



AGENDA

Town of Lunenburg Council Meeting

Tuesday, June 22, 2021 at 6:00 p.m.

Lunenburg Town Hall, 120 Townsend Street and Zoom/YouTube

(Agenda is subject to change due to additions and/or amendments)

-
1. Call to Order – Mayor Risser
 2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People – Mayor Risser
 3. Agenda - motion to approve
Motion: moved and seconded approval of the agenda.
 4. June 8, 2021 Council meeting minutes - motion to approve
Motion: moved and seconded approval of the June 8, 2021 Council meeting minutes.
 5. Public Hearings, Presentations and Questions
 6. Correspondence, Petitions and Proclamations Consideration
 - a. 60 Day Public Engagement: NS Sustainable Development Goals Act and a new Climate Change Plan for Clean Growth
 7. Business Arising from the Minutes/Unfinished Business
 - a. 2021 Heritage Advisory Committee (Danielle Graham, E. Patricia MacDonald and Philip Mitchell) and Planning Advisory Committee (Virginia Stephen, Colin Whitcomb, Ronald Bachman and Philip Mitchell) Public Membership Applications – consideration and draft motion
Motion: moved and seconded the appointment of _____ to the 2021 Heritage Advisory Committee and _____ to the 2021 Planning Advisory Committee.
 - b. Comprehensive Community Plan Second Quarterly Report 2021/22 – staff information report (TBC)
 8. Committee Meeting Minutes, Recommendations, Reports and Notices of Motion
 - a. Planning Advisory Committee Public Information Meeting Minutes May 19 – 1 X recommendation

Motion: moved and seconded the proposed amendment to the 101 Masons Beach Road Development Agreement by:

3.1 to allow for a 2 year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete “10” and insert “12” before *years from the date of this agreement*;
- b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

3.2 to reference multi-unit dwellings in 1. Use as follows:

a. after *bed resort hotel*; and delete

- sixty (60) residential condominium units; and
 - thirty (30) apartments
- insert
- multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); and
- before
- *other facilities ordinarily*;

and give first reading and set a public hearing date to further consider this application.

b. Planning Advisory Committee Public Information Meeting Minutes June 2 – 1 X recommendation

Motion: moved and seconded first reading, scheduling and advertising of a public hearing on July 27, 2021 for the proposed adoption and public input regarding the draft Municipal Planning Strategy, draft Land Use By-law, draft Subdivision By-law, and draft Specifications for Subdivision dated June 2, 2021 save for minor non-substantive changes and as posted on the Project Lunenburg website.

Motion: moved and seconded first reading of the proposed repeal of the Town of Lunenburg’s 1996 Municipal Planning Strategy, 2013 Land Use By-law and 2007 Subdivision By-law with specifications to be scheduled and advertised for further consideration at the July 27, 2021 Council meeting.

c. Audit Committee Meeting Minutes June 10, 2021.

9. New Business

- a. Proposed Appointment of a Town Building Official pursuant to the NS Building Code Act – draft motion

Motion: moved and seconded that Ryan Whynot be appointed as a Building Inspector for the Town of Lunenburg effective June 22, 2021. Motion carried.

- b. Joint Building Inspection Planning and Implementation Steering Committee Council Members (2 X) Appointments and an Alternate – draft motion

Motion: moved and seconded that Mayor Risser and _____ be appointed as the Town Council representatives on the Joint Inspection Planning and Implementation Steering Committee and _____ as an alternate.

- c. Electric Utility Temporary Borrowing Resolution – staff report and draft motion

Motion: moved and seconded Council approval of an Electric Utility Temporary Borrowing Resolution for \$500,000 as per the staff report.

- d. Provincial Capital Assistance Program (PCAP) – staff report and draft motion

Motion: moved and seconded that staff apply to the Provincial Capital Assistance Program for the Town's 2021/22 Salt Water Intrusion Check Valve Installation project in the amount of \$105,000.

- e. Request of Garth Turner for a Special Event Permit Application Authorizing Partial Closure of King Street for a July 1, 2021 Canada Day Concert (TBC)

10. Meet in camera

Motion: moved and seconded to meet in camera to consider contract negotiations, Municipal Government Act section 22 (2) (e).

11. Resumption of Council meeting in public session - motion to consider any in camera meeting notices of motion and recommendations pursuant to section 22 (3) Municipal Government Act.

12. Adjournment – Mayor Risser.

Agenda items awaiting staff reports, etc. for further consideration

<u>Agenda Item</u>	<u>Assigned to</u>	<u>Council Meeting Assigned</u>	<u>Status</u>	<u>Anticipated Return Date</u>
Cultural Action Plan	Corporate Services	September 8, 2020	Staff will prepare a report about what the expectations of Town are and suggested resources	Assistant Municipal Clerk anticipates a June 2021 Council report.
Watershed boundary extension and land management plan with external resources	Public Works	October 13, 2020	Staff will prepare a report for draft Budget 2021/22 consideration	Town Engineer preliminary report anticipated for May 2021 Council meeting
Proposed Deed Transfer Tax Bylaw amendment increasing the rate from 1 – 1.5%	Corporate Services and Council	June 8, 2021	First reading of proposed Bylaw amendment is being advertised	July 13 Council meeting for public submissions and proposed second/final reading.

TOWN OF LUNENBURG COUNCIL MEETING MINUTES

TUESDAY, JUNE 8, 2021 AT 6:00 P.M.

ZOOM VIRTUAL MEETING AND LIVE BROADCAST

PRESENT: Mayor Matt Risser
Deputy Mayor Peter Mosher
Councillor Jenni Birtles
Councillor Melissa Duggan
Councillor Stephen Ernst
Councillor Ed Halverson
Councillor Susan Sanford (7:20 p.m. left the meeting returning at 7:46 p.m.)

ALSO PRESENT: Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer

1. Call to Order

The Mayor called the meeting to order at 6:00 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Mayor recognized Lunenburg's location on the uncaded territory of the Mi'kmaq people.

3. Agenda

Motion: moved and seconded approval of the agenda. Motion carried.

4. May 25, 2021 Council meeting minutes

Motion: moved and seconded approval of the May 25, 2021 Council meeting minutes. Motion carried.

5. Public Hearings, Presentations and Questions

6. Correspondence, Petitions and Proclamations Consideration

- a. Letter from the Minister of Justice congratulating the Town and others for the adoption of the Lunenburg County Accessibility Plan and available Provincial funding
- b. Proclamation Request for the Recognition of the Longest Day of Smiles June 20, 2021

Motion: moved and seconded adoption of the following proclamation –

Whereas, Operation Smile Canada announces June 20, 2021 as the Longest Day of Smiles to raise funds and awareness; and

Whereas, Operation Smile is a global medical charity helping to improve the health and lives of children in more than 60 countries. They have provided more than 300,000 children and young adults born with cleft lip, cleft palate and other facial differences with free life-changing surgical procedures and dental care. They train doctors and local medical professionals, donate medical equipment and supplies and provide year-round medical treatments through a network of comprehensive care centres; and

Whereas, every three minutes a child is born with a cleft lip, a cleft palate, or both. This statistic does not change even during a pandemic; and

Whereas, the Longest Day of Smiles will unite Canadians across the nation to raise funds, awareness, and share smiles, with each other, for children born with cleft conditions; and

Whereas, on June 20, 2021 we encourage residents of the Town of Lunenburg to visit longest day of smiles.ca to learn more.

Therefore, the Town of Lunenburg Council proclaims June 20th, 2021 as “The Longest Day of Smiles” and commend its thoughtful observance to all citizens. Motion carried.

c. Proclamation Request for Recognition of Recreation and Parks Month June 2021

Motion: moved and seconded adoption of the following proclamation –

Whereas, in the Town of Lunenburg recreation practitioners are continually working to create and grow accessible local recreation and parks options, and providing opportunities to explore in our backyards; and

Whereas, participating in recreation helps to connect interpersonal relationships, support healthy, active lives across the lifespan, celebrate our diverse cultures while creating opportunities to learn, grow and self-reflect; and

Whereas, our parks, green spaces and trails provide places to be in nature, learn about local ecosystems, and continually respect, maintain, and preserve Mi'kma'ki where we live, work and play;

Therefore, the Town of Lunenburg Council hereby proclaims June 2021 to be “Recreation and Parks Month” in the Province of Nova Scotia acknowledging the year round benefits of Parks and Recreation in our communities. Motion carried.

7. Business Arising from the Minutes/Unfinished Business

a. Property Valuation Services Corporation (PVSC)

PVSC’s Shannon Peterson, Policy and Stakeholder Relations Advisor, Paul Beazley,

Regional Manager, and Rod Tremblay, Local Assessor, provided an overview of their presentation regarding PVSC operations and services ([Schedule A](#)). They answered questions of Council regarding the impact of recent housing volume and sales price increases on property assessments overtime. They encourage others with questions to contact their offices for more information.

b. Comprehensive Community Plan Annual Work Plan 2021/22

The CAO and Assistant Municipal Clerk presented the Work Plan document prepared by the Town management team ([Schedule B](#)).

[Motion](#): moved and seconded approval of the Comprehensive Community Plan Annual Work Plan 2021/22 ([Schedule B](#)). [Motion carried](#).

c. South Shore Public Libraries' Request to Use Lunenburg Academy Room 101 on a Permanent Basis for Programming and Community Organizations' Use

[Motion](#): moved and seconded that the original February 26, 2019, motion of Council permitting occasional use of Lunenburg Academy Room 101 by the South Shore Public Libraries Lunenburg Branch Library is reaffirmed subject to availability and any future third party lease arrangements discontinuing same ([Schedule C](#)). [Motion carried](#).

d. Draft amendments to the Deed Transfer Tax Bylaw – First Reading

[Motion](#): moved and seconded first reading of the proposed amendments of the Deed Transfer Tax Bylaw and publically advertise same for public input at the proposed second/final reading of same during the July 13 Council meeting ([Schedule D](#)). [Motion carried](#).

8. Committee Meeting Minutes, Recommendations, Reports and Notices of Motion

The following minutes were received for information only.

- a. Planning Advisory Committee May 19 – 1 x recommendation/Councillor Sanford deferred to June 22 Council meeting for consideration and May 26 Meeting Minutes
- b. Anti-Racism Committee May 20 Meeting Minutes
- c. Joint Occupational Health and Safety Committee May 6 Meeting Minutes
- d. Project Lunenburg Steering Team May 12 Meeting Minutes
- e. Committee of the Whole June 1 Meeting Minutes

[Motion](#): moved and seconded approval of the 2021/22 list of Community Grants ([Schedule E](#)) totaling \$20,000 provided for in the 2021/22 Town General Operating Budget. [Motion carried](#).

9. New Business

a. Pride Lunenburg 2021 Celebrations Crosswalk Painting 2021 Proposal – Staff Report

The Assistant Municipal Clerk summarized the staff report and recommendation (**Schedule F**) to paint a Pride rainbow symbol on Town property in recognition of Pride 2021.

7:20 p.m. – Councillor Sanford left the meeting.

Motion: moved and seconded that Council paint a rainbow along each side of the walkway near the War Memorials in recognition of Pride 2021 celebrations in June with a budget of \$500 for paint (Schedule F). Motion carried.

10. Meet in camera

Motion: moved and seconded to meet in camera pursuant to section 22 (2) Municipal Government Act to consider the following agenda items –

- Common Lands Ownership and Representation, section 22 (2) (a) Municipal Government Act
- Lunenburg Academy Lease Negotiations, section 22 (2) (e) Municipal Government Act
- Legal Advice Eligible for Solicitor Client Privilege, section 22 (2) (e)
- Bluenose Drive Tour Parking Agreement Negotiations, section 22 (2) (e) and (h).

Motion carried.

7:22 p.m. - Council recessed and met in camera.

11. Resumption of Council meeting in public session

The public portion of the meeting resumed at 8:11 p.m.

There were no Council in camera recommendations to report.

12. Adjournment

The meeting was adjourned at 8:12 p.m. by the Mayor.

Bea Renton, CAO



**Environment and Climate Change
Office of the Minister**

PO Box 442, Halifax, Nova Scotia, Canada B3J 2P8 • Telephone 902-424-3736 • novascotia.ca

10700-40-57583

June 8, 2021

Dear Municipality:

I am pleased to announce that Environment and Climate Change has launched a 60-day public engagement on creating goals under the Sustainable Development Goals Act and a new Climate Change Plan for Clean Growth. The engagement runs from May 27 to July 26, 2021.

I would like to encourage you to consider sharing with your residents. We want to hear from as many Nova Scotians as possible. We're extremely interested in hearing their ideas, their visions, and are committed to having those voices help form the direction for government. Our team is making a concerted effort to reach out to as many people as possible through a variety of avenues. In particular, it's important to hear from communities that haven't always been included in past policy discussions, such as Black, Indigenous, and low-income communities.

We have partnered with the Clean Foundation to help coordinate the engagement process. There are a number of ways to engage, including public Zoom sessions, a do-it-yourself kit for groups and communities to facilitate their own discussions, as well as email, mail, and phone submissions. More details are available at www.CleanFuture.ca.

I would also like to encourage you to reach out to our team here at Environment and Climate Change. To that end, please feel free to contact Jason Hollett, our Associate Deputy Minister of Climate Change. He can be reached at jason.hollett@novascotia.ca.

Preparing our municipalities for the impacts of climate change while creating a cleaner and more inclusive economy is essential. We need all communities to be involved. I look forward to learning more about your ideas on how we can build a better Nova Scotia together.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Irving".

Keith Irving, MLA
Minister of Environment and Climate Change

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Hello Region 6 stakeholders:

In case you're not aware, the province released two consultation documents May 27th. The Sustainable Development Goals Act is of particular interest to you as this will guide the new goals. It discusses the Provincial Government providing leadership in sustainable prosperity (Area 1) and EPR and circular economy (under Area 4). This public consultation is open for comments until July 27th. Please consider commenting and sharing this with those in your organization as per the request from Region 6 Inter-Municipal Committee Chair Wayne Thorburne.

These two areas could ease some of the growing pressure on municipalities to manage solid waste. As a suggestion, if the Province used its' buying power to require sustainable products in what they purchase (e.g. recycled plastic lumber), this would create demand and markets for the materials municipalities are obligated to recycle.

If Extended Producer Responsibility for Printed Paper and Packaging (EPR for PPP) was regulated, this would mean the companies that make the products would be required to pay for collection, administration, education and recycling their products. Currently municipalities pay for these products which are beyond their control, without receiving any funding.

A company that makes sandwich bags would be paying for collection, Admin/Education, facilities to recycle and getting them to a market, thereby saving municipalities money and placing the responsibility with the manufacturer. As this type of system is already in place in many provinces, their increased cost is likely included in their product price already. Please contact me if you have any questions.

Below is the link to the discussion paper

<https://cleanfuture.ca/wp-content/uploads/2021/05/Sustainable-Development-Goals-Act-Discussion-Paper-English-1.pdf>

Below is the link to get involved and provide feedback

<https://cleanfuture.ca/#formsubmissions>



Christine H. McClare BA (Psych)

Regional Coordinator

Region 6 Solid Waste Management

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Sustainable Development Goals Act: Discussion Paper

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Sustainable Development Goals Act Discussion Paper

Department of Environment and Climate Change

May 2021

ISBN: 978-1-77448-194-3

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The consultation

Nova Scotia is working towards having cleaner, healthier communities. We're moving to cleaner energy. We are adapting to our changing climate, reducing waste, and supporting biodiversity. We are positioning ourselves to thrive in a clean economy.

We are asking for your thoughts on:

- New goals under the Sustainable Development Goals Act
- The new Climate Change Plan for Clean Growth.

In 2019, the provincial government passed a new law, the Sustainable Development Goals Act. It also promised a new climate change plan for Nova Scotia. This paper is about options and directions for our goals under the Act. You can read more about the Climate Change Plan for Clean Growth and actions related to it, here:

cleanfuture.ca

This is only one way we are talking to Nova Scotians, but it's a very important one. Your feedback is one factor we'll take into account when setting new goals. We're looking forward to hearing from you

Preface

The Sustainable Development Goals Act will replace an earlier law called the Environmental Goals and Sustainable Prosperity Act.

This law allows government to set goals in six areas. It also promises a Climate Change Plan for Clean Growth. This plan will determine how we reach our greenhouse gas reduction targets, and prepare for the impacts of climate change.

The Act includes strong new greenhouse gas reduction targets:

- **By 2020, reduce greenhouse gases to 10 per cent below what Nova Scotia was emitting in 1990**
- **By 2030, reduce greenhouse gases to at least 53 per cent below what Nova Scotia was emitting in 2005**
- **By 2050, net zero: this means we will balance greenhouse gas emissions with measures to remove greenhouse gases and other offsetting measures (e.g., managing forests to be a carbon sink, purchasing carbon offsets)**

You can find the Sustainable Development Goals Act [here](#).

Premier's commitments

The Premier recognizes that a cleaner and healthier Nova Scotia, focused on equity, is one where all Nova Scotians can thrive. This is why the government's recent announcements that contribute to this clean future include:

- Committing to reducing greenhouse gas emissions by at least 53 per cent below the levels that were emitted in 2005 by the year 2030 and be net zero by 2050.
- Committing to closing coal plants by 2030.
- Committing to reaching 80 per cent renewable energy for the electricity sector by 2030.
- Committing to powering core government operations with 100 per cent renewable electricity by 2025.
- Investing \$9.5 million in the Home Warming and the Affordable Multi-Family Housing energy efficiency programs to help ensure low-income Nova Scotians' homes are comfortable.
- Providing rebates for new and used electric vehicles, and new electric bikes.
- Creating a Clean Agriculture Technology program to support farmers and food production.
- Eliminating single-use plastic bags at check-outs.
- Committing to designating and identifying additional lands in the Parks and Protected Areas plan to bring Nova Scotia to 14 per cent protected land.
- Investing \$2 million over five years in the Clean Leadership Program, which supports youth interns in working on climate change projects across the province.
- Passing the Biodiversity Act and Crown Lands Act amendments.
- Creating the Office of Equity and Anti-Racism Initiatives to ensure government-wide focus on social equity, address underlying and systemic differences of opportunity and access to social resources.

Our work continues, and we know we need to do more. This work can be done through the creation of goals. These goals will align with the focus areas laid out in the Sustainable Development Goals Act and will be driven by the principles of the Act, and ongoing learning.

Focus areas

The Sustainable Development Goals Act sets out six areas we want to focus on.

1. Leadership in sustainable prosperity, which includes the health of our economy, our communities and the planet
2. Moving to cleaner energy, improved energy efficiency, and cleaner transportation
3. Reducing greenhouse gas emissions and adapting to climate change
4. Moving toward a circular economy, where we use products for longer, and eliminate waste
5. Making sure all Nova Scotians can share in economic growth, including African Nova Scotians, the Mi'kmaq, young people, and those of all abilities
6. Protecting nature and biodiversity.

What's most important

As we make decisions about our goals, we must keep our guiding principles in mind. These are:

- Netukulimk, a Mi'kmaq concept that means using the natural bounty provided by the Creator to feed and support people and communities without jeopardizing the environment.
- sustainable development, which considers the health of our economy, our communities and our planet.
- a circular economy, which aims to use products for as long as possible and eliminate waste.
- an inclusive economy that allows all Nova Scotians to share in our economic success.

The Act recognizes that government can't achieve sustainable prosperity alone. It must work with the private sector, other levels of government and all Nova Scotians.

The Act also recognizes that climate change is a global emergency that requires urgent action.

Leadership in sustainable prosperity

What does this mean?

We believe Nova Scotia can grow our economy and protect our environment at the same time. The province can't do it alone, though. We need to work with other levels of government, businesses and all Nova Scotians.

Government can lead by developing policies and programs that consider both the environment and the economy. It can start pilot projects, support communities and businesses, do research, and educate Nova Scotians. Government can also support communities and businesses to do the same.

What could this look like?

Greening government operations

The provincial government has already promised that all its offices will use only renewable energy by 2025. Other options might include making government buildings more energy-efficient, and buying electric vehicles for government fleets.

Teaching sustainability in school

If children learn about protecting the environment when they're young, they are more likely to consider waste, pollution and the value of nature when they are making decisions as adults. They may grow up to be entrepreneurs, creating products and businesses that protect the environment. Educating children about sustainability will also prepare our youth for jobs of the future.

Using government's buying power

Government can use its buying power to support Nova Scotian businesses that are protecting our environment and hiring our people. We can use government purchasing power to support our local business owners, including those who are Indigenous, African Nova Scotian, immigrants, those with different abilities, and women in non-traditional work.

Working to ensure no one is left behind

The pandemic has hurt those who are already struggling, including people of colour, Nova Scotians experiencing low-income and the accessibility community. As we respond to both the pandemic and climate crises, we must make sure no one is left behind. The province will work with those who are impacted the most so everyone can benefit from our move to a clean and sustainable Nova Scotia.

Supporting the transition to cleaner energy, energy efficiency, and cleaner transportation

What does this mean?

Burning fossil fuels to generate electricity, heat our homes, and travel within the province impacts Nova Scotians' health, and contributes to climate change and air pollution. Moving to a net-zero Nova Scotia will mean shifts in how we make energy, where we live, and how we travel. We must shift toward generating electricity without any greenhouse gas emissions, with sources like wind and solar. The buildings where we live and work will change as they become more energy-efficient and heated with heat pumps, and other green heat sources. We'll make more trips by transit, walking, biking, and in zero-emission vehicles like electric cars and buses.

What could this look like?

There are many options and factors to consider in how we make cleaner electricity, improve energy efficiency, and move towards clean, active, and accessible transportation for all. For more details, read the Climate Change Plan for Clean Growth Discussion Paper at cleanfuture.ca

Climate change mitigation and adaptation

What does this mean?

Nova Scotians care about a clean and healthy future for our province. We have the resources and the know-how to prepare and adapt to the impacts of climate change and thrive in a zero-carbon future.

Although climate change affects everyone and all sectors, it does not affect everyone equally. People who already face barriers to their well-being and equality may also face disproportionate impacts from climate change. Tackling the climate crisis is our opportunity to build back better for everyone.

What could this look like?

There are immense opportunities for taking climate change mitigation and adaptation action in Nova Scotia. For a more detailed discussion of climate change mitigation and adaptation, read the Climate Change Plan for Clean Growth Discussion Paper: cleanfuture.ca

Circular economy

What does this mean?

A circular economy means fewer disposable items used just for one purpose. It means sharing, reusing, repurposing and repairing, to keep physical goods and materials in use for as long as possible. This requires innovation and creativity. It's more than recycling. A circular economy is very different from the traditional 'take, make, use, dispose' system we are all used to.

What could this look like?

Reducing waste

By sharing, repurposing, and repairing, we will use fewer natural resources, send less waste to landfills and create new businesses and jobs. This will help the environment and help us build better connections to our neighbours. It will also reduce our greenhouse gas emissions.

Extended producer responsibility

Extended producer responsibility makes companies responsible for the waste their products create. Right now, Nova Scotians can return paint, electronics, used oil, filters and containers, and used glycol containers through extended producer responsibility. Managing more products through extended producer responsibility would encourage companies to reduce packaging, make their products more environmentally friendly and recyclable.

Provincially coordinating our approach

Nova Scotia has many opportunities to be a leader in a circular economy. These opportunities are often connected to one another. They often impact other waste streams. A coordinated approach will make better use of products and wastes. It will also reduce environmental impact, support education, encourage innovation and entrepreneurship, and create more local jobs.

Research and Development

We'll need new research and new ideas on climate change, waste reduction and conservation, and that means supporting researchers and students. We have universities and research institutions that work closely with the private sector, and we need them to keep doing that. With support, they can be leaders in Nova Scotia's circular economy and clean future.

Inclusive economy

What does this mean?

An inclusive economy is one where all Nova Scotians have an opportunity to build a good life in our province. All of us will have a chance to share in the jobs and opportunities we create in the clean economy, no matter what our ability, geography, gender, race, or income is.

What could this look like?

Accessible digital services

Internet connection allows more Nova Scotians to work remotely, including those with transportation or mobility challenges. They allow us to stay connected with the people we love, no matter where they live. They allow us to live in our community of choice, and reduce greenhouse gases by not commuting. Improved digital connection also supports businesses in reaching new customers and markets. It improves rural economic development by allowing Nova Scotians to work from home. It supports remote access to health services.

Retrain Nova Scotians for work in the digital, clean economy

As we move to a clean economy, it is important that no one is left behind. We need to help workers with retraining, and upgrading their education. We also need to help businesses to help them improve their environmental performance and create jobs. Together these efforts will allow Nova Scotian businesses to competitively meet growing demands for green goods and services in the province, across Canada and internationally, while employing Nova Scotians with good jobs.

Improving food security

Food is the single biggest industry in Atlantic Canada. Enhancing food security for the most vulnerable Nova Scotians will help people. Supporting innovation, and clean technology in the agriculture, aquaculture and fisheries sectors will lead to a more sustainable food supply and continue to strengthen our local food systems.

Protecting our natural assets

What does this mean?

We need clean air for our health, and clean water for our people and ecosystems to thrive. We must protect these assets so they support us now, and for years to come.

What could this look like?

Implementing ecological forestry

Forestry plays an important role in Nova Scotia. It is important that we implement the triad model in the [Lahey report](#). It is one part of an ecological forestry approach. This model allows us to use our forests sustainably while supporting biodiversity on Crown land.

Supporting protected areas

Protected areas are essential. They protect soil and watersheds. They protect our communities from natural disasters. Now, more than ever, protected areas are important for Nova Scotians' physical and mental well-being.

Protecting biodiversity

Biodiversity, which is the number of plants and animals in an ecosystem, is crucial to our environment. We know that when plant, insect, and animal species start to disappear, it affects how we grow food, how animals survive, and so many other aspects of our lives. Biodiversity is important for a healthy environment, for our communities, and for a strong economy.

Biodiversity must be managed for the benefit of present and future generations. This concept is in keeping with the Mi'kmaq concept of Netukulimk. The Mi'kmaq define Netukulimk as the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community. It means achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity, or productivity of the environment.

Clean air

Air pollutants such as sulphur dioxide, nitrogen oxides, and particulate matter cause smog and acid rain. Poor air quality can affect our health, increase health care costs, and harm nature. Reviewing and updating our air quality standards will help keep our people and our province healthy.

Clean water

Safe, good quality water is important for our environment, our wildlife, and our people. It provides a place for fish, plants, and insects to live and grow. It feeds our forests, meadows, and crops. Unplanned and unmanaged water use can lead to water shortages, especially in dry years. Chemicals, wastewater discharge, and sediment in our water can harm our water quality and aquatic life.

Natural solutions to climate change

Our natural assets can also be an important component of our climate action. For example, we may be able to sink and store more carbon in our forests, soils, and wetlands. We'll need to study existing carbon sinks, and protect more lands that can store carbon. This can help us fight climate change, protect plants and species at risk, help us keep our air and water clean.

We want to hear from you

Your input will help shape our new goals under the Sustainable Development Goals Act. These are guiding questions only. You can choose to use them to help with your input, but it's not required.

Tell us about **your community**:

- What are the most pressing environmental sustainability issues in your community? Examples might include protecting our wildlife or our forests, solid waste, single-use items, supporting green businesses or food security options.
- What would you do to address these issues?
- What are the barriers to environmental sustainability you see? How do we remove them?

Tell us how **we can make sure no one is left behind**:

- How can environmental sustainability include all cultures, such as African Nova Scotian and Indigenous communities?
- How can we collaborate so all cultures learn from each other to ensure that we can protect our environment for generations to come?
- How do we ensure that African Nova Scotian, Indigenous, and marginalized communities benefit from the jobs and business opportunities we create as we move to a cleaner Nova Scotia?

Tell us about **your vision for Nova Scotia**:

- When you think of Nova Scotia in 2030, what does it look like to you?
- Are there other principles that should guide our work towards sustainable prosperity?
- What does success in environment, economy, and equity look like for you?
- What else would you like to tell us?

Please send your input to:

E-mail address:

info@cleanfuture.ca

Mailing address:

Attention: Engagement Coordinator
Clean Foundation
126 Portland Street
Dartmouth, NS
B2Y 1H8

CONFIDENTIALITY STATEMENT: All information submitted to the Government of Nova Scotia as part of the Sustainable Development Goals Act and Climate Change Plan for Clean Growth will be governed by the provisions of the Freedom of Information and Protection of Privacy Act. Any information submitted will be retained by the Government of Nova Scotia.



BILL NO. 213

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

An Act to Achieve Environmental Goals and Sustainable Prosperity

CHAPTER 26
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

The Honourable Gordon Wilson
Minister of Environment

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Achieve Environmental Goals and Sustainable Prosperity

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Sustainable Development Goals Act*.

2 In this Act,

(a) “circular economy” means an economy in which resources and products are kept in use for as long as possible, with the maximum value being extracted while they are in use and from which, at the end of their service life, other materials and products of value are recovered or regenerated;

(b) “Fund” means the Sustainable Communities Challenge Fund established under Section 9;

(c) “inclusive economy” means an economy that creates opportunity for all segments of the population and that distributes the dividends of increased prosperity, both in monetary and non-monetary terms, for the well-being of all Nova Scotians;

(d) “Minister” means the Minister of Environment;

(e) “Netukulimk” means, as defined by the Mi’kmaq, the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of the environment;

(f) “Round Table” means the Round Table established pursuant to the *Environment Act*;

(g) “sustainable development” has the same meaning as in the *Environment Act*;

(h) “sustainable prosperity” means prosperity where economic growth, environmental stewardship and social responsibility are integrated and recognized as being interconnected.

3 The Minister is responsible for the general supervision and management of this Act and the regulations.

4 This Act is based on the following principles:

(a) the achievement of sustainable prosperity in the Province must include all of the following elements:

- (i) Netukulimk,
- (ii) sustainable development,
- (iii) a circular economy, and
- (iv) an inclusive economy;

- (b) the achievement of sustainable prosperity is a shared responsibility among all levels of government, the private sector and all Nova Scotians;
- (c) climate change is recognized as a global emergency requiring urgent action;
- and
- (d) such other principles as may be prescribed by the regulations.

- 5** (1) The long-term objective of the Province is to achieve sustainable prosperity.
- (2) To achieve the long-term objective of sustainable prosperity, the Government shall
- (a) raise awareness of the importance of sustainable prosperity and the elements that contribute to it;
 - (b) create the conditions necessary for sustainable prosperity, including regulation, programs and initiatives to encourage actions and innovation by local government, business, non-government organizations and Nova Scotians for the purpose of making progress in sustainable prosperity; and
 - (c) adopt, support and enable goals and initiatives that are aligned with the principles and focus areas in this Act and regulations.

- 6** Goals and initiatives established under this Act and the regulations must align with the following focus areas:
- (a) the demonstration of leadership in sustainable prosperity;
 - (b) the support of the transition to cleaner energy, more sustainable sources for electricity generation, improved energy efficiency and cleaner transportation;
 - (c) climate change mitigation and adaptation;
 - (d) the creation of conditions supporting a circular economy;
 - (e) the creation of conditions supporting an inclusive economy;
 - (f) conservation and sustainable use of natural assets and support for biodiversity;
 - and
 - (g) such other focus areas as may be prescribed by the regulations.

- 7** The Government's goals in relation to greenhouse gas emissions reductions are that greenhouse gas emissions in the Province are
- (a) by 2020, at least 10% below the levels that were emitted in 1990;
 - (b) by 2030, at least 53% below the levels that were emitted in 2005; and
 - (c) by 2050, at net zero, by balancing greenhouse gas emissions with greenhouse gas removals and other offsetting measures.

8 The Government's goals in the focus area of climate change mitigation and adaptation must include the creation of a strategic plan, prior to December 31, 2020, to be known as the "Climate Change Plan for Clean Growth" which must address

- (a) achieving the greenhouse gas emission targets set out in Section 7;
- (b) adapting to the impacts of climate change and building a climate resilient Province;
- (c) accelerating the integration of sustainable and innovative technologies and approaches; and
- (d) clean inclusive growth.

9 (1) The Sustainable Communities Challenge Fund is established.

(2) The money in the Fund must be managed and used in accordance with the regulations, if any, to create competitive opportunities to encourage communities in their climate change mitigation and adaptation efforts.

10 The Premier shall meet with the Round Table annually to discuss progress on sustainable prosperity and may include any member of the Executive Council the Premier deems appropriate at the meeting.

11 The Premier shall ensure that sustainable prosperity is included in the mandate of every Government department.

12 (1) The Minister, in consultation with the members of the Executive Council as appropriate in relation to their respective mandates, shall report annually to the House of Assembly on the progress made toward the long-term objective of sustainable prosperity, including progress toward achievement of sustainable prosperity goals and initiatives and any changes made thereto, as established under this Act and the regulations.

(2) The Minister shall table the annual report referred to in subsection (1) in the House of Assembly on or before July 31 or, where the House is not then sitting, file it with the Clerk of the House.

(3) In preparing an annual report referred to in subsection (1), the Minister may seek advice from the Round Table.

13 The Minister shall request the Round Table to carry out a public review of this Act and the regulations

- (a) no later than five years after this Act comes into force; and
- (b) at any other time, as needed.

14 (1) The Governor in Council shall, after public consultation and before this Act comes into force, make regulations establishing goals to achieve sustainable prosperity consistent with the principles and focus areas set out in this Act.

(2) The Governor in Council may make regulations

(a) establishing additional goals to achieve sustainable prosperity consistent with the principles and focus areas established pursuant to this Act and the regulations;

(b) establishing further principles and focus areas to achieve sustainable prosperity;

(c) respecting initiatives to achieve sustainable prosperity consistent with the principles and focus areas established pursuant to this Act and the regulations;

(d) respecting the management and use of money in the Fund;

(e) respecting the acquisition of money for the Fund;

(f) governing reporting and record-keeping requirements for any purpose related to this Act;

(g) defining any word or expression used but not defined in this Act;

(h) further defining any word or expression defined in this Act;

(i) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is a regulation within the meaning of the *Regulations Act*.

15 Chapter 7 of the Acts of 2007, the *Environmental Goals and Sustainable Prosperity Act*, is repealed.

16 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

Environmental Goals and Sustainable Prosperity Act

CHAPTER 7 OF THE ACTS OF 2007

as amended by

2012, c. 42



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Halifax

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CHAPTER 7 OF THE ACTS OF 2007
amended 2012, c. 42

**An Act Respecting Environmental Goals
and Sustainable Prosperity**

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Short title

1 This Act may be cited as the *Environmental Goals and Sustainable Prosperity Act*. 2007, c. 7, s. 1.

Interpretation

2 In this Act,

- (a) “emission target” means an emission target set out in this Act or established by the regulations;
- (b) “greenhouse gas” means any of the following gases:
 - (i) carbon dioxide,
 - (ii) methane,
 - (iii) nitrous oxide,
 - (iv) hydrofluorocarbons,
 - (v) perfluorocarbons, and
 - (vi) sulphur hexafluoride;
- (c) “legally protected” means dedicated, in a legally recognized manner, primarily to the protection of biodiversity and natural processes, and includes

- (i) designated, established or protected under an enactment, including the *Wilderness Areas Protection Act*, the *Special Places Protection Act*, the *Provincial Parks Act*, the *Canada Wildlife Act* and the *Canada National Parks Act*,
- (ii) subject to a conservation easement under the *Conservation Easements Act*, and
- (iii) held by a non-governmental charitable land trust;
- (d) “Minister” means the Minister of Environment;
- (e) “net loss of wetlands” means net loss of wetland area and function, including habitat;
- (f) “Round Table” means the Round Table established pursuant to the *Environment Act*;
- (g) “sustainability” means meeting current human needs without undermining the capacity of the environment to provide for those needs over the long term;
- (h) “sustainable prosperity” means seizing today’s opportunities without compromising tomorrow, while working together for a strong, competitive economy, a healthy environment and vibrant, thriving communities. 2007, c. 7, s. 2; 2012, c. 42, s. 2.

Foundation and principles of Act

3 (1) This Act builds on the foundation that the Province has achieved as a world leader in

- (a) recycling programs and in managing waste to protect the environment; and
- (b) leading-edge innovation in environmentally sustainable technologies.

(2) This Act is based on the following principles:

- (a) the health of the economy, the health of the environment and the health of the people of the Province are interconnected;
- (b) environmentally sustainable economic development that recognizes the economic value of the Province’s environmental assets is essential to the long-term prosperity of the Province;
- (c) the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all people of the Province;
- (ca) to achieve objectives that span both environmental and economic aims, government departments need to collaborate across the Province using a whole systems approach;

(d) the environment and economy must be managed for the benefit of present and future generations, which is in keeping with the Mi'kmaq concept of *Netukulimk*, defined by the Mi'kmaq as the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of our environment;

(e) innovative solutions are necessary to mutually reinforce the environment and the economy;

(f) a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability;

(g) the management of goals for sustainable prosperity, such as emission reduction, energy efficiency programs, climate change adaptation and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations. 2007, c. 7, s. 3; 2012, c. 42, s. 3.

Long-term objectives of Province

4 (1) The long-term environmental and economic objective of the Province is to achieve sustainable prosperity and to this end to

(a) establish clear goals that foster an integrated approach to environmental sustainability and economic well-being; and

(b) work towards continuous improvement in measures of social, environmental and economic indicators of prosperity.

(2) To achieve the long-term objectives set forth in subsection (1), the Province's environmental and economic goals in the areas of cleaner energy, climate change adaptation, healthy air and water, leadership in sustainable practices, protection of biodiversity and sustainable management of natural assets are to ensure that

(a) the Province adopts and implements a framework to support a transition to cleaner sources and sustainable uses of energy to produce greater economic, social and environmental benefits for Nova Scotians by supporting and enabling

(i) energy efficiency and conservation to assist in energy affordability and competitiveness through increased productivity,

(ii) sustainable transportation options,

(iii) increased renewable energy,

(iv) enhanced use of natural gas to displace oil and coal, and

- (v) enhanced innovation through globally competitive energy research and development;
- (b) of the total electricity needs of the Province,
 - (i) 18.5 per cent is obtained from renewable energy sources by 2013,
 - (ii) 25 per cent is obtained from renewable energy sources by 2015, and
 - (iii) 40 per cent is obtained from renewable energy sources by 2020;
- (c) an updated energy efficiency rating system for new and existing homes is available in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (d) all new residential dwelling units constructed in the Province after January 1, 2011 are required to meet energy conservation measures adopted in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (e) the Province continues to work with other levels of government on national emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California;
- (f) greenhouse gas emissions are, by 2020, at least 10 per cent below the levels that were emitted in 1990, as outlined in the *New England Governors/Eastern Canadian Premiers Climate Change Action Plan 2001*;
- (g) emissions of nitrogen oxides are reduced by
 - (i) 20 per cent by 2009,
 - (ii) 28 per cent by 2015, and
 - (iii) 44 per cent by 2020,relative to emissions in 2000;
- (h) sulphur dioxide emissions are reduced by
 - (i) 50 per cent by 2010,
 - (ii) 58 per cent by 2015, and
 - (iii) 75 per cent by 2020,relative to the 1995–2005 emission allocation;
- (i) mercury emissions are reduced to no more than
 - (i) 110 kilograms by 2010,
 - (ii) 100 kilograms by 2011,
 - (iii) 85 kilograms by 2013,

- (iv) 65 kilograms by 2014, and
- (v) 35 kilograms by 2020;
- (j) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for airborne fine-particulate matter by 2010;
- (k) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for ground-level ozone by 2010;
- (l) municipal public drinking-water supplies meet the Province's 2012 treatment standards by 2020;
- (m) a comprehensive water-resource management strategy is developed by 2010 and implemented accordingly;
- (n) wastewater treatment facility discharges undergo at least primary treatment by 2020;
- (o) the solid-waste disposal rate is no greater than 300 kilograms per person per year by 2015 through measures that include the development of new programs and product stewardship regulations;
- (p) septage treatment facilities are operated in accordance with the *Guidelines for the Handling, Treatment and Disposal of Septage* as of 2011;
- (q) a sustainable procurement policy for the Province is developed and adopted by 2009 and implemented accordingly, including by integrating sustainable procurement criteria into Provincial government purchasing and promoting adoption of this approach to the greater public sector in the Province;
- (r) a government facility is constructed as a demonstration facility in accordance with leading energy efficient design standards by 2015 and used to foster sustainable building practices;
- (s) the Province develops a strategy by 2014 to advance the growth of the green economy, and implements the strategy accordingly;
- (t) local food consumption is supported and encouraged, with the goal of 20 per cent of the money spent on food by Nova Scotians being spent on locally produced food by 2020;
- (u) local food production is supported and encouraged, with the goal of increasing the number of local farms by 5 per cent by 2020;
- (v) at least 12 per cent of the total land mass of the Province is legally protected by 2015;

(w) regulatory tools that use the framework within the *Environment Act* to stimulate redevelopment of contaminated land and contribute to economic development while protecting the environment are brought into effect by 2013 and implemented accordingly;

(x) a policy of preventing net loss of wetlands is established by 2009 and implemented accordingly; and

(y) the Province adopts a natural resources strategy by 2010, focusing on the areas of biodiversity, forestry, geological resources and parks, and implements the strategy accordingly.

(3) The Governor in Council may make regulations

(a) establishing interim emission targets for the Province;

(b) establishing goals and interim goals for different sectors of the economy of the Province for the purpose of meeting the goals for sustainable prosperity for the Province referred to in subsection (2);

(c) establishing additional goals from time to time;

(d) imposing environmental levies on disposable products for the purpose of funding programs or stewardship agreements to address their environmental impacts.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 4; 2012, c. 42, s. 4.

Sectoral agreements

5 For the purpose of meeting the environmental and economic goals set out in Section 4 or other goals or targets, the Governor in Council may enter into agreements with representatives of different sectors of the economy of the Province respecting

(a) the establishment of objectives for sectors of the economy of the Province and for operations and undertakings within such sectors for the purpose of meeting emission targets;

(b) the establishment of minimum energy efficiency levels for operations and undertakings within sectors of the economy of the Province;

(c) schedules for achieving emission targets;

(d) the baselines to be used in conjunction with the establishment of an emission target for a sector of the economy of the Province;

(e) reporting requirements, including the methods and manner of reporting, to determine progress toward meeting emission targets;

- (f) the methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring of emissions, energy efficiency and energy conservation;
- (g) reforms of and improvements to sectoral infrastructure;
- (h) the creation of private or joint public and private funding pools to undertake or finance emission reduction projects;
- (i) the implementation of technological changes;
- (j) co-operation on technology development, demonstration and deployment;
- (k) options for meeting emission targets;
- (l) enforcement of compliance with the terms of the agreements, including the imposition of financial and non-financial penalties;
- (m) any other matters related to environmental and economic goals or sustainable prosperity the Governor in Council considers to be appropriate. 2007, c. 7, s. 5.

