square feet) per dwelling unit up to four and 93 square metres (1,000 square feet) for each additional dwelling unit;
 - (b) residential developments of four or more units must provide 20% of the minimum lot area as dedicated green space to be maintained in plantings and not paved—the approximate location of the green space and the plan for planting it must be included in the development agreement;
 - (c) development must be screened from adjacent one and two unit residential uses by trees and shrubs according to the following requirements:
 - (i) 4 - 5 units 1.5 metres (5 feet)
 - (ii) 6 - 10 units 3 metres (10 feet)
 - (iii) 11 - 15 units 4.5 metres (15 feet)
 - (iv) 16 units and over 6 metres (20 feet)

The location, plant mix and maintenance standards must be included in the development agreement.

- (d) one and one-quarter parking spaces are required for each unit in all developments of four units and over.
 - (e) parking in the front yard is prohibited.
 - (f) location and design of parking spaces and driveways must be included in the development agreement.
 - (2) In the case of additions to existing residential developments, the criteria in subsection (1) apply only to the addition.
 - (3) In the case of conversions, the specific criteria in subsection (1) do not apply but the factors listed should be taken into account in the development agreement to the extent the existing lot permits.
- 5.13 ensure that the following criteria are met when Council is considering proposals for new guest houses, and the expansion of guest houses, where such proposals are for a minimum of four (4) to a maximum of seven (7) rental units, by development agreement:
- (a) there is a maximum of two (2) signs on the lot advertising the business use. Neither sign shall exceed 0.5 square metres (5 sq.ft.) in area and shall otherwise conform to the requirements of the Land Use By-law; and
 - (b) development is in accordance with policies 19.8 and 19.9.
- 5.13A ensure that the following criteria are met when Council is considering proposals for new dining rooms in conjunction with guest houses, by development agreement:
- (a) the dining room must be in the same residence as the guest house; and
 - (b) the maximum number of seats in the dining room cannot be more than four times the number of guest rooms in the guest house; and
 - (c) *deleted August 2010*
 - (d) *deleted August 2010*
 - (e) the Development Agreement specifies the hours of operation; and
 - (f) the Development Agreement specifies the location and nature of the advertising signs for the dining room; and
 - (g) the lot must abut a major traffic artery, and all street access to the lot is from that

General Policies

- 5.14** identify in the appropriate zone of the Land Use By-law any converted dwelling containing four (4) or more units, any row house or any rooming and boarding house, each of which were existing as of October, 1985. These uses shall be permitted in the zone in which they are located subject to the requirements of the zone in which they are located.

- 5.15** establish in the Land Use Bylaw a maximum length to width ratio for new structures to ensure basic compatibility with existing structures in established developed areas.

6.0 RURAL DEVELOPMENT AND LAND USE

BACKGROUND

Although the Town of Lunenburg is very much an urban community with a distinct urban settlement pattern, there are areas that are rural in character within the Town boundary. Although some of this rural land is unused, there are also active agricultural uses, such as pasture land and hay fields and some scattered residential development. Council recognizes the existence of the rural sector and the Municipal Planning Strategy supports traditional rural land uses in these areas. These areas may in the future be required to satisfy land requirements for urban uses. The rural areas have been divided into future residential and future industrial lands in order to minimize future land use conflicts.

The rural areas of the Town are currently not serviced by central water or sewer although services are within easy reach of some areas. Many of the rural areas could be serviced by gravity lines with connections to existing trunk lines, while other areas would require pumping stations in order to be serviced. Land that cannot be serviced by gravity lines is unlikely to be developed in the foreseeable future and if development occurs in these areas before services are installed, development density will be low.

Rural areas that are capable of being serviced by gravity lines could more easily be developed within the foreseeable future. This potential for development will be recognized in the Municipal Planning Strategy. The types of land use that will be permitted in these rural areas will be limited in order to avoid future land use conflicts. Although residential development is anticipated as being the most probable future use of these rural areas, it is appropriate that there be an option to allow the development of commercial tourist accommodation uses because tourism is of such importance to the Town. Tourist accommodation uses are considered to be compatible with rural areas provided that they are carefully controlled with respect to location, relationship with surrounding uses, and adequacy of servicing and access. Similarly, craft workshops are considered to be compatible with rural areas designed for future residential development provided they are located and operated in a way that does not negatively affect surrounding uses or projected future residential development.

POLICIES

It shall be the policy of Council to:

Rural Designation

- 6.1** designate the areas shown as Rural on Map 2, the Future Land Use Map, for rural uses. This area is intended to include primarily undeveloped and unserviced areas of Lunenburg.

Rural Residential Zone and Uses

- 6.2** establish a Rural Residential (RR) Zone in the Land Use By-law within the Rural designation. It includes the undeveloped and unserviced areas which are considered future residential areas.

- 6.3** permit in the Rural Residential (RR) Zone:
- (a) agriculture and forestry uses; and
 - (b) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area and signs; and
 - (c) conversion of buildings to three unit dwellings, subject to specific requirements regarding parking; and
 - (d) institutional developments; and
 - (e) low density residential developments; and
 - (f) recreation developments; and
 - (g) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent.
- 6.3A Medium Density Residential (MDR) Zone**
establish a Medium Density Residential (MDR) Zone in the Land Use By-law within the Rural designation, and apply the Medium Density Residential (MDR) Zone to unserved and undeveloped lands within the Rural Designation on the Future Land Use Map of the Municipal Planning Strategy at the request of the owner of the land.
- 6.3B** permit in the Medium Density Residential (MDR) Zone:
- (a) business uses that are incidental and secondary to a main residential use, subject to specific requirements regarding type of use, floor area and signs; and
 - (b) conversion of buildings to four unit dwellings, subject to specific requirements regarding parking; and
 - [c] existing multi-unit dwellings
 - (d) one, two, three and four unit dwellings; and
 - (e) rooming and boarding houses, subject to specific requirements regarding the maximum number of rooms available for rent.
 - (f) parking lots associated with uses permitted in the Medium Density Residential (MDR) Zone
- 6.4** consider, only by development agreement, in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for multi-unit dwellings provided development is in accordance with policy 5.12.
- 6.5** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for tourist accommodations, provided development is in accordance with policies 19.8 and 19.9.
- 6.6** consider, only by development agreement, in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use By-law, proposals for guest houses, provided development is in accordance with policies 5.13.
- 6.6A** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use Bylaw, proposals for mobile home parks, provided:
- (a) the mobile home park contains a minimum of ten (10) and a maximum of twenty (20) homesites;
 - (b) the mobile home park is developed in conformity with the Mobile Home Park Bylaw;
 - (c) The mobile home park will not abut a lot on which there is an existing site-built dwelling. For the purpose of this criterion, lots which “abut” each other are lots which share a common boundary or boundary point or which would share a common boundary or boundary point if they were not separated by a street, and the term “site-built dwelling” includes modular dwellings built of sections joined together with a

finished form and proportions similar to conventional site-built dwellings.

- (d) the mobile home park is screened from nearby public roads and residential properties by adequate buffer areas, separation distances, fencing, landscape plantings and/or existing vegetation.
- (e) Council is satisfied that the visibility of the mobile home park from any public street will not negatively affect the image of Lunenburg as an historic community and World Heritage Site.
- (f) the development is in accordance with Policies 19.8 and 19.9.

***6.6AA** consider, only by development agreement in areas zoned Rural Residential on Schedule A, the Zoning Map of the Land Use Bylaw, proposals for craft workshops provided development is in accordance with policies 19.8 and 19.9 and the following additional criteria are met:

- (a) the craft workshop shall not exceed 223 square metres (2400 sq. ft.) in gross floor area.
- (b) the use shall be entirely enclosed within a building except for outside storage of materials.
- (c) the area devoted to outside storage of materials shall not exceed 37 sq. metres (398 sq.ft.), the height of the outside storage shall not exceed 2.4 metres (8 ft.) and outside storage shall not be directly visible from a public street.
- (d) retail sales of products shall be limited to the sale of products made on the premises.

* Note: Section number added when amendment inserted April, 2004. For accurate reference please see the signed original Municipal Planning Strategy and the certified amendments.

6.6B consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for multi-unit dwellings provided development is in accordance with policy 5.12.

6.6C consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for institutional developments in accordance with Municipal Planning Strategy policy 5.5.

6.6D consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for guest houses in accordance with Municipal Planning Strategy policy 5.10.

6.6E consider, only by development agreement, in areas zoned Medium Density Residential (MDR) on Schedule A, the Zoning Map of the Land Use By-law, proposals for Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.

Rural Industrial Zone and Uses

- 6.7** establish a Rural Industrial (RI) Zone in the Land Use By-law which includes the areas which are considered future industrial areas.
- 6.8** permit in the Rural Industrial (RI) Zone a variety of rural and light industrial uses including but not limited to:
- (a) agriculture and forestry uses; and
 - (b) institutional developments; and
 - (c) light industries.
 - (d) recreation developments; and
- 6.9** consider, only by development agreement, in areas zoned Rural Industrial (RI) on Schedule "A", the Zoning Map of the Land Use By-law, proposals for those industrial developments which are likely to create land use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.13.