Review and annual reports

6 (1) The Minister, in consultation with the Minister of Aboriginal Affairs, the Minister of Agriculture, the Minister of Economic and Rural Development and Tourism, the Minister of Energy, the Minister of Finance, the Minister of Fisheries and Aquaculture, the Minister of Labour and Advanced Education, the Minister of Natural Resources, the Minister of Service Nova Scotia and Municipal Relations and the Minister of Transportation and Infrastructure Renewal, as appropriate in relation to their respective mandates, shall review the goals set out in this Act and the regulations and activities of all Provincial government departments that relate to sustainability and shall report annually to the House of Assembly on the progress made toward achieving those goals, on the adequacy of the goals and on anything that the Minister, or any of the ministers who are consulted, considers should be brought to the attention of the House in relation to the long-term objective of sustainable prosperity.

(2) The Minister shall request the Round Table to carry out a comprehensive public review of this Act and the regulations every five years after this Act comes into force, and request the Round Table to submit to the Minister, within nine months of initiating the review, a report with recommendations for amendments and improvements in the implementation of this Act.

(3) The annual report referred to in subsection (1) shall be tabled in the House of Assembly if the House is then sitting or, if the House is not then sitting, filed with the Clerk of the House.

(4) In preparing the annual report referred to in subsection (1), the Minister shall seek advice from the Round Table. 2007, c. 7, s. 6; 2012, c. 42, s. 5.

Programs and measures

7 (1) The Governor in Council may establish or participate in programs and other measures to carry out the purpose of this Act, including

- (a) programs and measures for the purpose of reducing greenhouse gas emissions;
- (b) programs and measures related to adaptation to the effects of climate change;
- (c) programs and measures related to energy conservation and energy efficiency;
- (d) programs and measures to develop alternative energy and renewable energy sources;
- (da) programs and measures to encourage movement towards more sustainable practices in the sphere of product stewardship;
- (e) programs of public and community education and capacity-building; and
- (f) any other programs and measures related to sustainable prosperity the Governor in Council considers to be appropriate.

(2) A program or measure under subsection (1) may be directed to any or all of industry, consumers and other persons. 2007, c. 7, s. 7; 2012, c. 42, s. 6.

Agreements

8 (1) The Governor in Council may enter into agreements with the Government of Canada or the government of a province of Canada, any agency of the Government of Canada or of the government of a province of Canada or any other person for the purpose of undertaking co-operative, complementary or compatible actions to reduce greenhouse gas emissions or meet other goals for sustainable prosperity set out in this Act and the regulations.

(2) The Governor in Council may not enter into any agreement under subsection (1) unless the Governor in Council is satisfied that the agreement will be consistent with this Act and with the goals for sustainable prosperity for the Province established by this Act and the regulations. 2007, c. 7, s. 8; 2012, c. 42, s. 7.

Regulations

9 (1) The Governor in Council may make regulations

- (a) governing the manner in which economic well-being is measured for the purpose of this Act;
- (b) establishing minimum energy efficiency levels for operations and undertakings in Nova Scotia;
- (c) governing the maximum levels of emissions of greenhouse gases per unit of energy input or output or per unit of material

input or product output for operations and undertakings in the Province;

(d) establishing operating, technological and performance standards for operations and undertakings in the Province for the purpose of reducing or limiting greenhouse gas emissions or for the purpose of increasing energy efficiency or energy conservation;

(e) governing reporting and record-keeping requirements generally for any purpose related to this Act;

(f) governing methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring for any purpose related to this Act;

(g) for the purpose of enabling, implementing and carrying out sectoral agreements entered into under Section 5, including regulations respecting the enforcement of rights, obligations and liabilities under a sectoral agreement;

(h) making the terms of a sectoral agreement entered into under Section 5 apply, with necessary modifications, to persons who are not parties to the agreement or otherwise bound by it, and deeming those persons to be bound by the agreement;

(i) governing, in respect of a sector, any matter in respect of which a sectoral agreement may be entered into under Section 5 if there is no sectoral agreement in effect;

(j) respecting the use of economic and financial instruments and market-based approaches directed to any environmental and economic goals or targets;

(k) respecting the manner in which greenhouse gas emission targets are established for the purpose of Section 4;

(l) establishing or providing for the establishment of sectors of the economy of the Province for the purpose of any provision of this Act or the regulations;

(m) governing the charging of fees for the provision of any service, material or program, the performance of any function or the doing of anything under this Act;

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under clause (1)(h) may, with respect to persons to whom it applies, impose requirements and obligations that are more stringent than those provided for in the sectoral agreement.

(3) Where regulations are made in respect of a sector under clause (1)(i), the regulations may provide that they constitute a sectoral agreement for the purpose of this Act.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 9; 2012, c. 42, s. 8.

Incorporation by reference

10 (1) A regulation under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(2) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(3) Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available. 2007, c. 7, s. 10.

Effective date

11 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2007, c. 7, s. 11.

Proclaimed	-	June 7, 2007
In force	-	June 7, 2007

Environmental Goals and Sustainable Prosperity Act

CHAPTER 7 OF THE ACTS OF 2007

as amended by

2012, c. 42



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Published by Authority of the Speaker of the House of Assembly
Halifax

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Short title

1 This Act may be cited as the *Environmental Goals and Sustainable Prosperity Act*. 2007, c. 7, s. 1.

Interpretation

2 In this Act,

- (a) “emission target” means an emission target set out in this Act or established by the regulations;
- (b) “greenhouse gas” means any of the following gases:
 - (i) carbon dioxide,
 - (ii) methane,
 - (iii) nitrous oxide,
 - (iv) hydrofluorocarbons,
 - (v) perfluorocarbons, and
 - (vi) sulphur hexafluoride;
- (c) “legally protected” means dedicated, in a legally recognized manner, primarily to the protection of biodiversity and natural processes, and includes

- (i) designated, established or protected under an enactment, including the *Wilderness Areas Protection Act*, the *Special Places Protection Act*, the *Provincial Parks Act*, the *Canada Wildlife Act* and the *Canada National Parks Act*,
- (ii) subject to a conservation easement under the *Conservation Easements Act*, and
- (iii) held by a non-governmental charitable land trust;
- (d) “Minister” means the Minister of Environment;
- (e) “net loss of wetlands” means net loss of wetland area and function, including habitat;
- (f) “Round Table” means the Round Table established pursuant to the *Environment Act*;
- (g) “sustainability” means meeting current human needs without undermining the capacity of the environment to provide for those needs over the long term;
- (h) “sustainable prosperity” means seizing today’s opportunities without compromising tomorrow, while working together for a strong, competitive economy, a healthy environment and vibrant, thriving communities. 2007, c. 7, s. 2; 2012, c. 42, s. 2.

Foundation and principles of Act

3 (1) This Act builds on the foundation that the Province has achieved as a world leader in

- (a) recycling programs and in managing waste to protect the environment; and
- (b) leading-edge innovation in environmentally sustainable technologies.

(2) This Act is based on the following principles:

- (a) the health of the economy, the health of the environment and the health of the people of the Province are interconnected;
- (b) environmentally sustainable economic development that recognizes the economic value of the Province’s environmental assets is essential to the long-term prosperity of the Province;
- (c) the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all people of the Province;
- (ca) to achieve objectives that span both environmental and economic aims, government departments need to collaborate across the Province using a whole systems approach;

(d) the environment and economy must be managed for the benefit of present and future generations, which is in keeping with the Mi'kmaq concept of *Netukulimk*, defined by the Mi'kmaq as the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of our environment;

(e) innovative solutions are necessary to mutually reinforce the environment and the economy;

(f) a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability;

(g) the management of goals for sustainable prosperity, such as emission reduction, energy efficiency programs, climate change adaptation and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations. 2007, c. 7, s. 3; 2012, c. 42, s. 3.

Long-term objectives of Province

4 (1) The long-term environmental and economic objective of the Province is to achieve sustainable prosperity and to this end to

(a) establish clear goals that foster an integrated approach to environmental sustainability and economic well-being; and

(b) work towards continuous improvement in measures of social, environmental and economic indicators of prosperity.

(2) To achieve the long-term objectives set forth in subsection (1), the Province's environmental and economic goals in the areas of cleaner energy, climate change adaptation, healthy air and water, leadership in sustainable practices, protection of biodiversity and sustainable management of natural assets are to ensure that

(a) the Province adopts and implements a framework to support a transition to cleaner sources and sustainable uses of energy to produce greater economic, social and environmental benefits for Nova Scotians by supporting and enabling

(i) energy efficiency and conservation to assist in energy affordability and competitiveness through increased productivity,

(ii) sustainable transportation options,

(iii) increased renewable energy,

(iv) enhanced use of natural gas to displace oil and coal, and

- (v) enhanced innovation through globally competitive energy research and development;
- (b) of the total electricity needs of the Province,
 - (i) 18.5 per cent is obtained from renewable energy sources by 2013,
 - (ii) 25 per cent is obtained from renewable energy sources by 2015, and
 - (iii) 40 per cent is obtained from renewable energy sources by 2020;
- (c) an updated energy efficiency rating system for new and existing homes is available in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (d) all new residential dwelling units constructed in the Province after January 1, 2011 are required to meet energy conservation measures adopted in the *Nova Scotia Building Code Regulations* made under the *Building Code Act*;
- (e) the Province continues to work with other levels of government on national emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California;
- (f) greenhouse gas emissions are, by 2020, at least 10 per cent below the levels that were emitted in 1990, as outlined in the *New England Governors/Eastern Canadian Premiers Climate Change Action Plan 2001*;
- (g) emissions of nitrogen oxides are reduced by
 - (i) 20 per cent by 2009,
 - (ii) 28 per cent by 2015, and
 - (iii) 44 per cent by 2020,relative to emissions in 2000;
- (h) sulphur dioxide emissions are reduced by
 - (i) 50 per cent by 2010,
 - (ii) 58 per cent by 2015, and
 - (iii) 75 per cent by 2020,relative to the 1995–2005 emission allocation;
- (i) mercury emissions are reduced to no more than
 - (i) 110 kilograms by 2010,
 - (ii) 100 kilograms by 2011,
 - (iii) 85 kilograms by 2013,

- (iv) 65 kilograms by 2014, and
- (v) 35 kilograms by 2020;
- (j) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for airborne fine-particulate matter by 2010;
- (k) the Province meets and maintains the *Canada-wide Standards for Particulate Matter (PM) and Ozone* established by the Canadian Council of Ministers of the Environment for ground-level ozone by 2010;
- (l) municipal public drinking-water supplies meet the Province's 2012 treatment standards by 2020;
- (m) a comprehensive water-resource management strategy is developed by 2010 and implemented accordingly;
- (n) wastewater treatment facility discharges undergo at least primary treatment by 2020;
- (o) the solid-waste disposal rate is no greater than 300 kilograms per person per year by 2015 through measures that include the development of new programs and product stewardship regulations;
- (p) septage treatment facilities are operated in accordance with the *Guidelines for the Handling, Treatment and Disposal of Septage* as of 2011;
- (q) a sustainable procurement policy for the Province is developed and adopted by 2009 and implemented accordingly, including by integrating sustainable procurement criteria into Provincial government purchasing and promoting adoption of this approach to the greater public sector in the Province;
- (r) a government facility is constructed as a demonstration facility in accordance with leading energy efficient design standards by 2015 and used to foster sustainable building practices;
- (s) the Province develops a strategy by 2014 to advance the growth of the green economy, and implements the strategy accordingly;
- (t) local food consumption is supported and encouraged, with the goal of 20 per cent of the money spent on food by Nova Scotians being spent on locally produced food by 2020;
- (u) local food production is supported and encouraged, with the goal of increasing the number of local farms by 5 per cent by 2020;
- (v) at least 12 per cent of the total land mass of the Province is legally protected by 2015;

(w) regulatory tools that use the framework within the *Environment Act* to stimulate redevelopment of contaminated land and contribute to economic development while protecting the environment are brought into effect by 2013 and implemented accordingly;

(x) a policy of preventing net loss of wetlands is established by 2009 and implemented accordingly; and

(y) the Province adopts a natural resources strategy by 2010, focusing on the areas of biodiversity, forestry, geological resources and parks, and implements the strategy accordingly.

(3) The Governor in Council may make regulations

(a) establishing interim emission targets for the Province;

(b) establishing goals and interim goals for different sectors of the economy of the Province for the purpose of meeting the goals for sustainable prosperity for the Province referred to in subsection (2);

(c) establishing additional goals from time to time;

(d) imposing environmental levies on disposable products for the purpose of funding programs or stewardship agreements to address their environmental impacts.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 4; 2012, c. 42, s. 4.

Sectoral agreements

5 For the purpose of meeting the environmental and economic goals set out in Section 4 or other goals or targets, the Governor in Council may enter into agreements with representatives of different sectors of the economy of the Province respecting

(a) the establishment of objectives for sectors of the economy of the Province and for operations and undertakings within such sectors for the purpose of meeting emission targets;

(b) the establishment of minimum energy efficiency levels for operations and undertakings within sectors of the economy of the Province;

(c) schedules for achieving emission targets;

(d) the baselines to be used in conjunction with the establishment of an emission target for a sector of the economy of the Province;

(e) reporting requirements, including the methods and manner of reporting, to determine progress toward meeting emission targets;

- (f) the methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring of emissions, energy efficiency and energy conservation;
- (g) reforms of and improvements to sectoral infrastructure;
- (h) the creation of private or joint public and private funding pools to undertake or finance emission reduction projects;
- (i) the implementation of technological changes;
- (j) co-operation on technology development, demonstration and deployment;
- (k) options for meeting emission targets;
- (l) enforcement of compliance with the terms of the agreements, including the imposition of financial and non-financial penalties;
- (m) any other matters related to environmental and economic goals or sustainable prosperity the Governor in Council considers to be appropriate. 2007, c. 7, s. 5.

Review and annual reports

6 (1) The Minister, in consultation with the Minister of Aboriginal Affairs, the Minister of Agriculture, the Minister of Economic and Rural Development and Tourism, the Minister of Energy, the Minister of Finance, the Minister of Fisheries and Aquaculture, the Minister of Labour and Advanced Education, the Minister of Natural Resources, the Minister of Service Nova Scotia and Municipal Relations and the Minister of Transportation and Infrastructure Renewal, as appropriate in relation to their respective mandates, shall review the goals set out in this Act and the regulations and activities of all Provincial government departments that relate to sustainability and shall report annually to the House of Assembly on the progress made toward achieving those goals, on the adequacy of the goals and on anything that the Minister, or any of the ministers who are consulted, considers should be brought to the attention of the House in relation to the long-term objective of sustainable prosperity.

(2) The Minister shall request the Round Table to carry out a comprehensive public review of this Act and the regulations every five years after this Act comes into force, and request the Round Table to submit to the Minister, within nine months of initiating the review, a report with recommendations for amendments and improvements in the implementation of this Act.

(3) The annual report referred to in subsection (1) shall be tabled in the House of Assembly if the House is then sitting or, if the House is not then sitting, filed with the Clerk of the House.

(4) In preparing the annual report referred to in subsection (1), the Minister shall seek advice from the Round Table. 2007, c. 7, s. 6; 2012, c. 42, s. 5.

Programs and measures

7 (1) The Governor in Council may establish or participate in programs and other measures to carry out the purpose of this Act, including

- (a) programs and measures for the purpose of reducing greenhouse gas emissions;
- (b) programs and measures related to adaptation to the effects of climate change;
- (c) programs and measures related to energy conservation and energy efficiency;
- (d) programs and measures to develop alternative energy and renewable energy sources;
- (da) programs and measures to encourage movement towards more sustainable practices in the sphere of product stewardship;
- (e) programs of public and community education and capacity-building; and
- (f) any other programs and measures related to sustainable prosperity the Governor in Council considers to be appropriate.

(2) A program or measure under subsection (1) may be directed to any or all of industry, consumers and other persons. 2007, c. 7, s. 7; 2012, c. 42, s. 6.

Agreements

8 (1) The Governor in Council may enter into agreements with the Government of Canada or the government of a province of Canada, any agency of the Government of Canada or of the government of a province of Canada or any other person for the purpose of undertaking co-operative, complementary or compatible actions to reduce greenhouse gas emissions or meet other goals for sustainable prosperity set out in this Act and the regulations.

(2) The Governor in Council may not enter into any agreement under subsection (1) unless the Governor in Council is satisfied that the agreement will be consistent with this Act and with the goals for sustainable prosperity for the Province established by this Act and the regulations. 2007, c. 7, s. 8; 2012, c. 42, s. 7.

Regulations

9 (1) The Governor in Council may make regulations

- (a) governing the manner in which economic well-being is measured for the purpose of this Act;
- (b) establishing minimum energy efficiency levels for operations and undertakings in Nova Scotia;
- (c) governing the maximum levels of emissions of greenhouse gases per unit of energy input or output or per unit of material

input or product output for operations and undertakings in the Province;

(d) establishing operating, technological and performance standards for operations and undertakings in the Province for the purpose of reducing or limiting greenhouse gas emissions or for the purpose of increasing energy efficiency or energy conservation;

(e) governing reporting and record-keeping requirements generally for any purpose related to this Act;

(f) governing methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring for any purpose related to this Act;

(g) for the purpose of enabling, implementing and carrying out sectoral agreements entered into under Section 5, including regulations respecting the enforcement of rights, obligations and liabilities under a sectoral agreement;

(h) making the terms of a sectoral agreement entered into under Section 5 apply, with necessary modifications, to persons who are not parties to the agreement or otherwise bound by it, and deeming those persons to be bound by the agreement;

(i) governing, in respect of a sector, any matter in respect of which a sectoral agreement may be entered into under Section 5 if there is no sectoral agreement in effect;

(j) respecting the use of economic and financial instruments and market-based approaches directed to any environmental and economic goals or targets;

(k) respecting the manner in which greenhouse gas emission targets are established for the purpose of Section 4;

(l) establishing or providing for the establishment of sectors of the economy of the Province for the purpose of any provision of this Act or the regulations;

(m) governing the charging of fees for the provision of any service, material or program, the performance of any function or the doing of anything under this Act;

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under clause (1)(h) may, with respect to persons to whom it applies, impose requirements and obligations that are more stringent than those provided for in the sectoral agreement.

(3) Where regulations are made in respect of a sector under clause (1)(i), the regulations may provide that they constitute a sectoral agreement for the purpose of this Act.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2007, c. 7, s. 9; 2012, c. 42, s. 8.

Incorporation by reference

10 (1) A regulation under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(2) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(3) Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available. 2007, c. 7, s. 10.

Effective date

11 This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2007, c. 7, s. 11.

Proclaimed	-	June 7, 2007
In force	-	June 7, 2007



BILL NO. 213

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
68 Elizabeth II, 2019*

An Act to Achieve Environmental Goals and Sustainable Prosperity

CHAPTER 26
ACTS OF 2019

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 30, 2019**

The Honourable Gordon Wilson
Minister of Environment

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act to Achieve Environmental Goals and Sustainable Prosperity

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Sustainable Development Goals Act*.

2 In this Act,

(a) “circular economy” means an economy in which resources and products are kept in use for as long as possible, with the maximum value being extracted while they are in use and from which, at the end of their service life, other materials and products of value are recovered or regenerated;

(b) “Fund” means the Sustainable Communities Challenge Fund established under Section 9;

(c) “inclusive economy” means an economy that creates opportunity for all segments of the population and that distributes the dividends of increased prosperity, both in monetary and non-monetary terms, for the well-being of all Nova Scotians;

(d) “Minister” means the Minister of Environment;

(e) “Netukulimk” means, as defined by the Mi’kmaq, the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community by achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity or productivity of the environment;

(f) “Round Table” means the Round Table established pursuant to the *Environment Act*;

(g) “sustainable development” has the same meaning as in the *Environment Act*;

(h) “sustainable prosperity” means prosperity where economic growth, environmental stewardship and social responsibility are integrated and recognized as being interconnected.

3 The Minister is responsible for the general supervision and management of this Act and the regulations.

4 This Act is based on the following principles:

(a) the achievement of sustainable prosperity in the Province must include all of the following elements:

- (i) Netukulimk,
- (ii) sustainable development,
- (iii) a circular economy, and
- (iv) an inclusive economy;

- (b) the achievement of sustainable prosperity is a shared responsibility among all levels of government, the private sector and all Nova Scotians;
- (c) climate change is recognized as a global emergency requiring urgent action;
- and
- (d) such other principles as may be prescribed by the regulations.

- 5** (1) The long-term objective of the Province is to achieve sustainable prosperity.
- (2) To achieve the long-term objective of sustainable prosperity, the Government shall
- (a) raise awareness of the importance of sustainable prosperity and the elements that contribute to it;
 - (b) create the conditions necessary for sustainable prosperity, including regulation, programs and initiatives to encourage actions and innovation by local government, business, non-government organizations and Nova Scotians for the purpose of making progress in sustainable prosperity; and
 - (c) adopt, support and enable goals and initiatives that are aligned with the principles and focus areas in this Act and regulations.

- 6** Goals and initiatives established under this Act and the regulations must align with the following focus areas:
- (a) the demonstration of leadership in sustainable prosperity;
 - (b) the support of the transition to cleaner energy, more sustainable sources for electricity generation, improved energy efficiency and cleaner transportation;
 - (c) climate change mitigation and adaptation;
 - (d) the creation of conditions supporting a circular economy;
 - (e) the creation of conditions supporting an inclusive economy;
 - (f) conservation and sustainable use of natural assets and support for biodiversity;
 - and
 - (g) such other focus areas as may be prescribed by the regulations.

- 7** The Government's goals in relation to greenhouse gas emissions reductions are that greenhouse gas emissions in the Province are
- (a) by 2020, at least 10% below the levels that were emitted in 1990;
 - (b) by 2030, at least 53% below the levels that were emitted in 2005; and
 - (c) by 2050, at net zero, by balancing greenhouse gas emissions with greenhouse gas removals and other offsetting measures.

8 The Government's goals in the focus area of climate change mitigation and adaptation must include the creation of a strategic plan, prior to December 31, 2020, to be known as the "Climate Change Plan for Clean Growth" which must address

- (a) achieving the greenhouse gas emission targets set out in Section 7;
- (b) adapting to the impacts of climate change and building a climate resilient Province;
- (c) accelerating the integration of sustainable and innovative technologies and approaches; and
- (d) clean inclusive growth.

9 (1) The Sustainable Communities Challenge Fund is established.

(2) The money in the Fund must be managed and used in accordance with the regulations, if any, to create competitive opportunities to encourage communities in their climate change mitigation and adaptation efforts.

10 The Premier shall meet with the Round Table annually to discuss progress on sustainable prosperity and may include any member of the Executive Council the Premier deems appropriate at the meeting.

11 The Premier shall ensure that sustainable prosperity is included in the mandate of every Government department.

12 (1) The Minister, in consultation with the members of the Executive Council as appropriate in relation to their respective mandates, shall report annually to the House of Assembly on the progress made toward the long-term objective of sustainable prosperity, including progress toward achievement of sustainable prosperity goals and initiatives and any changes made thereto, as established under this Act and the regulations.

(2) The Minister shall table the annual report referred to in subsection (1) in the House of Assembly on or before July 31 or, where the House is not then sitting, file it with the Clerk of the House.

(3) In preparing an annual report referred to in subsection (1), the Minister may seek advice from the Round Table.

13 The Minister shall request the Round Table to carry out a public review of this Act and the regulations

- (a) no later than five years after this Act comes into force; and
- (b) at any other time, as needed.

14 (1) The Governor in Council shall, after public consultation and before this Act comes into force, make regulations establishing goals to achieve sustainable prosperity consistent with the principles and focus areas set out in this Act.

(2) The Governor in Council may make regulations

(a) establishing additional goals to achieve sustainable prosperity consistent with the principles and focus areas established pursuant to this Act and the regulations;

(b) establishing further principles and focus areas to achieve sustainable prosperity;

(c) respecting initiatives to achieve sustainable prosperity consistent with the principles and focus areas established pursuant to this Act and the regulations;

(d) respecting the management and use of money in the Fund;

(e) respecting the acquisition of money for the Fund;

(f) governing reporting and record-keeping requirements for any purpose related to this Act;

(g) defining any word or expression used but not defined in this Act;

(h) further defining any word or expression defined in this Act;

(i) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(3) The exercise by the Governor in Council of the authority contained in subsections (1) and (2) is a regulation within the meaning of the *Regulations Act*.

15 Chapter 7 of the Acts of 2007, the *Environmental Goals and Sustainable Prosperity Act*, is repealed.

16 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards.

For more information about these Committees and Boards, please contact the Town Hall at 634-4410, ext. 228

Describe your relevant employment and/or volunteer experience.

~~I am a (mostly) retired arts and museum educator, curator, administrator, museum studies educator, and consultant with a deep interest in the development of livable communities, honouring our past achievements and understanding that cities are growing and changing entities, that have to move forward with sensitivity to heritage and community aesthetics.~~

I have attached my resume for details of my background and qualifications but summarize the relevant highlights here:

- ~~I have a degree in Art History that included study of architecture and of Canadian vernacular architecture~~
- ~~In my teaching and curatorial work I have taught courses and developed exhibitions that explore architecture and the work of specific architects, and the built environment~~
- ~~I have served on several committees and project teams related to heritage issues in several towns~~
- ~~I chaired the Edmonton Heritage Advisory Board and was a founder and chair of the Edmonton Heritage Council~~
- ~~I served on the Edmonton Design Committee (representing Heritage and Public Art) – this committee reviewed and made recommendations on all development projects (residential, municipal and commercial for the City, working closely with the Development Department and Council~~
- ~~I have lived in heritage homes for most of my adult life~~

Please return to:
Bea Renton, CAO
Town of Lunenburg
119 Cumberland Street
PO Box 129
Lunenburg, NS B0J 2C0
Phone: 902-634-4410 Fax: 902-634-4416
email: brenton@explorelunenburg.ca

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Applicant Notified: _____

VIRGINIA STEPHEN

58 PRINCE STREET • PO BOX 381 • LUNENBURG • NS • B0J 2C0

EDUCATION

- M.A. (Visual and Performing Arts Education), University of British Columbia
- B.Ed. (Art Education, Drama Education), Queen's University, Kingston, Ontario
- B.A. (Art History), Queen's University, Kingston, Ontario
- Getty Leadership Institute, Museum Leadership Institute, UCLA Berkley
- Additional Studies: Management, leadership, financial management, organizational behaviour, facilitation; visual arts practice (The Banff Centre; Nova Scotia College of Art and Design University, Emily Carr College of Art and Design, St Lawrence College; Red Deer College, workshops), visual facilitation, certified facilitator for Foursight® Breakthrough Thinking Profile

EXPERIENCE

- LIBERAL STUDIES, FACULTY OF EXTENSION, UNIVERSITY OF ALBERTA 2008 - 2013
Executive Director of Fine Arts, Writing, Humanities, Languages and Residential Interiors.
- MACEWAN COLLEGE (now MacEwan University), ARTS AND CULTURAL MANAGEMENT PROGRAM
ACTING CHAIR 2007/08; INSTRUCTOR 2004-2008
Acting Chair (sabbatical replacement) and instructor of museum/gallery management, human resources, advocacy, and management courses in-class and on-line; developed museum/gallery management course.
- CULTURAL FUTURES ASSOCIATES established 2003
Founder and President of a museum and arts organizations consulting practice (research, evaluation, program development, planning, curatorial projects, collection research, Cultural Properties grant applications) with long term development contracts including Alberta Education, Alberta Foundation for the Arts (arts organization governance and accountability research; Collection vision, mission and policy development(AFA Collection); University of Alberta, MacEwan University; Varley Art Museum; University of Alberta Museums. Program Development: Alberta Education; Facilitation, visioning and staff development clients include Alberta Foundation for the Arts, Alberta Craft Council, Elections Alberta, Alberta Creative and Engaged Communities.
Contract grant writer, governance and operational policy development, outreach advisor for Lunenburg Academy of Music Performance ongoing
- THE BANFF CENTRE 2003 - 2014
Creative experience Facilitator in the Leadership Development and Aboriginal Leadership Programs. Participant and facilitator in Creative Leadership Development Thought Leader Forums.
- THE EDMONTON ART GALLERY, EXECUTIVE DIRECTOR 2000 - 2003
CEO, of public art museum, reporting to a board of Directors. Led the overall operation of the museum from leading the process to articulate mission and vision, implementing strategy to realize vision, to curatorial and operational oversight. Led process to develop functional plan for proposed new building.

- ART GALLERY OF NOVA SCOTIA 1986 - 2000
DEPUTY DIRECTOR (HEAD OF PROGRAMMING- Exhibitions and Learning); EDUCATION CURATOR
Head of museum programming (exhibitions, education and public programs) and executive team involvement with overall organization management and design, implementation and evaluation of exhibitions, public programs, education programs, outreach and academic liaison and programming, and volunteer management. Installed and evaluated exhibitions about contemporary, historical art and folk art. Installed 15 exhibitions per year, coordinated work of guest curators, curated 2 exhibitions per year and edited catalogues and wrote brochures and labels. Developed concept and 4 exhibitions annually for internationally recognized 'education gallery'. Organized and implemented commissioned projects including large scale public art.
- ADDITIONAL EXPERIENCE: WEST VANCOUVER ARTS COUNCIL (Executive Director); EMILY CARR COLLEGE OF ART AND DESIGN (special exhibition projects coordinator – International Young Art, British Columbia Young Art); SURREY ART GALLERY (Artist in the Schools, Education Projects and Outreach)
- SECONDARY SCHOOL ART, SOCIAL STUDIES, THEATRE ARTS TEACHER AND ART DEPARTMENT HEAD, LOYALIST COLLEGIATE (Kingston, ON); NORTH DELTA SECONDARY SCHOOL (Delta, BC)

SELECTED RECENT PROFESSIONAL AND COMMUNITY VOLUNTEER EXPERIENCE

- Association of Nova Scotia Museums museum evaluator 2016, 2017,2018
- Organizing committee and installation designer, Lighthouse Art Show, Port Medway beginning 2016
- Nova Scotia Creative Leadership Council beginning 2016
- Board member Lunenburg Foundation for the Arts beginning 2016
- Community Engagement Consultant, Lunenburg Academy of Music Performance beginning 2015
- Member Alberta Premier's Council on Culture 2014 – 2015
- Member (appointed by Edmonton City Council) Edmonton Design Committee 2014 - 2015
- Member Arts Consultants Canada Association (juried membership), Board beginning 2014
- Associate of Strategic Arts Management (SAM) beginning 2015
- Founding Board Member, Edmonton Heritage Council, Chair 2011,2012(pre founding steering committee 2008 – 2009) beginning 2009
- Edmonton Historical Board, Chair (2007-08) 2005- 2009
- Board of Alberta Cultural Action Network, Vice Chair 2003 - 2006
- Board of the Edmonton Arts Council, Chair (2003-04) 2001 – 2005
- Edmonton Urban Design Review Panel 2002 – 2007
- Board of Directors of the Canadian Museums Association (CMA); Canadian Art Museum Directors Organization, executive (CAMDO); Canadian Art Gallery Educators (C.A.G.E.) Executive, Senior Chair; Rotary International; Visual Arts Advisory Committee, MacEwan; Member of the Festival City Marketing Partnership Steering Group, Nina Haggerty Centre for the Arts for Developmentally Challenged Adults founding board; and Neighbourhood Development groups
- Grant allocation juries and program review panels for The Canada Council, The Alberta Foundation for the Arts, The Canadian Museums Association, Alberta Museums Association, Edmonton Arts Council, Edmonton Heritage Council.

SELECTED RECENT RESIDENCIES AND EXHIBITIONS

- Leighton Studio, Banff Centre Residencies November 2006 (4 weeks), August 2009 (10 days)
- *What's on the Surface*, juried group fibre exhibition, Calgary April 2014
- *Waterworks*, group fibre exhibition, Chapel Gallery (Saskatchewan), Enterprise Square Extension Gallery (Edmonton) Sept 2012 – January 2013
- *What's a Girl to Do?*, solo exhibition felt works, Alberta Craft Council Gallery February-April, 2012
- *In the Red*, group exhibition (juried), Alberta Craft Council Gallery February – April 2011

SELECT RECENT PUBLICATIONS AND PRESENTATIONS

- *Course Instructor: Museum Management and Governance*, Association of Nova Scotia Museums, 2020
- *Doug Guildford: "Working the Shore"* article for Studio Magazine Fall 2018 publication
- *Established Models and New Dynamics*, panel presentation, Cultural Communities Summit, June 2018
- *Museum Studies Certificate* course *Interpretation 1* for Association of Nova Scotia Museums (ANSM) 2018
- *Management Workshop* for Association of Nova Scotia Museums (ANSM) 2018
- *The Making of an Identity: Sound From Our Forests* an article about luthier George Rizsanyi, Studio Magazine, Spring 2018 publication
- *Museum Management* ANSM Symposium and Evaluation preparation workshop Sept., Nov. 2017
- *The Art of Seeing*, six session course for Seniors College Association Nova Scotia (scans), 2017
- *Felt Like It*, weekend workshop, introduction to wet felting, Lunenburg School of the Arts, November 2016
- *Language of Craft*, exhibition review, Studio Magazine Fall 2015
- Chapter content and editorial review, *Museums and Society* chapter in Standard Practices for Museums, Third Edition (2014) for Alberta Museums Association November 2013
- *Translations: Jane Kidd's Recent Work in Tapestry and Negotiating Tradition: Five Approaches*, exhibitions review, Studio Magazine March 2013
- *The Art of Seeing: From 'Ugh' to 'Oh!'*, presentation, CREA (Creative Europe Association) conference, Italy April 2012
- *Visual Engagement: It's Not Just About Art (but that's a great place to start)*, Celebrating Lifelong Learning in Our Communities (CLLOC) Conference, University of Alberta, March 2012
- *When Artist, Executive, Educator and Facilitator Converge: Visual Literacy Becomes a Dynamic Idea Mover*, presentation, ECCI XI (European Creativity Council) biennial conference, Brussels October 2009

MEMBERSHIPS

- Canadian Museums Association
- Nova Scotia Museums Association
- Visual Arts Nova Scotia
- Nova Scotia Designer Craft Council (juried member)
- CARFAC

COMPLETE CURATORIAL, PRESENTATIONS AND PUBLICATIONS AVAILABLE ON REQUEST

TOWN OF LUNENBURG COMMITTEES AND BOARDS
VOLUNTEER APPLICATION FORM

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards.

Applicant Name: Danielle Graham

Mailing Address: [REDACTED] [REDACTED] [REDACTED] Lunenburg BOS 2CO

Street/Civic Address: [REDACTED] [REDACTED] Lunenburg

Work Phone: [REDACTED]

Home Phone: [REDACTED]

What is the best way to contact you if we have questions about your application or require further information?

phone or email are both good

Please indicate the Committee(s) and/or Board(s) that you would like to serve on indicating your first, second, etc., choices:

Heritage Advisory Committee

For more information about these Committees and Boards, please contact the Town Hall at 634-4410, ext. 228

Describe your relevant employment and/or volunteer experience.

Executive Assistant to VP Legal Services so familiar with contracts, reviewing legislation, research

2003-Present member Algonquin College Advisory Board

2013-2017 Secretary, then Admin Chair, Special Olympics

2001-2013 Board member (President, Vice-President web chair, Treasurer) International Association of Administrative professionals (IAAP) local chapter, Canada Division & International levels

Are you available for monthly meetings, including daytime and nighttime meetings? Please explain.

yes, able to set my own schedule

daytimes with exception of Board meeting (for work) March 23-24. Note Retiring April next year. Evenings are also fine

Please return to:

Bea Renton, CAO
Town of Lunenburg
119 Cumberland Street
PO Box 129
Lunenburg, NS B0J 2C0
Phone: 902-634-4410 Fax: 902-634-4416
email: brenton@explorelunenburg.ca

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TOWN OF LUNENBURG COMMITTEES AND BOARDS
VOLUNTEER APPLICATION FORM

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards. The following is a 2020/21 opening:

- Planning Advisory Committee

Applicant Name: Colin Whitcomb

Mailing Address: _____

Street/Civic Address: _____

Work Phone: _____ **E-mail:** _____

Home Phone: _____ **Fax:** _____

What is the best way to contact you if we have questions about your application or require further information?

By cell phone or email

Please indicate the Committee(s) and/or Board(s) that you would like to serve on indicating your first, second, etc., choices:

N/A.

For more information about these Committees and Boards, please contact the Town Hall at 634-4410, ext. 228

Describe your relevant employment and/or volunteer experience.

Masters Degree in Planning, University of Waterloo, 1985

Business Improvement Area Manager, 1988-1994, Uptown Saint John Inc

Manager of 2 large Commercial Multi-Use complexes, 1994-2000, Saint John, NB

Executive Vice-President, The Hardman Group Limited, 2000-present

www.hardmangroup.ca. Commerical Real Estate Developer through Atlantic Canada

Have served on numerous community economic development boards and planning committees in New Brunswick and Nova Scotia since 1988.

Are you available for monthly meetings, including daytime and nighttime meetings? Please explain.

Yes, my permananet residence is in Lunenburg but also work in Halifax 4 days a week and maintain an apartment there. My employer provides significant flexibiity for my work schedule and I am able to travel as needed for other responsibilities

Please return by November 20, 2020 to:

Bea Renton, CAO

Town of Lunenburg

119 Cumberland Street

PO Box 129

Lunenburg, NS B0J 2C0

Phone: 902-634-4410 Fax: 902-634-4416

email: brenton@explorelunenburg.ca

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Applicant Notified: _____

Rec'd Nov. 3
20

TOWN OF LUNENBURG COMMITTEES AND BOARDS
VOLUNTEER APPLICATION FORM

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards. The following is a 2020/21 opening:

- Planning Advisory Committee

Applicant Name: <u>Ronald Bachman</u>	
Mailing Address: <u>PO Box 1648 Lunenburg NS B0S 2X0</u>	
Street/Civic Address: <u>171 York St.</u>	
Cell Work Phone: <u>902-521-5839</u>	E-mail: <u>ronbachman@eastlink.ca</u>
Home Phone: <u>902-634-3627</u>	Fax: <u>X</u>
What is the best way to contact you if we have questions about your application or require further information?	
<u>Cell phone</u>	
Please indicate the Committee(s) and/or Board(s) that you would like to serve on indicating your first, second, etc., choices:	
N/A.	
For more information about these Committees and Boards, please contact the Town Hall at 634-4410, ext. 228	

Describe your relevant employment and/or volunteer experience.

Previous volunteer on Recreation committee for 8 years.

Recent 4 year term as Town Councillor.

Served on Heritage Advisory Committee.

Are you available for monthly meetings, including daytime and nighttime meetings? Please explain.

Yes for any time of meeting with enough notice. Work part time but can have schedule adjusted.

Please return by November 20, 2020 to:

Bea Renton, CAO

Town of Lunenburg

119 Cumberland Street

PO Box 129

Lunenburg, NS B0J 2C0

Phone: 902-634-4410 Fax: 902-634-4416

email: brenton@explorelunenburg.ca

For Office Use Only:

Date Received: Nov 3/20

Circulated to: Council, Dawn

Date Considered by Council: Nov 24 +/or Dec 8/20

Applicant Notified: _____

TOWN OF LUNENBURG COMMITTEES AND BOARDS VOLUNTEER APPLICATION FORM

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards.

Applicant Name: E. Patricia MacDonald
Mailing Address: [REDACTED] Lunenburg, NS, B0J2C0
Street/Civic Address: [REDACTED], Lunenburg
Work Phone: [REDACTED]
E-mail: [REDACTED]
Home Phone: [REDACTED]
Fax: N/A

What is the best way to contact you if we have questions about your application or require further information?

Email: [REDACTED]

Please indicate the Committee(s) and/or Board(s) that you would like to serve on indicating your first, second, etc., choices:

Heritage Advisory Committee

Describe your relevant employment and/or volunteer experience.

Master of Urban & Building Conservation, National University of Ireland

Meewasin Valley Authority, Saskatoon, Saskatchewan

Resource Planner, Department of Tourism, Recreation & Heritage, Province of New Brunswick

Principal, Glenfinnan Heritage Resource Management

Conservation Landscape Architect, Nova Scotia Museum

Heritage Project Manager, Town of Lunenburg

Park Planner, Halifax Regional Municipality

Are you available for monthly meetings, including daytime and nighttime meetings? Please explain.

Yes

For Office Use Only

Date Received:

Circulated to:

Date Considered by Council:

Applicant Notified:

Please return to:

Bea Renton, CAO Town of Lunenburg 119 Cumberland Street

PO Box 129

Lunenburg, NS B0J 2C0

Phone: 902-634-4410 Fax: 902-634-4416

email: brenton@explorelunenburg.ca



TOWN OF LUNENBURG VOLUNTEER APPLICATION FORM

The Town of Lunenburg Council is seeking volunteers to serve on Town Committees and Boards.

Applicant Name: Philip Mitchell

Mailing Address: P.O. Box 531

Street/Civic Address: 72 Duke St. Chester NS B0J 1J0

Work Phone: 416-364-5261 E-mail: philip@philipmitchelldesign.com

Home Phone: 647-988-5604 Fax: 416-364-1206

What is the best way to contact you if we have questions about your application or require further information?

The best contact is my cell 647-988-5604

Please indicate the Committee(s) and/or Board(s) that you would like to serve on indicating your first, second, etc., choices:

First Choice: Heritage Advisory Committee (HAC)

Second Choice: Planning Advisory Committee (PAC)

Describe your relevant employment and/or volunteer experience.

I established my firm Philip Mitchell Design in 2002, and I have designed projects everywhere from the US to England to Italy while understanding the unique differences in local vernaculars as well as working with the different building codes and regulations.

I have been in Nova Scotia since 2008 and since then I have designed and restored numerous historic projects/heritage buildings in Chester, Halifax, Newfoundland, New Brunswick, PEI and Labrador so my firm has a solid understanding of Atlantic Canada.

I have a passion for history and historic homes which is one of the reasons we originally came to Nova Scotia.

My husband and I are now currently looking for a home in Lunenburg to restore so I have been researching all of the local historical municipal, provincial and UNESCO guidelines and have a firm understanding of the current codes.

Both my first home I purchased in the Village of Chester, Morning Tide (19 Water Lane) as well my current home, White Cottage (72 Duke Street), have won The Built Heritage Award of the Heritage Trust of Nova Scotia.