7.0 COMMERCIAL DEVELOPMENT AND LAND USE

BACKGROUND

Commercial activity in Lunenburg is focused in the downtown area along Lincoln, Pelham, and Montague Streets. Although there is a mix of commercial and residential use in this area, there is a predominance of commercial uses. Mixed residential, commercial and, to a lesser degree, industrial use has been a feature of downtown Lunenburg for many years, dating back to the early days of the settlement. A wide range of commercial uses will be permitted in the downtown area, but Council considers it appropriate to exclude uses which may cause land use conflicts such as autobody shops and some service uses. Mixed use in the downtown area is recognized as an appropriate development form and is in keeping with traditional land use in the area. Parking for the downtown district is provided both on-street and in private parking lots.

A secondary commercial centre is established at the western end of Lincoln Street, where it intersects Falkland Street. This is a small but important commercial area, similar in character to the downtown area in terms of its building style and scale of development, with a high profile because of its position at a major intersection. The only parking in the area is in on-street spaces and several small lots developed by individual businesses.

Victoria Road is evolving into a commercial strip. This area has easy access and spacious parking areas and is considered to be the only appropriate location within the Town for highway commercial uses. Developments in this area include a chain take-out restaurant, a major food supermarket and a Provincial liquor outlet. There are currently four (4) residential uses within this commercial district which have co-existed with commercial uses for many years. The commercial-residential mix tends toward a commercial dominance that indicates a shift in favour of complete commercial redevelopment. It is reasonable under these circumstances to plan for complete commercial use of the frontage between the Irving Service Station and the Centennial Avenue intersection on the north side of Victoria Road, and between the Atlantic Grocer Supermarket and the Kentucky Fried Chicken Restaurant on the south side of the street. There is undeveloped land behind this commercial strip on either side of the street that could accommodate expansion of existing business or new commercial and light industrial development. Proposals for both small scale and large scale commercial development on land abutting the existing Victoria Road highway commercial district will be considered. However, any such development will be carefully controlled to protect nearby existing residential and other uses which could be affected.

Also on Victoria Road, separated from the main highway commercial area, are two smaller established commercial areas. To the west is the Fish Net Take-Out, and immediately to the east is Bluenose Bowlerama, both uses being similar in character, style, and context to other highway commercial uses in the area. These properties will be designated for highway commercial use.

In both the downtown and Victoria Road commercial areas, Council will attempt to moderate problems associated with drinking establishments through the use of development agreements.

Opposite the Victoria Park Tennis Courts, between Green and Falkland Streets, there is a commercial area containing the former Petro Canada Service Station, an auto parts store and a health food store. While this area was oriented to the automotive trade, it differs from the main Victoria Road highway commercial area in that it is close to an established residential area. As a result, this area will be designated for restricted commercial use rather than highway commercial use.

There are two (2) other isolated commercial areas, one on Knickle Road (Wheelhouse Motel), the other on Mason's Beach (Topmast Motel). These uses are located on the fringes of residential neighbourhoods where nearby land uses are low-density residential and non-intensive rural uses. Residential uses in these areas co-exist with these commercial uses; the present uses do not present a land use conflict. Since any increase in the level of commercial activity could conflict with the residential uses, these sites will also be zoned for restricted commercial uses.

Mobile vending or vending activities outside a building is a special class of commercial activity that warrants special treatment. Such activities can compete with established businesses that operate conventionally within a retail store. This is particularly significant where the community is attempting to attract new businesses to old, vacant or under-utilized buildings and rejuvenate the commercial sector, particularly on Lincoln Street. Outside vending can also raise issues of fairness since retail operators in buildings pay commercial property taxes and business occupancy taxes for the privilege of doing business in the Town, whereas outside vendors do not, since they do not occupy a building. Outside vending can also raise aesthetic issues, particularly in the old and historic Town Centre in the World Heritage Site / Heritage Conservation District. For this reason, outside vending activities will be controlled through the combined provisions of the Town of Lunenburg Vending By-law and the Land Use By-law. The Vending By-law requires a license for outside vending activities (with exceptions for community events, etc.), and establishes a licensing fee structure. The Land Use By-law will control the location of outside vending activities.

Isolated commercial uses that developed before land use controls were initiated also exist within residential areas. These uses will be permitted to continue under a special "existing use" classification whereby change or expansion of the activity will be controlled by development agreement.

Small scale business uses with a very limited range which do not negatively affect the residential environment are considered appropriate in residential areas if the business activity is controlled. Both the range of permitted small scale business uses and the amount of floor area that may be devoted to such use will be limited.

POLICIES

It shall be the policy of Council to:

General Commercial Designation

- 7.1** designate the area shown as General Commercial on Map 2, the Future Land Use Map, for a range of commercial and residential uses. This area is intended to include the downtown commercial area of Lunenburg.

General Commercial Zone and Uses

- 7.2** establish a General Commercial (GC) zone in the Land Use By-law to encompass the central areas which are designated General Commercial.
- 7.3** permit in the General Commercial (GC) Zone:
- (a) a range of retail and service developments, excluding the sale or servicing of power and chain saws, marine and industrial engines and auto body shops; and
 - (b) existing beverage rooms and lounges; and
 - (c) institutional uses; and
 - (b) multi-unit dwellings where the ground floor of the building is wholly or partially used for commercial purposes; and
 - (c) single and two unit dwellings.
- 7.4** consider, only by development agreement, in areas zoned General Commercial (GC) on Schedule "A", the Zoning Map of the Land Use By-law, multi-unit dwellings where the ground floor is not used for commercial purposes, provided the development is in accordance with policy 5.12.

- 7.5** consider, only by development agreement, in areas zoned General Commercial (GC) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided the development is in accordance with policy 7.18.

Note: Drinking establishments may switch from holding a lounge licence to a beverage room licence, and vice versa under the Liquor Control Act without requiring a development agreement or an amendment to an executed development agreement.

Restricted Commercial Designation

- 7.6** designate the area shown as Restricted Commercial on Map 2, the Future Land Use Map, for a restricted range of commercial uses and for residential uses. This area includes three (3) commercial areas located in residential areas.

Restricted Commercial Zone and Uses

- 7.7** establish a Restricted Commercial (RC) zone in the Land Use By-law to include the three (3) isolated commercial areas which have developed in residential and rural settings.
- 7.8** permit in the Restricted Commercial (RC) Zone a restricted range of retail and service uses which excludes retail uses over 400 square metres (4,300 sq.ft.) in floor area, and uses considered likely to cause conflict with nearby residential uses because of noise, odours, fumes, hours of operation or traffic generation.

Highway Commercial Designation

- 7.9** designate the areas shown as Highway Commercial on Map 2, the Future Land Use Map, for a broad range of commercial and business uses, especially those requiring large areas of land.

Highway Commercial Zone and Uses

- 7.10** establish a Highway Commercial (HC) Zone in the Land Use By-law to correspond with the areas designated Highway Commercial.
- 7.11** permit in the Highway Commercial (HC) Zone:
- (a) a broad range of retail and service developments; and
 - (b) conversion of buildings to two or more dwelling units; and
 - (c) institutional uses; and
 - (d) industrial workshops; and
 - (e) multi-unit dwellings.

7.12 consider, only by development agreement, in areas zoned Highway Commercial on Map 2, the Future Land Use Map, proposals for industrial development or auto body shops provided that development is in accordance with policy 7.17.

7.13 consider, only by development agreement, in areas designated Highway Commercial on Map 2, the Future Land Use Map, and zoned Highway Commercial (HC) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided the development is in accordance with policy 7.18.

Note: Drinking establishments may switch from holding a lounge licence to a beverage room licence, and vice versa under the Liquor Control Act without requiring a development agreement or an amendment to an executed development agreement.

Commercial Shoreline Designation

7.14 designate the area shown as Commercial Shoreline on Map 2, the Future Land Use Map.

Commercial Shoreline Zone and Uses

7.15 establish a Commercial Shoreline (CS) Zone in the Land Use By-law, within the Commercial Shoreline designation.

7.16 permit in the area zoned Commercial Shoreline (CS) uses as set out in the Shoreline policies of this Municipal Planning Strategy.

Criteria for Development Agreements

7.17 ensure that the following criteria are met when Council is considering proposals for industrial development or auto body shops by development agreement:

- (a) the use shall completely enclosed within a building; and
- (b) that the use will not, by way of emissions of odour, dust, smoke or noise, disrupt or negatively affect existing land uses in the Town or in the neighbourhood of the site; and
- (c) development is in accordance with policies 19.8 and 19.9.

7.18 ensure that the following criteria are met when Council is considering proposals for new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses by development agreement:

- (a) the building proposed for use as a lounge or beverage room is not within 18 metres (60 ft.) of a residential designation unless Council is satisfied that sufficient measures have been taken to reduce potential conflicts and nuisances so that the minimum setback for the development may be reduced accordingly; and

- (b) the proposed development includes provision for sound insulation, the location of doors, windows, fire exits and any other architectural feature that will reduce the emission of noise or lessen the effect of any other nuisances, provided that these features are not inconsistent with the requirements of the Building Code Act or the Fire Prevention Act; and
- (c) the proposed development will not have a negative effect on nearby residential uses due to the hours of operation; and
- (d) the proposed development will not have a negative effect on nearby residential uses due to the noise generated by the entertainment provided; and
- (e) parking lots and driveways for the use of patrons may be required if sufficient parking for the use is not available in public parking lots within the immediate vicinity of the proposed development and these shall not be located in any yard that abuts a residential designation; and
- (f) screening and buffering in the form of vegetation, berming or fencing shall be provided where necessary to screen or buffer storage areas, parking lots, driveways or any other feature of the development that may have a negative impact on nearby uses; and
- (g) development is in accordance with policies 19.8 and 19.9.

General Policies

- 7.19** control, in areas designated General Commercial, Restricted Commercial or Highway Commercial, the minimum size of yards and the activities carried out in yards abutting residential, institutional, and recreation zones in order to lessen the potential conflict between uses.
- 7.20** continue to seek funding through programs similar to the Provincial Mainstreet Program and other programs as available, in order to upgrade services and amenities in the commercial areas of the Town.
- 7.21** encourage and assist in the improvement of the appearance of the downtown area by the removal of overhead power lines, the replacement of asphalt and concrete sidewalks with brick or interlocking pavers, the planting of trees and the provision of benches.
- 7.22** prohibit in the areas zoned Highway Commercial (HC), new single and two unit dwellings.

- 7.23** in the General Commercial Zone, a reduction of side yard requirements even to zero would not compromise the intent of the Land Use By-law for the purpose of granting a minor variance provided that:
- a) the opinions of the property owners adjacent to the reduced side yard are considered; and
 - b) the building construction satisfies the requirements of both the Building Code By-law and the Heritage By-law; and
 - c) there is adequate provision for maintenance of the sides of the affected buildings; and
 - d) the side yard reduction does not impede visual access to recognized heritage buildings.
- 7.24 control the location of outside vending activities through appropriate provisions in the Land Use By-law in order to protect and maintain the integrity of established residential areas, control vehicular and pedestrian traffic and reduce problems related to litter.

8.0 INDUSTRIAL DEVELOPMENT AND LAND USE

BACKGROUND

Industrial activity in Lunenburg occurs primarily on the Front Harbour waterfront with most of this activity related to the shipping and fishing industries. Attempts at attracting new industry into the Town are frustrated by the lack of land suited for industrial uses. The waterfront offers very limited additional industrial development potential; however, continued industrial use of the waterfront will be accommodated and encouraged. The waterfront area has also traditionally been occupied by commercial uses and is to some extent a mixed industrial-commercial area. In 1975, the Nova Scotia Fisheries Museum of the Atlantic was opened on the waterfront on a former industrial site. The Museum has introduced further diversity into the Front Harbour waterfront and tourism related development such as this is indicative of a swing toward tourism throughout the Town.

A 12 hectare (30 acre) site located between Starr Street and the railway tracks has been designated as an industrial site for many years; however, high site preparation costs resulting from poor subsoil conditions has discouraged development of this area. Although this area does not have a promising future due to the limitations of the site, efforts to overcome these problems will be continued. Other sites suited to industrial uses are limited due to the existing land use pattern and topography.

A site of approximately 11 hectares (27 acres), southwest of the Fisheries Exhibition Grounds has been identified as suitable for industrial use. Portions of this area could accommodate immediate industrial development. A limiting factor for development of the entire site is inadequate water pressure for fire protection above 20 metres (65 ft.) in elevation. Industrial zoning will be limited to those areas which can be adequately serviced.

Some undeveloped and unserviced areas of the Town could accommodate some small scale industrial uses; however, care must be exercised with respect to the type and location of such uses to avoid negative impacts on residential and commercial areas. Provision will be made in the Municipal Planning Strategy for industrial development in undeveloped areas provided that the use can be accommodated and operated without creating traffic hazards, traffic congestion, environmental problems, or nuisances that could have a negative effect upon nearby residential uses or upon the Town in general.

POLICIES

It shall be the policy of Council to:

Industrial Designation

- 8.1 designate the areas shown as Industrial on Map 2, the Future Land Use Map, for a broad range of industrial and commercial uses.

Tourism Marine Zone and Uses

- 8.2 establish, within the Industrial designation of the Land Use By-law, a Tourism Marine (TM) Zone to include the Fisheries Museum of the Atlantic and adjacent parking.
- 8.3 permit in the Tourism Marine (TM) Zone:
- (a) industrial developments; and
 - (b) marine developments; and
 - (c) museums; and
 - (d) tourism or marine related commercial developments.
- 8.4 consider, only by development agreement, in areas zoned Tourism Marine (TM) on Schedule "A", the Zoning Map of the Land Use By-law, new lounges or beverage rooms, additions to or extensions of established lounges and beverage rooms and outdoor facilities associated with these uses, provided development is in accordance with policies 7.18.

Marine Industrial Zone and Uses

- 8.5 establish in the Land Use By-law a Marine Industrial (MI) Zone to correspond to the developed industrial areas along the waterfront from the eastern Town boundary to the foot of Duke Street.
- 8.6 permit in the Marine Industrial (MI) Zone:
- (a) conversion of buildings a maximum of three (3) dwelling units; and
 - (b) existing residential uses; and
 - (c) industrial developments; and
 - (d) marine developments; and
 - (e) a broad range of commercial developments.
- 8.7 consider, only by development agreement, in areas and zoned Marine Industrial (MI) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

- 8.7A** consider, only by development agreement in areas zoned Marine Industrial on the Zoning Map, the establishment of places of recreation, entertainment or assembly, provided that the development is in accordance with Policies 19.8 and 19.9.

Industrial Zone and Uses

- 8.8** establish in the Land Use By-law an Industrial (I) Zone to include developed and future industrial lands.
- 8.9** permit in the Industrial (I) Zone industrial uses and commercial uses which are not considered to create land use conflicts.
- 8.10** consider, only by development agreement, in areas zoned Industrial (I) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

Rural Industrial Zone and Uses

- 8.11** establish in the Land Use By-law a Rural Industrial (RI) Zone within the Rural designation. It is intended to include unserviced areas which are considered future industrial areas.
- 8.12** permit in the Rural Industrial (RI) Zone uses as set out in the Rural policies of this Municipal Planning Strategy.
- 8.13** consider, only by development agreement, in the areas designated Rural on Map 1, the Future Land Use Map, and zoned Rural Industrial (RI) on Schedule "A", the Zoning Map of the Land Use By-law, those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, provided development is in accordance with policy 8.14.

Criteria for Development Agreements

- 8.14** ensure that the following criteria are met when Council is considering proposals for those industrial developments which are likely to create land-use conflicts. These uses shall include but not be limited to incinerators, asphalt production, bulk storage of petroleum products, and tanning, by development agreement:

- (a) where any development site abuts any industrial zone boundary, or a road which incorporates an industrial zone boundary, the use shall be located on the site so that the maximum separation of the use from the boundary is achieved. Subject to the physical characteristics of the site and the location of the use on the site, screening in the form of fencing, vegetation, or a berm as appropriate shall be constructed on the site in order to minimize impact on properties in the adjacent zone; and
- (b) there shall be no emission generated from the development such as noise, dust, radiation, light or other such emission to either the air, water, or ground that exceeds applicable standards or guidelines set by any department or agency of the government of Canada or Nova Scotia; and
- (c) no development agreement shall be executed until all necessary permits as required by Federal, Provincial, and Municipal government agencies have been issued, or Council is satisfied that the required permits will be issued; and
- (d) no development shall be permitted that could create a health hazard or that would have a negative effect on the quality of life or living environment of the Town; and
- (e) where Council determines, on the advice of a qualified person, that there is a significant risk of environmental damage from any proposed commercial or industrial development which does not require an assessment under the Environmental Assessment Act, environmental studies shall be carried out by the developer for the purpose of determining the nature and extent of any environmental impact; and no agreement shall be approved until Council is satisfied that the proposed development will not create or result in undue environmental damage; and
- (f) development is in accordance with policies 19.8 and 19.9.

General Policies

- 8.15** establish specific Land Use By-law requirements for minimum yards, open storage, parking and signs for those situations where the Industrial (I) or Rural Industrial (RI) zone abuts any other zone or a road which incorporates any other zone boundary, in order to reduce the impact of industrial uses upon non-industrial uses.
- 8.16** consider, only by development agreement, in areas designated Highway Commercial on Map 2, the Future Land Use Map, proposals for industrial developments and auto-body shops provided development is in accordance with policies 7.17, 19.8 and 19.9.

9.0 INSTITUTIONAL DEVELOPMENT AND LAND USE

BACKGROUND

Institutional land uses in the Town exist in a variety of locations and land use contexts. The institutional focus of the Town has always been the four (4) block central area reserved for public purposes at the time of settlement, bounded by Townsend, Cumberland, Cornwallis, and Hopson Streets. This area now houses the Town Hall and Courthouse, the Fire Hall, the Electric Light Department, and the Public Works Depot. A new Fire Hall site outside this area has recently been chosen. Council intends to maintain the institutional designation and zone on the site of the present Fire Hall and encourage public use of the site due to its prominence as part of the original plan for Lunenburg.