I have also won an Historic Restoration award in Newfoundland for a project there and I was selected to restore, a significant historic home in Bar Harbor Maine that was originally designed by renowned turn-of-the-century architect Fred Savage.

I feel that I am very much aligned with the goals and focus of Lunenburg and I would like to use my skills to help our community reach its objectives.

Are you available for monthly meetings, including daytime and nighttime meetings? Please explain.

I am available for all meetings as required

I am the owner of my companies and can make my schedule accommodate the required meetings.

For more information about these Committees and Boards, please contact the Town Hall at 634-4410, ext. 228

Please return to:

Bea Renton, CAO
Town of Lunenburg
119 Cumberland
Street
PO Box 129
Lunenburg, NS B0J 2C0
Phone: 902-634-4410 Fax: 902-634-4416
email: brenton@explorelunenburg.ca

For Office Use Only:

Date Received: _____

Circulated to: _____

Date Considered by Council: _____

Applicant Notified: _____

COMPREHENSIVE COMMUNITY PLAN: QUARTERLY REPORT

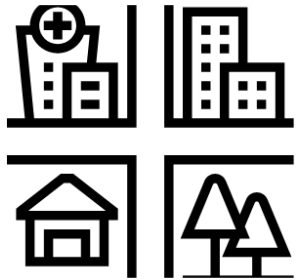
Q1 2021/22: June 22, 2021



PROJECT LUNENBURG – HIGH-LEVEL STATUS

- ▶ **Planning documents:** Municipal Planning Strategy (MPS), Land Use Bylaw (LUB), and Subdivision Bylaw
 - ▶ 1st Draft release: May 7, 2021
 - ▶ Public Presentation: May 13, 2021
 - ▶ Public Information Meetings: May 26 and June 2, 2021
 - ▶ 2nd Draft release: June 2, 2021
 - ▶ First Reading at Council: June 22, 2021 (projected)
- ▶ **Heritage documents:** Heritage Conservation District (HCD) Plan & Bylaw
 - ▶ Drafting scheduled to begin in September
- ▶ **Town Budget 2021/22**
 - ▶ Passed on May 25, 2021; enables some CCP Action Item projects
- ▶ **Annual Work Plan 2021/22:** Passed on June 8, 2021
- ▶ **Quarterly Reports to date:** Q4 2020/21 March 23, 2021

10 STRATEGIC DIRECTIONS – STATUS



Community
Structure



Housing



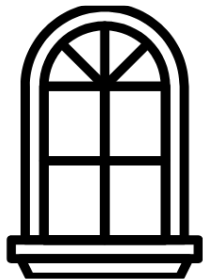
Servicing &
Facilities



Mobility



Economic
Development



Heritage



Urban Design



Environment &
Sustainability



Culture &
Recreation



Governance



COMPREHENSIVE COMMUNITY PLAN (CCP) | 5-YEAR PLAN

35 CCP ACTION ITEMS - Summary of Work Plans

Estimated Time Line ** Q2 21/22: June 2021

= in process, but will require funding or other resources to complete; shades indicate phases

= start up dependant on funding, legislative or other resources; shades indicate phases

= overlapping phases

As of June 16, 2021

Activity		Est Start	Est Finish	Lead Dept	Lead Staff	2021	2022	2023	2024	2025
#	35 Action Items for 5-Year Plan**									
1	SERVICING & FACILITIES: Upgrades to wastewater collection & discharge	2019	2025	PW	Town Eng					
2	SERVICING & FACILITIES: Upgrades to Wastewater Treatment Plant	2021	2025	PW	Town Eng					
3	GOVERNANCE: Reform municipal committees to build a culture of inclusion	2021	2022	PD/Htg/Rec	Asst Clerk					
4	ECONOMIC DEVT: Enhance relations with surrounding municipalities	Underway	Ongoing	CS	CAO/As					
5	ENVIRON & SUSTAIN: Partnerships to encourage energy efficiency retrofits	2021	2022	CS/EU	Finance Dir					
6	SERVICING & FACILITIES: Plan for long-term of all municipal facilities	2021	2023	EU/PW	Town Eng/ Facilities					
7	GOVERNANCE: Deepen work with region re provision of shared services	Underway	Ongoing	CS	CAO					
8	COMMUNITY STRUCTURE: Study and planning for sustainable energy district	2021	TBD	EU/PW	Finance Dir/ Town Eng					
9	GOVERNANCE: Expand communications to incl. a public participation strategy	2021	2022 +	CS	Asst Clerk					
10	COMMUNITY STRUCTURE: Site planning for Blockhouse Hill	2021	2024	LBOT/PD	Planner					
11	CULTURE & REC: Foster inclusivity in programming and leadership	2021	2022 +	CS/Htg/Rec	Recreation Dir					
12	CULTURE & REC: Build relations with Town and M'kmag/Black residents & orgs	Underway	Ongoing	CS/Htg/Rec	Asst Clerk					
13	HOUSING: Feasibility study of mechanisms to encourage long-term residency	2022	TBD	PD	Planner					
14	GOVERNANCE: Organizational review to identify changes req. to implement CCP	2021	2022	CAO	CAO					
15	ENVIRON & SUSTAIN: Facilitate community learning/dialogue re sea level rise	2023	2024 +	PD	Planner					
16	URBAN DESIGN: Policies/actions to improve accessibility throughout town (2022)	2021	2022	Htg/PD	Heritage Mgr					
17	HOUSING: Regulate short-term rentals	Underway	Ongoing	PD	Planner					
18	CULTURE & REC: Create a special committee to promote anti-racism	2021	2022 +	CR/Htg/Rec	Asst Clerk					
19	URBAN DESIGN: Activate streetscapes through design and programming	2021	2022 +	PD/PW	Planner/ Town Eng					
20	HOUSING: Foster relations with housing stakeholders re collaboration/data sharing	2021	Ongoing	PD	Planner					
21	ENVIRON & SUSTAIN: Regulate buildings near shoreline re sea level rise	Underway	TBD	PD	Planner					
22	HERITAGE: Encourage accessibility and provide heritage design guidance	Underway	2023	Htg	Heritage Mgr					
23	ECONOMIC DEVT: Establish a staff position to support economic dev't initiatives	2021	Ongoing	CS	CAO					
24	CULTURE & REC: Partnerships/opportunities to increase waterfront access	2021	TBD	PD/PW/Rec	Recreation Dir					
25	HOUSING: Study/policy/actions toward alternative housing models	2021	2022	PD	Planner					
26	ECONOMIC DEVT: Create an inventory of economic information	2024	Ongoing	PD	Planner					
27	ENVIRON & SUSTAIN: Policies for wind and solar energy at multiple scales	2021*	2022	CS/EU/PW	Planner/Finance Dir/Town Eng					
28	URBAN DESIGN: Policies/programs for street trees and urban forest	2022	Ongoing	PW	Town Eng					
29	MOBILITY: New visitor, employee, and bus parking areas outside Old Town	2022	TBD	PW/PD	Planner/ Town Eng					
30	MOBILITY: Improve connectivity between Old/New Town for all modes of transport	2021	2023	PW/Rec	Recreation Dir/ Town Eng					
31	HERITAGE: Accommodate new additions to heritage structures such as solar panels	Underway	2023	Htg/PD	Heritage Mgr					
32	CULTURE & REC: Assess arts/recreation facility needs and develop plan	2021	2025	PD/Rec	Recreation Dir/ Facilities Super					
33	HOUSING: Monitor and analyze housing demand, demographics, dev't trends	2021	Ongoing	PD	Planner					
34	GOVERNANCE: Identify performance indicators to annually evaluate activities	2021	Ongoing	All Depts	Asst Clerk/ Planner					
35	HERITAGE: Ensure infil/hew are visually compatible/distinguishable from historic	Underway	2022	Htg	Heritage Mgr					
** ESTIMATED TIMELINE DEPENDENT ON RESOURCE AVAILABILITY. Subject to change due to resourcing and as interconnected actions develop over the five years.										

STATUS

 Community Structure	Action 8	Study and planning for a <u>sustainable energy district</u> ▶ Solar Assessment Study approved in the 2021/22 Town Budget – Finance Director and Facilities Superintendent are collaborating on project targeted for completion March 2022 ▶ Report regarding additional considerations being prepared by Facilities Superintendent for an upcoming Council meeting ▶ Funding: possible FCM green funding application
	Action 10	Site planning for <u>Blockhouse Hill</u> ▶ Comprehensive zoning is part of the new Draft Planning documents (MPS, LUB, Subdivision) currently under review ▶ Development plan initiation for the site is now getting started ▶ Funding: 2021/22 Town Budget approved additional for preliminary phase

STATUS



Action 13

Feasibility study of mechanisms to encourage long-term residency

- ▶ Issues: non-resident buyer tax, empty home tax require enabling legislation – long-term initiative
- ▶ Scheduled to begin work in 2022/23

Action 17

Regulate short-term rentals

- ▶ Policies and regulations are included in MPS/LUB currently under review

Action 20

Relationships with housing stakeholders to foster collaboration and data sharing

- ▶ Nova Scotia Affordable Housing Commission report released May 31 – Lunenburg participated in public consultation and focus groups
- ▶ Presentation by Western Regional Housing Authority to be scheduled for Committee of the Whole
- ▶ Stakeholder informal consultation planned for the summer – Housing NS, South Shore Housing Action Coalition, and others

STATUS

 Housing	Action 25	Study, policy, and other actions toward <u>alternative housing models</u> ▶ Alternative housing models are enabled through Planning documents currently under review ▶ “Plan B” Housing Society Joint Task Force Proposal – Committee of the Whole recommendation to submit members to PAC and HAC ▶ Educational materials – joint workshop proposed for spring 2022
	Action 33	Monitor and analyze <u>housing demand and supply</u>, <u>demographic indications</u>, and relevant <u>development trends</u> ▶ National census taking place now – results will be released in 2022 ▶ Nova Scotia Affordable Housing Commission report released May 31 – Lunenburg participated in public consultation and focus groups ▶ Presentation by Western Regional Housing Authority to be scheduled ▶ Funding: 2021/22 Town Budget approved Economic Development Manager and Planning Technician positions budgeted and advertised for; these provide capacity to help facilitate future housing information

STATUS



Servicing &
Facilities

Action 1

Upgrades to the wastewater collection and discharge system

- ▶ Capital projects approved in 2021/22 Town Budget include lift station and catch basin work – enhanced preventative maintenance program
- ▶ GIS system development in progress
- ▶ Dalhousie polymer study first stage completed; second stage enhanced testing in progress
- ▶ Funding: 2021/22 Town Budget approved for this project

Action 2

Upgrades to the wastewater treatment plant

- ▶ The Wastewater Plant and Outfall Pre-design report July 2021, including treatment process upgrade components of the project
- ▶ CBCL interim report 1 to Council on Building Condition: April 27; final report received on June 1 to be presented to Council
- ▶ CBCL interim report 2 to Council on Outfall and Upgrades: May 25
- ▶ Work continuing on the near-term and long-term scopes of work
- ▶ Funding: PCAP received for pre-design work

STATUS



Servicing &
Facilities

Action 6

Plan for long-term of all municipal facilities

- ▶ Capital facilities maintenance projects funded in 2021/22 Town Budget include Town Hall, Annex, Arena, Skate Park, and Fire Hall
- ▶ Facilities report presented
- ▶ Municipal properties future use analysis in progress
- ▶ Water meter study in progress
- ▶ Management of Town leases
- ▶ *See Culture & Recreation Action 32 re regional arts and recreation facilities*
- ▶ Funding: incorporated within the 2021/22 Operating Budget approval

STATUS



Mobility

Action 29

Plan for new visitor, employee, and bus parking areas outside Old Town

- ▶ Scheduled to initiate in 2022/23
- ▶ Lunenburg Academy's Lot Development Plan implementation scheduled for 2023/24 in 10-Year Capital Budget

Action 30

Improve connectivity between Old/New Town for all modes of transportation

- ▶ Capital projects funded by 2021/22 Town Budget: Tannery Road sidewalk surveying and legal, Back Harbour trail resurfacing
- ▶ The 2019 "Bikeway Concept Designs" report from Blue Route/Bicycle NS referred to Public Works for internal feasibility assessment
- ▶ Recreation and Public Works working collaboratively with Bicycle NS for a Project Team to increase active transportation within the Town
- ▶ "Share the Roads" signs x 4 installed
- ▶ *See also Culture & Recreation Action 24 on waterfront accessibility.*
- ▶ Funding: Bicycle NS is pursuing a funding application through Provincial "Healthy Community Initiative"

STATUS



**Economic
Develop-
ment**

Action 4

Enhance relationships with surrounding communities and municipalities

- ▶ New joint services: Fire Inspection; IT services; Accessibility Coordinator; and Parking enforcement
- ▶ Ongoing joint services: Building Inspection coordination expansion; REMO; Fire Protection mutual aid; Solid Waste Management
- ▶ Lunenburg County Mayors and Warden discussion forum
- ▶ Lunenburg County CAOs projects
- ▶ Lunenburg/Queens Recreation Directors/Coordinators Association
- ▶ Lunenburg university/college student bursary funding
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

STATUS



**Economic
Develop-
ment**

Action 23

Establish a staff position that can support economic development initiatives

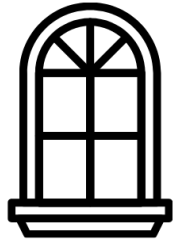
- ▶ 2021/22 Town Budget provided for a FT Economic Development and Funding Manager – budget approved and advertised for
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

Action 26

Create an inventory of economic information

- ▶ Lunenburg data from defunct South Shore REN secured from MODC
- ▶ This will be a priority for the new Economic Development Manager, with support from Planning Technician
- ▶ Funding: ACOA and Provincial funding inquiries made but no applicable streams available

STATUS



Heritage

Action 22

Policy to encourage accessibility and provide heritage design guidance

- ▶ Lunenburg County Joint Accessibility Plan approved by all units; the Town's Accessibility Operational Plan to be facilitated by shared Accessibility Coordinator
- ▶ Heritage design guidelines are included in HCD Plan and Bylaw, in development with consultants
- ▶ Funding: Provincial inquiries for accessibility funding being coordinated by MODC on behalf of Lunenburg County municipal units

Action 31

Accommodate new additions to heritage structures e.g. solar panels

- ▶ Included in new HCD Plan and Bylaw, in development with consultants

Action 35

Ensure infill/new development is visually compatible/subordinate/distinguishable

- ▶ Included in new HCD Plan and Bylaw, in development with consultants

STATUS



Urban
Design

Action 16

Improve accessibility throughout the town

- ▶ Lunenburg County Joint Accessibility Plan approved by all units; the Town's Accessibility Operational Plan to be facilitated by shared Accessibility Coordinator
- ▶ Capital projects in 2021/22 Town Budget include: re-gravelling of Back Harbour Trail; and Skate Park accessible entrance and surface upgrades
- ▶ Lunenburg Arena and Community Centre accessibility audits scheduled for Fall 2021
- ▶ RFQ to be drafted for development of accessible sidewalk standards and guidelines
- ▶ Funding: Provincial and private funding applications; and Lunenburg/Queens Recreation Association grant for Community Centre accessibility audit

STATUS

 Urban Design	Action 19	Activate <u>streetscapes</u> through design and programming ▶ Tannery Road sea wall and trail beautification completed with improved landscaping and outdoor furniture ▶ Funding: Projects and related applications deferred to 2022/23
	Action 28	Policies and programs for street trees and <u>urban forest</u> ▶ Annual tree trimming took place in March 2021; to be repeated March 2022 ▶ Funding: Projects and related applications deferred to 2022/23; also private sector funding opportunities

STATUS



Environment
& Sustain-
ability

Action 5

Partnerships to encourage energy efficient retrofits

- ▶ RFP to be drafted for study on opportunities, risks, partners, funding, and implementation – targeted for Fall 2021
- ▶ Recreation LED interior light upgrades and temperature controls to be installed
- ▶ Funding: Federal Infrastructure Retrofit and Efficiency NS sources being investigated as possible sources of funding

Action 15

Ongoing community learning/dialogue about sea level rise and climate change

- ▶ Scheduled to begin 2023
- ▶ Modeling tool developed for Flood Study available online

STATUS



Environment
& Sustain-
ability

Action 21

Regulate buildings near the shoreline as part of sea level rise adaptation

- ▶ Control of building location/migration measures are part of Planning documents currently under review
- ▶ Provincial Coastal Protection Act regulations are not yet in place; amendments to Planning documents may be required
- ▶ GIS layer in TownSuite to be handled by new Planning Technician
- ▶ Funding: Town budget 2021/22 additional staff monies approved

Action 27

Policies for wind and solar energy at multiple scales

- ▶ Wind and solar infrastructure consideration included in Planning and Heritage documents, in development with consultant

STATUS

 Culture & Recreation	Action 11	Foster <u>inclusivity</u> in programming and leadership ▶ Referred to Action #18 (Anti-Racism Special Committee) ▶ Continue to host annual special events in collaboration with diverse stakeholders such as the Pride, Mi'kmaq Grand Council, Transgender, and Pan-African flag raisings ▶ Continue Seniors' Fitness and COVID-19 adaptations ▶ Cricket pitch development ▶ Funding: Youth Employment Experience funding for a summer student to assist in recreation and active transportation planning initiatives
	Action 12	Build relationships with <u>BIPOC residents</u> and organizations in the area ▶ Referred to Action #18 (Anti-Racism Special Committee) ▶ Funding: increased Town Budget 2021/22 in support of the Committee's work

STATUS

 Culture & Recreation	Action 18	Special committee to promote <u>anti-racism</u> and decolonization ▶ Anti-Racism Special Committee began its work in February 2021 to develop a Municipal Action Plan Against Racism and Discrimination ▶ Engaged expert equity, diversity and inclusivity facilitator to assist in developing an action plan ▶ Funding: increased Town Budget 2021/22 in support of the Committee's work
	Action 24	Facilitate partnerships and opportunities to <u>increase waterfront access</u> ▶ Action #30 (Connectivity between Old/New Town) to be completed first; partnership will be needed with Develop NS as the majority landowner ▶ 2021/22 Capital projects furthering this goal include: Tannery Road seawall beautification project completion, Back Harbour Trail re-surfacing ▶ Funding: initial inquiries made of ACOA for potential support of a women's memorial and related working waterfront profile

STATUS

 Culture & Recreation	Action 32	Assess <u>regional arts and recreation facility</u> needs and develop an integrated strategy ▶ Action #6 (Long-term facilities plan) to be completed first; regional cooperation will be needed for a joint asset map ▶ Local arts facility discussions ▶ Lunenburg Cultural Collective's "Cultural Action Plan" to be evaluated by Town staff in upcoming quarter
--	------------------	---

STATUS



Governance

Action 3

Reform municipal committees to build a culture of inclusion

- ▶ Referred to Action #18 (Anti-Racism Special Committee)
- ▶ Calls for Town Committee volunteers included a diversity statement; and further equity and diversity initiatives under discussion
- ▶ Funding: Town budget 2021/22 additional Committee project monies approved

Action 7

Deepen work with local/regional partners in the provision of shared services

- ▶ Ongoing local/regional shared services discussions with neighbouring municipalities
- ▶ 2021/22 additions include Accessibility, IT services, Fire and Building inspection, and Parking enforcement
- ▶ Mayors and Warden meetings to discuss opportunities
- ▶ CAOs meetings to discuss HR, diversity and inclusion, procurement, risk management, and safety opportunities
- ▶ Funding: DMA funding application for joint IT services project was unsuccessful; and 2021/22 Town budget supports various joint projects

STATUS

 Governance	Action 9	Undertake an <u>organizational review</u> that will identify changes required for implementation of CCP ▶ RFP research and preparation in progress to select a consultant ▶ Funding: 2021/22 Town Budget approved for this project and an associated Bylaw and Policy review with potential Provincial assistance. ACOA inquiry unsuccessful; and will seek Provincial funding
	Action 14	Expand communication plan to include a <u>public participation strategy</u> ▶ Public Participation Strategy development to begin in next quarter (internal)
	Action 34	Identify <u>performance indicators/measurements</u> to evaluate activities of the Town ▶ RFP research and preparation in progress to select a consultant ▶ Funding: 2021/22 Town Budget approved to start Bylaw and Policy review. ACOA inquiry unsuccessful; and will seek Provincial funding

NEXT STEPS

- ▶ Upcoming Quarterly Reports :
 - 3. Q2 2021/22 – Council Meeting of September 28, 2021
 - 4. Q3 2021/22 – Council Meeting of December 14, 2021 or January 11, 2022
 - 5. Q4 2021/22 – Council Meeting of March 22, 2022



PLANNING ADVISORY COMMITTEE MAY 19, 2021
MEETING RECOMMENDATIONS

To recommend to Town Council approval of Option 3 in the staff report (Schedule B) to amend the Development Agreement to allow for an extension for lesser period of time than 10 years for commencement by amending Part 9. Termination of Agreement in a similar manner as in Option 2 in the staff report (Schedule B; as noted below) within a time period of twenty four months.

THEREFORE, THE FOLLOWING MOTION IS SUGGESTED FOR COUNCIL:

Moved and seconded that Council amend the development agreement:

3.1 to allow for a 2 year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete “10” and insert “12” before *years from the date of this agreement*;
- b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

3.2 to reference multi-unit dwellings in 1. Use as follows:

- a. after *bed resort hotel; and* delete
 - sixty (60) residential condominium units: and
 - thirty (30) apartmentsinsert
 - multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); andbefore
 - *other facilities ordinarily;*

and give first reading and set a public hearing date to further consider same.

PLANNING ADVISORY COMMITTEE MEETING MINUTES

WEDNESDAY, MAY 19, 2021 AT 6:00 P.M.

VIA ZOOM

PRESENT: Councillor Susan Sanford, Chair
Councillor Stephen Ernst
Councillor Ed Halverson (8:40 p.m. left the meeting)
Peter Goforth, Citizen Appointment
Derek Kinsmen, Citizen Appointment
Gerry Rolfsen, Citizen Appointment

ALSO PRESENT: Heather McCallum, Assistant Municipal Clerk
Bea Renton, CAO
Dawn Sutherland, Planning and Development Manager

1. Call to Order

The Chair called the meeting to order at 6:03 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq People.

3. Agenda

Motion: moved and seconded to approve the agenda. Motion carried.

4. Planning Advisory Committee April 12, 2020 meeting minutes

Motion: moved and seconded to approve the April 12, 2020 meeting minutes. Motion carried.

5. Business Arising from the Minutes/Unfinished Business

Nil.

6. Public Information Meeting

- a. Application to Amend Development Agreement to allow for a 10 year extension to commencement for 101 Masons Beach Road

The Development/Planning Manager gave an overview of the public information meeting process in relation to this application (Schedule A). She next provided a

summary of the application (Schedule B). She noted that there have been no written public submissions received in regards to the application.

The applicants, Stellar Investment Inc., were next invited to address the Committee. Chris Reibling spoke on behalf of his family's company. They are seeking to amend the Development Agreement to allow for a 10 year extension to commencement to realize the development, which was a passion project of their parents who passed last year. The earlier downturn in the economy and current global pandemic has delayed plans for their hotel, apartment, and other project components that they want to realize.

The Committee asked the Planning/Development Manager if the proposed new Town planning documents would allow for the renewal of a Development Agreement. She advised that it would not unless it relates to a non-substantial amendment. The applicants made their application before their Development Agreement would expire after ten years. The application must be considered under the existing planning documents.

Scott McVittie, President, Bluenose Golf Club, addressed the Committee expressing concerns about the impact the proposed development will have on the golf course's safe operations given its proximity to same (Schedule C). The Club instead proposes a smaller foot print for the development with a shorter term and additional project details to ensure it adds to the beauty of the community and surrounding uses. The Club has endeavored to meet with the applicants on site, but has been unable to thus far. The applicants responded that they are available to meet on site and were unaware of an earlier request.

Ron Kaulbach, owner of the adjacent Kaulbach Head lands where the Bluenose Golf Course is located, expressed concern about the application. The viability of the Top Mast Motel and Golf Course operations could be jeopardized by the development. His ability to maintain ownership of the land could also be adversely affected by the proposed densification of the subject lands, which take ongoing reinvestment to maintain once constructed. His experience has been that this is often not possible. He has made inquiries of other communities if Development Agreements would have ten year terms to action and he has found that they do not. The prolonged construction for such a development could adversely affect the use and enjoyment of other nearby properties. The capital investment required to realize the project proposed in the Development Agreement is significant and would need to be sustained over the various components of the overall project. The Reiblings earlier offered to purchase Kaulbach Head lands from him, which he declined. His family has historic roots in the Town and they have contributed to many community projects over time including ongoing support of the Bluenose Golf Club. He recommends a smaller scale development for the property, possibly two residential buildings with related amenities.

Committee members asked the applicants how long the development would take to construct and were advised - three to four years. They would endeavour to be good neighbours and take steps to limit the impact of construction.

The applicant's lawyer, Pat Burke, Q.C., addressed the Committee noting that the application is in compliance with the existing planning documents and is supported by the Planning/Development Manager. His clients would take measures to minimize the

impact on the Golf Club. The project would provide needed facilities for the community's growth. He commented in response to concerns that a renewed Development Agreement could also be terminated by the Town if there is no development on site within five years of the execution of the Development Agreement as per the current wording.

Stuart Gourley, owner of adjacent lands on which he has a permit to build a home, spoke expressing concern about the development and impact on his property.

Richard Glance, 255 Masons Beach Road, who owns a nearby home said the development will not directly impact his home as most vehicles approaching the proposed development will be coming from the opposite direction. It will generate a significant increase in traffic volume during construction and otherwise. The current application presents an opportunity to revisit the project and issues such as this.

Matthew Reibling, co-applicant, spoke of his family's longstanding connections to the community and interest in realizing this development when economic conditions improve. Their family has other land and development holdings in the US illustrative to their commitment to positive community development projects. The extension they have requested gives them the opportunity to balance their portfolio and develop this property at a more opportune time. In response to a Committee question, he said that it could also be sold in future for development by a future property owner.

Dr. Diane Wilson, 78 Masons Beach Road, advised that she owns the adjacent Top Mast Motel. The proposed development would impact the motel operations during the construction phase of the hotel and other building components. She concurred with the traffic volume and other development concerns noted by Richard Glance.

There were no further public submissions.

Motion: moved and seconded to close the public information meeting portion of the Planning Advisory Committee meeting. Motion carried.

7. New Business

- a. Application to Amend Development Agreement to allow for a 10 year extension to commencement for 101 Masons Beach Road

Committee members discussed the options set out in the earlier staff report (**Schedule B**) regarding this application.

Motion: moved and seconded to recommend to Town Council approval of Option 2 in the staff report (Schedule B) as follows –

2. Recommend that Council amend the development agreement:

2.1 to allow for a 10 year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete “10” and insert “20” before *years from the date of this agreement*;
- b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

2.2 to reference multi-unit dwellings in 1. Use as follows:

- a. after *bed resort hotel; and* delete
 - sixty (60) residential condominium units: and
 - thirty (30) apartmentsinsert
 - multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); andbefore
 - *other facilities ordinarily;*

and give first reading and set a public hearing date to further consider same.

Motion defeated due to a tie vote. Gerry Rolfsen, Councillor Halverson and Derek Kinsman voted in the negative.

Motion: moved and seconded to recommend to Town Council approval of Option 1 in the staff report (Schedule B) that the Council discharge the Development Agreement by resolution of Council pursuant to subsection 229(2) of the Municipal Government Act, whereupon the Land Use Bylaw shall apply and as set out in Part 9. Termination of Agreement, subsection (a). Motion defeated due to a tie vote. Councillor Sanford, Peter Goforth and Councillor Ernst voted in the negative.

Motion: moved and seconded to recommend to Town Council approval of Option 3 in the staff report (Schedule B) to amend the Development Agreement to allow for an extension for lesser period of time than 10 years for commencement by amending Part 9. Termination of Agreement in a similar manner as in Option 2 in the staff report (Schedule B) within a time period of twenty-four months. Motion carried. Mr. Rolfsen voted in the negative.

8:30 p.m. – 8:40 p.m. a recess was held. Councillor Halverson left the meeting.

Motion: moved and seconded that the time to adjourn the meeting be extended to 9:00 p.m. Motion carried.

b. Draft Planning Documents - Review of Public Feedback

Steffen Käubler and Ian Watson, Upland Planning and Design, presented a summary of public comments received thus far (Schedule D - TBA).

- Next Meeting Date - Wednesday, May 26 at 6:00 p.m. - Draft Municipal Planning Strategy, Land Use By-law and Subdivision By-law Public Information Meeting

8. Adjournment

Motion: moved and seconded to adjourn the meeting. Motion carried.

The Chair adjourned the meeting at 9:23 p.m.

Bea Renton, CAO

Public Information Meeting Process Outline

1. Opening of the Public Information Meeting

A public information meeting provides members of the public with an opportunity to learn about a proposal and make their views known to the Planning Advisory Committee. A public information meeting is required under the Town of Lunenburg's Public Participation Program.

In terms of process, after the public information meeting is held, PAC may make a recommendation to Council or defer decision to a later date if, for example, more information is requested. Please note that time for questions from the gallery is during the Public Information Meeting. Once the meeting is closed, discussion is to be between the Committee members only. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

2. Review of General Rules of Conduct

There are a few general rules of conduct that are to be observed so that everyone who wishes to speak can do so in an open and respectful environment. The general rules of conduct for speakers are:

- *Please state your name and civic address clearly so that it may be recorded in the minutes.*
- *We ask that you be respectful of others opinions*
- *Speakers will be limited to one presentation unless called upon by the Chair for further comment. Speakers are limited so that all may have an opportunity to participate.*
- *PAC members may question each speaker.*
- *Comments and questions by the public are to be directed to the Chair.*

3. Public Information Meeting

- (a) Development Agreement 101 Masons Beach Road - proposed amendment
 - (i) Presentation by Town Planner Dawn Sutherland
 - (ii) Opportunity for presentation by applicant, Timothy Riebling, Stellar Investments Inc., or representative
 - (iii) Written submissions
 - (iv) Public input (oral submissions)

4. Closing of the Public Information Meeting

Motion: moved and seconded to close the Public Information Meeting portion of the Planning Advisory Committee meeting.

Document No:
Meeting: May 19, 2021 PAC

File: PAC

MEMORANDUM

TO: PLANNING ADVISORY COMMITTEE

FROM: DAWN SUTHERLAND, DEVELOPMENT/PLANNING MANAGER

DATE: May 11, 2021

**RE: AMENDING DEVELOPMENT AGREEMENT APPLICATION TO EXTEND
THE ALLOWABLE COMMENCEMENT DATE FOR 10 YEARS.
101 MASONS BEACH ROAD, LUNENBURG
PIDS 60388105, 60388097, 60053097**

Applicant	Stellar Investments Inc.
Land Owner	Stellar Investments Inc.
Proposal	Application to extend the allowable commencement date for 10 years.
Lot Area	PID 60388105 Lot 00-1 1.21 acres PID 60388097 Lot 00-2 1.16 acres PID 60053097 Lot 00-3 <u>7.24 acres</u> TOTAL 9.61 acres or 418,611.6 ft ²
Designation	Rural
Zone	Rural Residential (RR)
Surrounding uses	Recreation (Golf Course), vacant lands, residential, tourist accommodations
Heritage	Not a designated heritage property, or within an area of architectural control or heritage conservation district.

1. FACTS

A. Background

On 5 April 2001, the Town entered into a development agreement with Stellar Investments Inc. to allow for the construction of a 120 bed resort hotel, 60 condominium units, 30 unit apartment building along with associated facilities such as a restaurant, conference room, spa, pools, etc. on three lots at 101 Masons Beach Road.

The agreement was negotiated under the policies of the 1996 Municipal Planning Strategy, as amended, which is in effect today. The agreement was found to meet the

intent of the Municipal Planning Strategy and, therefore, was approved and entered into by Town Council.



Figure 1. Three subject lots, showing home at 101 Masons Beach Road

As noted in the application of 22 March 2021, Timothy Reibling, President, Stellar Investments Inc., has requested a 10 year extension to the existing 10 year commencement timeframe. Under the 2011 agreement, commencement of construction was to begin by 5 April 2021. Mr. Reibling noted the delay in construction was as a result of several factors including the downturn in the economy after the 2008 global crisis and the rise in popularity of short term rentals. He related that his late father, Guenther Riebling, former president of the business, expressed interest in beginning the project just prior to his passing in 2020. Stellar Investments Inc. wishes to evaluate the feasibility of the proposal and requests a 10 year extension to the commencement timeframe. The applicaiton is found in Schdule A. The exsiting development agreement is found in Schedules B and C.

B. Proposal

The request is for a change to the allowable timeframe for construction to begin. If a 10 year extension is granted, then construction for the uses permitted would have to begin within 10 years of the signing of the amended development agreement. If not, the amending development agreement would need to be further amended under Part 9. Termination of Agreement.

The uses permitted are set out in Part 1 Use of the development agreement, shown below:

- 1. Use**
That the development on the properties described in Schedule A shall be limited to:
- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
 - (b) the use of the properties for the development of :
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and
 - (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

Part 9 gives Council flexibility to discharge the agreement, in which case the Land Use By-law would regulate development. 9.b. sets out that Council may discharge if no use has commenced within 60 months (5 years) of the date of the agreement (5 April 2011). Council may also discharge if there is no use listed in 1.b for a period of 60 months or longer. Council can discharge if there has been material misrepresentation of the facts by the developer. Council has not taken any actions toward discharging the agreement.

2. ISSUES AND OPTIONS

Relevant Policies

It is important to note that enabling policies 6.4 and 6.5 remain unchanged since 2011. Policy 6.4 enables Council's consideration of multi-unit dwellings in the Rural Residential (RR) Zone through the development agreement approval process. The development is to be in accordance with Policy 5.12. Implementation Policy 5.12 was amended in 2013 as Policy 5.12 A. Policy 6.5 enables Council's consideration of tourist accommodations in the Rural Residential (RR) Zone through the development agreement approval process. The development is to be in accordance with implementation Policies 19.8 and 19.9, which have remained unchanged. Municipal Planning Strategy Policy 5.9 allows Council to consider multi-unit dwellings through the development agreement approval process.

There has been little change in the area and conditions over the last 10 years. No changes are requested or proposed for the development. While the Land Use By-law was updated in 2012, there is virtually no change to the uses or zone standards. The PAC minutes of 21 September 2010 are attached as Schedule D. The minutes contain input received at the Public Information Session, a positive recommendation to Council, as well as the planning report dated 27 August 2010. The planning report contains the analysis with the above referenced policies. It should be noted that the

development agreement was subsequently revised after the PAC meeting. A recent analysis of the implementation policies can be found in Schedule E.

B. Requests for Comments

A staff development meeting was held via Zoom between Planning and Engineering staff on 10 May 2021 as part of this review process. Clarification was provided regarding the impacts of storm events on the sewage treatment plant capacity, measures the Town is taking to mitigate impacts (e.g., continuing capital work on separation of combined sewers, flood risk modeling, sewage treatment plant upgrades, etc.), and servicing. Information contributed to the analysis in Schedule E.

C. Issues Identified

Council deemed the proposal to meet the intent of the Municipal Planning Strategy and subsequently entered into the development agreement in 2011. The enabling and implementation policies are the same except for Policy 5.12. Policy 5.12A is used when considering proposals for new construction of multi-unit residential buildings by development agreement. The intent is to ensure that there is adequate area, green space, buffering, and site design. The development agreement meets the intent of Policy 5.12A.

The capacity of the sewage treatment plant during storm events has been an on-going issue that the Town has committed great resources in addressing and is making progress. It is a top priority of Council. It should be noted that there were these issues during storm events in 2011 when the original development agreement was entered into.

There are factors such as driveway approvals, connections to the sewer and water services, and determination of need and possible road upgrades that will be dealt with at the point of development permit application, which may or may not impact the Town budgeting process. The Town is under no obligation to upgrade the roadway to put in a turning lane, for example. It will be the decision of Council as to whether it wishes to invest in infrastructure upgrades to facilitate development.

This is a significant development proposal for Lunenburg. It would provide much needed housing and choice in terms of renting or owning a condominium unit in a multi-unit building. It would also provide additional tourist accommodations and associated services at the hotel resort.

The main issue is whether Council wishes to extend the commencement timeframe given that 10 years has already passed since the signing of the agreement. The minutes of the 7 December 2010 Council meeting noted that construction may take 15 – 20 years. However, in its approval, Council chose to limit the term to 10 years in Part 9 of the DA, which meant that construction was to commence within 10 years of the signing of the agreement. The 10 year commencement is a long time, however, this is a large development that will be built out over time. The condominium component adds a layer of complexity as a number of units will need to be purchased

in advance. Today one must consider the current global pandemic's impact on the economy, which includes constraints regarding the availability and cost of construction materials and the ability of the applicants to commence such large project from afar. Should Council not wish to extend the commencement for another 10 years, a shorter time frame, such as 5 – 7 years, is reasonable.

The draft planning documents of Project Lunenburg are not in effect so this application must be considered under the current 1996 Municipal Planning Strategy, as amended.

If the development agreement is amended, Part 1. Use, subsection (b) should be revised to reference multi-unit dwellings rather than condominium units and apartments.

D. Options

In response to the application PAC may:

1. Recommend that the Council discharge the development agreement by resolution of Council pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply and as set out in Part 9. Termination of Agreement, subsection (a).

2. Recommend that Council amend the development agreement:

2.1 to allow for a 10 year extension to commencement by amending Part 9. Termination of Agreement as follows:

a. In the first paragraph, after *commences more than*, delete “10” and insert “20” before *years from the date of this agreement*;

b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;

c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;

d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

2.2 to reference multi-unit dwellings in 1. Use as follows:

a. after *bed resort hotel*; and delete

- sixty (60) residential condominium units: and
- thirty (30) apartments

insert

- multi-unit dwelling with sixty (60) units (shown as Building C); and

- multi-unit dwelling with thirty (30) units (shown as Building D);
and
before
- *other facilities ordinarily*

3. Recommend that Council amend the development agreement to allow for an extension for lesser period of time than 10 years for commencement by amending Part 9. Termination of Agreement in a similar manner as in Recommendation 2 (above):

4. Recommend that Council refuse the application as it does not to carry out the intent of the Municipal Planning Strategy and give specific reasons as to why it does not meet the intent.

5. Provide alternative direction, such as requesting further information on a specific topic.

3. **FINANCIAL IMPACT**

None at this time.

4. **STRATEGIC PLAN RELEVANCE**

This project is in keeping with the following Comprehensive Community Plan's Strategic Directions and Goals:

Community Structure: A town that accommodates growth and change in a well-planned way that is respectful of its layered past and creates opportunities for its long-term future (CCP, pg 17).

Housing: A town that offers a wide range of high quality and affordable housing options (CCP, pg 40).

5. **RECOMMENDATION**

Staff have completed a review the Stellar Investments Inc. application to amend the development agreement with the Town to extend commencement a further 10 years.

The proposal is consistent with the Town's residential development and rural residential tourist accommodation policies and meets the intent of the Municipal Planning Strategy.

OPTION 2.

IT IS RECOMMEDED THAT the Planning Advisory Committee recommend that Council amend the development agreement for 101 Mason Beach Road, PIDS 60388105, 60388097, 60053097 dated 5 April 2011 and registered in the Lunenburg County Land Registration system as Documents 98138185 and 98133375 to allow for

a 10 year extension to commencement by amending Part 9. Termination of Agreement and referencing multi-unit dwellings in 1. Use as set out below:

A. to allow for a 10 year extension to commencement by amending Part 9. Termination of Agreement as follows:

- a. In the first paragraph, after *commences more than*, delete “10” and insert “20” before *years from the date of this agreement*;
- b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
- c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
- d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;

AND

B. to reference multi-unit dwellings in 1. Use as follows:

- a. after *bed resort hotel; and* delete
 - sixty (60) residential condominium units: and
 - thirty (30) apartmentsinsert
 - multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); andbefore
 - *other facilities ordinarily ...*

AND give First Reading and set a Public Hearing date.

6. SCHEDULES

Schedule A, Application

Schedule B, 2011 Development Agreement text document

Schedule C, 2011 Development Agreement plans

Schedule D, Planning Advisory Committee minutes of 21 September 2010
containing the planning report dated 27 August 2010.

Schedule E, Policies Analysis

Schedule F, Development Agreement Approval Process

Schedule G, Draft amending development agreement dated 12 May 2021

Town of Lunenburg Planning Application for Development Agreements

PLEASE NOTE THAT ALL INFORMATION PROVIDED IS PUBLIC INFORMATION

APPLICANT INFORMATION	REGISTERED OWNER OF PROPERTY
Name: Stellar Investments Inc.	Name: Stellar Investments Inc.
Company Name (same)	Company Name: (same)
Mailing Address: PO Box 849, Lunenburg, NS B0J 2C0	Mailing Address: PO Box 849, Lunenburg, NS B0J 2C0
Email: c/o Timothy Reibling, President treibling@tigroup.us	Email: same as applicant
Phone	Phone
Cell 902-527-6376	Cell 902-527-6376

PLEASE NOTE: If you are not the registered owner of the property, include a letter of authorization from the owner with your application.

PROPERTY INFORMATION	APPLICATION CHECKLIST
Civic Address: 101 Masons Beach Road	☒ Copy of Deed
PID: 60053097, 60388097, & 60388105	☐ Survey Plan or Equivalent
Present Use of Property: no active use	☒ A Letter Explaining the Proposal
Proposed Use of Property: as referred to in Development Agreement dated April 5, 2011	☒ Application and Advertising Fees \$945.15 (\$245.15 + \$700.00)

EXPLANATION OF PROPOSAL AND SIGNATURE
A short explanation of your proposal (please include a detailed letter with a full explanation) Applying for an amending Agreement to extend the times referred to in clause 9 of the Development Agreement
By submitting this application I affirm that the facts set forth are true and complete. Stellar Investments Inc. Name (printed): <u>Timothy Reibling</u> Signature: <u></u> Date: <u>3/22/2021</u>

OFFICE USE ONLY: Type of DA Application: Substantial Amendment Date received:

Stellar Investments Inc.

March 22, 2021

Dawn Sutherland
Manager of Planning and Development
Town of Lunenburg
119 Cumberland Street
Lunenburg, NS BoJ 2Co

Dear Ms. Sutherland:

Re: Development Agreement Application – Stellar Investments Inc.

Stellar Investments Inc. entered into a Development Agreement with the Town of Lunenburg which is dated the 5th day of April, 2011. The first recital in the Agreement states:

“WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #'s 60053097, 60388097, and 60388105; ... ”

No construction has been commenced to date. Stellar Investments Inc. owned by the Estate of the late Guenther and Susan Reibling is requesting that the current development agreement in place be extended an additional 10 years, keeping the current terms in place. The project “The Top” proposed at Masons Beach in Lunenburg was delayed by Guenther Reibling due to several factors including the worldwide economic crisis of 2008 and the rise of vacation rental platforms such as VRBO and AirBNB that have the potential to change the dynamic of the proposed project. Before Mr. Reibling’s passing in July 2020 he expressed interest in focusing on this project as he recently sold his company in the United States and was ready to tackle this project with his sons in his retirement. The Estate believes there is a housing shortage in Lunenburg and elements of this project make sense to develop. It is our intention to continue to evaluate the feasibility of “The Top” project proposed for Masons Beach as designed and kindly request that you extend the in-place development agreement another 10 years.

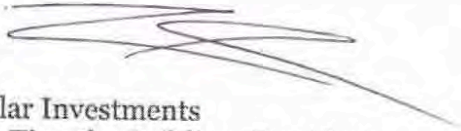
The company wishes to make application to amend **clause 9** of the existing Development Agreement as follows:

1. Change 10 years in the first paragraph to 20 years and insert the word “further” before the words “amending agreement”;
2. In the third line of paragraph (b), change “date of this agreement” to “date of the amending agreement”; and
3. In the third line of paragraph (c), insert the words “(which period is fully after the date of the amending agreement)” after the word “longer”.

Attached to this letter is an Application and a Cheque to the Town of Lunenburg in the amount of \$945.15 for Application and Advertising Fees as well as a copy of the Deed.

Should anything further be required in this process, please do not hesitate to contact the undersigned.

Yours very truly,



Stellar Investments
Per: Timothy Reibling, President
Email: treibling@tigroup.us
Phone Number: 902-527-6376

Z:\PAB - WIP\1 - OPEN\Stellar Investments Inc. - Development Agreement\Letter to Dawn Sutherland March 22, 2021.docx

Form 26

*Purpose: to record an interest in a parcel; or
to record a power of attorney in the power of attorney roll*

Registration district: Lunenburg
 Submitter's user number: 1728
 Submitter's name: John R. Cameron

For Office Use

LUNENBURG COUNTY LAND REGISTRATION OFFICE I certify that this document was registered as shown here. Joan Plunkett, Registrar	
98133185	LR ☒ ROD ☐
Document #	
APR 13 2011	15:30
MM DD YYYY	Time

In the matter of Parcel Identification Number (PID)

PID 60053097	60388097
PID 60388105	

(Expand box for additional PIDs, maximum 9 PIDs per form.)

Power of attorney (Note: completion of this section is mandatory)

- ☐ The attached document is signed by attorney for a person under a power of attorney, and the power of attorney is:
- ☐ recorded in the attorney roll
 - ☐ recorded in the parcel register
 - ☐ incorporated in the document

OR

- ☒ No power of attorney applies to this document

See Document Attachment:

Document # 98133375

This form is submitted to record the attached document (select applicable box):

- ☒ in the parcel register as a recorded interest
- ☐ in the power of attorney roll
- ☐ in the power of attorney roll as a duplication of a power of attorney registered under the *Registry Act*

The following information relates to the interest being recorded:

Instrument type	Agreement re Use of Land (Development Agreement)
Expiry date (if applicable)	
Interest holder and type to be added (if applicable) Note: include qualifier (e.g., estate of, executor, trustee, personal representative) if applicable	Town of Lunenburg Party to Agreement
Mailing address of interest holder to be added (for power of attorney, provide mailing address for donee)	P.O. Box 129 Lunenburg, Nova Scotia, B0J 2C0

May 4, 2009

Name and mailing address power of attorney donor to be added <i>(if applicable)</i>	
Name and mailing address power of attorney donee to be added <i>(if applicable)</i>	
Reference to related instrument in names-based roll/parcel register <i>(if applicable)</i> <i>(for power of attorney to be duplicated, insert document/instrument number/year; include book/page if applicable)</i>	

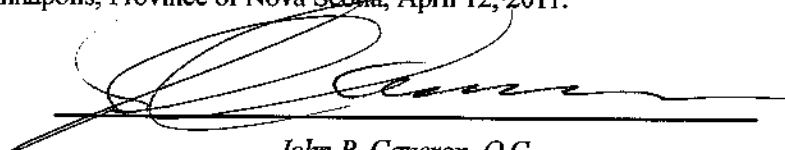
The textual qualifications in the above-noted parcel register(s) are to be changed as follows:

Textual qualification on title to be removed <i>(insert any existing textual description being changed, added to or altered in any way)</i>	
Textual qualification on title to be added <i>(insert replacement textual qualification)</i>	

Certificate of Legal Effect:

I certify that, in my professional opinion, it is appropriate to make the changes to the parcel register(s) as instructed on this form.

Dated at Bridgetown, in the County of Annapolis, Province of Nova Scotia, ~~April 12, 2011.~~



John R. Cameron, Q.C.

Name: John R. Cameron, Q.C.

Address: 5 Victoria Street, P.O. Box 70,
Bridgetown, Nova Scotia, B0S 1C0

Phone: 902 665-5035

E-mail: jrcameronlaw@ns.alliantzinc.ca

Fax: 902 665-5037

- ☐ This document also affects non-land registration parcels. The original will be registered under the *Registry Act* and a certified true copy for recording under the *Land Registration Act* is attached.

May 4, 2009

This Development Agreement made this 5 day of ^{April} January, A. D., 2011

BETWEEN: Stellar Investments Inc.,
hereinafter called the "DEVELOPER"

OF THE ONE PART

AND

Town of Lunenburg, a municipal body corporate pursuant to the
Municipal Government Act
hereinafter called the "TOWN"

OF THE OTHER PART

WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #'s 60053097, 60388097, and 60388105; and

WHEREAS the properties described in Schedule A are situated within an area designated Rural on the Future Land Use Map of the Municipal Planning Strategy (1996), and zoned Rural Residential (RR), on the Zoning Map of the Land Use By-law (1996); and

WHEREAS Policy 6.4 of the Municipal Planning Strategy requires that multi-unit dwellings be considered only by development agreement in the Rural Residential (RR) Zone, and policy 6.5 of the Municipal Planning Strategy requires that tourist accommodations be considered only by development agreement and Part 8 of the Land Use By-law provides that multi-unit residential uses and tourist accommodations be considered only by development agreement in the Rural Residential (RR) Zone; and

WHEREAS the Town by resolution of Town Council passed at a meeting on December 7, 2010, approved the proposed development subject to the execution of this development agreement by the parties hereto; and

WHEREAS the Developer is the owner of the properties described in Schedule A;

Now this agreement witnesseth that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:

1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
- (b) the use of the properties for the development of :
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and
- (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

2. Parking and Driveway Area

- (a) that driveways and a minimum of two hundred and twenty-seven (227) parking spaces be developed and maintained in a manner which meets the requirements of the Town Engineer and Traffic Authority, with a minimum of 227 parking spaces located in an underground parking garage approximately as shown on Schedule B; and
- (b) that the driveways and parking area be surfaced to prevent the raising of dust due to wind or vehicular movement and that these areas be resurfaced or treated from time to time to ensure that dust will not be generated; and
- (c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

3. Landscaping, Lighting and Screening

- (a) that any exterior lighting be limited to lighting for safety and security only, and be focused on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result;

- (b) that landscaping in keeping with the nearby golf course and the neighborhood be developed and maintained on all portions of the property which are not built on; and more particularly that the landscaping be substantially as provided on the landscaping plan annexed as Schedule D; and
- (c) that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as "height" is defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) temporary advertising signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property. The temporary signs must be removed within thirty-six (36) months of the issuance of the occupancy permit for the hotel, condominiums and apartment structures; and
- (b) that a maximum of two (2) permanent signs each with a maximum sign area of 3.5 square metres (40 sq. ft.) be permitted on the property.

6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:
 - (I) the maximum number of rental units within the hotel; and
 - (II) the maximum number of residential condominium units; and
 - (III) the maximum number of one-bedroom apartments.

9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; any development which commences more than 10 years from the date of this agreement requires an amending agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if no use described herein has been commenced within sixty (60) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if there is no use described in Section 1 (b) for a period of sixty (60) months or longer; and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

10. Other

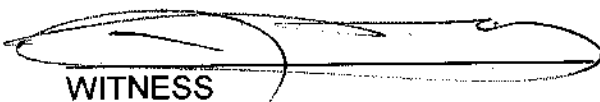
That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the Developer, its successors and assigns and the owner or owners from time to time of the property described in Schedule A, until discharged.

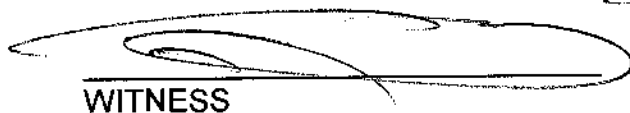
11. Compliance with Other By-laws and Regulations

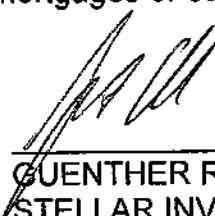
That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

12. **Ownership**

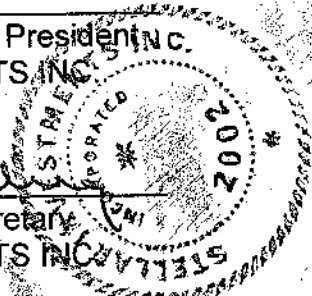
We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as Document #4029 on July 4, 2003. Stellar Investments Inc. has not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.


WITNESS


WITNESS


GUENTHER REIBLING, President
STELLAR INVESTMENTS INC.

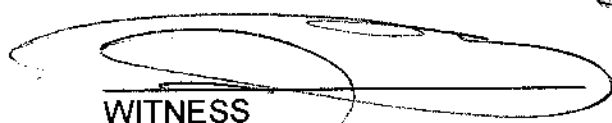

SUSAN REIBLING, Secretary
STELLAR INVESTMENTS INC.



IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

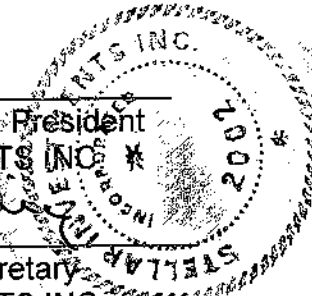
In the presence of:


WITNESS


WITNESS


GUENTHER REIBLING, President
STELLAR INVESTMENTS INC.

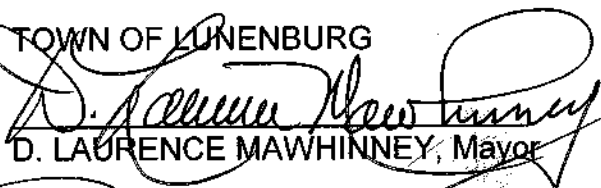

SUSAN REIBLING, Secretary
STELLAR INVESTMENTS INC.



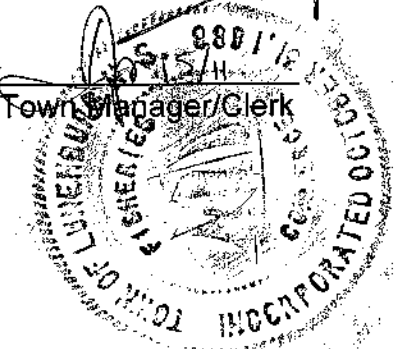

WITNESS


WITNESS

TOWN OF LUNENBURG


D. LAURENCE MAWHINNEY, Mayor


BEA RENTON, Town Manager/Clerk



SCHEDULE "A"

(Lots 00-1, 00-2 and 00-3, Mason's Beach Road, Lunenburg)

All those lands and premises conveyed in a Warranty Deed dated the 14th day of May, 2002 from Sherman Zwicker to Gunther Reibling and Susan J. Reibling as recorded in Bridgewater Registry of Deeds Office on the 15th day of May, 2002 in Book 839 at Page 965 under Number 2880 and therein more particularly described as follows:

Nova Scotia Grid North

April 16, 2002

ALL those lots of land and premises situate at Masons Beach Road, in the Town of Lunenburg, in the County of Lunenburg, in the Province of Nova Scotia, and shown on a Plan of Survey 00-099, dated October 4, 2000, prepared by Turner Surveys, and being more particularly bounded and described as follows:

First

Lot 00-1A Lot of Land in the Town of Lunenburg

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeastern side of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being on a Southwest boundary of the former Edwin Kaulback property, occupied now by the Bluenose Golf Club, this survey marker being 13' more or less from the Southeast limit of the Masons Beach Road;

THENCE South 55° 05' 18" East along the Southwest boundary of the former Kaulback property, occupied by the Bluenose Golf Club 134.83' to a point marked by a survey marker;

THENCE South 55° 05' 18" East continuing along the Kaulback property occupied by the Bluenose Golf Club 196.30' to a point at the most Easterly corner of the herein described lot;

THENCE South 24° 19' 39" West along the Northwest boundary of the Kaulback property occupied by the Bluenose Golf Club 31.21' to a point marked by a survey marker;

THENCE South 24° 19' 39" West continuing along the Kaulback property occupied by the Bluenose Golf Club 124.29' to a point marked by a survey marker at the most Easterly corner of Lot 00-2, the property of Sherman F. H. Zwicker;

THENCE North 51° 30' 06" West along the Northeast boundary of Lot 00-2, 408.78' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North 50° 14' 05" East along the Southeast limit of the Masons Beach Road 131.98' to a point at the Northwest corner of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE South 55° 05' 18" East along a Southwest boundary of the Kaulback property occupied by the Bluenose Golf Club 13.30' to the point of beginning.

The above described lot is all of Lot 00-1 shown on the aforementioned Plan of Survey and contains an area of 1.21 acres more or less and is part of the property referred to as "Windycress".

For reference to title see a deed dated July 5, 1937, from Julia Selig et vir to F. Homer Zwicker and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 344.

Schedule "A"

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Second

Lot 00-2

A Lot of Land in the Town of Lunenburg Adjoining the First Lot Above Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the most Westerly corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE South 49° 37' 55" West along the Southeast limit of the Masons Beach Road 120.90' to a point marked by a survey marker at the North corner of Lot 00-3, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Northeast boundary of Lot 00-3, 460.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE North 24° 19' 39" East along the Kaulback property occupied by the Bluenose Golf Club 117.50' to a point marked by a survey marker at the South corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE North 51° 30' 00" West along the Southeast boundary of Lot 00-1, 408.75' to the point of beginning.

The above described lot is all of Lot 00-2 shown on the aforementioned Plan of Survey and contains an area of 1.16 acres more or less. The above described lot is part of the property referred to as "Windycrest".

For reference to title see Lot No. 1 described in deed dated May 21, 1937, from Daniel Smith et ux to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on May 25, 1937, in Book 103, Page 185.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Third

Lot 00-3

A Lot of Land in the Town of Lunenburg Adjoining the Second Lot Herein Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the West corner of Lot 00-2, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Southwest boundary of Lot 00-2, 450.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Course;

SR.

THENCE South $23^{\circ} 02' 57''$ West along the former Edwin Kaulback property occupied by the Bluenose Golf Course 418.01' to a point marked by a survey marker at the East corner of Lot 00-4, the property of Sherman F. H. Zwicker;

THENCE North $52^{\circ} 57' 32''$ West along the Northeast boundary of Lot 00-4 marked by the remains of a wire fence, 499.20' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North $53^{\circ} 17' 02''$ West along the limit of the Masons Beach Road 8.35' to a point marked by an iron pipe;

THENCE North $53^{\circ} 17' 02''$ West continuing along the limit of the Masons Beach Road 5' more or less to a point on the Southeast limit of the Masons Beach Road;

THENCE in a Easterly direction following along the various courses of the Southeast limit of the Masons Beach Road 428' more or less to the point of beginning, a tie line between the last mentioned survey marker and the point of beginning being North $28^{\circ} 24' 02''$ East 417.37'.

The above described lot is all of Lot 00-3 shown on the aforementioned Plan of Survey and contains an area of 7.24 acres more or less and a portion of the Zwicker house having Civic No. 101 is located on this lot, which is part of the property referred to as "Windycrest".

SUBJECT TO any easement that might exist in favour of the Lunenburg Electric Company for the overhead service line crossing the above described lot and located as shown on the aforementioned Plan of Survey.

For reference to title see a deed dated July 6, 1937, from Anna Bertha Young to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 345.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.



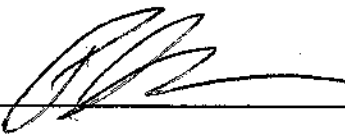
PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG SS)

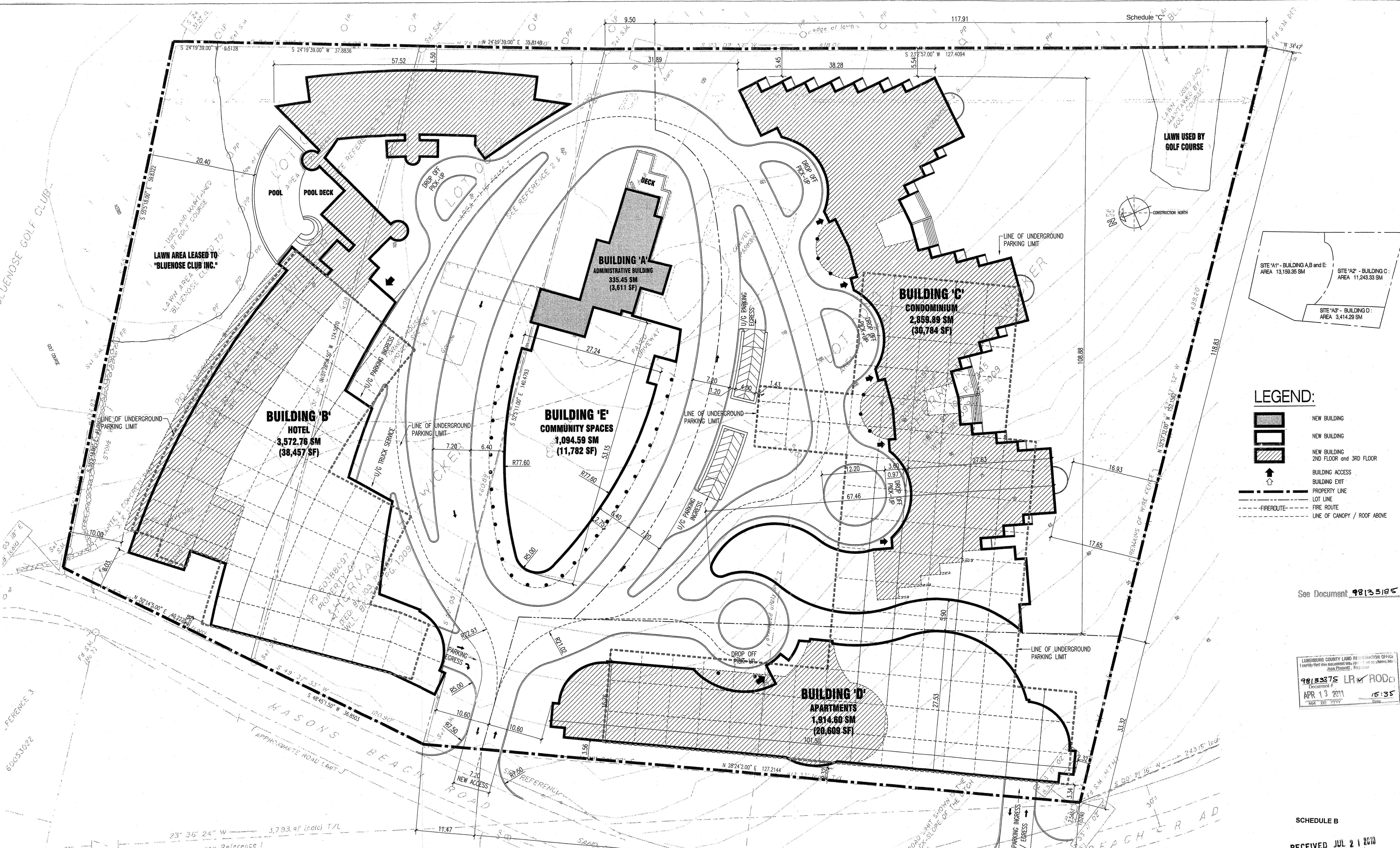
ON THIS 5 day of April, A.D. 2011, before me, the subscriber personally came and appeared, Patrick A. Burke, the subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that the **TOWN OF LUNENBURG**, a municipal body corporate, one of the parties thereto, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by the Mayor and Town Manager/Clerk in his presence.


PETER JOHN HAUGHN
A Commissioner of the Supreme
Court of Nova Scotia

PROVINCE OF NOVA SCOTIA)
COUNTY OF LUNENBURG SS)

ON THIS 5 day of April, A.D. 2011, before me, the subscriber personally came and appeared, Patrick A. Burke, the subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that **STELLAR INVESTMENTS INC.**, a body corporate, one of the parties thereto, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officers in his presence.


PETER JOHN HAUGHN
A Commissioner of the Supreme
Court of Nova Scotia



STELLAR INVESTMENT INC.

PROJECT NO. 08160
SITE PLAN - A-101
DATE: JUNE 01, 2010

"THE TOP" DEVELOPMENT

MASONS BEACH ROAD
LUNENBURG, NOVA SCOTIA

SCALE: 1" = 300'

LEGEND:

- NEW BUILDING
- NEW BUILDING
- NEW BUILDING 2ND FLOOR and 3RD FLOOR
- BUILDING ACCESS
- BUILDING EXIT
- PROPERTY LINE
- LOT LINE
- FIRE ROUTE
- LINE OF CANOPY / ROOF ABOVE

See Document 98133185

LUNenburg COUNTY LAND REGISTRATION OFFICE
I certify that this document was registered as shown here:
Document # 98133375 LR ROD
APR 13 2011 15:35

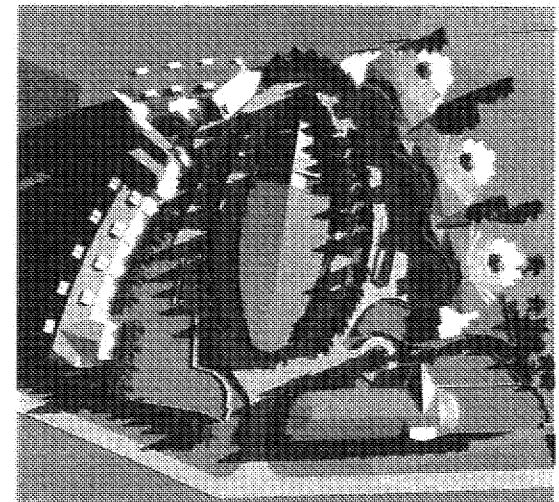
SCHEDULE B

RECEIVED JUL 21 2010

PETROFF PARTNERSHIP ARCHITECTS
PETROFF



STELLAR INVESTMENT INC



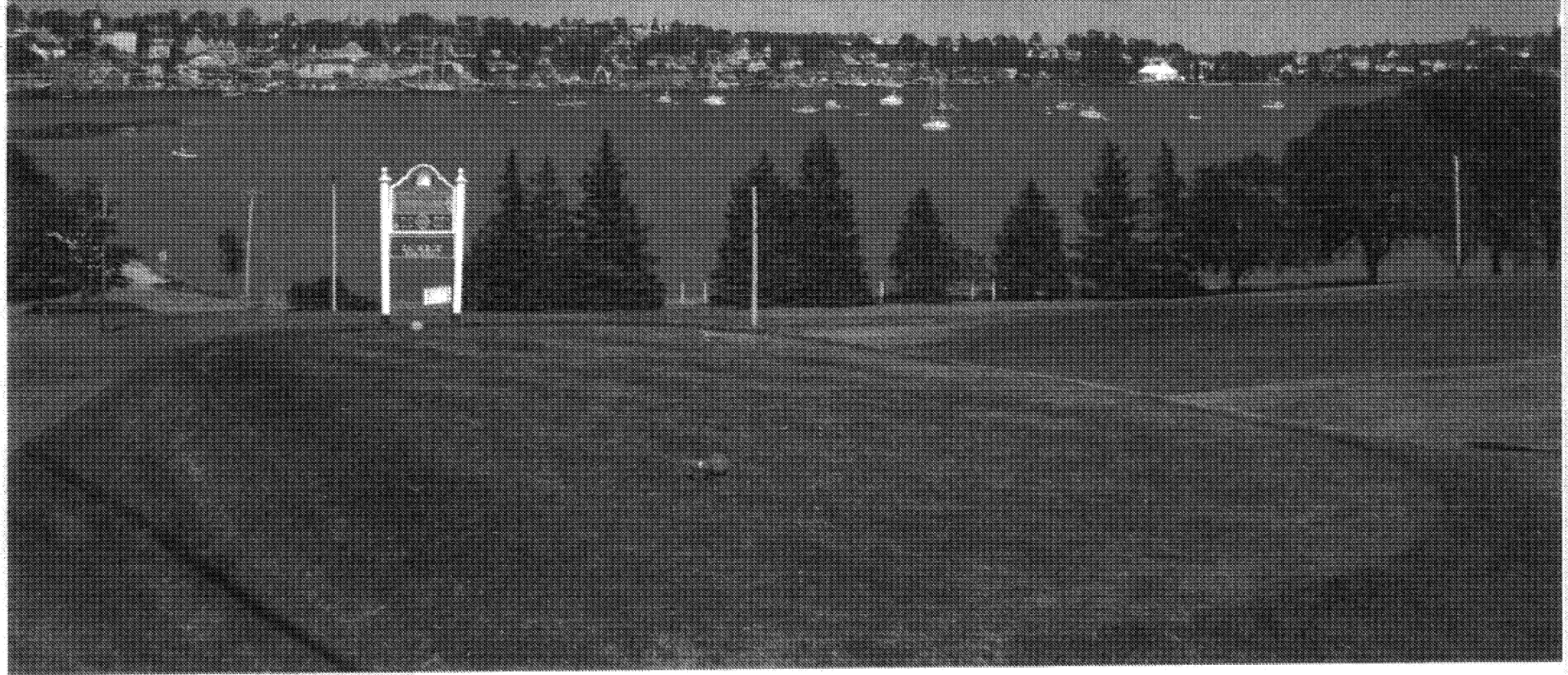
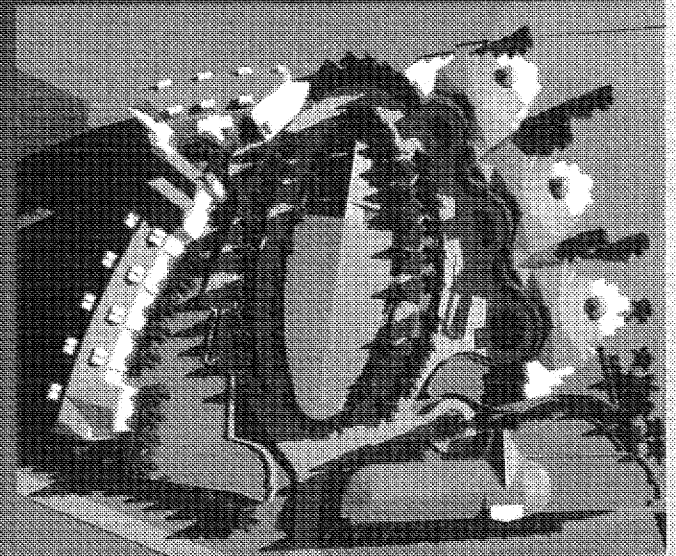
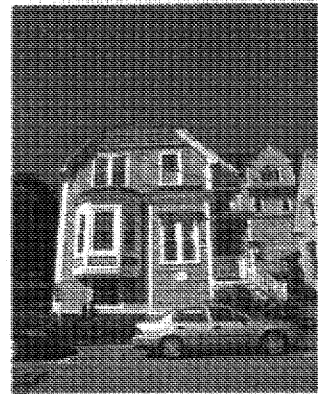
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

Planning Doc # 2010-34
Planning Doc DA 2009-58

THE 101
LUNenburg NOVA SCOTIA

Schedule "C"



CONTEXT

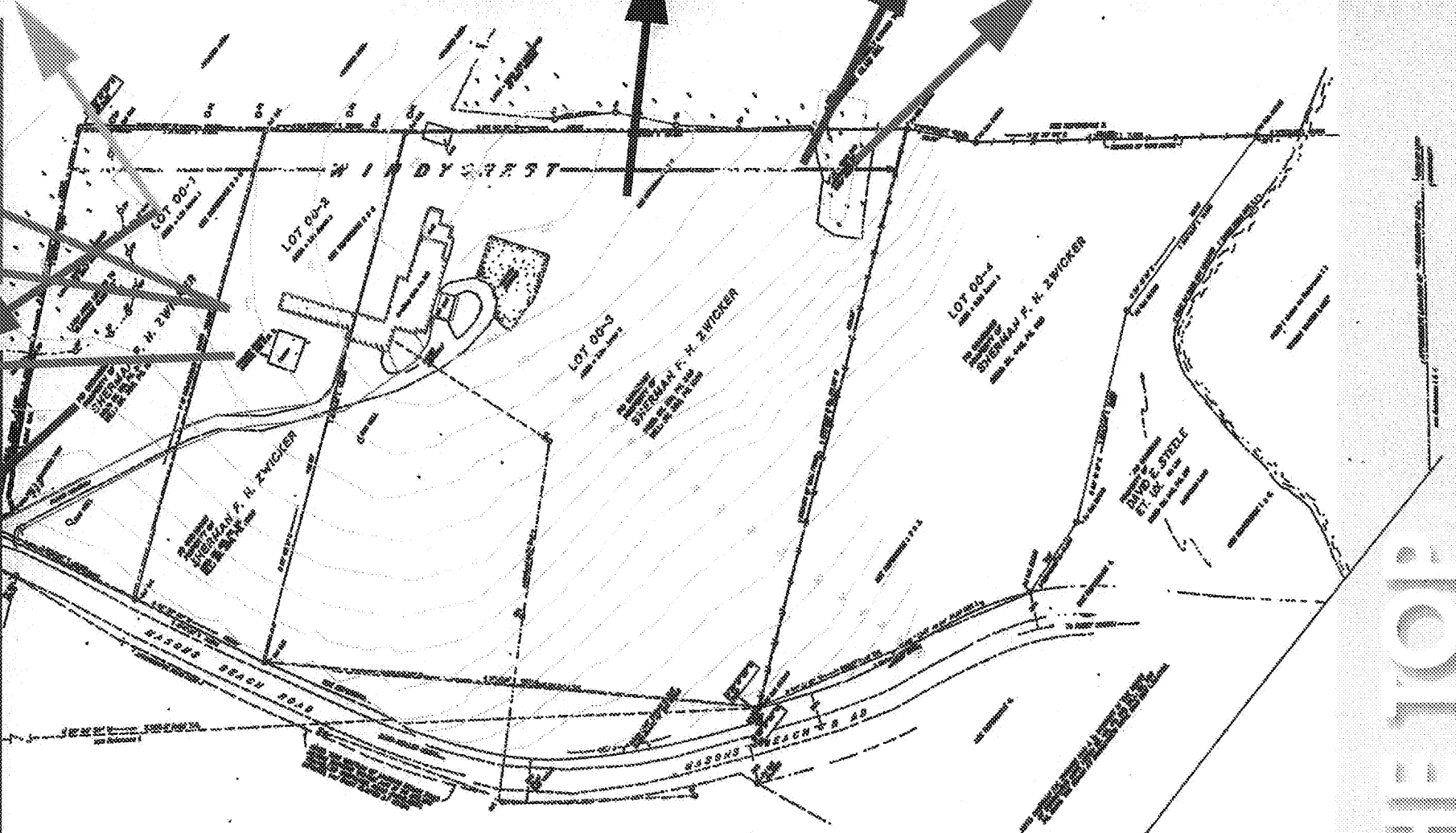
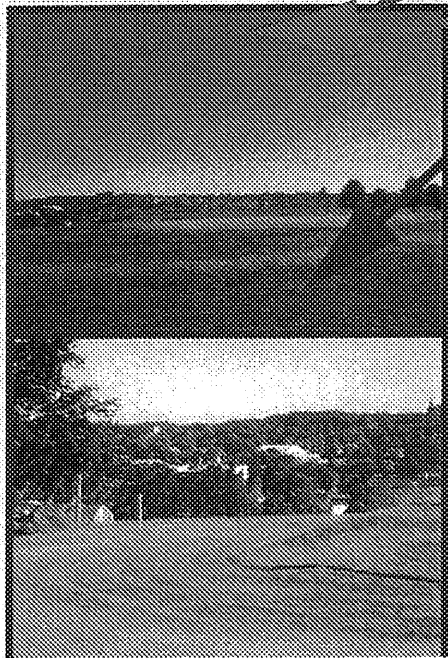
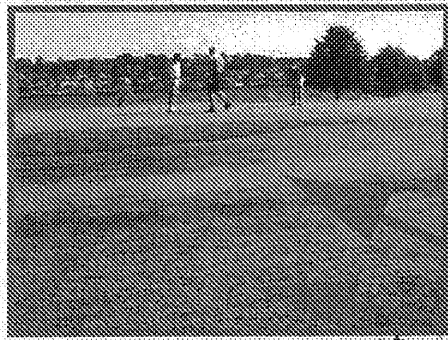
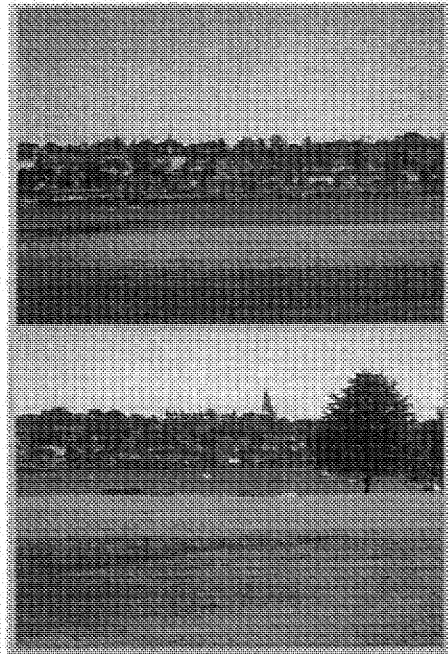
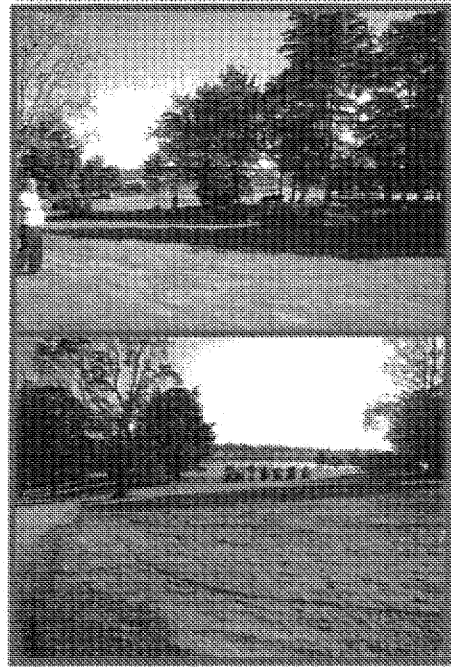
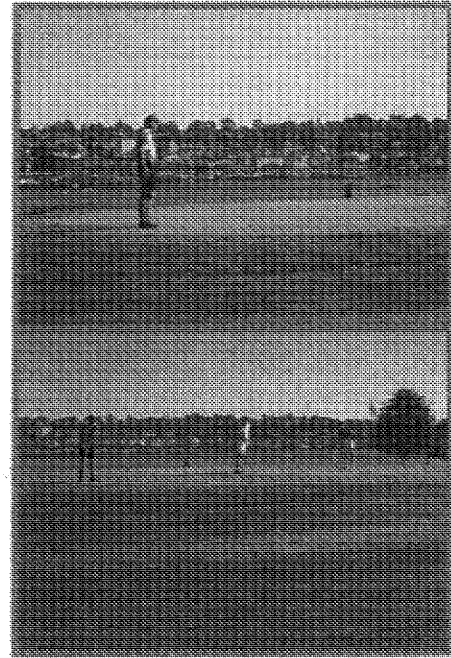
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



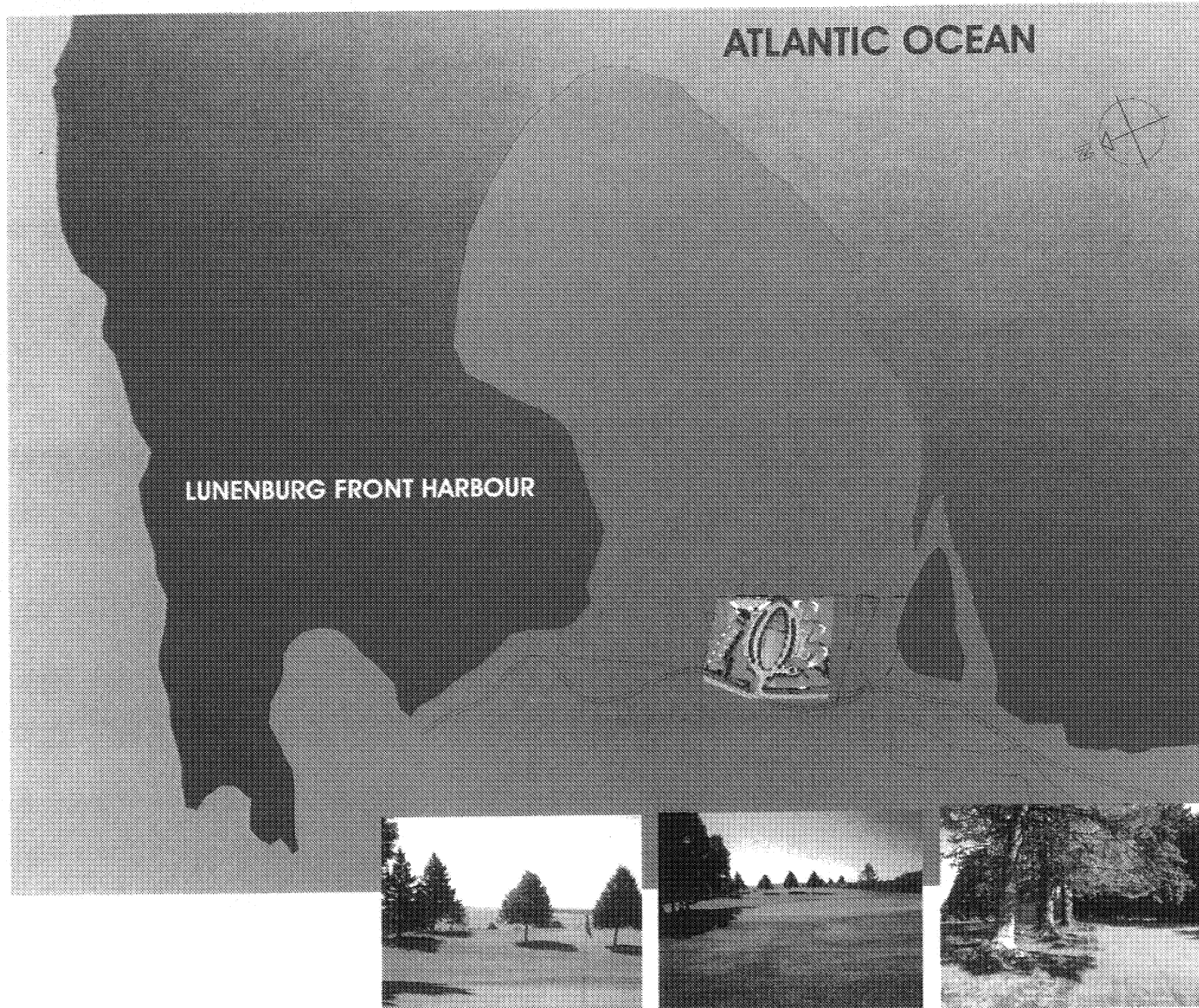
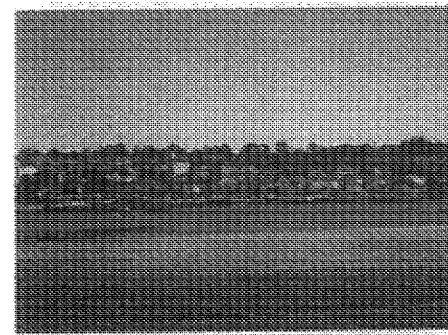
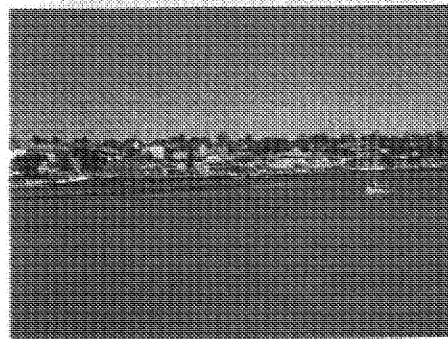
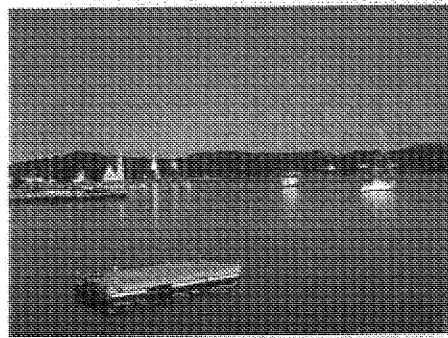
VIEWS FROM SITE LOCATION

PETROFF PARTNERSHIP ARCHITECTS
PETROFF

THE 101:

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



ATLANTIC OCEAN

LUNENBURG FRONT HARBOUR

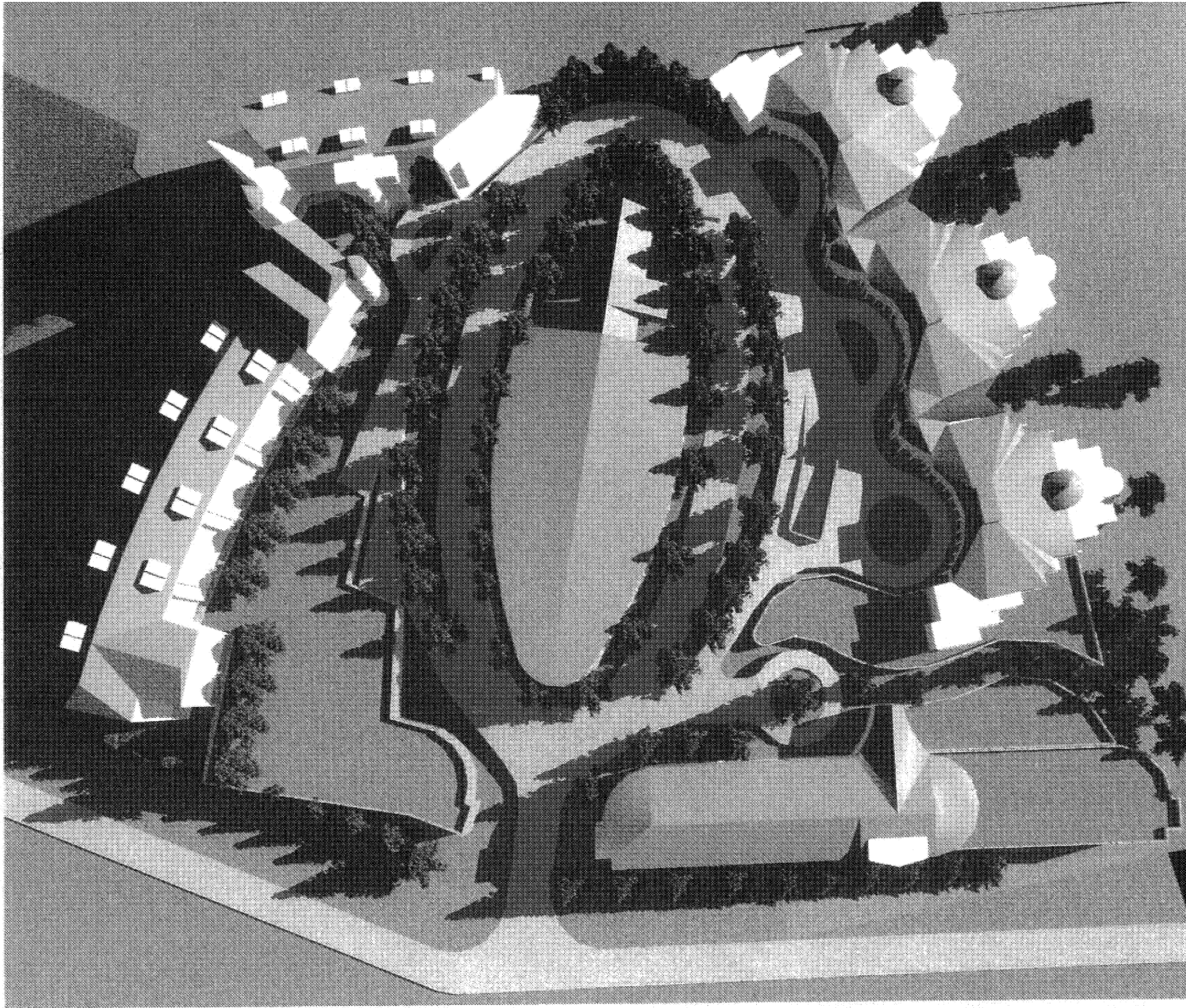
LOCATION

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC



TOP VIEW

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LINENBURG NOVA SCOTIA

STELLAR INVESTMENT INC

HOTEL COMPONENTS

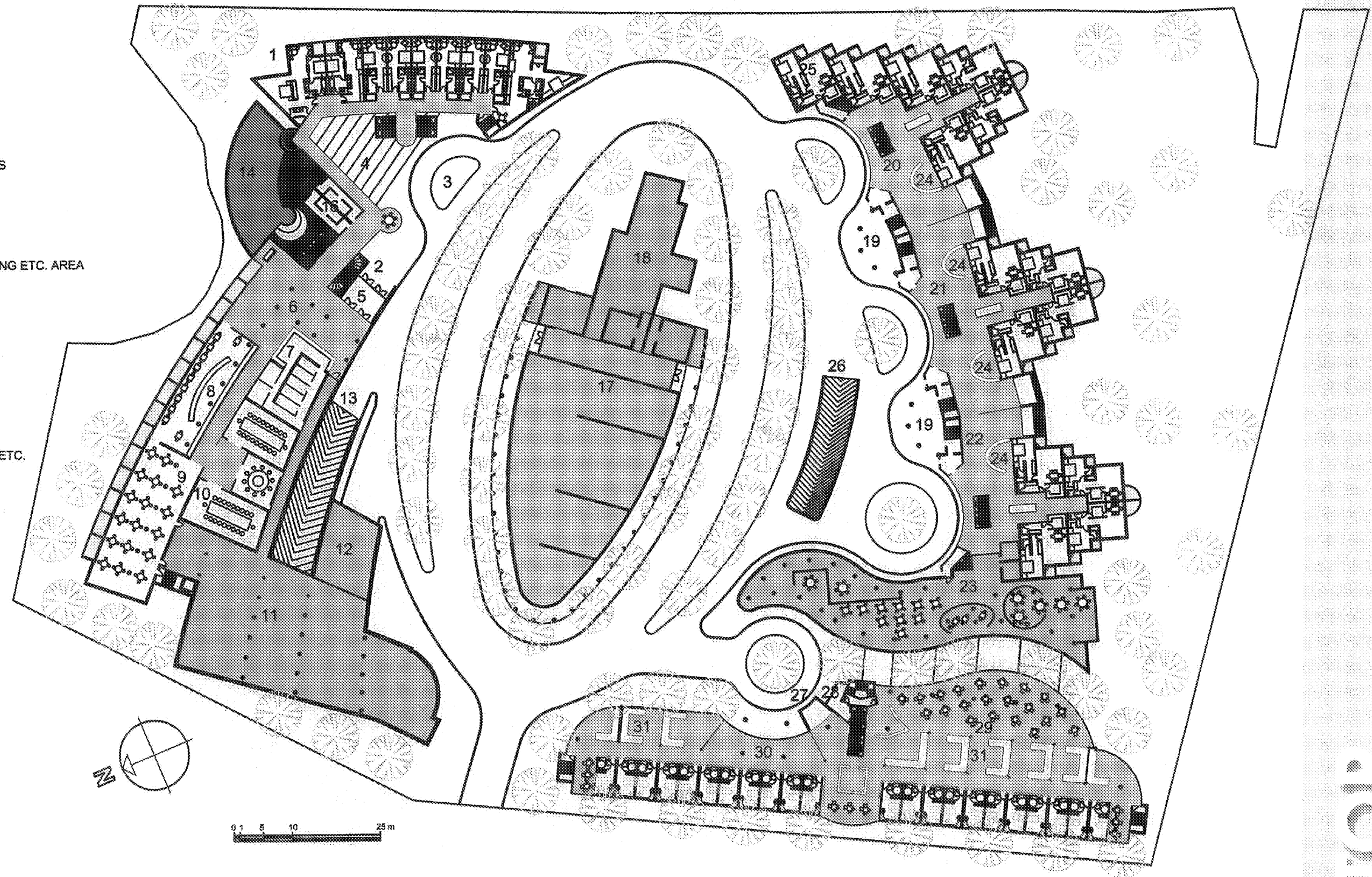
- 1 HOTEL PHASE 2
- 2 MAIN ENTRANCE
- 3 VEHICULAR ACCESS, DROP OFF-PICK UP
- 4 LANDSCAPED COURTYARD
- 5 VESTIBULE
- 6 MAIN LOBBY AND CIRCULATION AREA
- 7 FRONT DESK AND MANAGEMENT OFFICES
- 8 LOBBY BAR, LOUNGE AREA
- 9 RESTAURANT CAFE AREA
- 10 CONFERENCE MEETING ROOMS AREA
- 11 B.O.T.H. KITCHEN STAFF AREA
- 12 SHIPPING, RECEIVING GARBAGE HANDLING ETC. AREA
- 13 U.G. PARKING ACCESS-EGRESS RAMP
- 14 POOL
- 15 POOL DECK
- 16 CHANGING ROOMS

COMMON FACILITIES, RESIDENCES AND LONG TERM CARE

- 17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
- 18 RESTAURANTS, SHOPS, ETC.
- 19 TERRACES
- 20 LOBBY OF PHASE 1
- 21 LOBBY OF PHASE 2
- 22 LOBBY OF PHASE 3
- 23 PARTIES, GAMES, CONTRACT BRIDGE, TV LOUNGES ETC.
- 24 CONCIERGE
- 25 CARETAKER'S FLAT
- 26 U.G. PARKING ACCESS-EGRESS RAMP
- 27 MAIN ENTRANCE
- 28 SERVICE ENTRANCE
- 29 DINING AND MAIN ACTIVITIES AREA
- 30 LOBBY AND VISITORS AREA
- 31 SPECIFIC ACTIVITIES AREA

UNITS ON GROUND LEVEL

HOTEL UNITS	9
RETIREMENT APARTMENTS	14
LONG TERM CARE UNIT	22



GROUND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

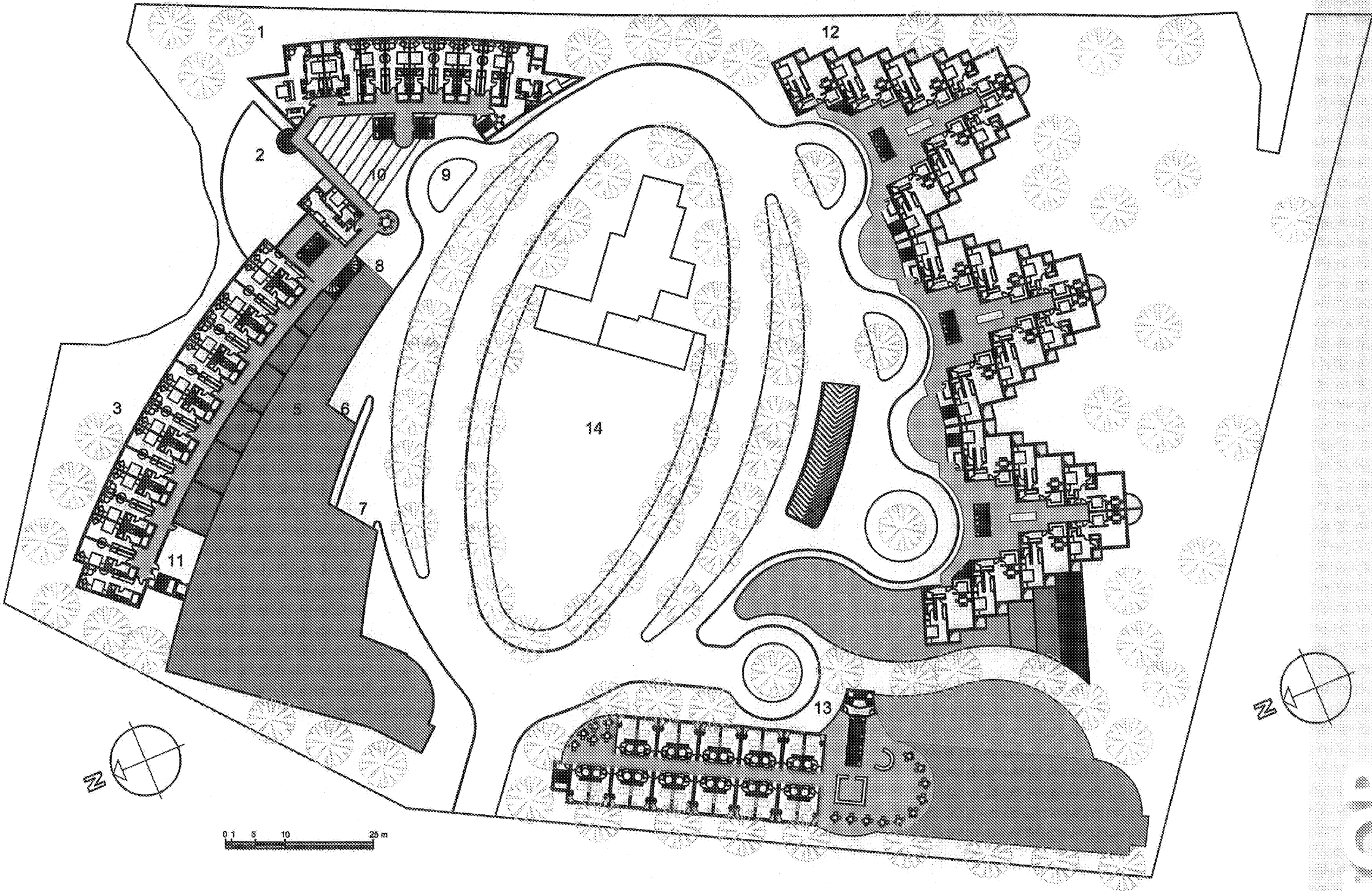
THE TOP
LUNENBURG NOVA SCOTIA

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 2nd LEVEL

HOTEL UNITS	26
RETIREMENT APARTMENTS	20
LONG TERM CARE UNIT	22



2ND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

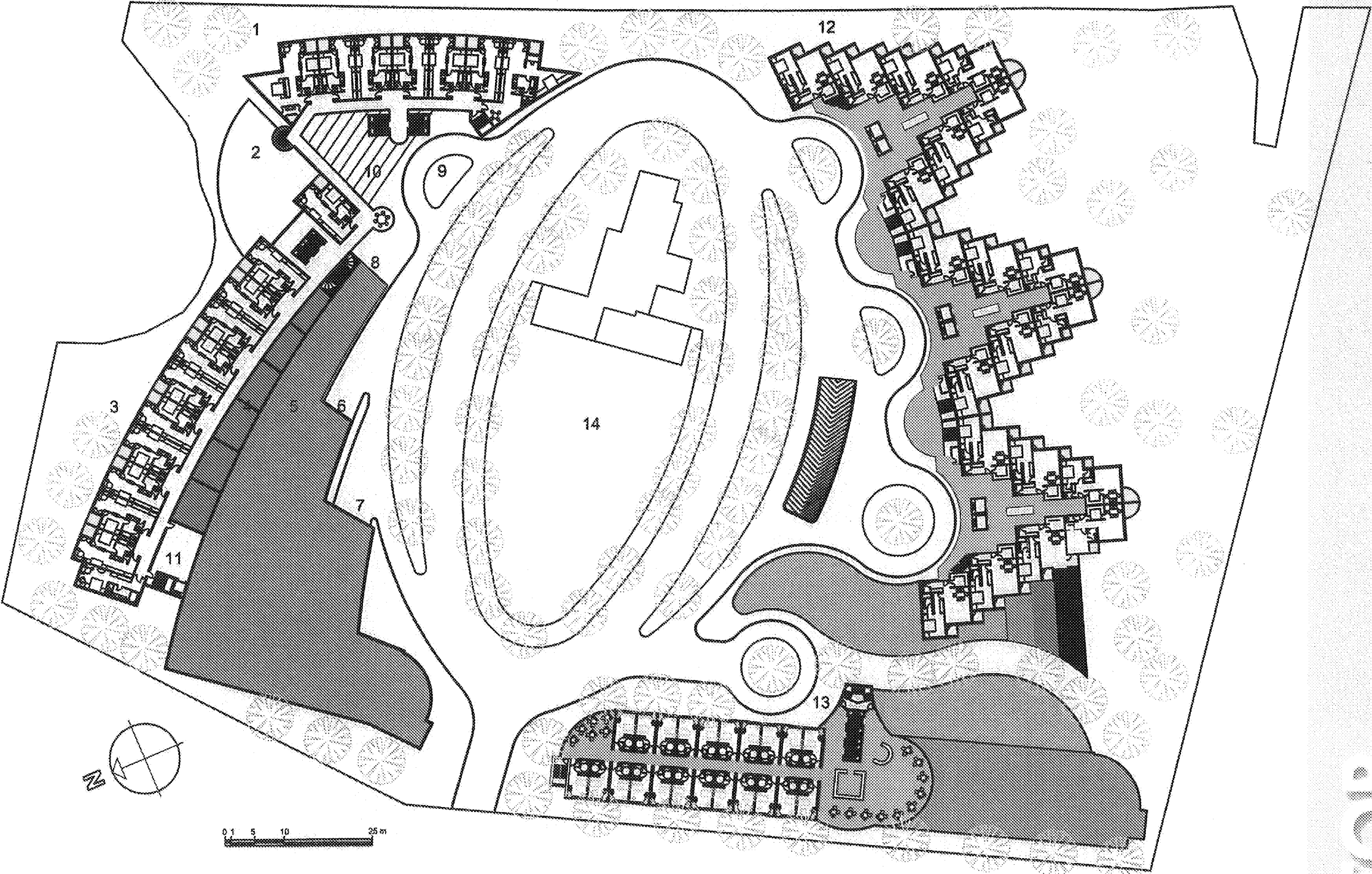
PETROFF

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 3rd LEVEL

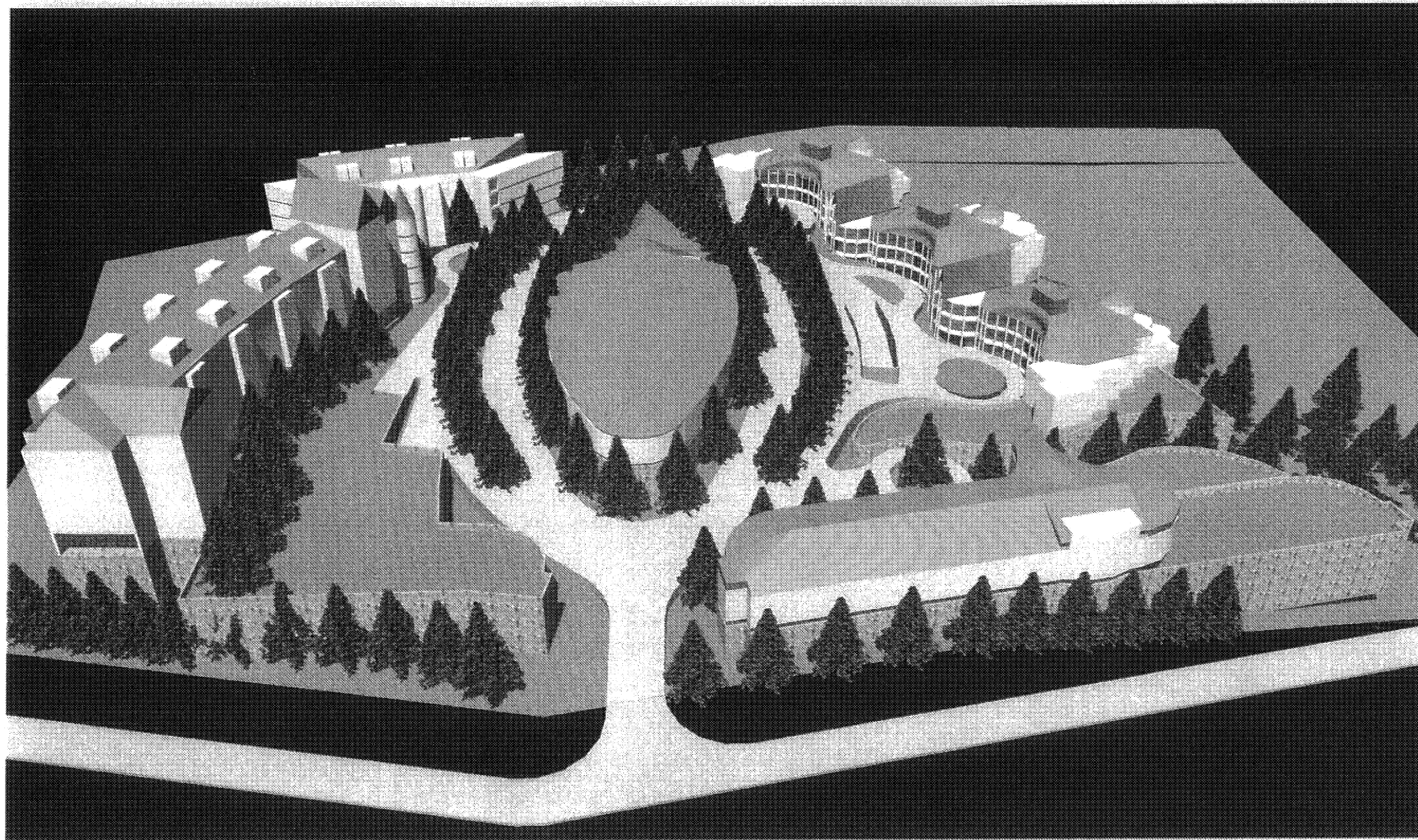
HOTEL UNITS	19
RETIREMENT APARTMENTS	20
LONG TERM CARE UNIT	22



3RD FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF



AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



TOWN CENTRE

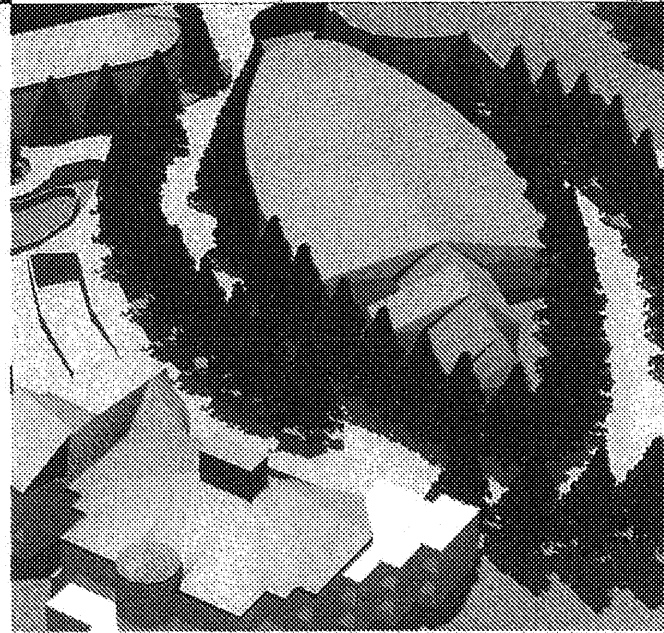
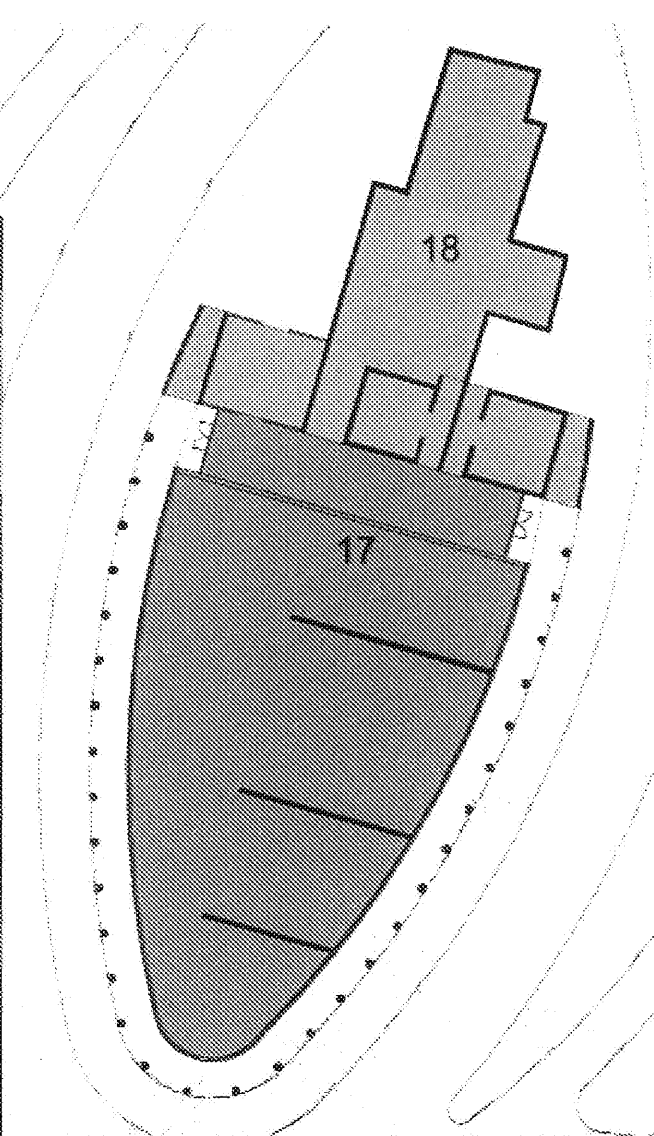
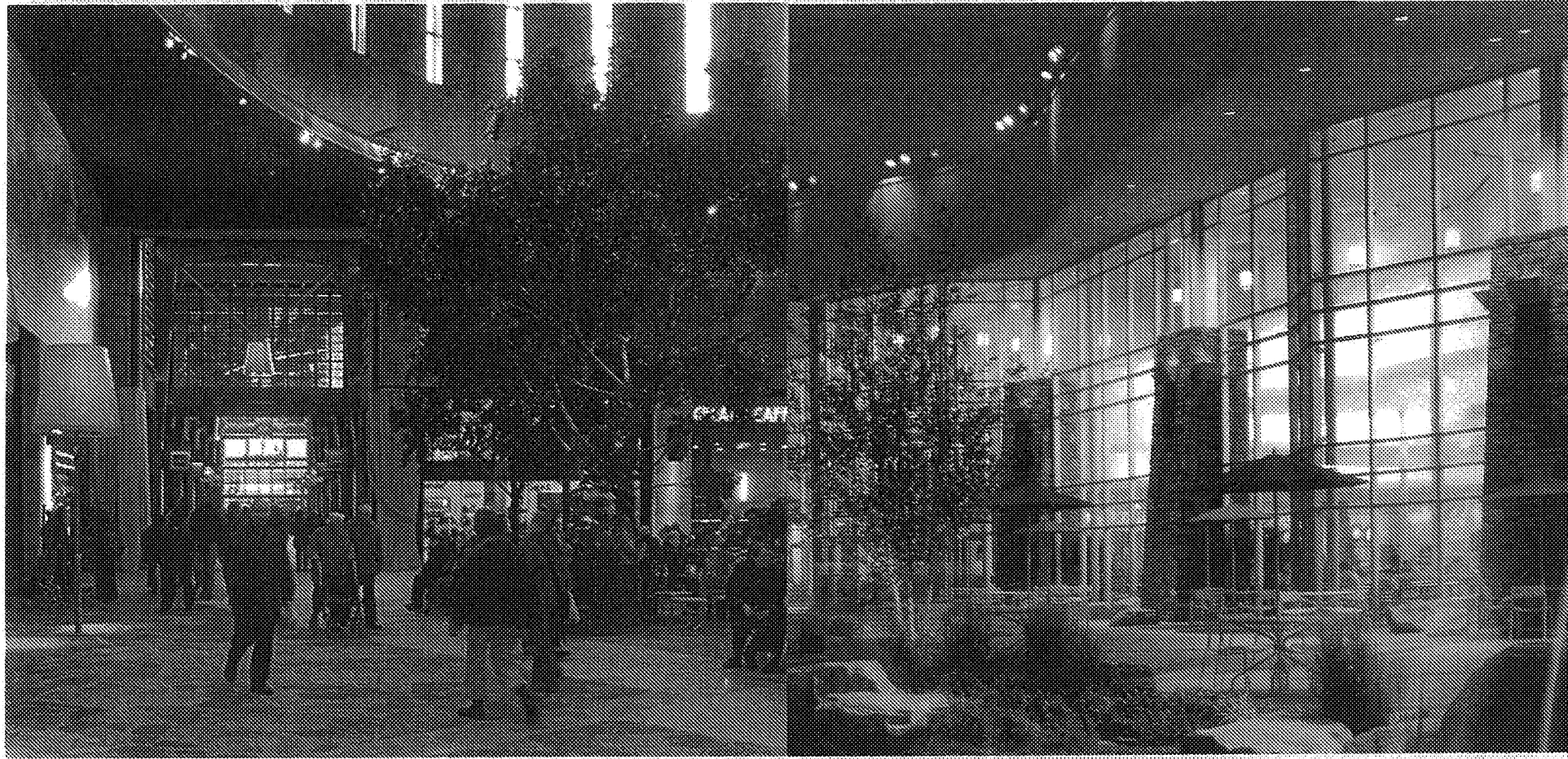
PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



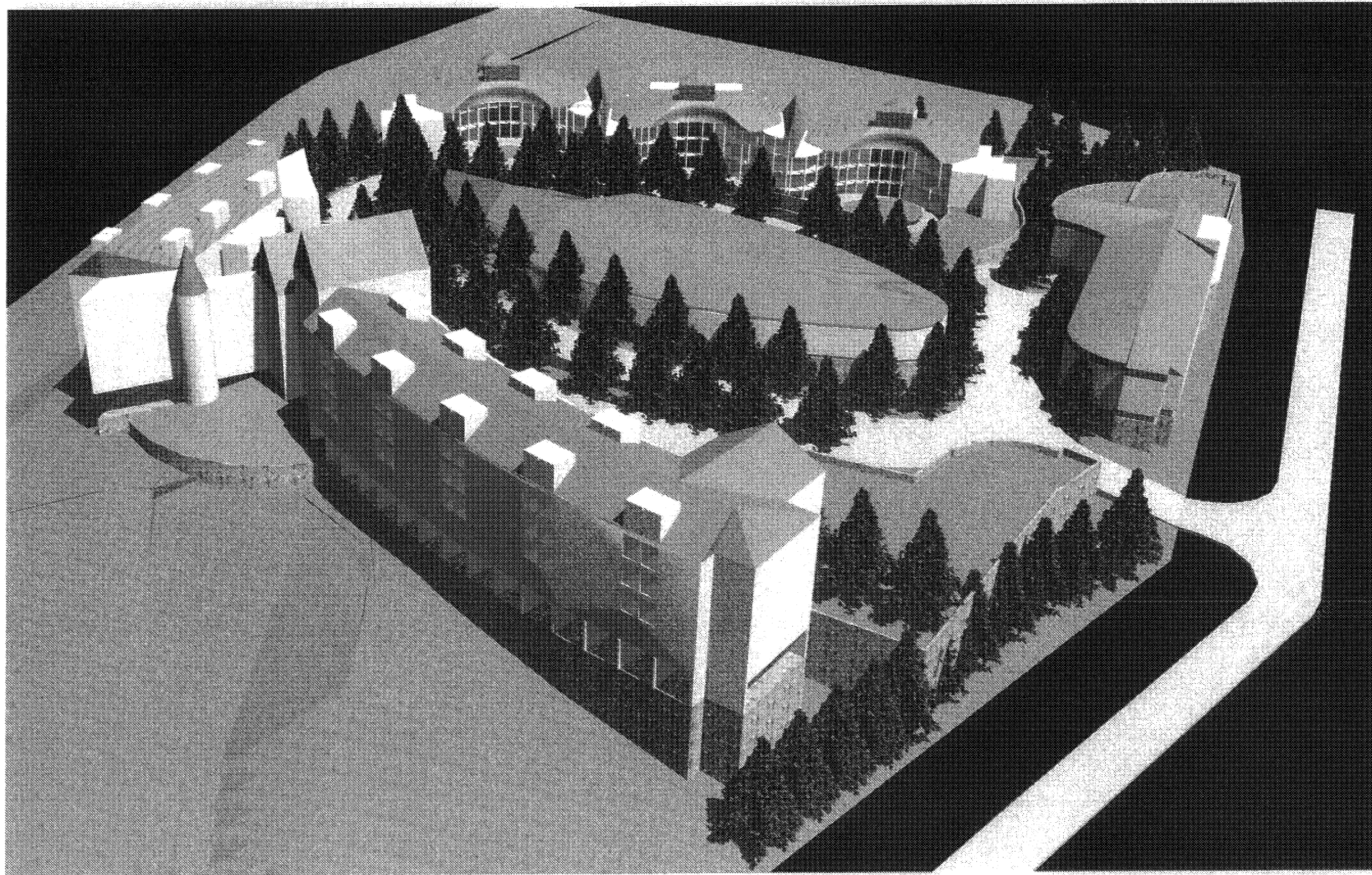
TOWN CENTRE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



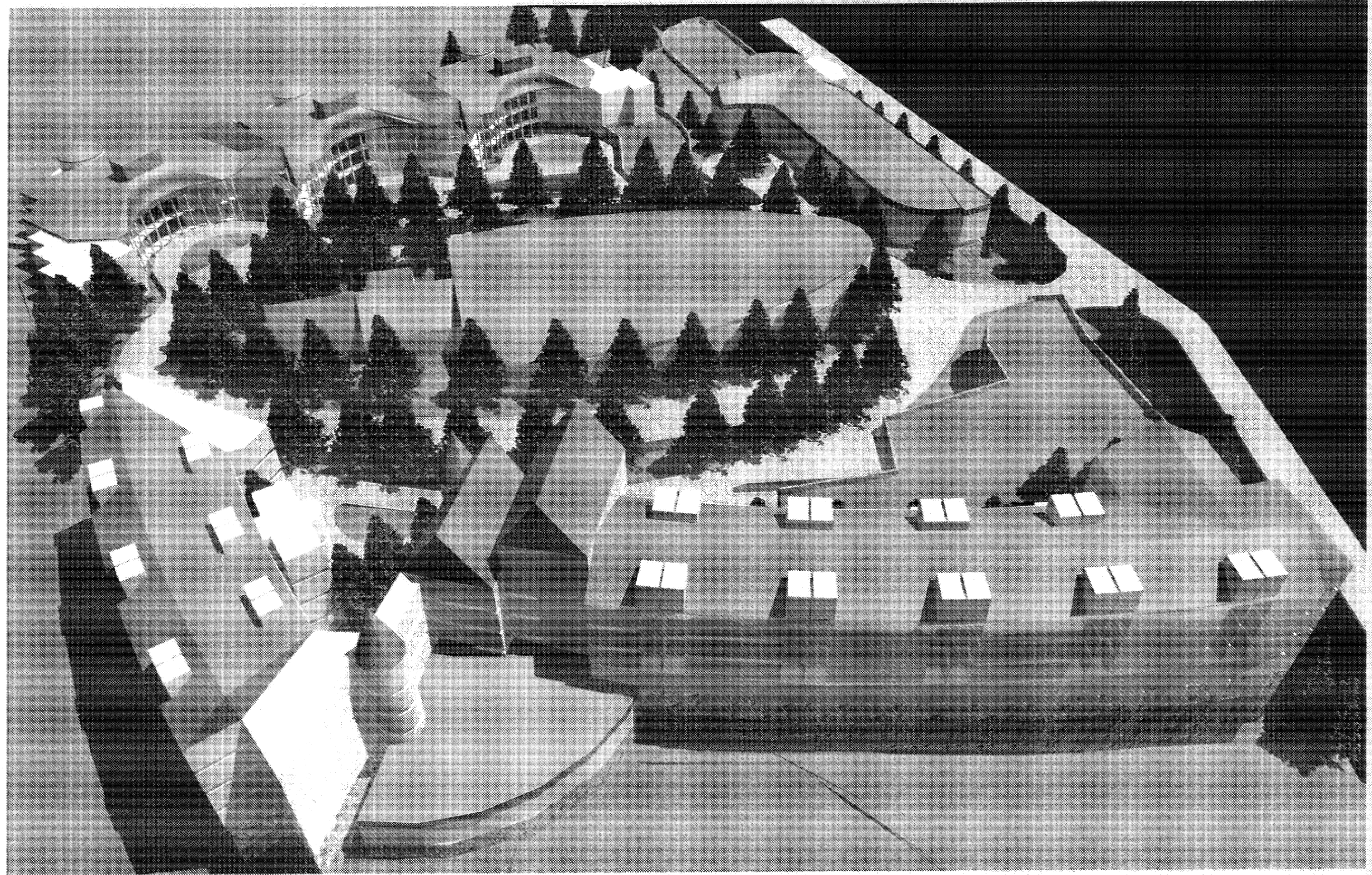
AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

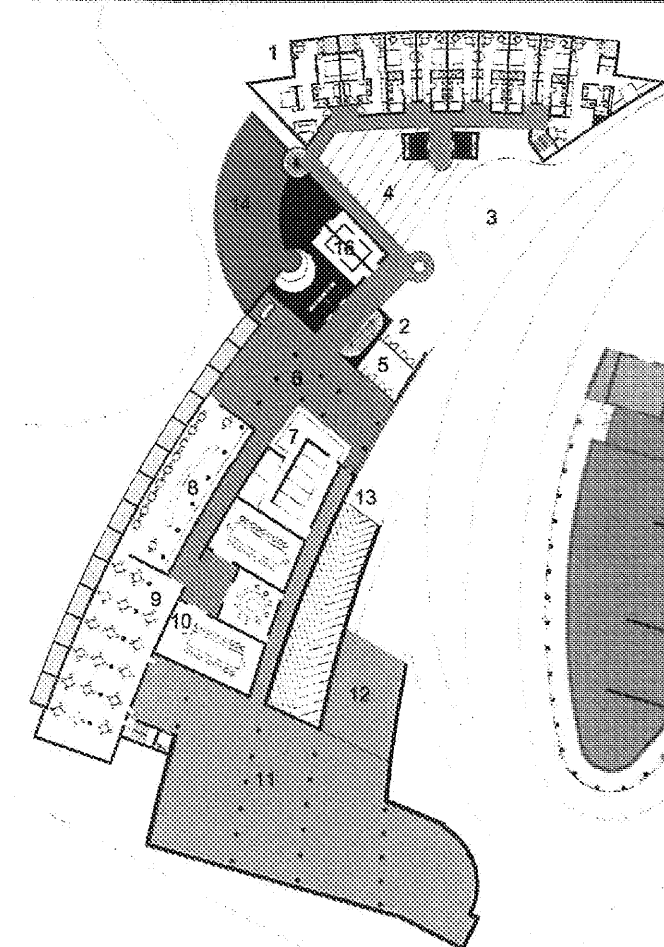
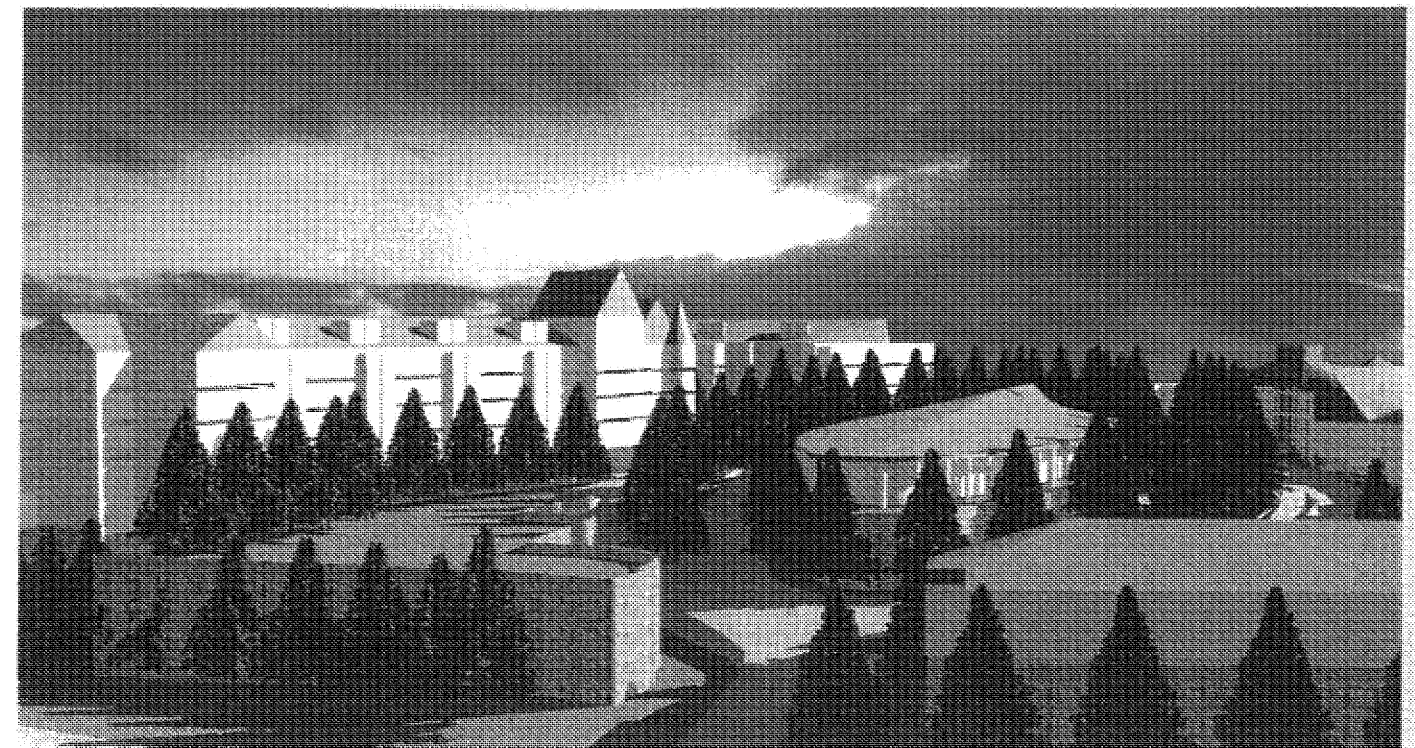
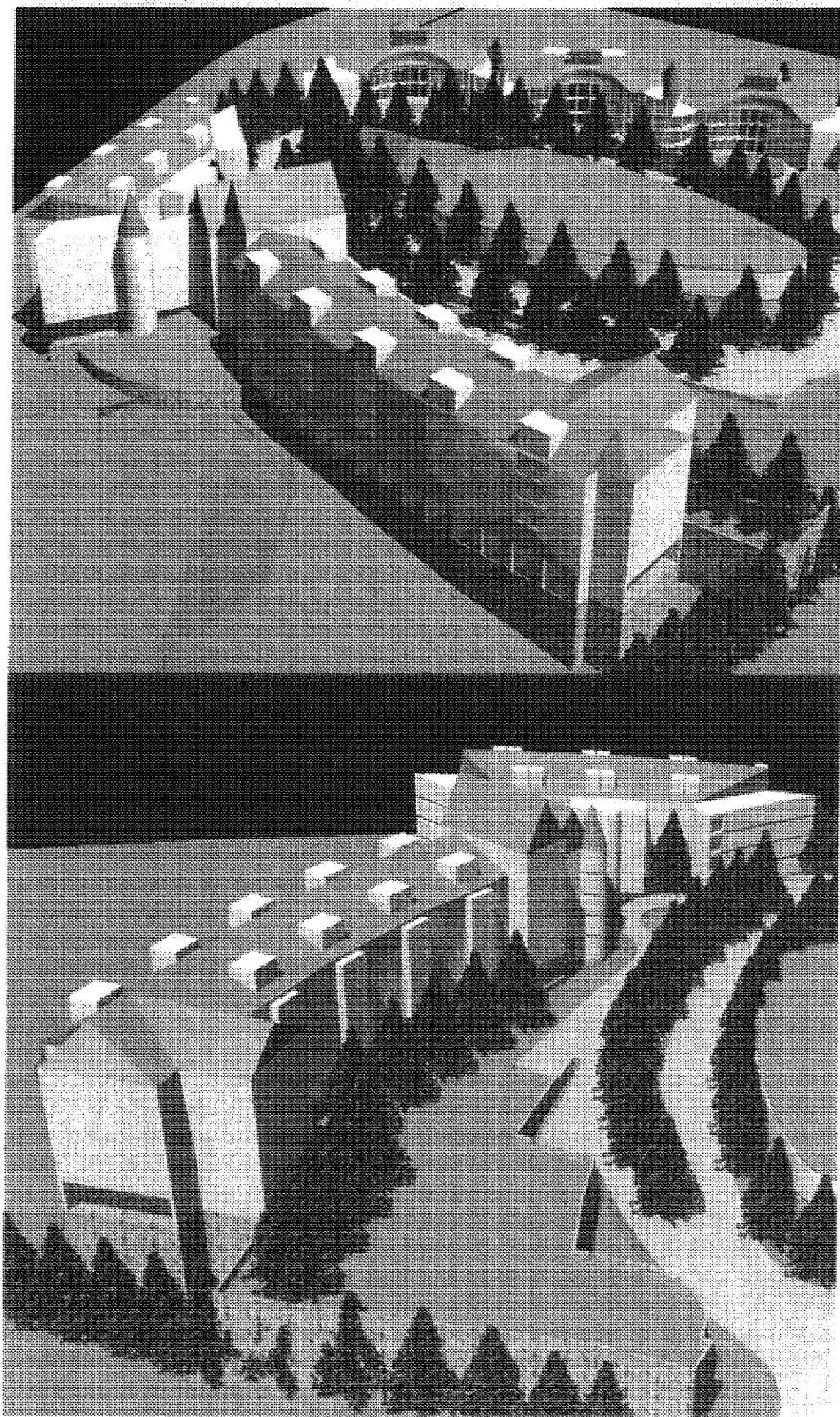
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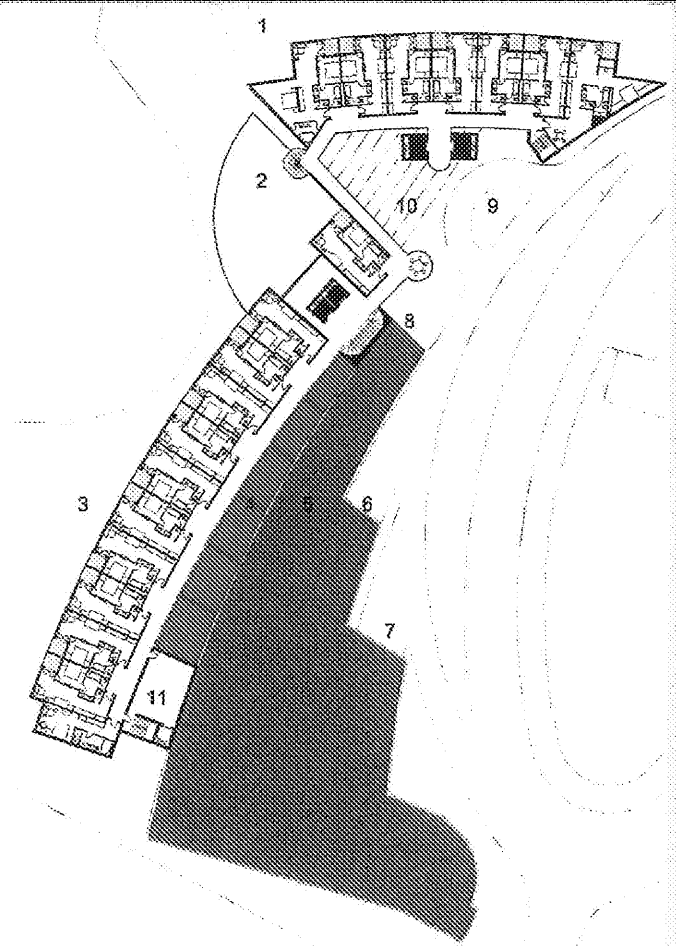
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LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