A number of churches are situated in residential areas in the Town but are not considered to be incompatible in any way; their location is regarded as a positive component of the Town's historic character.

Most of the institutional uses in the Old Town are well established and the nearby residential neighbourhoods have adjusted well to their presence. Expansion of these uses is precluded in most cases by lack of available land and nearby residential uses. Existing institutional areas will be designated and zoned for institutional use; however, because a new institutional use would introduce a significant change into an established residential neighbourhood, such uses will be permitted in residential areas only by development agreement.

Other institutional uses, including the Town schools and cemeteries, and the Fisherman's Memorial Hospital are situated on larger parcels of land on the fringes of residential areas in Old Town and New Town and have considerable room for expansion should the need arise. These areas will also be designated and zoned for institutional use.

The distribution of institutional land uses throughout the Town reinforces the fact that institutions serve an important function in community life and their continued maintenance and expansion will be encouraged.

POLICIES

It shall be the policy of Council to:

Institutional Designation

- 9.1 designate the areas shown as Institutional on Map 2, the Future Land Use Map, for a broad range of institutional uses. These areas are intended to include the existing institutional uses.

Institutional Zone and Uses

- 9.2** establish in the Land Use By-law an Institutional (INS) Zone to correspond to the areas designated Institutional.
- 9.3** permit in the Institutional (INS) Zone:
- (a) a broad range of institutional uses including but not limited to churches, public buildings and uses, schools and museums; and
 - (b) occasional or temporary outdoor or indoor markets, bake sales, flea markets, vegetable and produce markets.

General Policies

- 9.4** consider, only by development agreement, in areas zoned Old Town Residential (OTR), on Schedule "A", the Zoning Map of the Land Use By-law, proposals for new institutional developments and the expansion of institutional developments, provided development is in accordance with policy 5.11.
- 9.5** cooperate with and encourage the efforts of institutions to improve and extend their facilities, services, and programs within the Town.
- 9.6** maintain the present Fire Hall site in public ownership and as a public or institutional use.
- 9.7** consider requests to amend the Land Use By-law by re-zoning property in any designation from any zone to Institutional (INS), provided the criteria set out in policy 19.9 are met.

10.0 ARCHITECTURAL HERITAGE

BACKGROUND

Lunenburg has a distinct heritage rooted in the Germanic origins of its first settlers, its unique architectural character, and its historical association with the growth of the Atlantic fishery and the bygone age of sail. This strong heritage is recognized as an important element of community life, important not only to residents of the Town but to the growing tourism industry as well. The term "heritage" encompasses many things, from vernacular forms of speech, to local food, traditional skills, crafts, and means of livelihood, and the historic built environment. Most aspects of Lunenburg's heritage are protected, preserved, and promoted through the activities of the Fisheries Museum of the Atlantic, the South Shore Genealogical Society, the German Canadian Cultural Society of Lunenburg, the Lunenburg Heritage Society and the Lunenburg Academy Foundation, the latter two organizations focusing particularly on the preservation of historic buildings.

The Town's architectural character is perceived as being a particularly important component of its heritage and Town Council has taken a number of initiatives to conserve, maintain, and improve that character. Involvement in the Provincial Main street Program from 1979 to 1994, in cooperation with the downtown merchants, facilitated both public and private sector improvements to the built environment in the designated downtown Business Improvement District. Although the Main street Program no longer exists, the Town will continue to seek similar programs to assist the business community.

In 1981, the Heritage Property By-law was adopted under the Heritage Property Act, enabling Council to designate historic buildings, streetscapes, and areas in the Town and to control any substantial alteration to them. Implementation of the By-law began in 1982 when research was undertaken to document the historic and architectural character of the Town. This research culminated, in February 1984, in the publishing of an inventory of historic buildings, which laid the groundwork for subsequent designations of Municipal Heritage Properties under the Heritage Property By-law. Additional information collected in 1992 and subsequent years will be used to update the Heritage Inventory when funds become available.

In 1991, Lunenburg received the distinction of having Old Town designated as a National Historic District.

In 1994, with the assistance of the Provincial Department of Housing and Municipal Affairs and a consultant, a background study was undertaken on the possible establishment of the Old Town as a heritage conservation district under the Heritage Property Act, with the district consisting of the National Historic District plus adjacent historic areas. A working group of

residents assisted in the preparation of a draft conservation plan and bylaw that included policies restricting demolition of historic (pre-1940) buildings and design guidelines for new buildings, alterations to existing buildings, and signs, fences, and utility structures. The establishment of the heritage conservation district was also intended to qualify property owners for conservation assistance programs available from the provincial government.

A series of opinion surveys, public meetings, workshops, and media presentations on the proposed district were subsequently conducted. Establishment of the district was significantly delayed, however, by the need for certain prior amendments to the Heritage Property Act and the Provincial Regulations for Heritage Conservation Districts, and by uncertainties about funding for a Heritage Officer to administer the conservation plan and bylaw. These amendments and funding uncertainties were not fully settled until late 1999, and the establishment of the heritage conservation district and the adoption of the conservation plan and bylaw remained on hold for the intervening years.

In 1995, the Old Town was designated as a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (U.N.E.S.C.O.).

In 1996, following the Five-Year Review, limited architectural controls were introduced into the municipal planning strategy and land use bylaw. Three architectural control areas were established, one encompassing the Old Town National Historic District / World Heritage Site, another in the Dufferin Street and Falkland Street area, and a third in the Tannery Road area. Within these areas, architectural controls regulated the design of new main buildings and alterations to pre-1920 main buildings.

In 1997, with assistance from the Federal and Provincial Governments, the Town commissioned a Strategic Plan for conservation and management of the Town as a World Heritage Site. The resulting Lunenburg World Heritage Community Strategy, adopted by Council in 1998, identified numerous initiatives relating to cultural preservation and economic development. It also affirmed the need for the establishment of a heritage conservation district, comprehensive architectural controls, and financial incentives. Implementation of the strategy began in 1999 with the creation of a new Heritage Project Manager position within the Town staff, whose responsibilities include administration of the heritage conservation district plan and bylaw.

In early 2000, following formal notification of all affected property owners, the heritage conservation district was established and the conservation plan and bylaw were adopted by Council, along with concurrent amendments to the architectural control policies of this Municipal Planning Strategy.

ARCHITECTURAL CONTROL

Council recognizes the potential social and economic benefits of preserving the heritage of Lunenburg and is committed to its protection. The designation of the Old Town as a National Historic District and World Heritage Site also imposes upon Council significant responsibility for its protection and management as a cultural resource of national and international importance. At the same time, Council recognizes that the Town is a living community, not a museum, and that architectural change must be accommodated.

In order to ensure the protection of Lunenburg's built heritage, Council has adopted a three-fold approach to architectural control:

- Voluntary designation of individual Municipal Heritage Properties under the Heritage Property Bylaw.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use Bylaw. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference will be changed from 1920 to 1940. Within the architectural control areas, architectural controls will apply only to new main buildings and alteration of pre-1940 main buildings.
- Establishment of a heritage conservation district comprised of the Old Town National Historic District & World Heritage Site and adjacent historic areas, with architectural controls implemented through the policies and design guidelines of the conservation plan and bylaw. Architectural controls in the heritage conservation district will apply to demolition of any pre-1940 building; the design of new buildings, including outbuildings; the alteration of any existing building, regardless of age; the design of fences and signs, and the placement and screening of utility structures.

Council will also consider the future possibility of extending the heritage conservation district to include the Dufferin Street, Falkland Street, and Tannery Road architectural control areas and other historic parts of the Town by future amendment of the conservation plan and bylaw and this municipal planning strategy.

POLICIES

It shall be the policy of Council to:

Registered Heritage Properties

- 10.1** regard the Heritage Property By-law as the principal means of control of substantial alteration to registered Municipal Heritage Properties.

Architectural Control Area Designation

- 10.2** designate the areas shown as Architectural Control Areas on Map 2, the Future Land Use Map, as the areas in which the appearance of buildings will be controlled through the Land Use Bylaw. These areas include the areas of Dufferin Street, Falkland Street, and Tannery Road.

Architectural Control Area Provisions

- 10.3** incorporate special provisions in the Land Use By-law for the area designated Architectural Control with respect to:
- (a) new buildings; and
 - (b) additions or alterations to buildings built prior to 1940, in order to ensure the compatibility of new buildings and additions and alterations with the established character of the Town.

These special provisions shall control architectural style, building length to width ratio, the appearance of exterior cladding and roofing materials, height, shape and the size and ratio of windows and doors.

Heritage Conservation District

- 10.4** designate the area shown as Heritage Conservation District on Map 2, Future Land Use Map as the area within which demolition of pre-1940 buildings, the architectural design of new buildings and alterations to existing buildings, including outbuildings, and the design and placement of signs, fences, and utility structures will be controlled through the heritage conservation district plan and bylaw with design guidelines. This area includes the Old Town National Historic District and World Heritage Site and adjacent historic areas.

Heritage Conservation District Plan and Bylaw

- 10.5** regard the heritage conservation district plan and bylaw with design guidelines as a guiding policy and regulatory document with regard to architectural conservation and architectural change in the designated heritage conservation district, in parallel with the applicable provisions of this municipal planning strategy.

Future Expansion of Heritage Conservation District

- 10.6** consider the future expansion of the heritage conservation district outside of the Old Town to include other historically and architecturally significant areas including the Falkland Street, Dufferin Street, and Tannery Road architectural control areas, the remainder of the historic New Town and adjacent parts of Green Street, and the eastward extension of Pelham Street. The inclusion of such areas shall be preceded by background studies and public consultation, as required by sections 6 and 7 of the Regulations for Heritage Conservation Districts and shall be governed by the applicable policies of the conservation plan.

General Policies

- 10.7** encourage the preservation of Lunenburg's heritage through cooperation with the Fisheries Museum of the Atlantic, the Lunenburg Heritage Society, the Lunenburg Academy Foundation, and other heritage and cultural organizations and through continued involvement in programs similar to the Provincial Main street Program.
- 10.8** maintain Town owned public buildings, streets and signs in a state of good repair and to carry out any alterations to them in a manner which enhances the historic character of the Town.
- 10.9** ensure that when considering development agreements, the architectural character of any proposed new main building, or addition to or alteration of a main building will be compatible with the established architectural character of other buildings in the area in terms of relationships of height, bulk, scale, roof shape, materials, relationships of windows and doors and architectural details.

11.0 PARKS AND RECREATION

BACKGROUND

The Town has considerable publicly owned land available for a wide range of active and passive recreation uses.

Active recreation facilities are located principally in the Community Centre-Exhibition Grounds complex which contains sport fields, a swimming pool, a hockey arena, a curling club, and an auditorium-gymnasium. The Community Centre buildings and grounds together with the International Exhibition Building house the annual Lunenburg Fisheries Exhibition and Fisherman's Reunion. Other active recreation facilities on Town owned land include the tennis courts in Victoria Park, leased and operated by the Lunenburg Tennis Club, and the Blockhouse Tourist Trailer Park, operated by the Board of Trade. Another major active recreation area is the Lunenburg Golf Club, located on privately owned land on Kaulback's Head.

Passive parks are maintained at various locations including the Rous' Brook and Blockhouse Hill historic sites, where historic associations and views are of primary importance; downtown, near the Town Hall, at the Lincoln Street mini-park, and at Victoria Park; in residential areas at the intersection of Tannery, Cove, and Mason's Beach Roads, and at the intersection of Sandy Hollow Road with Maple Street.

All of these active and passive recreation uses are stable and can be expected to continue into the future. A small area of land has been added to the park at Blockhouse Hill, along the Kempt Street boundary, in order to ensure that any new residential development will be separated from the original Old Town development.

There are presently two (2) children's playgrounds within the Town in addition to the facilities at the Lunenburg Elementary School. The school facilities are not accessible to children on a year round 3+ basis and only part of the equipment is available outside of school hours. The development of new children's playgrounds will be encouraged. Passive park lands and children's playgrounds are considered to be compatible with residential uses and most other uses, and will be permitted throughout the Town.

The Town has recently purchased the former railroad right-of-way throughout Town. This linear right-of-way is seen as an opportunity to provide a walking trail and recreation link throughout much of the Town. It will be designated and zoned for recreation uses.

POLICIES

It shall be the policy of Council to:

Recreation Designation

- 11.1 designate the areas shown as Recreation on Map 2, the Future Land Use Map, for parks, recreation areas and facilities. These areas include the existing recreation areas, the area of the former rail right-of-way, and lands adjacent to the former rail right-of-way.

Recreation Zone and Uses

- 11.2 establish in the Land Use By-law a Recreation (REC) Zone to correspond to the areas designated Recreation.
- 11.3 permit in the Recreation (REC) Zone a broad range of recreation uses, excluding race tracks for motorized vehicles.

General Policies

- 11.4 permit passive parks, conservation, and playground uses throughout all zones within the Town.
- 11.5 continue to operate and maintain existing recreation facilities and programs subject to the Town's financial capability.
- 11.6 in cooperation with community and parents' groups, consider participation in the establishment of children's playgrounds in the Town and provision of recreation amenities for young citizens that are not being provided by existing recreation facilities. Priority shall be given to firstly the Centennial Avenue area, secondly to the Dufferin Hill/Maple Street area and thirdly to the Blockhouse Hill area.

12.0 SHORELINE DEVELOPMENT AND LAND USE

BACKGROUND

Lunenburg's harbours and shorelines have been vital to the development of the Town. The majority of the marine development has occurred in the Front Harbour, in the area between Rous' Brook and the lands once used as Camp Norway.

Due to the extremely long shoreline and the relatively shallow water, little marine development has occurred from the boundary of the property owned by A.B.C.O. to the present golf course shoreline. There are no structures in this area on the water side of Tannery Road. The inland side of Mason's Beach Road in this area has residential uses and the golf course. The view of Lunenburg's developed waterfront from this area is a favourite of local residents and tourists alike.

The Back Harbour within Lunenburg has been used extensively in the past. Commercial use of this area by fishermen has been traditional; at present there are no buildings and little activity. Recreation use of this area has decreased with increasing pollution of this harbour; should the pollution be cleaned up in the future demand for development in this area would increase.

The harbours and their shorelines are important in these areas as they reinforce the scenic qualities of Lunenburg. Council recognizes this importance and wishes to maintain the open character of the shorelines, while allowing for recreation uses on the Front Harbour area and commercial and recreation uses on the Back Harbour.

POLICIES

It shall be the policy of Council to:

- 12.1** include in the abutting designations, as shown on Map 2, the Future Land Use Map, and in the abutting zones as shown on Schedule "A", the Zoning Map of the Land Use By-law, any new land area created by infilling of the harbours, including wharves and piers. The boundaries on these maps shall show the direction of the extension of the designations and zones in the event of any future infilling of the harbour.

Open Shoreline Designation

- 12.2** designate the area shown as Open Shoreline on Map 2, the Future Land Use Map, for restricted activities which will preserve the open character of the area.

Open Shoreline Zone and Uses

- 12.3** establish an Open Shoreline (OS) Zone in the Land Use By-law which corresponds with the area designated Open Shoreline on the Future Land Use Map.

- 12.4** permit in the area zoned Open Shoreline (OS) activities which preserve the open character of the area, including but not limited to private and public parks, parking areas, wharves, slipways, and other water access uses.

Commercial Shoreline Designation

- 12.5** designate the area shown as Commercial Shoreline on Map 2, the Future Land Use Map, for activities which will preserve the open character of the area while allowing the traditional commercial uses of the area.

Commercial Shoreline Zone and Uses

- 12.6** establish a Commercial Shoreline (CS) Zone in the Land Use By-law which corresponds with the area designated Commercial Shoreline on the Future Land Use Map.
- 12.7** permit in the area zoned Commercial Shoreline (CS) traditional commercial activities and those which preserve the open character of the area, including but not limited to wharves for commercial fishermen, fishing supply storage sheds, marine repair shops, private and public parks, parking areas, wharves, slipways, and other water access uses.

Uses Permitted by Development Agreement in Open and Commercial Shoreline Zones

- 12.8** consider, only by development agreement, in the areas zoned Open Shoreline or Commercial Shoreline, marinas provided development is in accordance with policies 19.8 and 19.9.

13.0 PUBLIC SERVICES AND UTILITIES

BACKGROUND

Town services include water, sewer, electrical distribution, streets, sidewalks, and police protection. Responsibility for fire protection is shared with the Town's volunteer fire department. Recreation services are also provided by the Town in the form of recreation programming through a full time recreation director and a variety of community facilities and programs.

Water

BACKGROUND

The Town of Lunenburg water supply is drawn from Dares Lake which lies approximately 4.8 kilometres (3 miles) northwest of the centre of Town. Water is pumped to an open reservoir in Lilydale at an elevation of 66 metres (219 ft.), and this 3.02 million litre (.8 million gallon) reservoir feeds water by gravity pressure throughout the town and to the National Sea Products fish plant which is located in Lunenburg Municipality, at Garden Lots. Dares Lake has a safe yield of 6.55 million litres (1.73 million gallons) per day at a one (1) in fifty (50) year failure recurrence and a safe yield of 10.97 million litres (2.9 million gallons) per day at a failure recurrence of three (3) years. Water treatment consists of liming and chlorination. Current average daily consumption is 3.40 million litres (0.9 million gallons). The lake and a portion of its watershed land was designated as a protected watershed area in 1972; however, approximately 114 hectares (283 acres) of the lake's watershed lands have not been designated and remain unprotected.

In 1979, the Town initiated a water line replacement program and since that time 6705 metres (22,000 ft.) of outdated pipe has been replaced and 4420 metres (14,500 ft.) of new water main has been installed. The water line replacement program is in accordance with a recommendation made by Canadian-British Consultants in its 1978 report; however, the sequence and schedule of water line renewal has not followed the report's recommendations. A new main was installed on Victoria Road in 1980. The water line replacement program is considered an ongoing program, subject to the availability of funding.

Map 3, Sewer and Water Services, shows details of the Town's water distribution network.