LOWER LEVEL



UPPER LEVELS

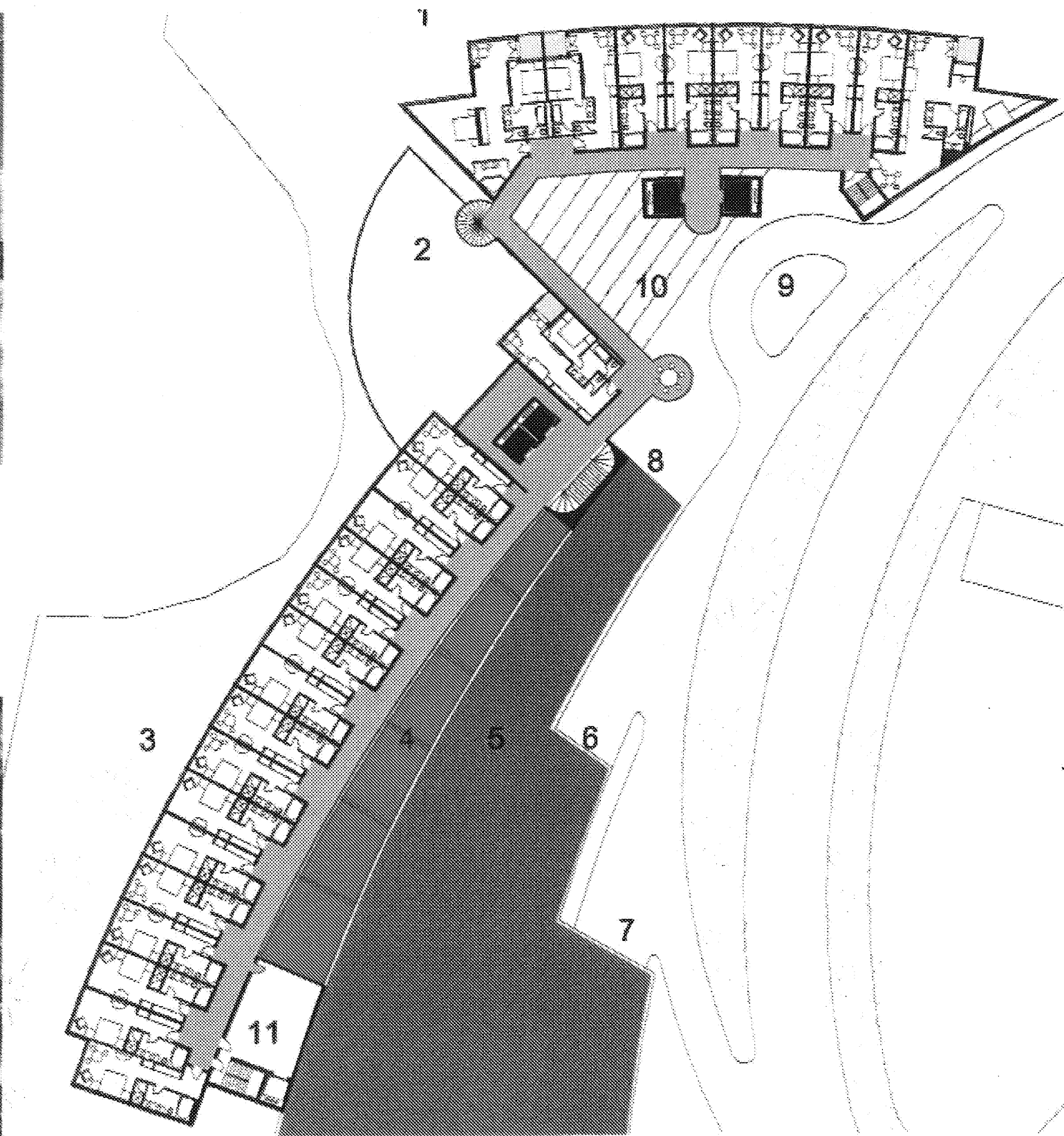
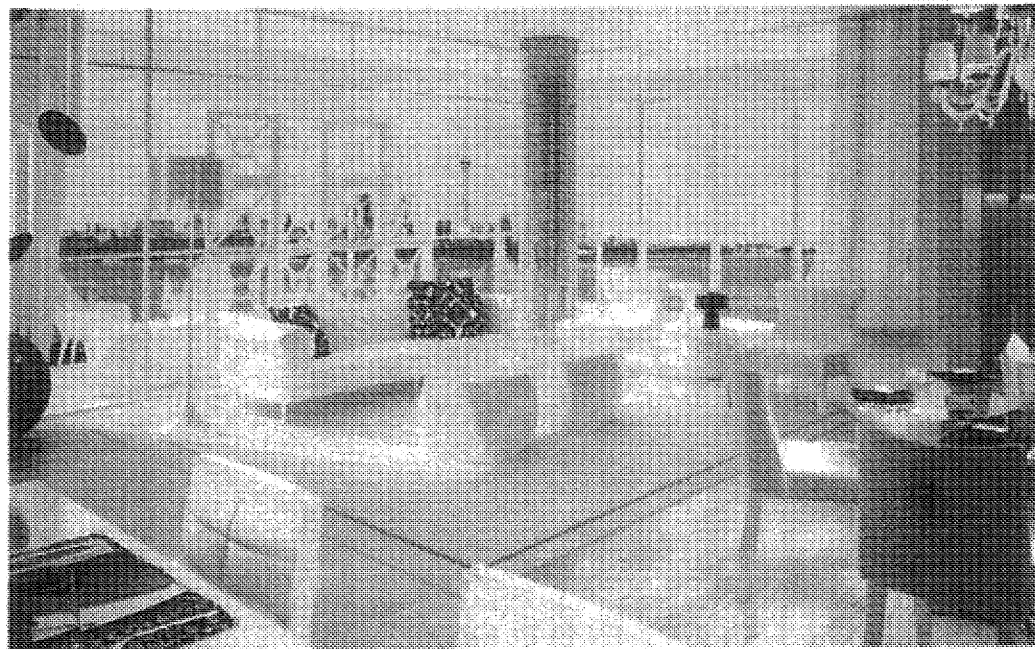
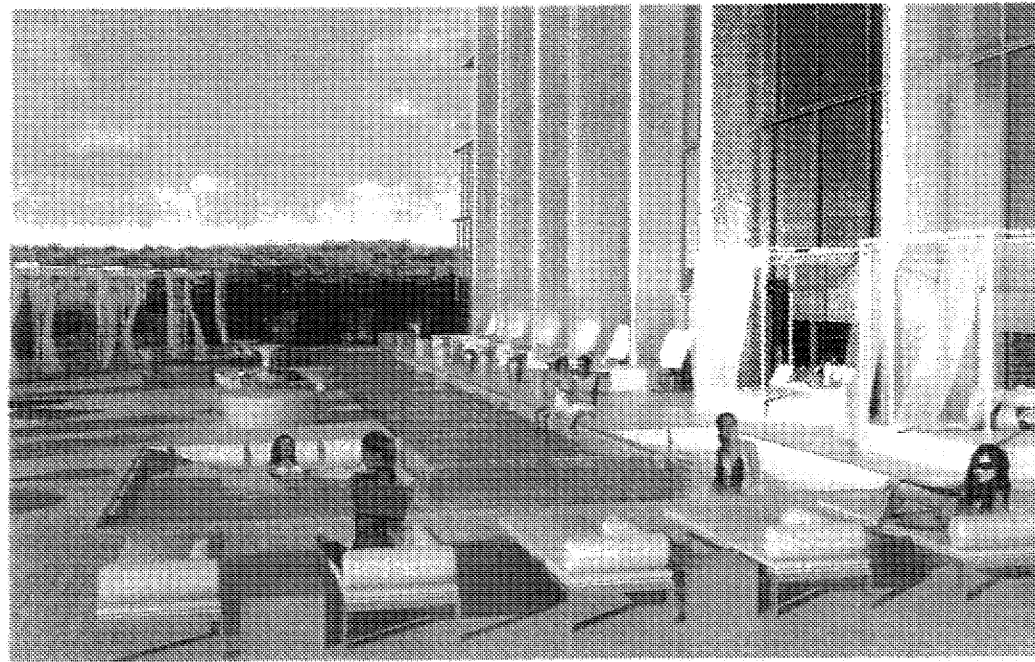
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PETROFF PARTNERSHIP ARCHITECTS

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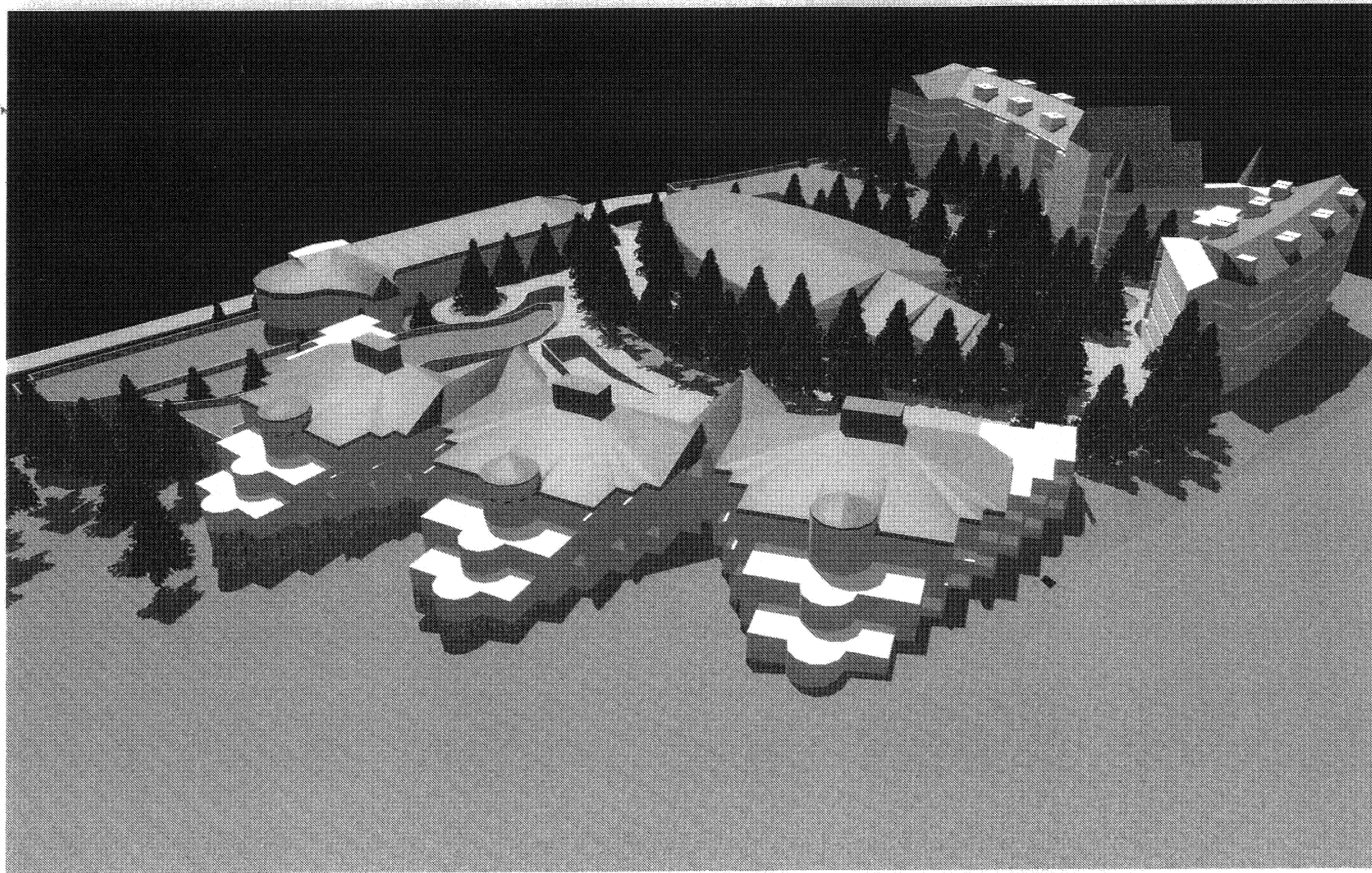
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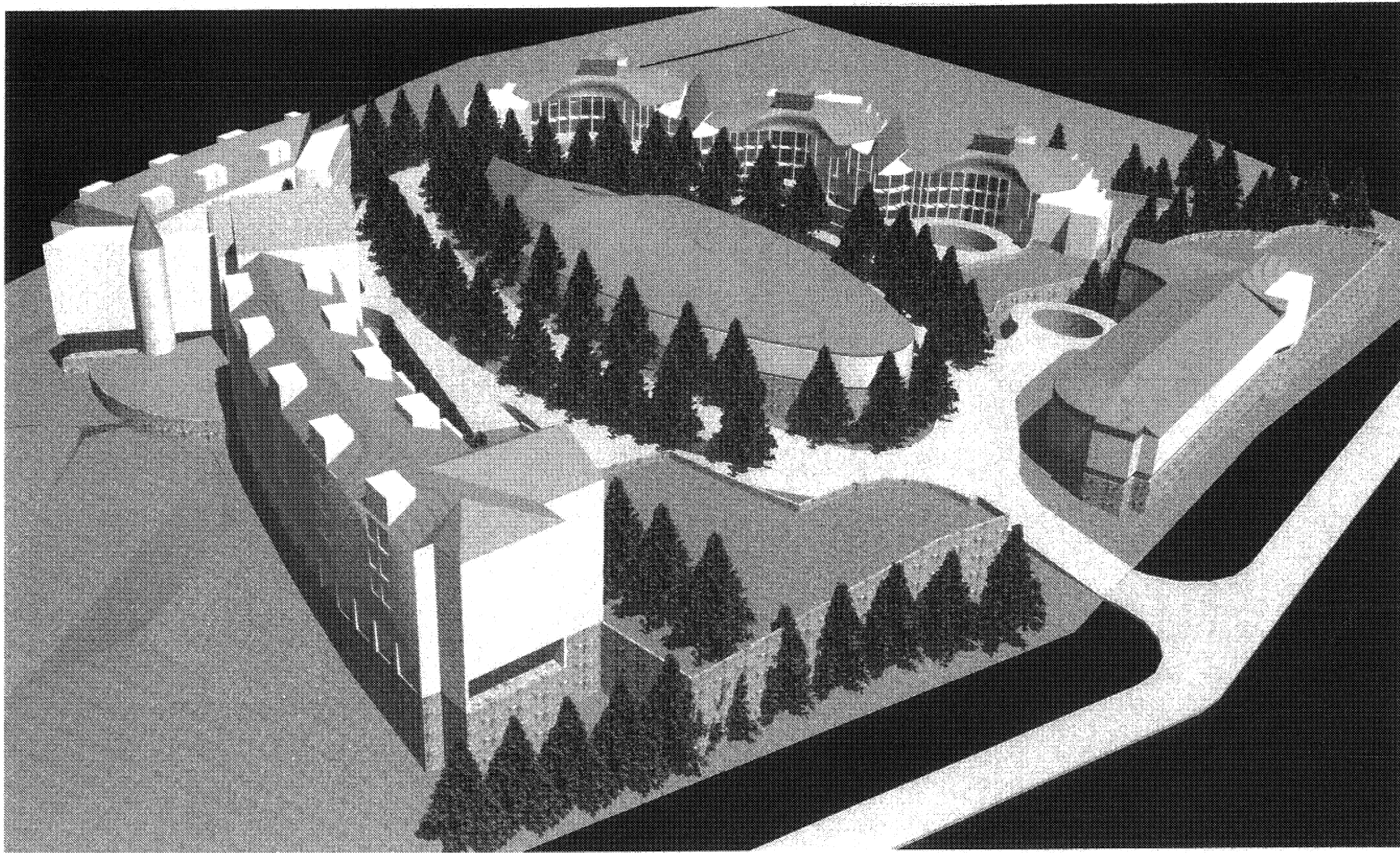
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STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

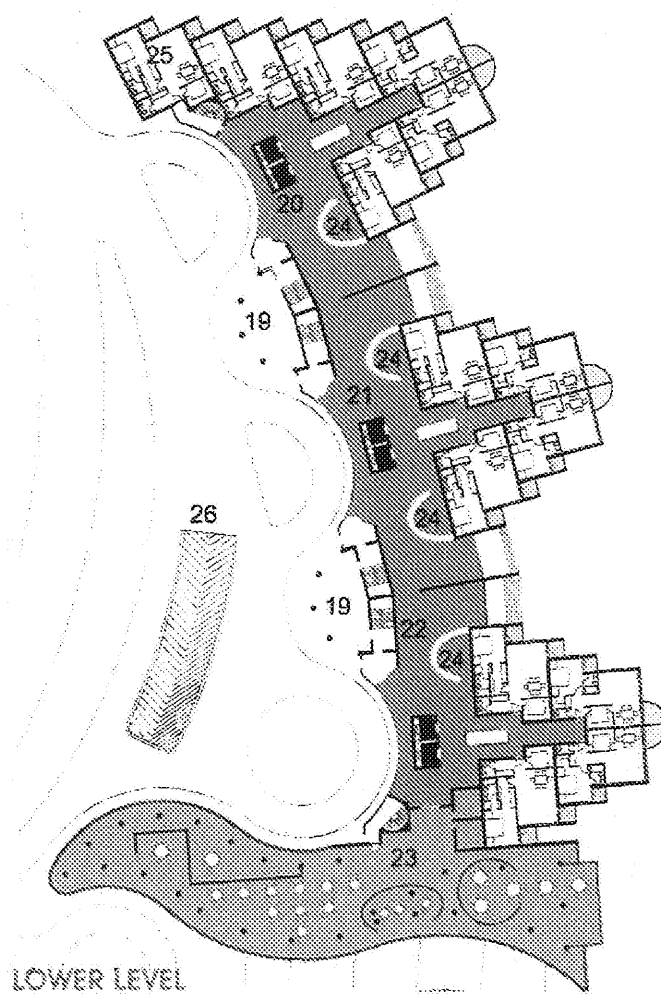
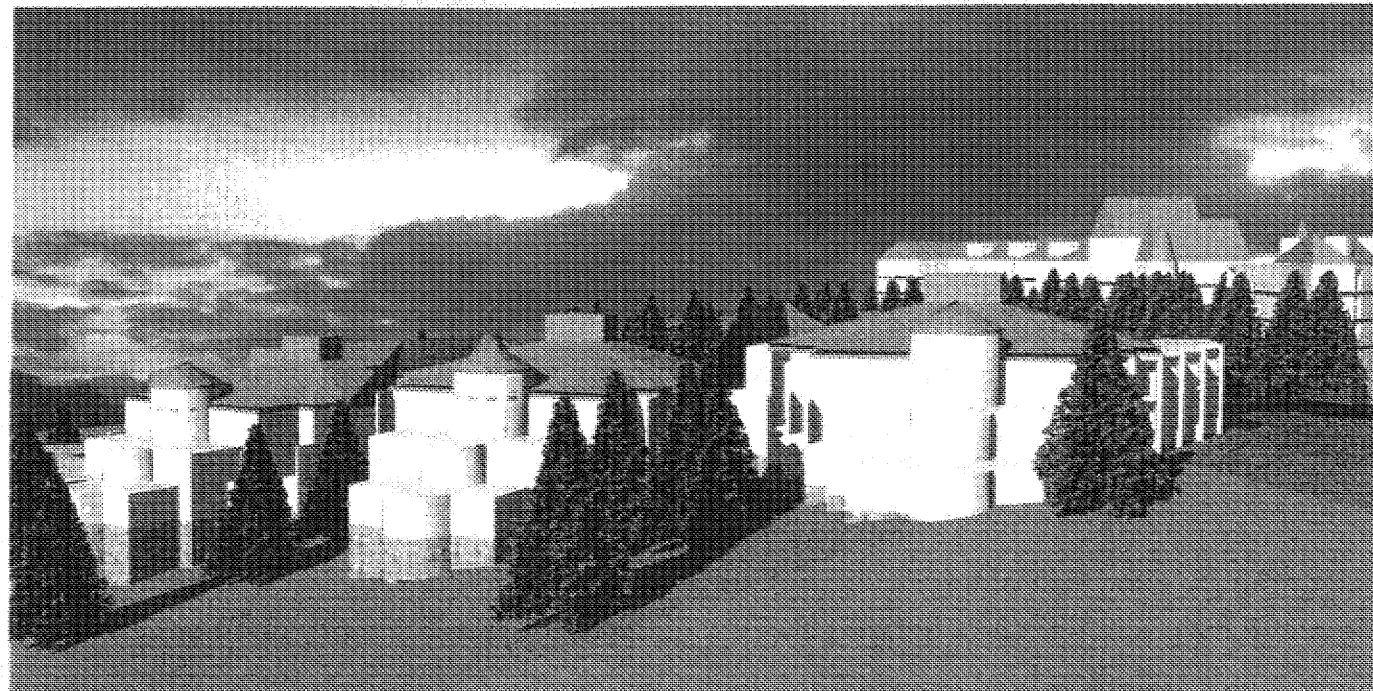
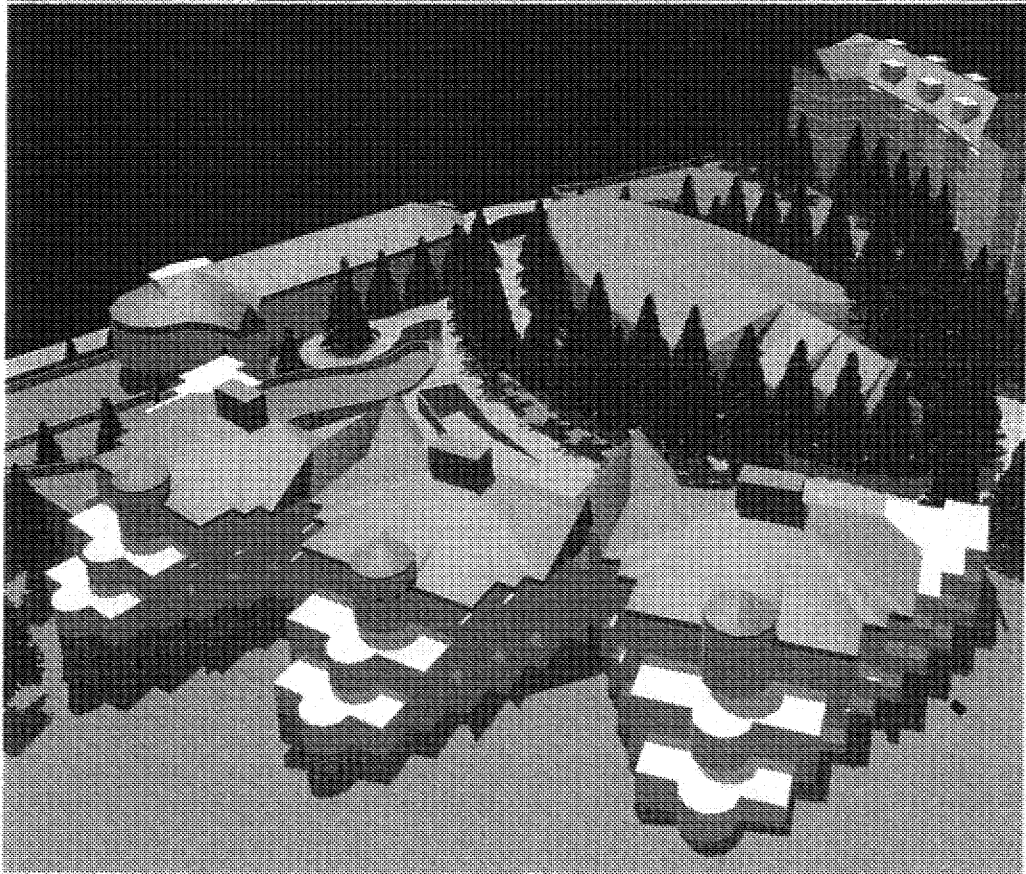
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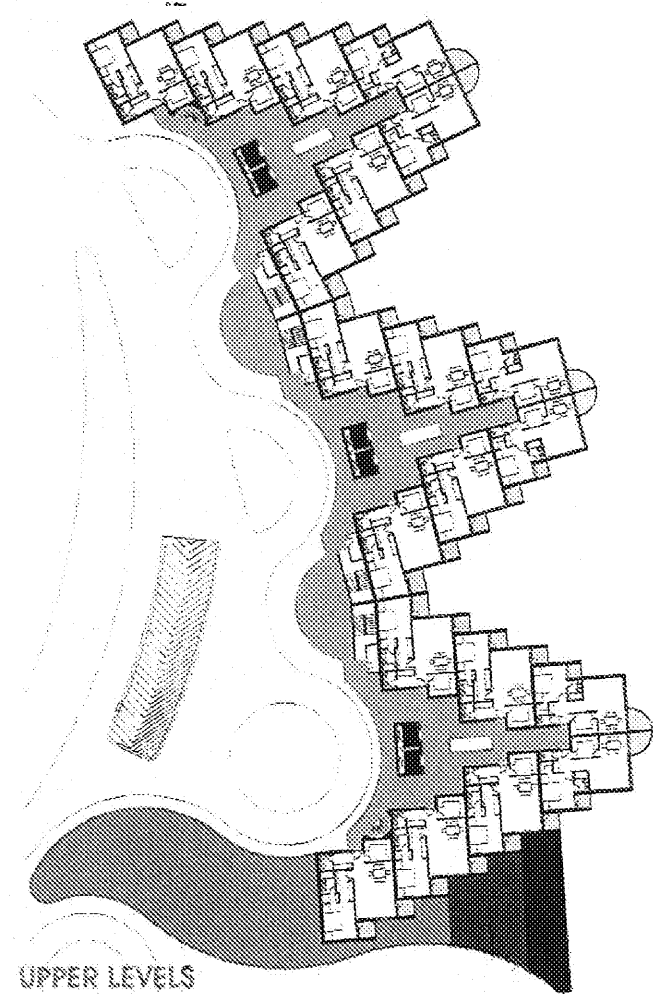
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STELLAR INVESTMENT INC



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UPPER LEVELS

RESIDENTIAL

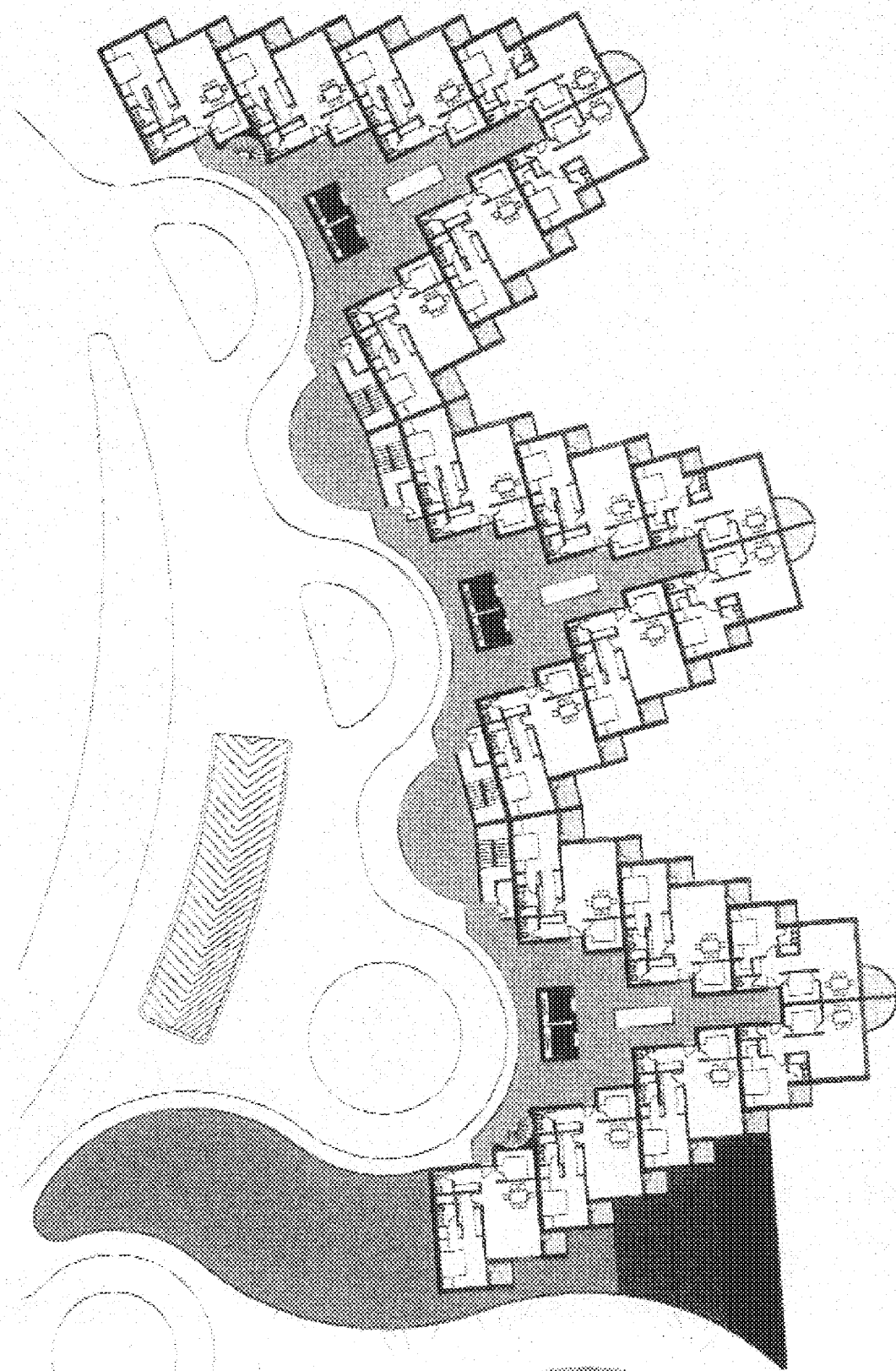
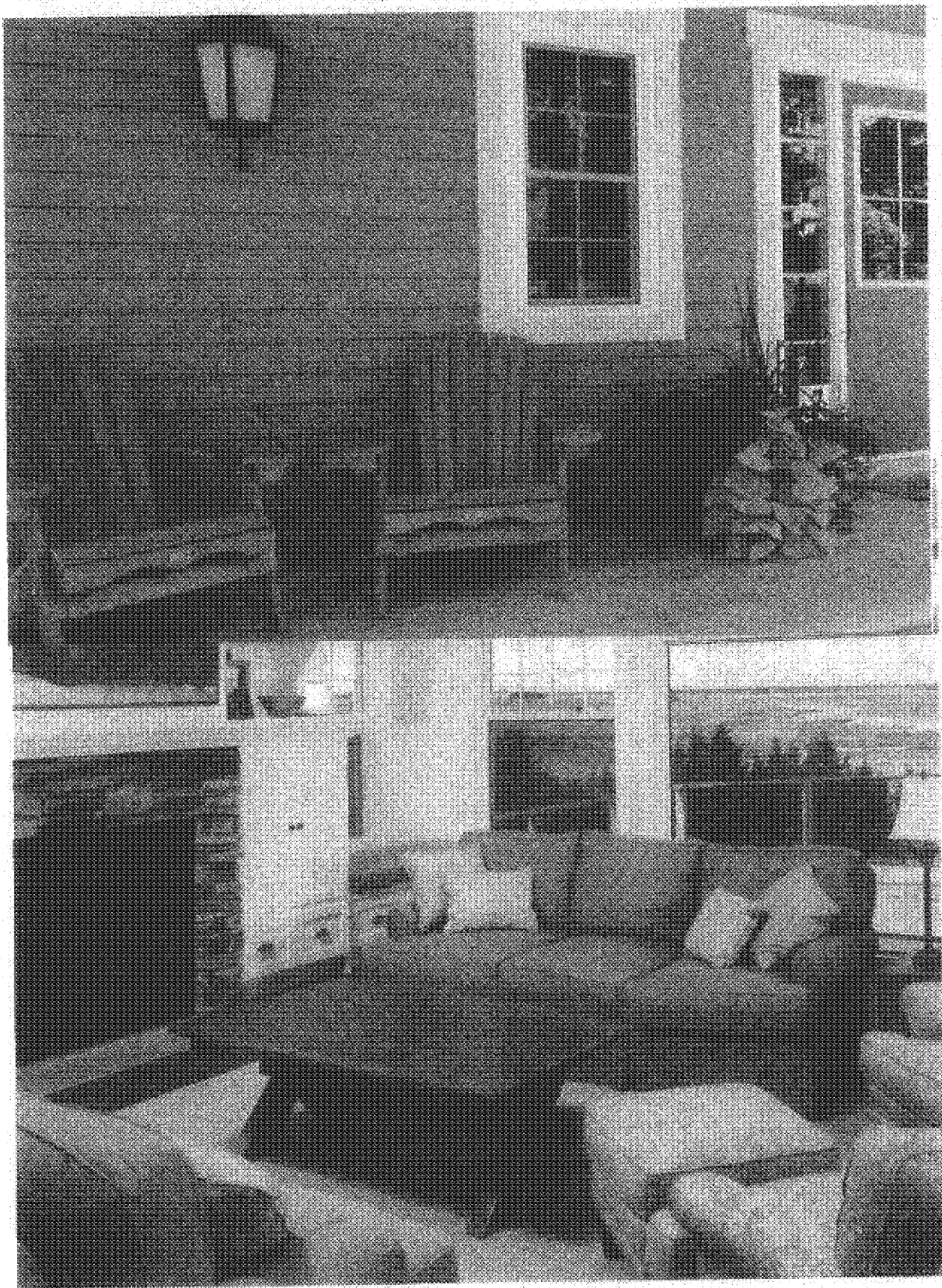
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STELLAR INVESTMENT INC



RESIDENTIAL

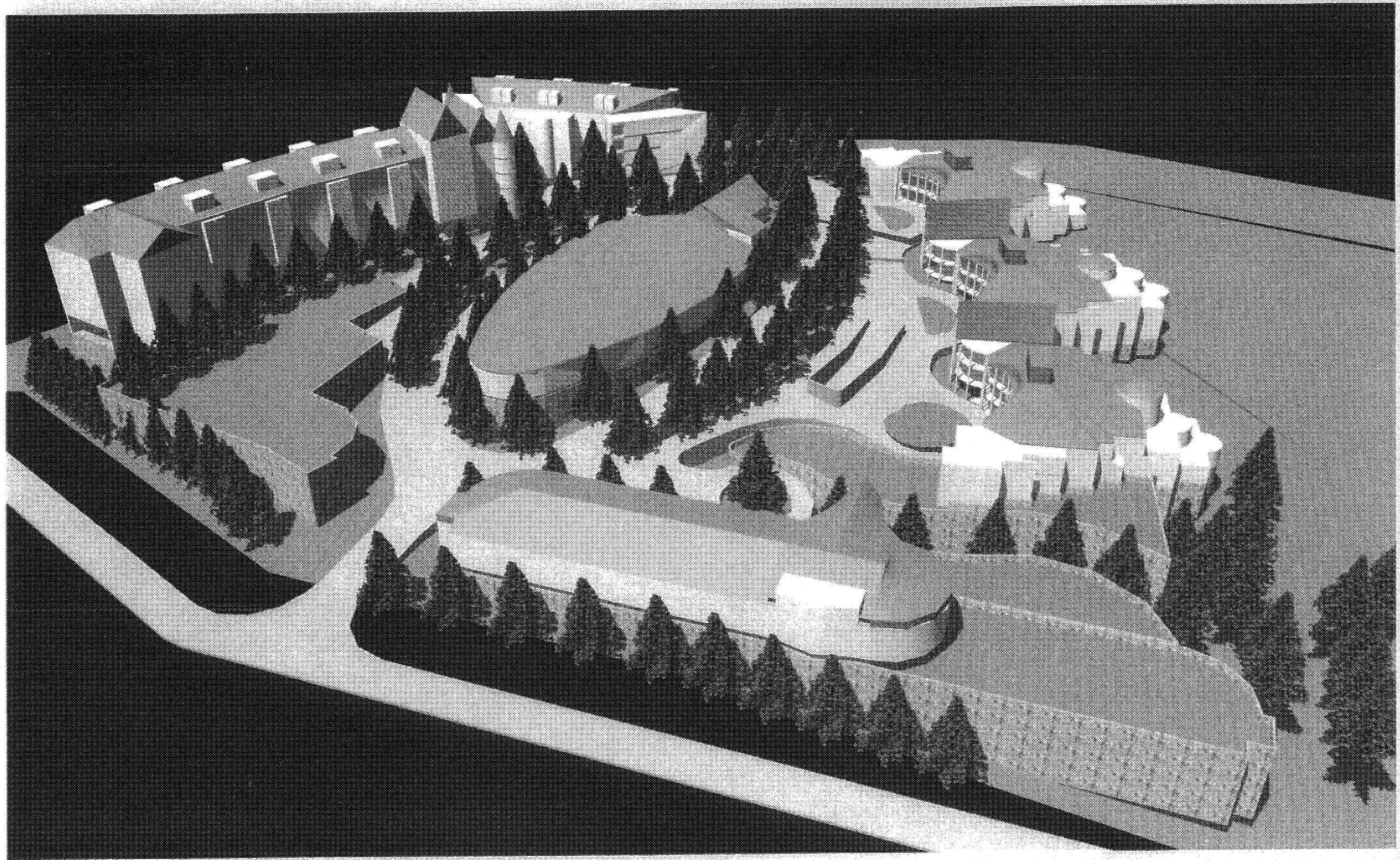
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THE 101