POLICIES

It shall be the policy of Council to:

- 13.1 systematically refurbish existing water lines by cleaning and replacing lines as necessary to ensure a clean, potable water supply for industrial, commercial, domestic and fire fighting purposes throughout the serviced area of the Town.

- 13.2** seek means to ensure the protection of Dares Lake and its associated watershed lands.
- 13.3** require the subdivider or developer to install all water lines within a subdivision in accordance with the provisions of the Subdivision By-law.

Sewers

BACKGROUND

Storm and sanitary sewers, with the exception of Centennial Avenue and Victoria Road, are combined, and sewage that is collected is discharged untreated into the Front Harbour through outfalls. A number of private sewers exist in the Town, particularly in the areas of Tannery Road and the Old Town waterfront. These discharge into the harbour at several points, as shown on Map 3, Sewer and Water Services. This discharge of private sewage into the harbour is regarded as unhealthy but, so long as the Town's public sewers continue to discharge untreated sewage into the harbour as well, the continued existence of private sewers will be tolerated. New private sewer installation as well as extension of or new connections to existing private sewers will be prohibited. Consideration will be given to the installation of public sewers to intercept private sewage outfalls and to provide connection with the existing public sewer system.

Considerable upgrading and repair work has been carried out on the sewage collection system over the past ten years. A program of upgrading manholes and mains is now in place. In addition, Council is now involved in a process to develop sewage treatment facilities for the Town. Council is aware of the importance of this matter, and is concentrating its efforts on finding a timely and cost-efficient solution to sewage treatment in Lunenburg.

It is recognized that any extension of sewers into rural areas where pumping stations will be required is a costly proposition and, as a result, sewer line extensions to these areas will not be considered a priority. The cost of providing sewer lines within new subdivisions is considered to be the responsibility of the developer or subdivider. Council considers it worthwhile to have storm sewers separated from sanitary sewers within new developments even though the mains are not now separated, in order that separation of these systems will not become even more difficult over time.

Map 3, Sewer and Water Services, shows details of the Town's sewer system.

POLICIES

It shall be the policy of Council to:

- 13.4** require the developer of a subdivision to install sewers in accordance with the requirements of the Subdivision By-law at the developer's expense, including the separation of sanitary sewers from storm sewers in new developments to the property line.

- 13.5** limit the extension of sewer lines to areas that can be served by gravity lines except:
- (a) where any proposed extension that would require a pumping station could also service and benefit existing development; or
 - (b) where new proposed development is of a sufficient scale to justify installation and operating costs; or
 - (c) where the development to be served by the extension would benefit the entire Town.
- 13.6** consider making any necessary provisions for eventual sewage abatement, particularly the reduction of water infiltration and the installation of interceptors, when any maintenance, repairs, replacement, or new installations of sewers and other public works are carried out
- 13.7** continue to seek the financial means to install and operate a sewage treatment system for the Town.
- 13.8** encourage the prohibition of servicing of new buildings by the installation of new private sewer outfalls or the extension of or connection to existing private sewer outfalls into the water of Lunenburg Harbour, Lunenburg Bay and the Back Harbour through the regulations of the Nova Scotia Department of Environment, Environmental Health, Western Region.
- 13.9** permit the continued use of existing private sewers, as shown on Map 3, Sewer and Water Services, until such time as affected properties can reasonably be served by new public sewers. Responsibility for the maintenance and repair of such private sewers shall rest with the owners of the affected properties.
- 13.10** seek means to provide public sewer service to those properties in the Town presently served by private sewers.
- 13.11** permit the installation of new on-site sewage disposal systems on new lots, only in the designated Rural areas in the Town, subject to the regulations of the Nova Scotia Department of Environmental Health, Western Region, except as provided for in policy 13.12 below.
- 13.12** permit the replacement or reconstruction of existing on-site sewage disposal systems in the Town and permit the installation of new on-site sewage disposal systems on existing lots, subject to the regulations of the Nova Scotia Department of Environmental Health, Western Region, and the requirements of the Sewer By-law of the Town of Lunenburg.
- 13.13** that public sewer service shall not be extended beyond the Town boundary except where a sewer extension forms a part of a regional sewage treatment program operated in co-operation with the Municipality of the District of Lunenburg.

Streets and Sidewalks

BACKGROUND

It is recognized that safe, well defined, and unimpeded pedestrian walkways provide an important service to all Town residents, particularly senior citizens and children. Good sidewalks are also recognized as a benefit to tourism because they encourage visitors to explore the Town on foot.

Since 1985, 913 metres (3,000 ft.) of street have been constructed, 3505 metres (11,500 ft.) of street reconstructed, 1219 metres (4,000 ft.) of sidewalk reconstructed and 914 metres (3,000 ft.) of sidewalk renewed.

POLICIES

It shall be the policy of Council to:

- 13.14** encourage pedestrians within the Town by maintaining and upgrading existing sidewalks and installing new sidewalks as funds become available.
- 13.15** continue to seek and utilize funding under programs similar to the Provincial Mainstreet Program to upgrade sidewalks in the downtown commercial area.

Police and Fire Protection

BACKGROUND

Police protection is provided by the Town by way of a Town police force. Police headquarters is located in the old railway station off Dufferin Street.

Fire protection in the Town is provided by a fire department staffed by volunteers. Facilities, equipment, and operational funding are provided by the Town. The fire department also serves the rural area immediately outside the Town. Service to this area is provided under an agreement whereby the Municipal district gives financial support to the department. The fire department is constructing a larger Fire Hall near the waterfront.

POLICIES

It shall be the policy of Council to:

- 13.16** continue to provide police protection throughout the Town.
- 13.17** continue to provide facilities, equipment, and operational funding for the volunteer fire department and to encourage the training of firefighters for fire fighting and fire prevention by supporting training programs which are deemed necessary to ensure that firefighters are effective and efficient in carrying out their duties.

- 13.18** provide fire protection to areas of Lunenburg Municipality adjacent to the Town, subject to appropriate financial reimbursement from the District for the provision of the service.

Power

BACKGROUND

Lunenburg is one of six (6) remaining communities in Nova Scotia which provide power to residents through a locally owned and operated utility. The Town of Lunenburg Electric Light Utility operates as a department of the Town, and provides power to the Town and the immediately surrounding area. Power is purchased from Nova Scotia Power. Over the past ten (10) years, power consumption in Lunenburg has increased by approximately six per cent (6%).

Provision of an adequate and safe power distribution system is seen as necessary to the continued growth of the Town.

POLICIES

It shall be the policy of Council to:

- 13.19** continue to provide power to the residents of Lunenburg and the surrounding area through the Town of Lunenburg Electric Light Utility.
- 13.20** continue to encourage residents to decrease power consumption through the use of education programs such as those made available through Nova Scotia Power.

14.0 OUTDOOR STORAGE AND DISPLAY

BACKGROUND

Outdoor storage and display of goods, materials, and equipment that could create a nuisance or that would negatively affect the enjoyment of nearby non-commercial or non-industrial properties will be controlled. The open display of goods for sale, such as open markets, will not be permitted in residential zones except for display related to private garage or yard sales which happen on an occasional or infrequent basis.

POLICIES

It shall be the policy of Council to:

- 14.1** regulate outdoor display and outdoor storage in all commercial and all industrial zones and prohibit storage and display in yards which abut any other zone, or yards which abut a road which incorporates any other zone boundary.
- 14.2** control the amount and location of open storage on any lot.
- 14.3** permit temporary or occasional outdoor markets in areas zoned for commercial, recreation or institutional use.

15.0 LANDSCAPING, FENCING, AND LIGHTING

BACKGROUND

Establishment of turf, grading, planting of vegetation, and the installation of surfacing materials on walkways and driveways constitute the basic elements of landscaping. Sensitive landscaping can reduce the impact of new development upon nearby properties and generally improve the visual environment. Well established turf and ground covers will prevent serious erosion and control dust. Hedges can be effective in screening unattractive elements, such as storage and parking areas, and pavers or gravel will control dust when applied to driveways and parking lots. Landscaping is particularly important when site conditions require major alterations to the topography. The Municipal Planning Strategy will provide for landscaping in developments which are subject to development agreement.

Fencing, such as barbed wire, that could cause harm or injury will be restricted in its use and, where fencing could impair vision, such as at street intersections, it will be regulated. Fencing will be required for the purpose of screening unattractive or objectionable features of any development, such as open storage areas, to reduce the impact upon properties near the development.

Outdoor lighting, although important for safety and security reasons, can create a nuisance if it is improperly directed. Where lighting is proposed, it must be installed in a manner which avoids interference with nearby properties.

POLICIES

It shall be the policy of Council to:

- 15.1** require landscaping to be carried out in any development that is subject to a development agreement where landscaping is considered to be reasonably necessary to enhance or preserve the character of the area, to provide screening or buffers, or to make the development compatible with the neighbourhood.
- 15.2** limit outdoor storage and outdoor display in all commercial and all industrial zones by prohibiting display and storage in yards which abut any other zone or a road which incorporates any other zone boundary.
- 15.3** regulate the type, height, and location of fencing and require fencing to screen storage areas that contain unsightly materials and areas that are used for any purpose where it is considered to be reasonably necessary to enhance and preserve the character of the area, or to make the development compatible with the neighbourhood.
- 15.4** control outdoor lighting in order to minimize any nuisance created by such lighting to properties in the neighbourhood.

16.0 SIGNS

BACKGROUND

Signs and public displays of advertising are a component of many types of development. Signs have the potential for creating public nuisance and hazards. Most conventional signs are safe and acceptable. Others, such as flashing or moving signs, billboards and roof signs are considered to be either dangerous or incompatible with the character of the Town. They are also a subject of frequent debate because they raise concerns about appearance, maintenance standards and compatibility with nearby architecture and neighbourhood character.

The erection of signs involves matters related to aesthetics, nuisance, and safety. Signs are recognized as necessary and important; however, it is in the best interest of the community that control be exercised over them. Signs that may cause hazardous conditions due to the creation of confusion or distraction, such as flashing or pulsating lights will be discouraged, as will signs that would interfere with pedestrian or vehicular traffic. Because of the importance of Lunenburg's architectural heritage, it is particularly important in Lunenburg that signs not be permitted to dominate the landscape.

This Municipal Planning Strategy prohibits those forms of advertising displays which are most likely to create hazards or nuisances, as well as those which are most objectionable to the community for aesthetic reasons. All other signs will be strictly regulated to provide business a reasonable opportunity to advertise the name and location of business operations without allowing signs to dominate the architecture and landscape by their size and numbers.

POLICIES

It shall be the policy of Council to:

- 16.1** regulate the height, maximum area, illumination and location of signs throughout the Town to minimize hazards and nuisances and to control the impact of signs on the landscape, streetscape and skyline.
- 16.2** prohibit, through provisions in the Land Use By-law, signs which create hazards to traffic or pedestrians, which constitute a public nuisance, or which are incompatible with the character of Lunenburg.
- 16.3** prohibit, through provisions in the Land Use By-law, off-site signs with the exception of temporary off-site real estate signs.

17.0 GENERAL

BACKGROUND

Parking areas are required to accommodate the motor vehicles associated with most activities. In Lunenburg, on-street parking is not adequate to accommodate any substantial number of cars, and can also contribute to traffic congestion. However, since both lots and the land area of Lunenburg are small, and the heritage architecture is important, Council has minimized the amount of off-street parking which will be required of new developments.

In the Old Town particularly, residential parking is often provided elsewhere than on the lot on which the residential use is located. This relates back historically to the era before individual car ownership was commonplace and before there was a need for on-site parking. Consequently, the provision of private parking areas, private garages, and similar private storage uses, even where there may be no other main building on the lot, is considered to be a compatible land use activity; the ability to establish these uses will be dependant on the existing use on the lot under consideration.

Although the National Building Code and the Provincial Fire Code incorporate requirements for separation between buildings or between a building and a lot line for reducing the spread of fire, the Land Use By-law also contains standards for these separations. These standards arise from the concern of Council for emergency vehicle access, safety, health, privacy, nuisances and the traditional development of the community. Accessory buildings contribute to the character of Lunenburg, especially in the residential areas. The maximum height and the proportions of these buildings will be controlled.

Satellite dish antennae have increased in use. Since they can be obtained in a variety of sizes and installed on the ground, on buildings and on roof tops, they could have a negative visual impact on Lunenburg. As a result, satellite dish antennae will be controlled.

Public buildings and uses operated by the Town serve a broad public purpose and are considered appropriate in all parts of the Town.

POLICIES

It shall be the policy of Council to:

- 17.1 establish in the Land Use By-law use-specific parking standards, and ensure that where developments are permitted by development agreement, the agreement makes provision for adequate parking to serve the proposal.

- 17.2** permit private storage buildings, including but not limited to private garages and private boathouses, where there is no other main building on the lot, in any zone, provided that the applicable requirements of the Land Use By-law are satisfied as if the private storage building were regarded as the main building on a lot and also provided that the private storage building does not exceed 69 sq. metres (750 sq.ft.) in floor area.
- 17.3** permit parking areas for uses allowed in the Old Town Residential area as a main use of land within the Old Town residential area, subject to conditions regarding the use existing on the lot under consideration.
- 17.4** establish in the Land Use By-law minimum yard requirements for separation between buildings as well as between buildings and lot lines for emergency vehicle access, on-site parking, maintenance of buildings and land, private outdoor space, solar exposure, air circulation, waste storage and separation of land uses to reduce land use conflicts.
- 17.5** permit for a time period to be regulated in the Land Use By-law, temporary uses associated with a construction site, a special occasion, or a holiday with no requirement for a development permit.
- 17.6** include within the Land Use By-law existing land uses and associated buildings which were in existence on the effective date of the Land Use By-law, and which would not otherwise be permitted in the zone in which they are located due to the type of use or the size of the use so that their expansion or their change of use shall be governed by the provisions of the zone in which they are located.
- 17.7** regulate the maximum height of accessory structures.
- 17.8** restrict the location and height of satellite dish antennae.
- 17.9** permit public buildings and uses anywhere in the Town.

18.0 SUBDIVISION REGULATION

BACKGROUND

Section 193 of the Municipal Government Act (MGA) defines "subdivision" as *"the division of any area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels."*

Although Section 289 of the MGA states that there can be no subdivision without approval, Section 268 of the Act lists ten ways of dividing land which do not require subdivision approval, and which lie outside the jurisdiction of the Town as a result:

- divisions in which all lots are larger than 10 hectares (25 acres);
- expropriation;
- any acquisition or disposition by the Crown;
- internal division of a cemetery;
- acquisition of land for municipal purposes by a municipality;
- sale of part or all of a street by a municipality;
- division of abandoned railway rights-of-way;
- consolidation of part of an abandoned railway right-of-way with adjacent lands;
- leases of less than twenty years;
- division of property by a will executed before 1 January 2000.

The Municipal Government Act also restricts the powers of a Town regarding subdivision by requiring the By-law to include all applicable parts of the Provincial Subdivision Regulations. These may not be relaxed unless a Municipal Planning Strategy explains the relaxation and the local provisions do not conflict with any provincial interest. When a Town has adopted the exact wording of the Provincial Subdivision Regulations, as is the case in Lunenburg, it is generally beneficial to developers, surveyors and lawyers as there is consistent administration from one jurisdiction to another. In order to provide this consistency, Council will allow its development officer to be guided by the appropriate provincial authority in interpreting those parts of the By-law which directly reflect the Provincial Subdivision Regulations.

Council has chosen to include within the Subdivision By-law and Specifications design and construction standards for public streets, water mains, sanitary sewer, storm drainage and other utilities; a requirements for public open space; and provisions for bonds or other security to guarantee the proper construction of services.

Council will agree to the construction of the new Town services, including streets, sewers, water mains and power lines only if such systems are constructed to a standard suitable for maintenance by the Town. These systems must be either be conveyed to the Town before subdivision approval is granted or Council may enter into an agreement with the developer

which guarantees construction of the service, and subdivision approval may be granted before construction, provided that the agreement is backed by an appropriate bond or other security.

The Municipal Government Act allows Council to require subdividers to contribute money or land for the development of new recreation and open space areas and services. It is Council's intention to require subdividers to contribute land whenever possible, as the amount of undeveloped land is constantly decreasing. As enabled in the Municipal Government Act, Council will require a subdivider to contribute to the Town 5% of the assessed value of new lots.

Because Council is not prepared to impose this requirement on all divisions of land, Council will waive the public open space contribution in the case of resubdivisions and consolidations which do not create any additional lots, any division of land which does not create five or more residential lots, and in the case of lots created in a non-residential zone.

In order to maximize the use of existing servicing and allow for increased density of development in Lunenburg, Council will permit the development of lots which have a minimum deeded easement to the street rather than having frontage on the street.

To accomplish the goals expressed above and the objectives expressed in Part 4.0 of this Municipal Planning Strategy, the following policies have been adopted regarding the subdivision of land.

POLICIES

It shall be the policy of Council to:

- 18.1** control the subdivision and consolidation of land in an orderly manner so as to: protect public health by promoting proper sewage disposal; promote public safety and cost-efficiency in the construction, maintenance and use of new roads; and ensure that new municipal services are constructed and can be maintained at minimum cost to the Town.
- 18.2** apply the Subdivision By-law to the whole of the Town of Lunenburg as the principle means for control of land subdivision and consolidation.
- 18.3** regulate the division and consolidation of lands within the Town boundaries so as to ensure:
 - (a) that subdivisions of land conform with the requirements of the Land Use By-law for minimum lot area and lot frontage; and
 - (b) that where there is no central sewer system, that such subdivisions of land are tested to determine whether the lots are suitable for on-site sewage disposal; and
 - (c) that subdivisions of land provide for safe, adequate access from the public street network to each approved lot; and

- (d) that any central sewer systems, storm drainage systems, central water systems and power distribution systems are properly designed and constructed as well as connected to existing municipal systems where possible;
- (e) that provision is made for dedicating land or an equivalent value for park, playground and similar public purposes;
- (f) that engineering drawings are prepared by qualified persons and filed with the Town Engineer to show the construction details of any new central sewer, storm drainage or water services, and of any new public street;
- (g) that the applicable requirements of the Provincial Subdivision Regulations are in effect.