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



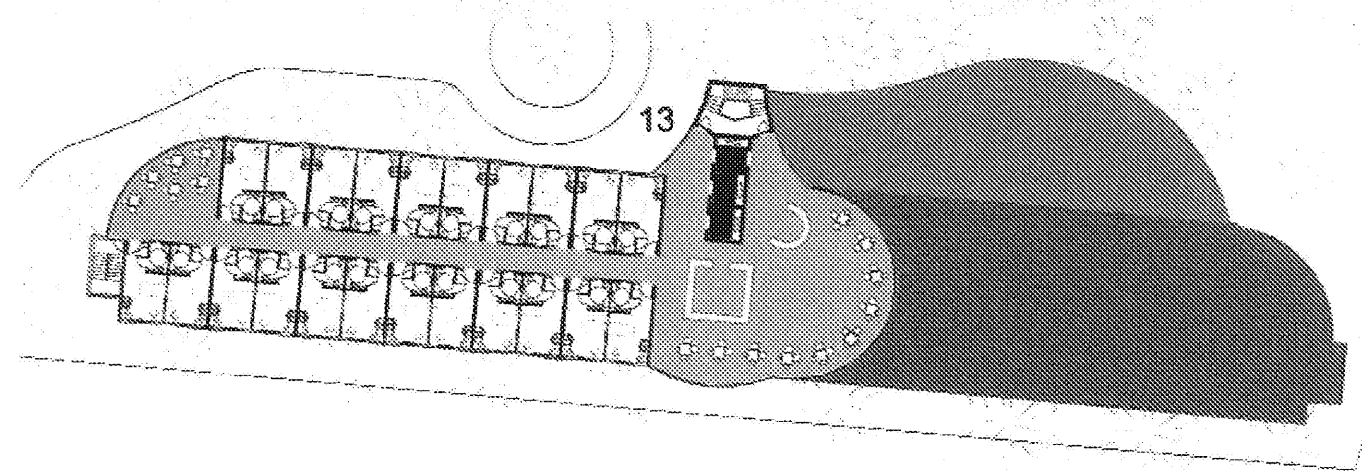
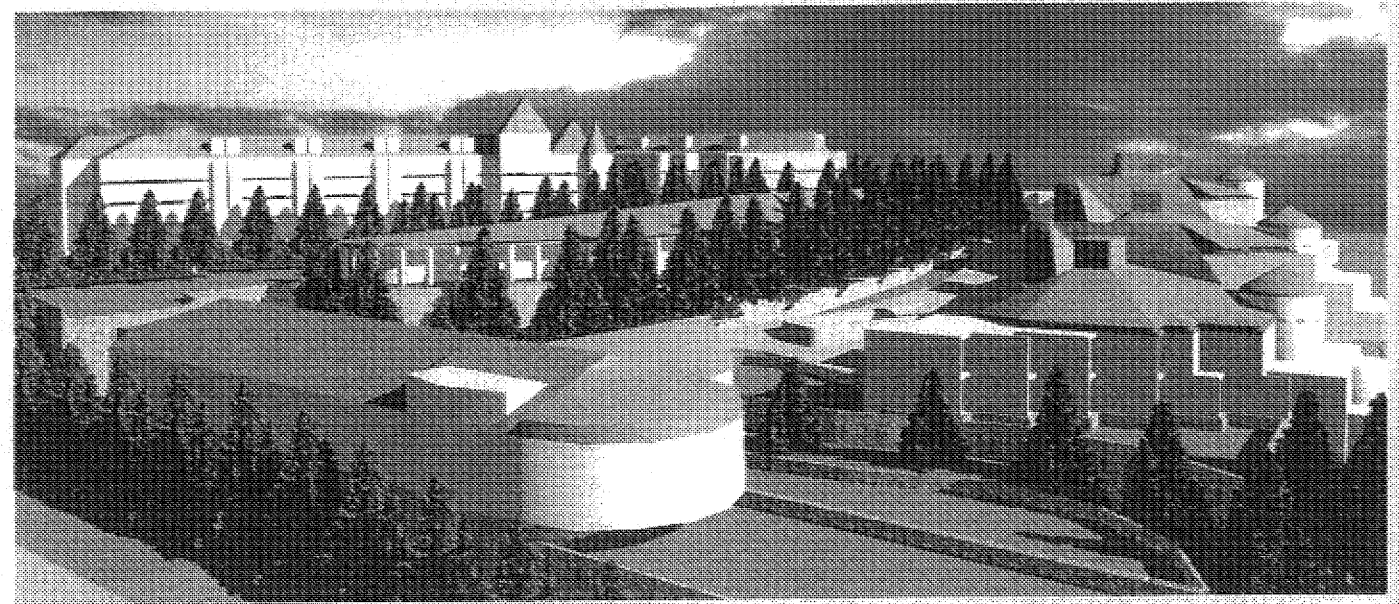
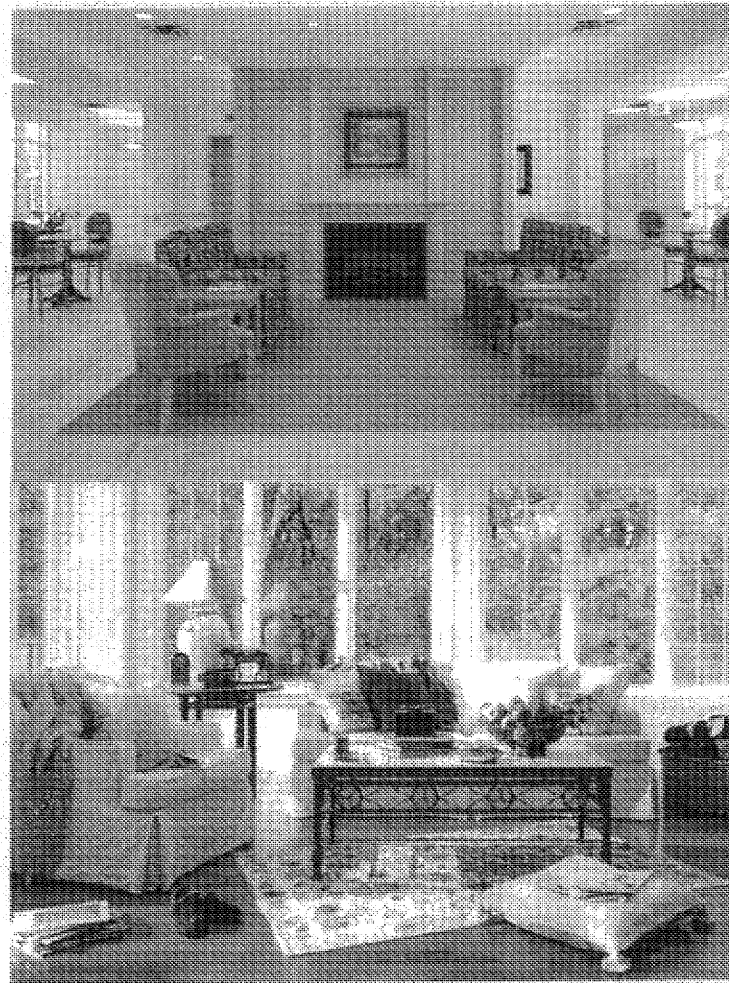
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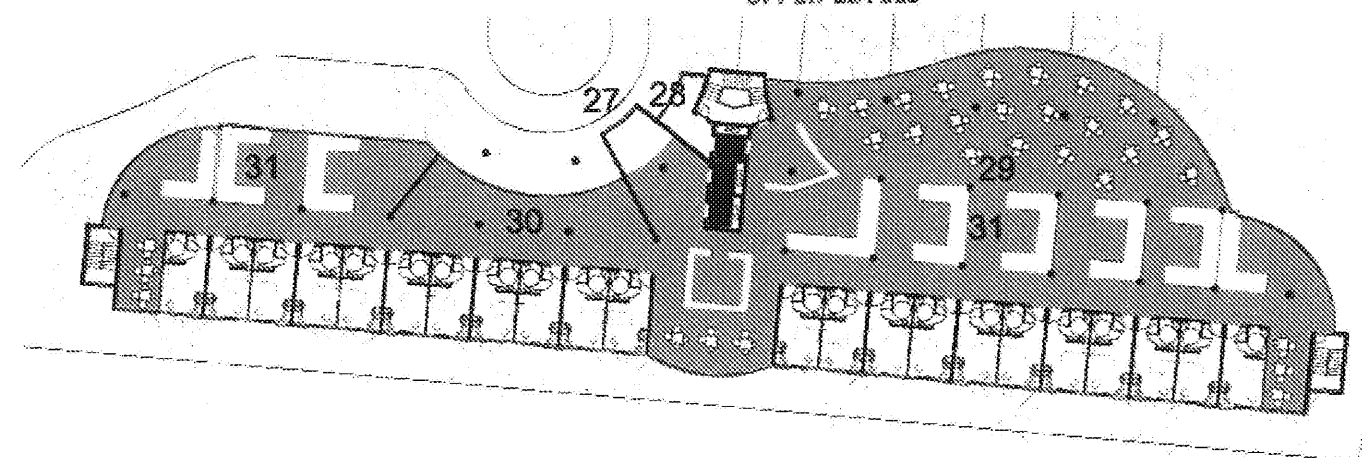
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STELLAR INVESTMENT INC



UPPER LEVELS



LOWER LEVEL

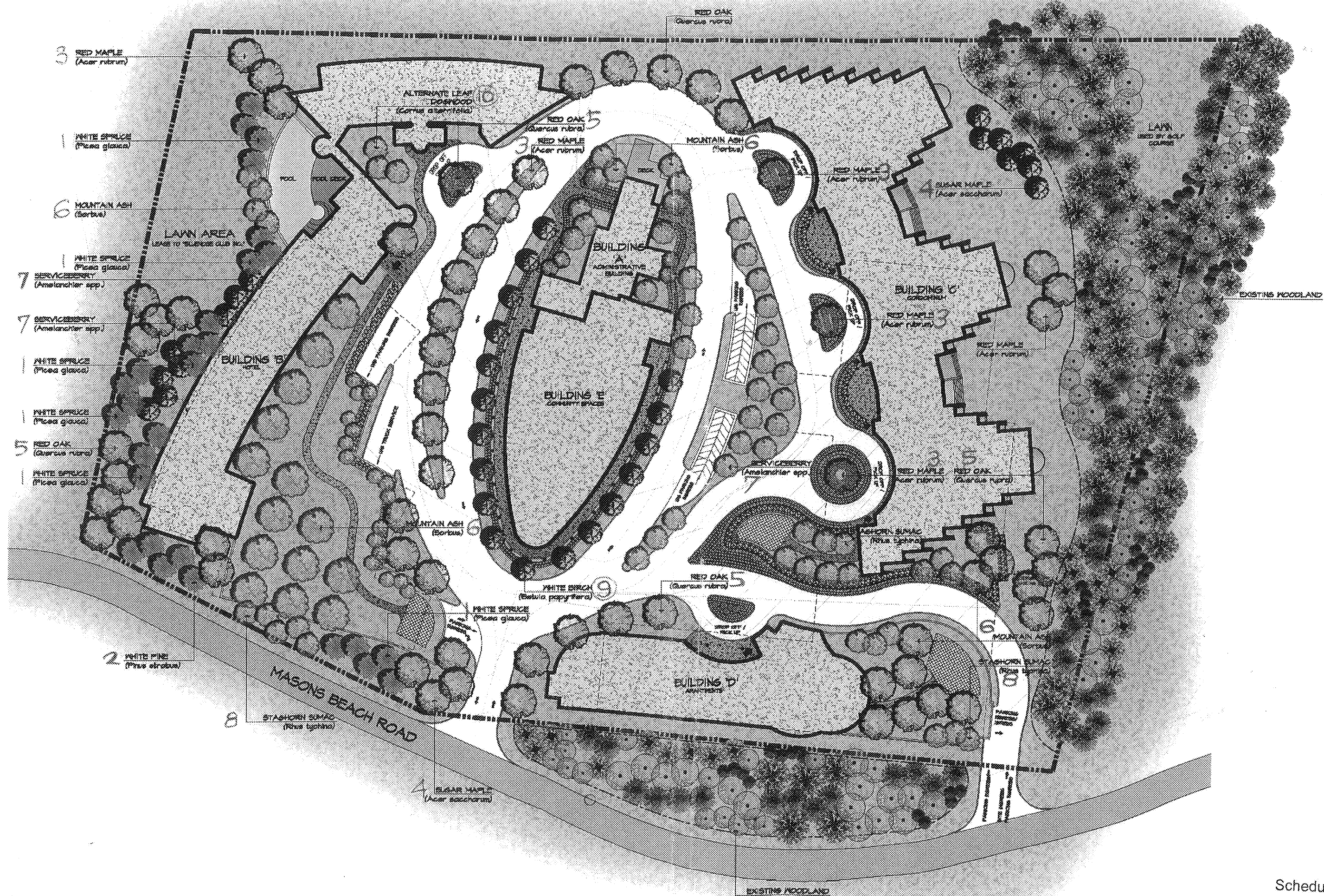
LONG TERM CARE FACILITIES

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



PLANNING ADVISORY COMMITTEE
MEETING MINUTES

September 21, 2010

5:00 p.m.

Lunenburg Court House

PRESENT: Councillor Peter Zwicker, Chair; Councillor Rachel Bailey; Councillor John McGee; and Robert Young.

ALSO PRESENT: Bea Renton, Town Manager/Clerk; and Madelyn LeMay, Planning/Development/Heritage Co-ordinator ("PDHC").

The Chair called the meeting to order at 7:00 p.m.

1. **Motion to Approve Agenda and Set Time to Adjourn**

Motion: moved and seconded to approve the agenda deferring all items except #3. (a.) and #5. (b.), and set a time to adjourn by 8:00 p.m. Motion carried.

2. **Motion to Approve April 14, 2010 PAC Meeting Minutes**

Motion: moved and seconded to approve the April 14, 2010 meeting minutes. Motion carried.

3. **Public Presentations and Public Information Session**

- (a) Public Information Session - Proposed 101 Masons Beach Road Development Agreement, Susan and Guenther Reibling, Stellar Investments

The Chair outlined the agenda format for the public information session (**Schedule "A"**).

The PDHC reviewed her earlier reports (**Schedules "B" and "C"**) noting proposed **revisions to the draft Development Agreement requested by the applicant (Schedule "C")**. She added that October 26, 2010, is the earliest possible Council public hearing date.

Guenther Reibling, applicant, reviewed their development proposal in a power point presentation (**Schedule "D"**).

He introduced their architect, Michaela Weiner, Petroff Architect, who discussed the project features in further detail. Ms. Weiner described the features of the subject 6.9 acre parcel. There will be two (2) vehicular access roads as illustrated on their site plans (**Schedule "D"**). Condos, a hotel and apartments will be built on a phased-in basis. The existing building will be preserved and renovated for administrative offices and adjoin a central service building. The landscaping will be integrated with the neighbourhood. While a modern development, it will be contextually sensitive. Questions of the public were posed (noted by underlining) and responded to by the applicant as follows:

Ciel Duke, Corkum's Island

- It is not yet known if there will be an assisted living facility in the apartment building. This will be considered later as the development progresses and public interest in such a service is determined.
- Underground parking will be accommodated utilizing the natural slope of the hillside setting.
- The central building could have a club house and other facilities for residents and others.

Rosalie Osmond, 93 Buenavista Court

- The local architecture will be reflected in the development, e.g., silhouette, roof.
- The exterior building material has not yet been determined, but will be compatible with the local setting.
- A landscape architect will work with the project team to determine what trees can be retained and new, complimentary landscaping plan implemented.

Oliver Osmond, 93 Buenavista Court

- The total height of the three (3) floors should not exceed 35', plus the slope of the hillside. The PDHC said the draft development agreement allows for an increased maximum height of 65' from the grade as per the applicant's request.
- The proposed apartment building will be designed in a manner that is complimentary to the overall site and development.

Councillor McGee

- The exterior architectural details will ensure the development is attractive when looking over from the Lunenburg waterfront.

Susan Reibling, applicant, commented that the existing trees on site are diseased and falling over. They will try to retain what they can, but there will have to be new plantings.

Councillor Bailey

- The central building use has not yet been determined, but will allow for common use by residents and others.

Robert Young

- They will phase in the project dependent on financing. The conference facility in the centre will not occur until the other developments are accomplished so needs can be better determined.

- Apartment bedroom numbers will be determined based on need.
- They hope to use renewable energy sources, e.g., geothermal.
- Lunenburg architecture will not be copied, but complimentary.
- The development will cost anywhere from \$10.0 - \$100.0 Million.

Ciel Duke

- The condo prices are not yet known. This will be determined when the marketability is determined and building material cost estimates are refined.

Dorothy Vousden, 36 Sawpit Road, commented that it is a wonderful project and needed by the community.

Motion: moved and seconded to recommend Council to hold a public hearing on October 26, 2010 at 5:15 p.m. to consider the 101 Masons Beach Road draft development agreement (Schedules "B" - "D"). Motion carried.

The remaining agenda items were deferred by agreement.

4. **Unfinished Business**

- (a) Town Council approval of Land Use By-Law Amendments to Allow Commercial Advertising Signage (visible from the street) on Town Owned Recreation Lands
- (b) Town Council approval of Municipal Planning Strategy and LUB Amendments regarding Off-Street Parking Requirements

5. **New Business**

- (a) Review of Development Permit and Certificate of Appropriateness Applications Logs
- (b) Proposed 101 Masons Beach Road Development Agreement, Susan and Guenther Reibling, Stellar Investments - Recommendation to Council

Adjournment

Motion: moved and seconded to adjourn the meeting. Motion carried.

The meeting was adjourned at 8:00 p.m.

Bea Renton
Town Manager/Clerk

**Agenda for Public Information Meeting
Pursuant to the
Public Information Program Established by Council**

**Proposed Development Agreement
101 Masons Beach Road**

September 21, 2010

1. **Public Information Meeting Opened by the Chair**
 - outlines agenda
 - notes general rules of conduct
2. **Overview by Planner**
 - overview of application
3. **Presentation by Applicant**
4. **Comments and Questions by the Public**
 - to be directed to the Chair
 - any written submissions to be read into the record
5. **Closing Remarks by Chair**
 - recommendation of PAC will be made during regular agenda

General Rules of Conduct

- each speaker to state name and address
- members of PAC may question each speaker
- speakers will be limited to one presentation unless called upon by the Chair for further comment

Circulated: _____

Document No: 8. (h.)
Meeting: Council August 31, 2010
Circulate To: Council, PAC, BR, PH, MB,
DP, ML, Rob Lewis, Pat Burke, John
Cameron and Reiblings
File: Mason's Beach Road Development
Agreement

MEMORANDUM

TO: TOWN COUNCIL

FROM: MADELYN LEMAY, PLANNING/DEVELOPMENT/HERITAGE
CO-ORDINATOR

DATE: AUGUST 27, 2010

RE: 101 MASONS BEACH ROAD, LUNENBURG DEVELOPMENT
AGREEMENT TO ALLOW A HOTEL AND MULTI-UNIT RESIDENTIAL
DEVELOPMENT AT 101 MASONS BEACH ROAD (PLANNING
DOCUMENT DA 2009-58 A)

1. FACTS

As noted in the April 6, 2010 report to Council, an application has been received from Guenther and Susan Reibling of Stellar Investments Inc. to permit development of a sixty (60) room (120 bed) resort hotel, sixty (60) residential condominium units and an additional thirty (30) apartments on three lots located at 101 Masons Beach Road (Figures 1-4). The development will also include a restaurant, conference rooms, club house, recreation and business center facilities, spa and indoor pool (Appendix A).

The opinion of Mr. John Cameron, solicitor, was sought and received to determine whether he felt there was sufficient information to proceed without an amendment to the Municipal Planning Strategy to permit Council's consideration of concept plans. Mr. Cameron indicated those areas in which he felt more information was required in order for Council to consider a development agreement (Appendix B).

Stellar Investments has provided this information as follows:

Information to be provided	Status
site plan showing three existing lots and proposed development	Received: the site plan is included as Schedule B to the draft development agreement (Appendix C)
second driveway access for emergency access to be shown on the plan	A second access/egress (to underground parking) is shown on the site plan, Schedule B to the development agreement.
Mr. Reibling was to discuss the adequacy of services with the Town Engineer.	The Town Engineer has indicated by e-mail that he feels the servicing issues can be left to the time of approval of the building permit.
timing and phasing of the phases	Mr. Reibling has stated that his intention is to construct the condominiums first.
an approximation of the amount of commercial space should be provided	Mr. Reibling has provided site information (Appendix D) which sets out the floor area of each proposed use.
proposed realignment of lot lines	The intended lot lines are shown on the site plan.
dimensions of signs	Since dimensions have not been provided, I have used the maximum size allowed under the Land Use By-law within the draft development agreement. Mr. Reibling was advised of this July 7, 2010, and has not indicated that he would prefer larger signs.

2. ISSUES AND OPTIONS

Clauses 8.1(c) (i) and (ii) of the Land Use By-law permit multi-unit residential uses and tourist accommodations to be considered only by development agreement, and policies 5.12, 19.8 and 19.9 of the Municipal Planning Strategy establish the criteria for these development agreements. The information provided to date and on which the draft development agreement is based is the information suggested by Mr. Cameron as required and the information Council agreed would be sufficient. Mr. Cameron has

reviewed the draft development agreement and commented that the development agreement addresses all required matters at least conceptually.

In my opinion, as noted below, there is not enough detail regarding the proposal for me to determine that all of the requirements of the Municipal Planning Strategy have been met.

Municipal Planning Strategy and Land Use By-law

The site is shown as "Residential (single unit)" on Map 1, the 1994 Existing Land Use Map, and is designated "Rural" on Map 2, the Future Land Use Map. It is zoned Rural Residential (RR) on Schedule "A", the Zoning Map of the Land Use By-law.

Clauses 8.1(c) (i) and (ii) of the Land Use By-law permit multi-unit residential uses and tourist accommodations to be considered only by development agreement (Appendix E).

Policy 6.4 of the Municipal Planning Strategy requires that in the Rural Residential (RR) Zone, multi-unit dwellings be considered only by development agreement, and policy 6.5 requires that tourist accommodations be considered only by development agreement (Appendix F). Policies 5.12, 19.8 and 19.9 establish the criteria for these development agreements.

The criteria set out in Policy 5.12 are compared to the proposed development in the following table:

5.12 ensure that the following criteria are met when Council is considering proposals for multi-unit dwellings including conversions, expansions and new construction by development agreement:

MPS CRITERIA	COMMENTS
<i>(a) municipal central sewer and water services, with the capability of providing full services, including fire protection, are available or will be extended to the site prior to completion of the building; and</i>	The Town Engineer has commented that sewer and water services are available, with the sewer main being extended at the developer's cost.
<i>(b) where the proposal is for a multi-unit dwelling which will abut commercial uses, the building shall be sited and landscaped to minimize land use conflicts; and</i>	Not applicable since the proposed development does not abut a commercial use.
<i>(c) development is in accordance with policies 19.8 and 19.9.</i>	Please see below.

The criteria set out in Policy 19.8 are compared to the proposed development in the following table:

- 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:*

MPS CRITERIA	COMMENTS
<i>(a) specify the development, expansion, alteration, or change permitted; and</i>	The type of development is described and listed in the agreement
<i>(b) specify the conditions under which the development may occur; and</i>	Conditions for the development are included within the draft development agreement (Appendix C); conditions regarding landscaping, usable outdoor open space and the appearance of the building are not specified.
<i>(c) set forth the terms by which Town Council can terminate an agreement.</i>	The usual termination clause has been included within the draft development agreement.

The criteria set out in Policy 19.9 are compared to the proposed development in the following table:

- 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:*

MPS CRITERIA	COMMENTS
<i>(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</i>	Mr. Cameron has commented that the information available regarding the proposal appears to conform to the intent of the policies of the Municipal Planning Strategy at least conceptually. There are a number of topics for which information has been deferred until the application for a development permit or building permit is received that would usually be available for public comment

	prior to a development agreement being approved by Council. Each of these matters appears to meet the requirements of the Municipal Planning Strategy. The intent of a development agreement is to permit development that would not otherwise be permitted in an area only subject to the terms and conditions established in the Municipal Planning Strategy. The purpose of using the development agreement process is to ensure that the development will fit into its proposed neighbourhood. As a result, in Lunenburg as in other communities, considerable emphasis is generally placed on the comments of the public during the public information meeting. This proposal provides far less information than would usually be available regarding the appearance of the building and access and egress for the development, which are usually major topics of discussion at a public information meeting. As noted below, it is not possible, with the information available, for me as planner to determine and recommend to PAC and Council that the requirements: - of clause 19.9.2(d), regarding the appearance of the building; - of clause 19.9.2(g) regarding open space; and - of clause 19.9.2(f) regarding integration into the surrounding area have been met. All other requirements of the MPS appear to have been met.
<i>(b) that the proposal is not in conflict with Municipal or Provincial programs in effect in the Town; and</i>	The proposal is not in conflict with Municipal or Provincial programs in Town.
<i>(c) that the proposal is not premature or inappropriate by reason of:</i>	

<i>(i) financial ability of the Town to absorb costs related to the development; or</i>	There may be costs related to the development for sewer, water, storm sewer and changes to Masons Beach Road. The developer should be required to bear the cost of any changes required to any Town services, including roads. The draft development agreement includes, in Part 6, the following clause <i>"that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved."</i> Mr. Cameron has advised that although requiring the developer to pay for any changes required to accommodate the development cannot be part of the development agreement, Council could consider these costs and who will pay these costs at the time any changes to Masons Beach Road are required.
<i>(ii) adequacy and proximity of school, recreation and other community facilities; or</i>	The developer has indicated the apartments will primarily be one-bedroom apartments. It is unlikely that either the residential units or the hotel will have a noticeable impact on community facilities.
<i>(iii) negatively affecting the enjoyment of established residences; or</i>	Any change in the use of this land may be seen as negatively affecting the enjoyment of established residences, as the neighbourhood is used to a large, primarily undeveloped lot. If this 6.9 acre site were to be developed as-of-right, with no need for a development agreement, roughly 35 single unit dwellings or two-unit dwellings (70 dwelling units) could be developed on the site. The traffic and noise generated by this development is likely to be somewhat greater than the "as-of-right" residential development would generate, as the development envisions more residential

	units than could be developed as-of-right, plus the hotel. Given the size, location and relative isolation of the site it is unlikely to have an increased negative impact on residences in the area.
<i>(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</i>	The Town Engineer has noted that the sanitary sewer system and domestic water supply to service this development are, or will, be adequate, but the developer must hire an engineer to (1) evaluate the fire flows to ensure they are adequate for this development and (2) review the location of sewer and water services on Tannery Road and Masons Beach Road to determine how this development will be serviced. As the Town Engineer has indicated by e-mail that he feels the servicing issues can be left to the time of approval of the building permit, this item has been deferred within the draft development agreement until the building permit has been requested.
<i>(vi) adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem; or</i>	As with sanitary sewer and water, the draft development agreement requires that a storm drainage plan satisfactory to the Town Engineer be prepared prior to a development permit being issued.
<i>(vii) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or</i>	It is not anticipated that the development will cause a pollution problem in the area.
<i>(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</i>	There are no apparent difficulties for development of the site.

19.9.2

consider the following in addition the criteria set out in 19.9.1 above, when considering development agreements:

MPS CRITERIA	COMMENTS
<i>(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</i>	The underground parking garage has been indicated on the plans but has not yet been designed. The present requirements of the Land Use By-law (which need not be met when considering a development agreement) would be for a total of 227 parking spaces. The developer proposes to create 250 underground parking spaces plus above-ground drop off areas, thus exceeding the present requirements.
<i>(b) that the proposal provides adequate emergency vehicle access; and</i>	The entrances, exits and driveways have not yet been designed by an engineer or surveyor. As the Traffic Authority and the Fire Chief have noted that comments are not possible until the specific driveway entrances and exit locations and design are known, the following clause has been included within Part 2 of the draft development agreement: "that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority."
<i>(c) that the hours of operation of the proposed use will not unduly disturb nearby properties; and</i>	The hours of operation of the condominiums and apartments will be as for any residential development. The hours of operation of the hotel and hotel components, such as the restaurant, will increase the amount of traffic and noise in this area. The impact of the 60-unit hotel will be "year-round" rather than seasonal. The nearby area includes both a motel and golf course. It is not anticipated that the impact of the hotel units will provide an undue disturbance, but this is a matter which should be discussed at the public information meeting.
<i>(d) that the primary architectural</i>	No detailed design has yet been done for

<i>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</i>	the buildings; all of the information presented to date regarding the appearance of the buildings is included within Schedule C of the development agreement. It is not possible for me to determine from the information available whether the primary architectural features meet the requirements of the Municipal Planning Strategy, as the design has not been completed. As a result the draft development agreement simply makes reference to Schedule C, the booklet of drawings, which are conceptual. A provision that the building is permitted to have a height (defined in the Land Use By-law as the mean between the eaves and ridge of a pitched roof) greater than the 35' permitted under the Land Use By-law appears to be required and has been added to the draft development agreement as clause 4(b) <i>"that the maximum height of the buildings, as defined in the Land Use By-law, be sixty-five (65) feet."</i> This height is required since the building is to be constructed on a slope.
<i>(e) that the proposal will not significantly alter the existing character or stability of the surrounding neighbourhood; and</i>	The impact on the neighbourhood will be that of intensified residential development. Neither the residential character nor the stability of the area should be affected by a development of this size.
<i>(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</i>	Since the detailed landscaping plan has not yet been prepared, the following clause regarding the objectionable features portion has been included within the draft development agreement: "that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view" Since no information on the overall

	landscaping has been developed, it is not possible for me to determine whether the requirement has been met.
<i>(g) that residential developments provide sufficient usable outdoor open space; and</i>	"Usable" open space is not indicated on either the site plan or the concept plans. Although there appears to be a considerable amount of "green space" indicated on the plans, PAC and Council have in the past required developers to indicate what the area of "usable" open space for residents and guests would be, and in some cases note what furniture or equipment would be provided. This will not be apparent for this site until detailed design work has been completed.
<i>(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>	There is no anticipated significant risk of damage to either the natural or built environment.
<i>(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</i>	A structure for compost / cardboard/landfill collection has been shown on page 5 of Schedule C to the development agreement, the booklet of drawings. Arrangements for disposal of garbage are the responsibility of the developer.
<i>(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.</i>	There is no expectation of emissions of noise, odour, dust, or light or any other form of emission from the property. The impact on the neighbourhood will be that of an increase in residential density, plus the impact of a 60-room hotel.

	Development is to be anticipated as Lunenburg continues to grow. The degree of impact of these uses must be considered by PAC and Council at the Public Information Meeting. The project design details, especially the location of buildings and visibility of the development, often have the most impact on the neighbourhood. These have not yet been prepared and cannot be provided to the public.
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Policy 69, "*Town of Lunenburg Procedural Policy: Planning Applications Procedure*" is attached as Appendix G for your reference. The checklist which I use for development agreements in Lunenburg is also attached as Appendix H and sets out the detailed process for development agreements.

3. **FINANCIAL IMPACT**

The development should not have a negative financial impact on the Town; the developer should be required to bear the cost of any changes required to Town servicing, including roads. As noted above, the draft development agreement includes, in Part 6, the following clause "*that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.*" Mr. Cameron has advised that although requiring the developer to pay for any changes required to accommodate the development cannot be part of the development agreement, Council could consider these costs and who will pay these costs at the time any changes to Masons Beach Road are required.

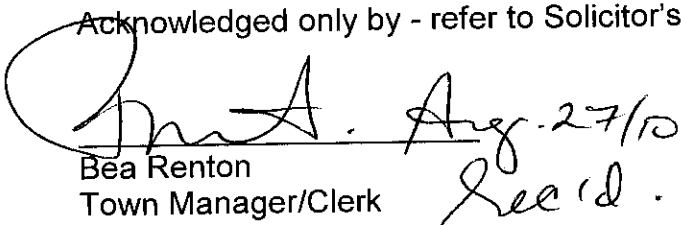
The assignment of infrastructure charges is now enabled under the Municipal Government Act [214 (1) (o) (viii)]. Council should consider an amendment to the Municipal Planning Strategy and Land Use By-law to allow infrastructure charges to be assigned within Lunenburg.

4. **RECOMMENDATION**

It is recommended that the Planning Advisory Committee, in accordance with clause 4(b) of Policy #69 (Appendix G) review both the above information and the draft development agreement for 101 Masons Beach Road (Appendix C), and recommend to Council regarding:

- (a) the contents of the draft development agreement, including any changes PAC feels should be made to the draft development agreement or further information which should be required from the developer before the process can be moved forward; and
- (b) whether the substantial/non-substantial matters are appropriate as shown in the draft development agreement or should be changed, noting that substantial matters require review through the entire process for a development agreement; and
- (c) whether PAC feels that Council should now authorize PAC to hold a public information meeting.

Acknowledged only by - refer to Solicitor's report attached:


Bea Renton
Town Manager/Clerk

Enclosures: Appendix A - Application
Appendix B - letter from John Cameron
Appendix C - Draft Development Agreement, comprised of:

- 3 pages of text
- Schedule A legal description
- Schedule B Site Plan (hard copy only)
- Schedule C booklet of drawings

Appendix D - 2 pages site information
Appendix E - LUB 8.1(c)
Appendix F - MPS 6.4 & 6.5
Appendix G - Policy 69
Appendix H - Checklist
Figures 1 - 4



9 King Street Lunenburg, Nova Scotia B0J 2C0
 Phone: 902 634 7276 / Fax: 902 634 3905

APPLICATION

2010-01-25

Madelyn LeMay
 Planner
 Town Of Lunenburg
 Lunenburg, Nova Scotia, B0J 2C0

Re: 101 Mason's Beach Rd.
 Request for a Development Agreement

Dear Mrs. LeMay,

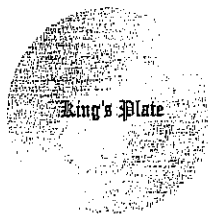
This letter should serve as our request for the issuance of a development agreement for our property at 101 Mason's Beach Road. We desire to erect on the corners of the property facing Mason's Beach Road during the sales and construction period 2 signs at the maximum allowable size to announce the development and sales activity. We will at a later time apply under separate application for the appropriate sign permit.

It is our intent to develop in 3 phases the following:

120 Bed Resort Hotel	with Restaurant, Spa and Indoor Pool	+/- 50.000 sq.ft usable space
60	Condominiums with various sizes	+/- 90.000 sq.ft usable space
30	Small 1 Bedroom Apartments	+/- 21.000 sq.ft usable space

including various commercial buildings for use as a restaurant, conference rooms, club house, recreational and business centre facilities, etc.. Furthermore, the entire parking will be provided in underground parking spaces. An appropriate dock high space for deliveries and garbage removal will be located at the edge of the property to be determined later. Such a loading facility shall be properly screened.

Due to the extensive earthwork required more than 90% of the existing vegetation needs to be removed. A separate landscaping plan will be provided with the building plans at a later point. We will commence the process of building and landscaping plans once the Development Agreement has been approved and the amount of building space has been determined.



The project will proceed once all permits and financing are received and will most likely be executed in 3 phases.

Phase 1 Condominiums once necessary presales have been obtained

Phase 2 Hotel complex

Phase 3 Apartment Units

Further plans as to the appearance of the property will be provided at a point when the Development Agreement has been finalized but will be along the current available design already provided to you.

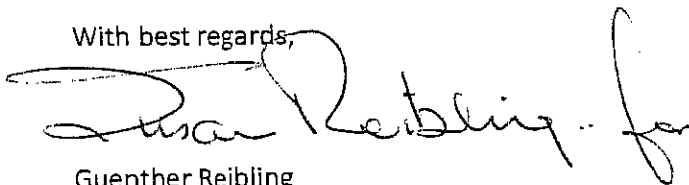
We do not intend to consolidate the 3 properties but redraw the lines in such a way that each facility is located on one property. Only the underground garage will be located on all 3 properties with the required fire separation etc. As the condominiums will receive individual deeds this is an absolute requirement on our part.

During our meetings with the mayor and various other council members it became apparent that an Institutional use is not in the interest of the Town. We therefore request on that parcel 30 Apartment units in its place.

Stellar Investments Inc. is the sole owner of all properties on 101 Mason's Beach Rd. and we have no Mortgage, Liens or Judgements or other financial Encumbrance on the property. Stellar Investments Inc is located at 9 King Street, P.O. Box 849, Lunenburg. Guenther Reibling is the President and Susan Reibling Vice President / Sec. Treasurer and both are authorized to sign on behalf of the corporation.

Please let me know if you need any additional information.

With best regards,

A handwritten signature in cursive script, appearing to read "Susan Reibling for". The signature is written in dark ink and is positioned above the printed name and title.

Guenther Reibling
President



3/5
9 King Street Lunenburg, Nova Scotia B0J 2C0
Phone: 902 634 7276 / Fax: 902 634 3905

APPLICATION:
LETTER CLARIFYING
INTENT

2010-02-20

Madelyn LeMay
Planner
Town Of Lunenburg
Lunenburg, Nova Scotia, B0J 2C0

Re: 101 Mason's Beach Rd.
Request for a Development Agreement
Your letter Dated Feb 9th.2010

Dear Mrs. LeMay,

Enclosed you find my responses to your letter dated Feb. 9th.

Lot Configuration

Enclosed with this letter you find a sketch drawing with estimated lot layouts. Obviously the final law-out will be done once we have a clearer picture what council will permit to be built on this site and construction drawing are finalized. I don't think the drawings can be final before the vote or a public hearing as we need building drawings to locate the final lot lines.

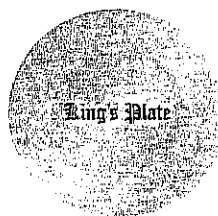
Lot Use

Lot 1 is the hotel site
Lot 2 is the condominium site
Lot 3 is the apartment site

The location of each building, driveway, underground and above ground park is all a result of the amount of units which can be placed on the site and approved by the council. I will not start drawing a whole project just to find out later that council will not approve it or the number of units changes dramatically.

One-Bedroom Apartments

The apartments will be initially owned by Stellar Investments Inc. as rental units. If sold at a later time it will be again to a single owner.



Condominiums

Once we know that council will allow us to built condominiums we will file the appropriate documentation. We understand that any council approval would be subject to registration with the province.

Parking

We will be providing at least the required if not more parking spaces. As the majority of the spaces will be underground we need the conceptual approval first so we can plan parking accordingly.

Page 2

Building Permits

Agreed. But first we need to know if council approves of the concept and the requested amount of units so we can have the architects draw the plans to code.

Building Appearance and Landscaping

As there is no buildings in the surrounding area which we could be compared too (for sure it will not look like the Topmast Motel) this is in my opinion up to the interpretation of the council. I feel that the submitted conceptual drawing gives more than enough ideas how this project will look.

We would not spend this kind of money and not consider landscaping and screening of waste dumpster's or similar unsightly but necessary parts of the project.

As to the roof type the idea was to blend it to some of the historic structures like the academy and the roofing material will be a architectural slate like tile. The cladding will be most likely stucco facades.

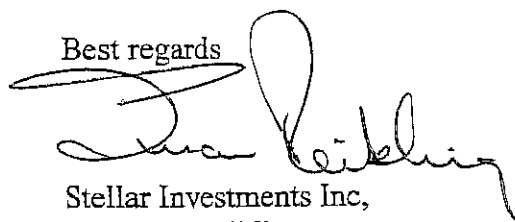
Signs

We would like to place the maximum allowable, temporary signs for advertising the project during the sales and construction period at the corner of Lot 1 and Masons Beach Rd. . I marked the spot on the plan provided.

Permanent signs will be located at the entrance of the properties. As we can not yet finalize where these entrances are I had hoped that we can do that at a later time. We also have not yet thought about any names for the hotel, condominium or apartments.

I hope this will give you further details on our plans at this time, completely understanding that it is difficult for all parties to wrap there arms around a project of that size and nature. On the other hand we can not spend hundreds of thousands of dollars for detail plans when we do not know what the council's wishes as to the scope of the project are. We spend over \$50.000 to get to this point and I am at the point where I need to let the architects know what to design. Council now needs to let me know... yes we support up to 60 Hotel Rooms with conference facilities etc., on Lot 1, yes we support up to 60 Condominiums on Lot 2 and yes we support up to 30 Apartments on Lot 3. That gives me the tools for the next step.

Best regards

A handwritten signature in black ink, appearing to read 'Guenther Reibling'. The signature is fluid and cursive, with a large loop at the end of the last name.

Stellar Investments Inc,
Guenther Reibling

JOHN R. CAMERON, Q.C.
BARRISTER AND SOLICITOR

Telephone: 902.665.5035
Facsimile: 902.665.5037
email: jrcameronlaw@ns.aliantzinc.ca

5 Victoria Street
P. O. Box 70
Bridgetown, Nova Scotia
B0S 1C0

Ms. Bea Renton
CAO
Town of Lunenburg

Re: Stellar Investments application for development agreement

Dear Ms. Renton:

With respect to the Stellar Investments application, I noted that there were nine areas of deficiency cited:

1) location and visibility of buildings as they affect other nearby properties (of which there appear to be few) , but the golf course is notable among them.

The information provided appears to be adequate to evaluate this concept if there is something concerning external appearance (which does not show well in scanned black and white), but may be available. Height and bulk are evident. From the sketch submitted it appears that the buildings will be located more or less in the centre of the three lots Stellar owns on Masons Beach Road and will use all three of them.

Note: a portion of one lot is leased to the Golf Club.

Required: location of development on the sketch map provided (it appears that the rental housing will be on lot 3, the condos on lot 2 and the hotel on lot 1).

Also, some idea of the external appearance.

2) traffic - driveway entrance

This is apparent from the concept drawing, but not its location on the three lots.

Required: location of driveway on the sketch map provided. It appears to be more or less in the centre of the existing building.

Will the existing building be replaced?

3) adequacy of town services

fire flows (to be evaluated by applicant): this is related to the potential paving of Tannery Road, and the location of services (primarily a development permit issue) - the question appears to relate to the potential requirement for larger pipes to service the requirements of the development. The development appears to be limited to three levels (ground, second and third). There is little information as to what building materials will be used, which is a fire control issue.

Generally town services are adequate, and building to Code requirements with appropriate fire separations and barriers has to be presumed. If Stellar can get some advice from its insurers the fire flow issue can be resolved. Internal servicing is not a matter for the development agreement.

A meeting with the Town's engineer will likely resolve the connections problem.

Required: confirmation existing fireflow will be adequate; connection location

4) storm drainage plan

This is a large area of land, but there is no information showing just how the proposed development will sit on it. Best estimates are that it will essentially use up all of the available land. A storm drainage plan is essential, but can be included in the development agreement as "a storm drainage plan shall be provided to the satisfaction of the Town Engineer before a development permit is issued."

5) parking

The concept is to provide underground parking, which resolves most concerns (is there visitor parking above ground?). The Town needs to know how many spaces - the zoning by-law will control design, so the development agreement really only needs the number, or even a minimum number. Actual design must be provided before the development permit can be issued.

Required: number of parking spaces

Alternative: the development agreement can require the development to contain at least 117 parking spaces on lot 1 (hotel) etc., where the number is the minimum required in the present zoning by-law. The Town is not concerned if there are more.

6) adequate emergency vehicle access - same as 2.

7) primary architectural feature to be visually compatible with nearby buildings

pretty much the same as 1. detailed design is not needed if there is a rendering to allow evaluation of the concept. This is fairly clear from what has been provided.

8) landscaping/screening -

There needs to be a commitment to some form of landscaping, and screening where necessary, but the exact form is not needed at this time. Some indication on the plot plan of where observable landscaping features would go, and the screening, with freedom to change content but not effect, is the usual content.

Required: An indication of what areas will be landscaped and what will be paved. Some idea of the type (generally) of landscaping.