18.4 maintain a Subdivision By-law which is consistent with the Provincial Subdivision Regulations and further, to include in the Subdivision By-law any provisions of the Provincial Subdivision Regulations which are applicable to the Town.

18.5 consider the advice of the appropriate provincial authority in any interpretation of provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

Lot Sizes

18.6 specify in the Land Use By-law the minimum lot areas and frontages required for new lots within the various zones established by the Land Use By-law.

18.7 provide that all new lots created by subdivision under the authority of the Municipal Government Act satisfy the requirements for lot area and lot frontage established in the Land Use By-law with the following exemptions:

- (a) lots resulting from a subdivision altering the boundaries of two or more areas of land where no additional lots are created; or
- (b) lots created under the variance provisions of Section 279, *Lots Not Meeting Requirements*, of the Municipal Government Act; or
- [c] lots created to remove the encroachment of a permanent structure; or
- (d) lots created around existing main buildings.

18.8 through the Land Use By-law, enable any lot of land to be used for a purpose permitted in the zone in which it is located, including:

- (a) all lots created prior to June 13, 1996, the approximate effective date of this Municipal Planning Strategy; or
- (b) all lots created through subdivision approval under any provision of the Provincial Subdivision Regulations or the Subdivision By-law; or
- (c) all lots created by any division of land for which subdivision approval is not required.

Lot Access

- 18.9** require all new lots created in Lunenburg to have frontage on a public street or have access by means of a deeded right-of-way of at least 6 metres (20 ft.) in width as specified in the Subdivision By-law.
- 18.10** adopt standards for the layout and construction of new public streets, Town sewer services, storm drainage systems, water services and electric power services in accordance with the Municipal Government Act.
- 18.11** require all services to be constructed to a standard suitable for maintenance by the Town and to be conveyed to the Town prior to subdivision approval for any lots served by such systems, except as set out in Policy 18.12 below.
- 18.12** enable the subdivision of land into lots for which the construction of services set out in Policy 18.11 has not been completed where:
- (a) the developer has entered into an agreement which is satisfactory to Council; and
 - (b) the developer has posted a performance bond or other security as specified in the Subdivision By-law; and
 - (c) the agreement provides that the developer may receive subdivision approval for lots after posting the security, but prior to construction of the proposed systems; and
 - (d) the agreement provides for conveyance of the proposed system to the Town when construction is complete.

Public Open Space

- 18.13** require subdividers to transfer to the Town usable land in the amount of five percent of area of the new lots created; or where usable land cannot be contributed, some equivalent value of cash, services or other value in kind.
- 18.14** waive the requirements of Policy 18.13 where:
- (a) fewer than five vacant lots are created including the remainder lot; or
 - (b) the subdivision is the consolidation of two or more lots; or
 - (c) lot boundaries are changed but no new vacant lots are created; or
 - (d) the subdivision is the result of probate of a will; or
 - (e) the subdivision is located within the General Commercial (GC), Restricted Commercial (RC), Highway Commercial (HC), Commercial Shoreline (CS), Tourism Marine (TM), Marine Industrial (MI), Industrial (I), or Rural Industrial (RI) Zone.
- 18.15** consider purchasing for public open space within a subdivision, those lands which have unique and special value because of historical or archaeological significance, views, access to coastal or inland waters, recreation potential, or other outstanding attributes.

19.0 IMPLEMENTATION

Municipal Planning Strategy

This Municipal Planning Strategy is the main document through which the future growth and development of the Town shall be encouraged, controlled and co-ordinated. The policies of the Municipal Planning Strategy will be implemented through the powers provided Council in the Planning Act and other relevant statutes.

This Municipal Planning Strategy and any subsequent amendments shall be reviewed pursuant to Section 49 of the Planning Act when deemed necessary by the Minister of Municipal Affairs or by the Town Council but no later than five (5) years from the date of its coming into force and effect.

The Municipal Planning Strategy approved by the Minister of Municipal Affairs on October 10, 1985, and subsequent amendments thereto are repealed upon the date of coming into force and effect of this Municipal Planning Strategy.

Land Use By-law

The Land Use By-law shall be the principal means for implementing the land use policies of the Municipal Planning Strategy pursuant to Sections 51-54 of the Planning Act.

Policies

In order to implement the policies contained within the Municipal Planning Strategy and in order to ensure clarity, it shall be the policy of Council to:

Administration

- 19.1** appoint a development officer to administer the Land Use By-law, development agreements and Subdivision By-law, and to issue or deny permits under the terms of these By-laws and Regulations.

Development Permits

- 19.2** require that any development permit issued shall specify, in addition to the development, the period for implementation. Any development permit shall lapse, becoming null and void, if the development has not been begun within one (1) year of the date of issue of the permit.

Any development permit issued may be revoked by the development officer where there is reason to believe that the development permit was issued as a result of mistaken or false information.

Public Hearing

- 19.3** hold a public hearing, in accordance with the Planning Act, prior to approval of any amendment to the Municipal Planning Strategy, Land Use By-law, or Subdivision By-law, or entering into a development agreement.

Municipal Planning Strategy Amendments

- 19.4** require an amendment to the Municipal Planning Strategy :
- (a) where any policy intent is to be altered; or
 - (b) where a text or map amendment to the Land Use By-law would conflict with the text or maps of the Municipal Planning Strategy.

Except in the case of a commercial or industrial designation, an amendment to the Municipal Planning Strategy shall not be required for an area contiguous to a given designation on the Future Land Use Map provided all other relevant policies of this Municipal Planning Strategy are satisfied.

Land Use By-law Amendments

- 19.5** amend the Land Use By-law provided that the amendment reflects the intent of the Municipal Planning Strategy.
- 19.6** consider an application for amendment to the Zoning Map of the Land Use By-law only if the application is for a specific development proposal. Council shall give consideration to both the specific proposal and to the impact of other uses permitted in the requested zone.
- 19.7** consider an application for amendment to the Zoning Map of the Land Use By-law only if the site meets all of the zone requirements for the zone sought, with the following exceptions:
- (a) a rezoning may be granted for a lot or lots which meet all other zone requirements but has less than the required frontage and area specified for the zone sought.
 - (b) a rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard requirements specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard requirements.

Development Agreements

- 19.8** enter into development agreements pursuant to Subsection 38(2)(p) and Section 55 of the Planning Act on the terms and conditions set forth in this Municipal Planning Strategy, and a development agreement shall:
- (a) specify the development, expansion, alteration, or change permitted; and
 - (b) specify the conditions under which the development may occur; and
 - (c) set forth the terms by which Town Council can terminate an agreement.

The provisions of the Land Use By-law shall prevail after discharge of an agreement.

Criteria For Development Agreements and Land Use By-law Amendments

- 19.9.1** consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy when considering amendments to the Land Use By-law or development agreements:
- (a) that the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Town By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and
 - (b) that the proposal is not in conflict with Municipal or Provincial programs in effect in the Town; and
 - (c) that the proposal is not premature or inappropriate by reason of:
 - (i) financial ability of the Town to absorb costs related to the development; or
 - (ii) adequacy and proximity of school, recreation and other community facilities; or
 - (iii) negatively affecting the enjoyment of established residences; or
 - (iv) the creation of any undue traffic hazard or congestion; or
 - (v) adequacy of Town sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or
 - (vi) adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem; or
 - (vii) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or
 - (viii) suitability of site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; and
- 19.9.2** consider the following in addition the criteria set out in 19.9.1 above, when considering development agreements:
- (a) that the proposal provides adequate off-street parking. In the case of development by development agreement, parking need not comply with the requirements of the Land Use By-law, and the intention of Council is to reduce the amount of parking required as far as reasonable in relation to the location of the property; and
 - (b) that the proposal provides adequate emergency vehicle access; and
 - (c) that the hours of operation of the proposed use will not unduly disturb nearby properties; and
 - (d) that the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding, and shape and size and relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and

- (e) that the proposal will not significantly alter the existing character or stability of the surrounding neighbourhood; and
- (f) that the proposal will be integrated into the surrounding area by means of good landscaping and sensitive site orientation and screening adequate to eliminate the impact of any objectionable features such as parking or outdoor storage of equipment, parts and waste material; and
- (g) that residential developments provide sufficient usable outdoor open space; and
- (h) that the proposal will not result in a significant risk of damage to either the natural or built environment. This determination will be made by a person deemed to be qualified by Council. Where Council determines, on the advice of a qualified person, that there is a significant risk of such damage, environmental studies shall be undertaken by the developer in order to determine the nature and extent of any likely damage. The proposal shall not be approved by Council until Council is satisfied that all concerns respecting the impact of the development have been adequately addressed; and
- (i) that adequate provision is made for garbage collection and industrial waste disposal, and Council is satisfied that all necessary permissions for these services have been received from the regulatory body having jurisdiction; and
- (j) the use shall not as a result of emissions of noise, odour, dust, or light or any other form of emission, have an undue negative effect on the enjoyment of other properties in the area.