The development agreement can provide that all service areas will be screened to avoid conflict with the development and adjacent areas without specifying the exact location of the service area or the screen, while specifying some parameters for the screening. A development permit could not be issued unless these provisions were observed.

9) usable outdoor space

Not available from the information provided - this requires the site plan and a commitment as to what parts of the site will not be the subject of future development. Stellar probably has the elements of this information.

Required: an indication on the sketch plan of what parts of the area will be usable open space, available particularly to residents in the condos and apartments.

This is a major development that could be of great significance for the Town, if well done, as appears likely, but it could if improperly done be a severe eyesore. From what has been provided this seems quite improbable, but the purpose of the development agreement is to ensure that the development is an asset to the community.

The major missing item is a plot plan, showing the lots as presently configured (and as intended) with the proposed developments and driveways. This does not have to be prepared by a surveyor. The Town does not know how much open space will remain, whether the lots have to be reconfigured, whether there is some future development potential, where the driveway access to the road is, and the like.

I note from the January 25 letter from Stellar that they plan a phased development - the timing and content of the phases should be provided to be included in the development agreement. An approximation of the amount of commercial space to be included should

4/4

also be provided. Some of the information suggests that all three of the development types will be phased and some that the development will occur in discrete phases involving the condos, apartments and hotel.

A sketch plan showing the proposed realignment of the property boundaries to incorporate the different phases has been provided. Some idea of where the underground parking is going to go is essential to evaluate what problems, if any, the resubdivision of the lot may entail. Location of driveways, which use is on which lot and the footprint of the development is required.

This information has been requested and need not be expensive to provide.

Signs: the location has been provided; the Town needs an indication of the probable maximum size.

If the information is provided it should be adequate to allow the preparation of a development agreement. I think one that is general, requiring some further information at a future date as a condition of a development permit, and probably requiring amendment from time to time as plans progress, can be constructed. Based on the information requested by Ms. LeMay, that would appear to have been her idea as well.

I would advise Council to proceed, on its own, with the amendments to allow for concept development agreements. That is a useful tool in any event. However, I do think that a development agreement can be crafted for the Stellar proposal with a little more information from the developer without having to use a concept agreement unless the developer insists.

Yours very truly,

John R. Cameron

DRAFT AUGUST 24, 2010

Town of Lunenburg, a municipal body corporate pursuant to the Municipal Government Act
hereinafter called the "Town"
of the Other Part

- Parking and Driveway Area**
- (a) that driveways and a minimum of two hundred and twenty-seven (227) parking spaces be developed and maintained in a manner which meets the requirements of the Town Engineer and Traffic Authority, with a minimum of 227 parking spaces located in an underground parking garage approximately as shown on Schedule B; and
 - (b) that the driveways and parking area be surfaced to prevent the raising of dust due to wind or vehicular movement and that these areas be resurfaced or treated from time to time to ensure that dust will not be generated; and
 - (c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

3. Landscaping, Lighting and Screening

- (a) that any exterior lighting be limited to lighting for safety and security only, and be focussed on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result; and
- (b) that landscaping in keeping with the nearby golf course and the neighbourhood be developed and maintained on all portions of the property which are not built on; and
- (c) that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) signs be permitted on the property; and
- (b) that the maximum sign area of each sign be 3.5 square metres (40 sq.ft.).

6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:
 - (i) the maximum number of rental units within the hotel; and
 - (ii) the maximum number of residential condominium units; and
 - (iii) the maximum number of one-bedroom apartments.

9. Termination of Agreement

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if the use described herein has not been commenced within twelve (12) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if the use described herein is discontinued for twelve (12) months or longer; and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

10. Other

That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the developers, their heirs, executors, administrators, and assigns, the owner or owners from time to time of the property described in Schedule A, until discharged.

11. Compliance with Other By-laws and Regulations

That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

12. Ownership

I hereby certify that we are the sole owners of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as document # 4029 on July 4, 2003. We have not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property. We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A.

Witness

Guenther Reibling, President
Stellar Investments Inc.

Witness

Susan Reibling, Secretary
Stellar Investments Inc.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

In the presence of:

Witness

Guenther Reibling, President
Stellar Investments Inc.

Witness

Susan Reibling, Secretary
Stellar Investments Inc.

TOWN OF LUNENBURG

Witness

D. Laurence Mawhinney
Mayor

Witness

Bea Renton
Town Manager / Clerk

SCHEDULE "A"

(Lots 00-1, 00-2 and 00-3, Mason's Beach Road, Lunenburg)

All those lands and premises conveyed in a Warranty Deed dated the 14th day of May, 2002 from Sherman Zwicker to Gunther Reibling and Susan J. Reibling as recorded in Bridgewater Registry of Deeds Office on the 15th day of May, 2002 in Book 839 at Page 965 under Number 2880 and therein more particularly described as follows:

Nova Scotia Grid North

April 16, 2002

ALL those lots of land and premises situate at Masons Beach Road, in the Town of Lunenburg, in the County of Lunenburg, in the Province of Nova Scotia, and shown on a Plan of Survey 00-099, dated October 4, 2000, prepared by Turner Surveys, and being more particularly bounded and described as follows:

FirstLot 00-1A Lot of Land in the Town of Lunenburg

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeastern side of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being on a Southwest boundary of the former Edwin Kaulback property, occupied now by the Bluenose Golf Club, this survey marker being 13' more or less from the Southeast limit of the Masons Beach Road;

THENCE South 55° 05' 18" East along the Southwest boundary of the former Kaulback property, occupied by the Bluenose Golf Club 134.83' to a point marked by a survey marker;

THENCE South 55° 05' 18" East continuing along the Kaulback property occupied by the Bluenose Golf Club 196.30' to a point at the most Easterly corner of the herein described lot;

THENCE South 24° 19' 39" West along the Northwest boundary of the Kaulback property occupied by the Bluenose Golf Club 31.21' to a point marked by a survey marker;

THENCE South 24° 19' 39" West continuing along the Kaulback property occupied by the Bluenose Golf Club 124.29' to a point marked by a survey marker at the most Easterly corner of Lot 00-2, the property of Sherman F. L. Zwicker;

THENCE North 51° 30' 06" West along the Northeast boundary of Lot 00-2, 408.78' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North 50° 14' 05" East along the Southeast limit of the Masons Beach Road 131.98' to a point at the Northwest corner of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE South 55° 05' 18" East along a Southwest boundary of the Kaulback property occupied by the Bluenose Golf Club 13.38' to the point of beginning.

The above described lot is all of Lot 00-1 shown on the aforementioned Plan of Survey and contains an area of 1.21 acres more or less and is part of the property referred to as "Windycresl".

For reference to title see a deed dated July 5, 1937, from Julia Selig et vir to F. Homer Zwicker and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 344.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Second

Lot 00-2

A Lot of Land in the Town of Lunenburg Adjoining the First Lot Above Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the most Westerly corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE South 49° 37' 55" West along the Southeast limit of the Masons Beach Road 120.90' to a point marked by a survey marker at the North corner of Lot 00-3, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Northeast boundary of Lot 00-3, 460.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Club;

THENCE North 24° 19' 39" East along the Kaulback property occupied by the Bluenose Golf Club 117.50' to a point marked by a survey marker at the South corner of Lot 00-1, the property of Sherman F. H. Zwicker;

THENCE North 51° 30' 06" West along the Southeast boundary of Lot 00-1, 408.75' to the point of beginning.

The above described lot is all of Lot 00-2 shown on the aforementioned Plan of Survey and contains an area of 1.16 acres more or less. The above described lot is part of the property referred to as "Windycrest".

For reference to title see Lot No. 1 described in deed dated May 21, 1937, from Daniel Smith et ux to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on May 25, 1937, in Book 103, Page 185.

Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Third

Lot 00-3

A Lot of Land in the Town of Lunenburg Adjoining the Second Lot Herein Described

BEGINNING at a point marked by a survey marker (an iron bar with an identification cap) on the Southeast limit of the Masons Beach Road, a Public Street in the Town of Lunenburg, and having various widths, said survey marker being at the West corner of Lot 00-2, the property of Sherman F. H. Zwicker;

THENCE South 52° 05' 11" East along the Southwest boundary of Lot 00-2, 450.89' to a point marked by a survey marker on a Northwest boundary of the former Edwin Kaulback property occupied by the Bluenose Golf Course;

THENCE South 23° 02' 57" West along the former Edwin Kaulback property occupied by the Bluenose Golf Course 418.01' to a point marked by a survey marker at the East corner of Lot 00-4, the property of Sherman F. H. Zwicker;

THENCE North 52° 57' 32" West along the Northeast boundary of Lot 00-4 marked by the remains of a wire fence, 499.20' to a point marked by a survey marker on the Southeast limit of the Masons Beach Road;

THENCE North 53° 17' 02" West along the limit of the Masons Beach Road 8.35' to a point marked by an iron pipe;

THENCE North 53° 17' 02" West continuing along the limit of the Masons Beach Road 5' more or less to a point on the Southeast limit of the Masons Beach Road;

THENCE in a Easterly direction following along the various courses of the Southeast limit of the Masons Beach Road 428' more or less to the point of beginning, a tie line between the last mentioned survey marker and the point of beginning being North 28° 24' 02" East 417.37'.

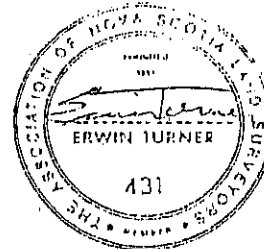
The above described lot is all of Lot 00-3 shown on the aforementioned Plan of Survey and contains an area of 7.24 acres more or less and a portion of the Zwicker house having Civic No. 101 is located on this lot, which is part of the property referred to as "Windycrest".

SUBJECT TO any easement that might exist in favour of the Lunenburg Electric Company for the overhead service line crossing the above described lot and located as shown on the aforementioned Plan of Survey.

For reference to title see a deed dated July 6, 1937, from Anna Bertha Young to F. Homer Zwicker, and recorded at the Registry of Deeds Office, on September 22, 1937, in Book 103, Page 345.

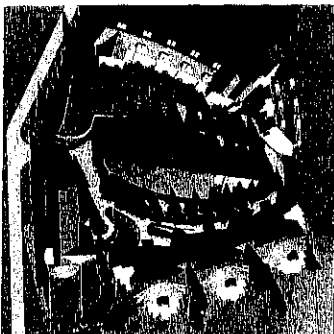
Sherman F. H. Zwicker acquired his interest in the above described lot of land by the Last Will and Testament of F. Homer Zwicker recorded at the Registry of Deeds Office, Bridgewater, in Book 399, Page 1009.

Subject to a first Mortgage in favour of the Bank of Montreal recorded in Bridgewater Registry of Deeds Office on the 15th day of May, 2002 in Book 839 at Page 970 under Number 2881.



Schedule B

(Hard copies
in your
Mailbox)



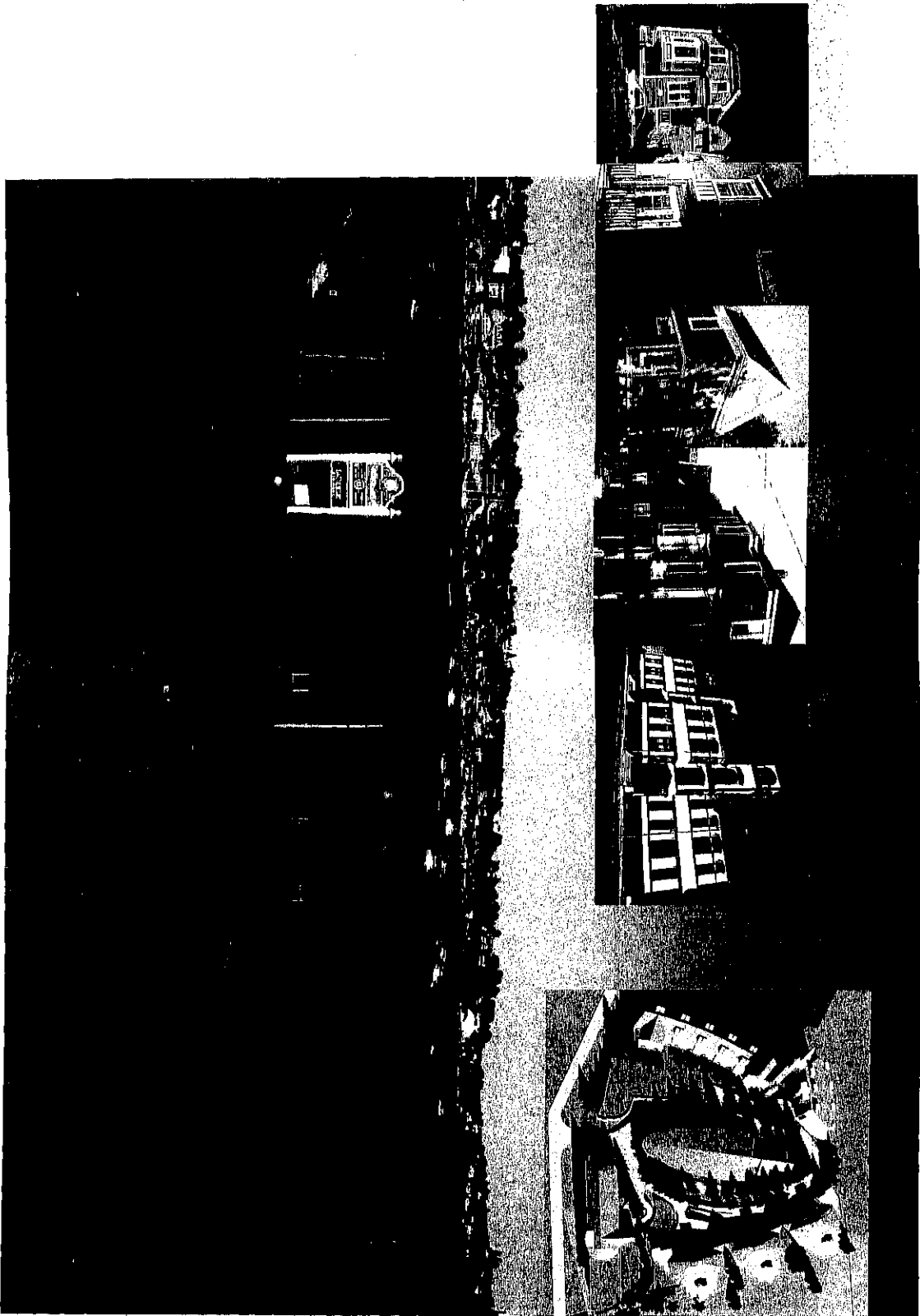
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LUNENBURG NOVA SCOTIA



STELLAR INVESTMENT INC

Schedule "C"

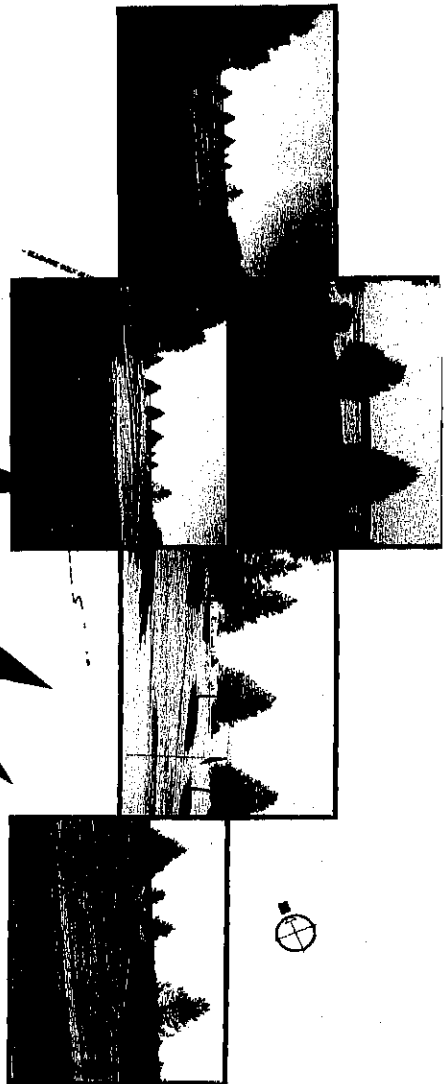
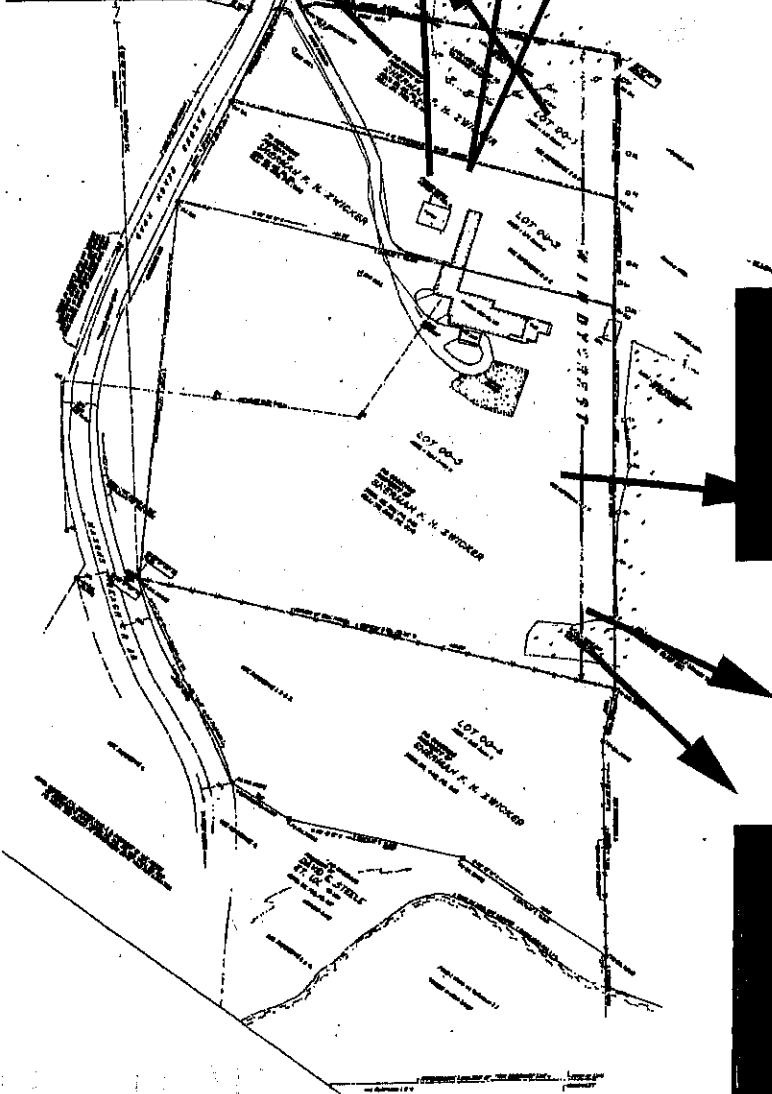
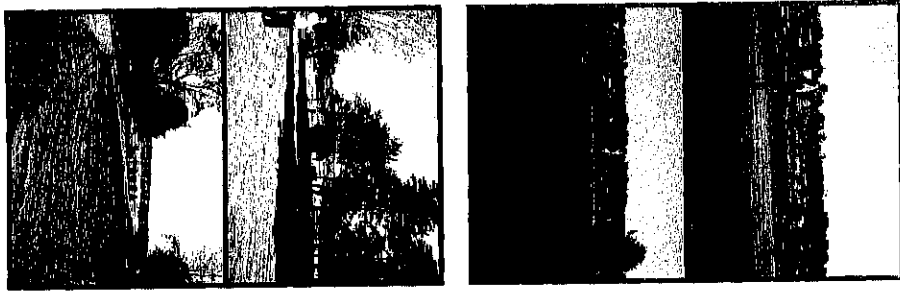


CONTEXT

ARCHITECT: PETRUS ET PETRUS

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC

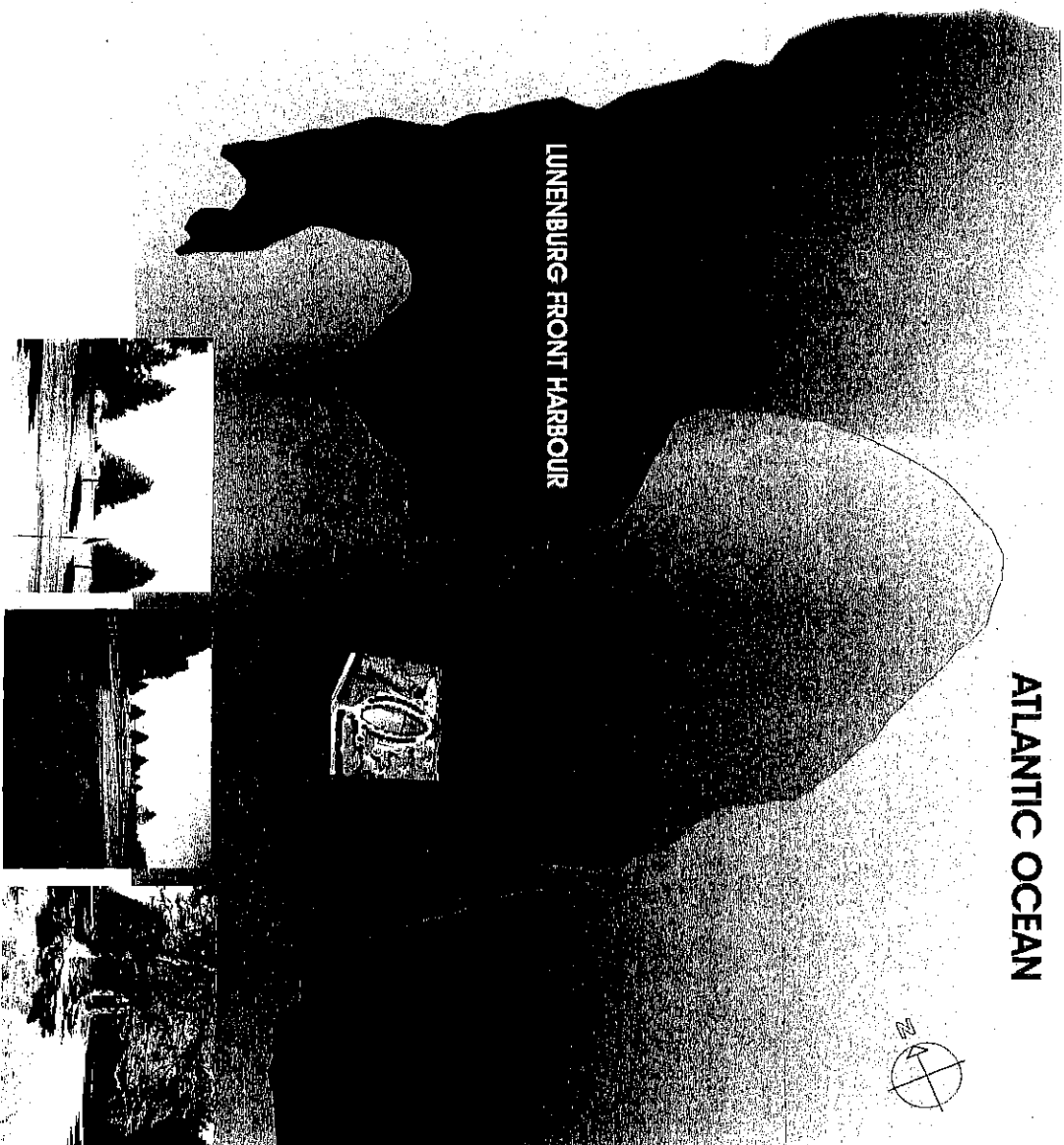
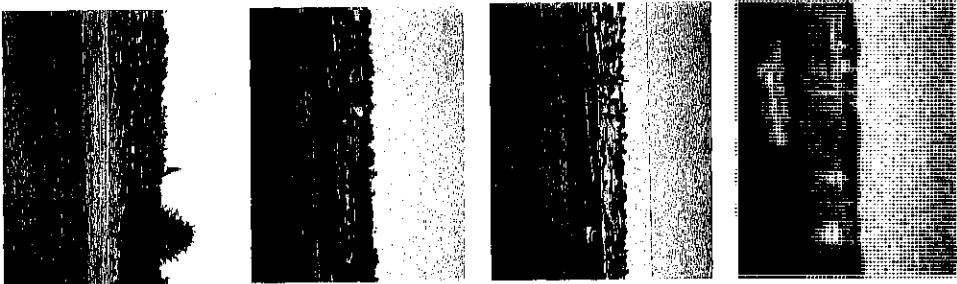


VIEWS FROM SITE LOCATION

STELLAR INVESTMENT INC. PETROFF

LUNenburg NOVA SCOTIA.

STELLAR INVESTMENT INC

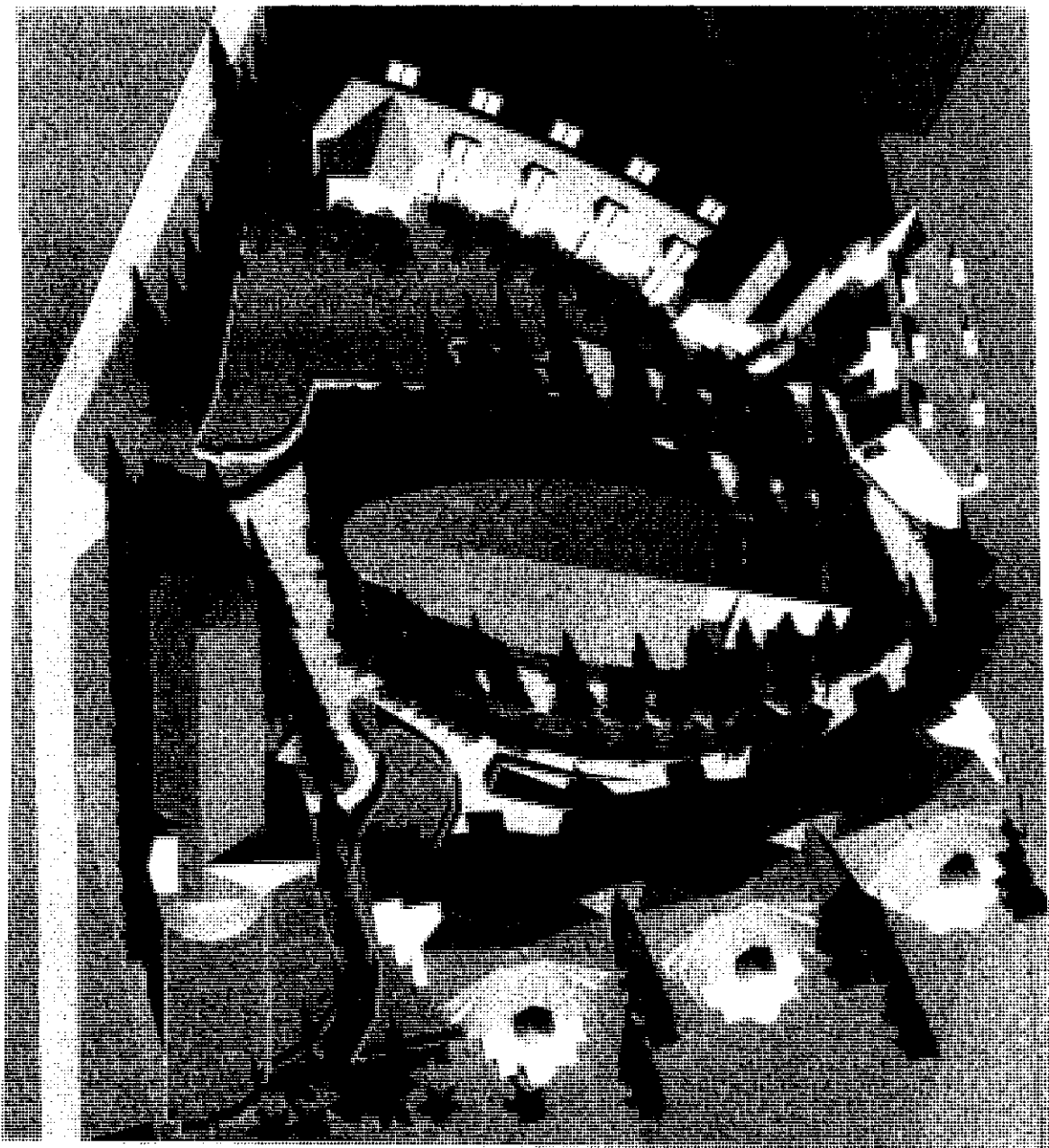


LOCATION

STELLAR INVESTMENT INC.
PETROFF

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC



TOP VIEW

ARCHITECT: PETROFF
PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

HOTEL COMPONENTS

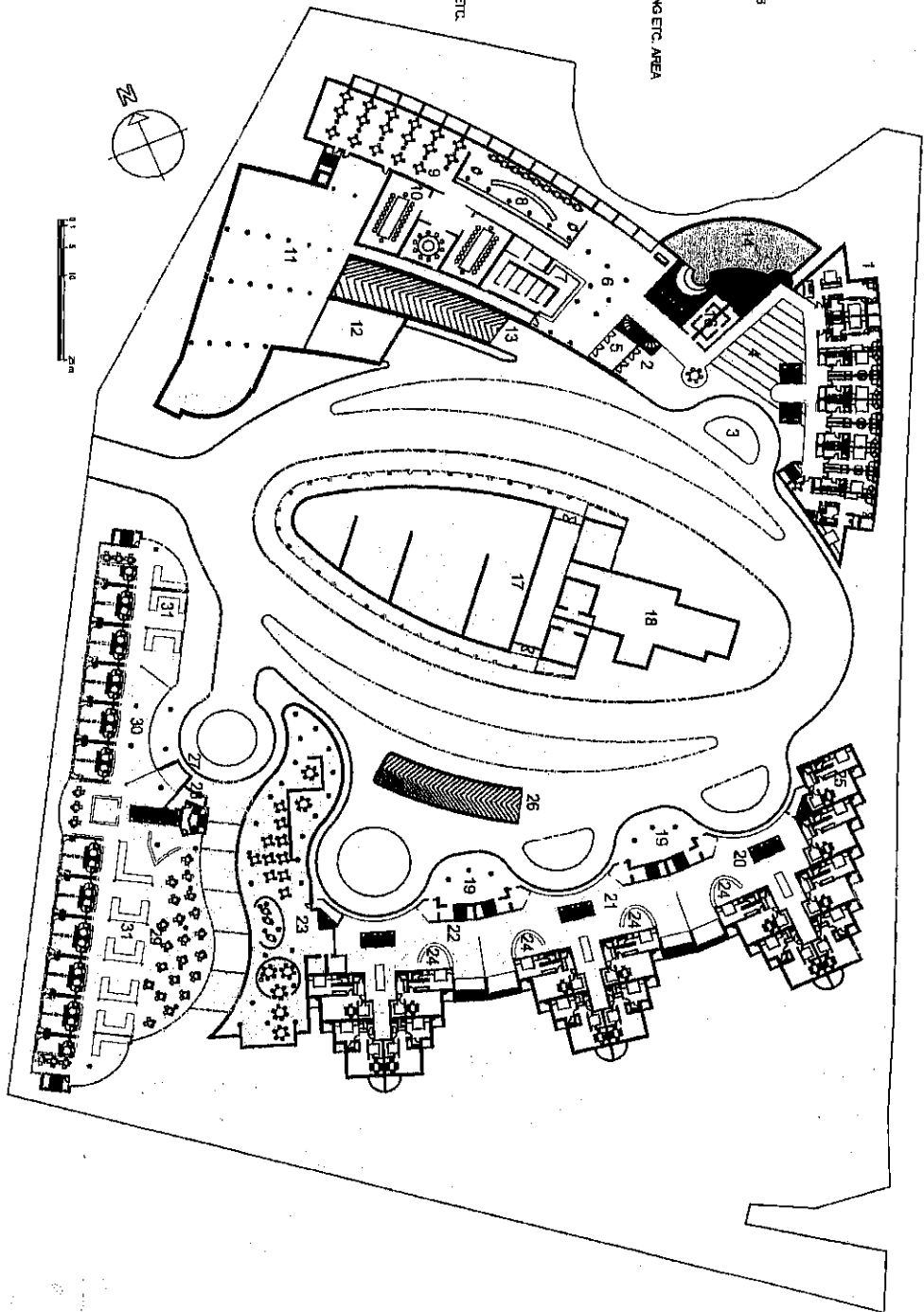
- 1 HOTEL PHASE 2
- 2 MAIN ENTRANCE
- 3 VEHICULAR ACCESS, DROP OFF-PICK UP
- 4 LANDSCAPED COURTYARD
- 5 VESTIBULE
- 6 MAIN LOBBY AND CIRCULATION AREA
- 7 FRONT DESK AND MANAGEMENT OFFICES
- 8 LOBBY BAR, LOUNGE AREA
- 9 RESTAURANT CAFE AREA
- 10 CONFERENCE MEETING ROOMS AREA
- 11 B.O.T.H. KITCHEN STAFF AREA
- 12 SHIPPING, RECEIVING GARAGE HANDLING ETC. AREA
- 13 U.G. PARKING ACCESS-EGRESS RAMP
- 14 POOL
- 15 POOL DECK
- 16 CHANGING ROOMS

COMMON FACILITIES, RESIDENCES
AND LONG TERM CARE

- 17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
- 18 RESTAURANTS, SHOPS, ETC.
- 19 TERRACES
- 20 LOBBY OF PHASE 1
- 21 LOBBY OF PHASE 2
- 22 LOBBY OF PHASE 3
- 23 PARTIES, GAMES, CONTRACT BRIDGE, TV LOUNGES ETC.
- 24 CONCIERGE
- 25 CARETAKER'S FLAT
- 26 U.G. PARKING ACCESS-EGRESS RAMP
- 27 MAIN ENTRANCE
- 28 DINING AND MAIN ACTIVITIES AREA
- 29 LOBBY AND VISITORS AREA
- 30 SPECIFIC ACTIVITIES AREA

UNITS ON GROUND LEVEL

- 9 HOTEL UNITS
- 14 RETIREMENT APARTMENTS
- 22 LONG TERM CARE UNIT



GROUND FLOOR LEVEL

PETROFF

LUNENBURG NOVA SCOTIA

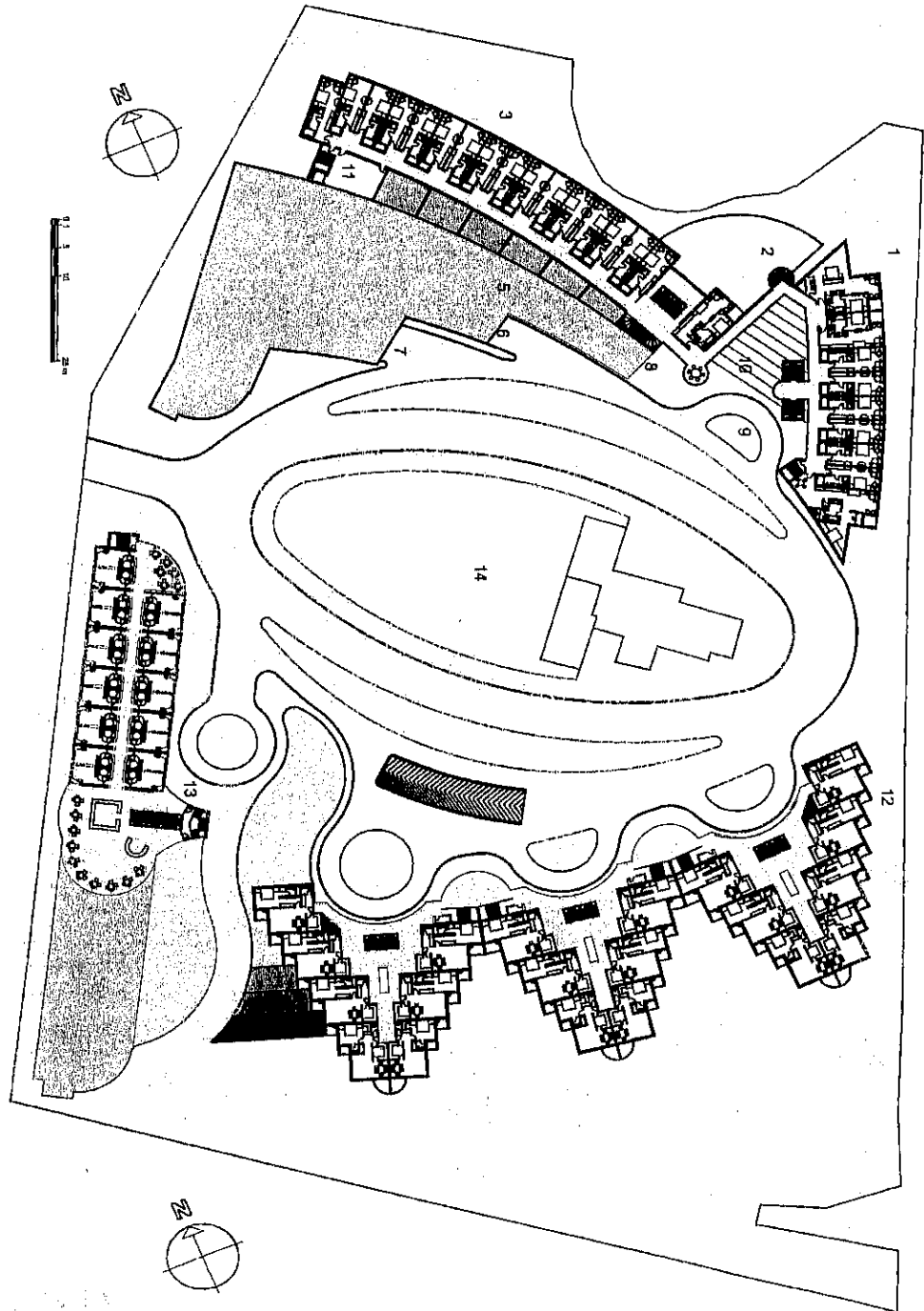
STELLAR INVESTMENT INC.

HOTEL, SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE 1
- 4 SUNGLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEPTION
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURTYARD AREA
- 11 SERVICE CORE, MAIDS ROOM, STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS, 3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 2ND LEVEL

- HOTEL, UNITS 26
- RETIREMENT APARTMENTS 20
- LONG TERM CARE UNIT 22



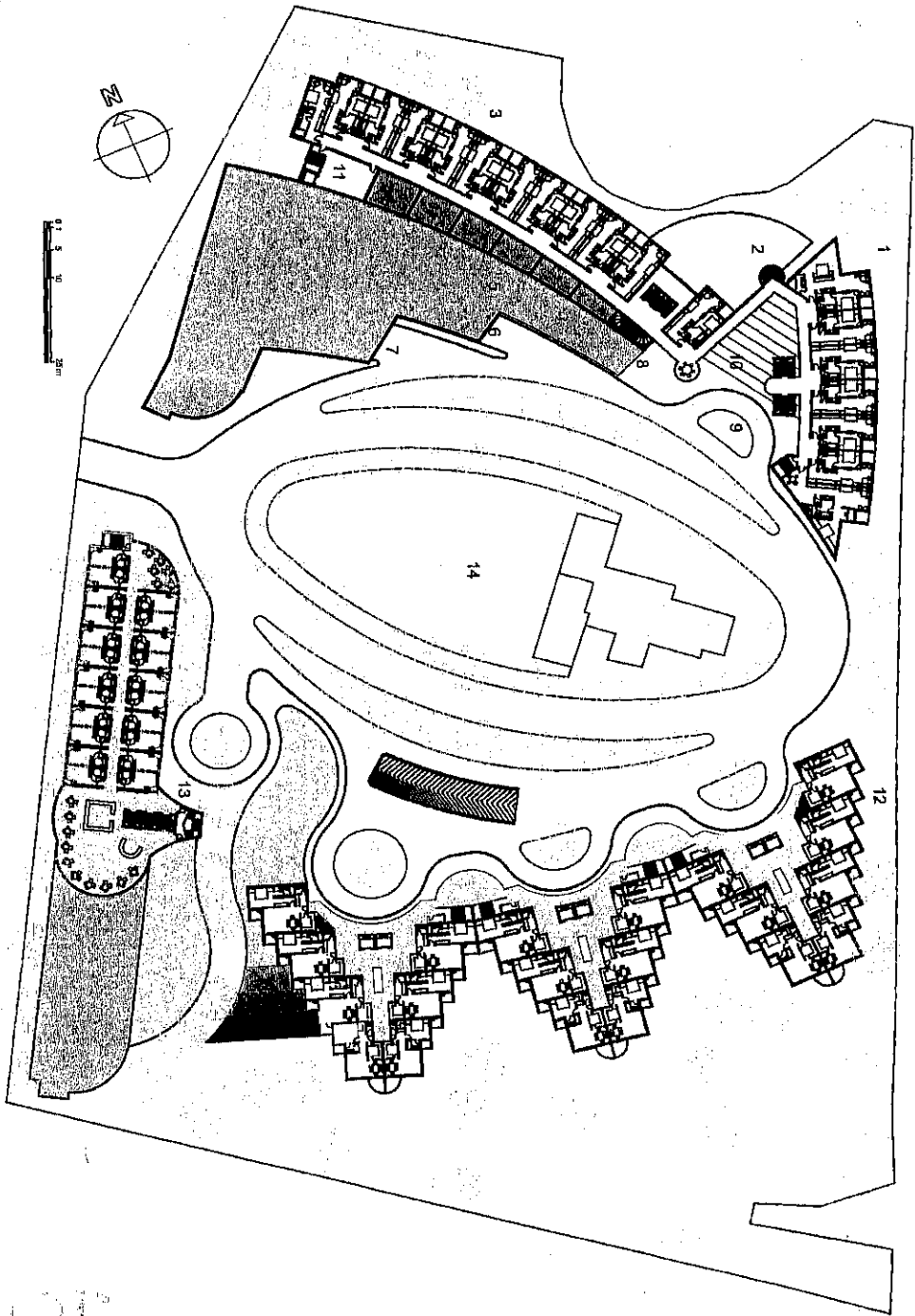
2ND FLOOR LEVEL

STELLAR INVESTMENT INC.

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC

- HOTEL, SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS
- 1 HOTEL PHASE 2
 - 2 POOL AREA
 - 3 HOTEL PHASE 1
 - 4 SKYLIGHTS
 - 5 LANDSCAPED ROOF TERRACE
 - 6 UG. PARKING ACCESS, EGRESS
 - 7 RECEIVING
 - 8 MAIN ENTRANCE
 - 9 VEHICULAR ACCESS, DROP OFF-PICK UP
 - 10 LANDSCAPED COURT YARD AREA
 - 11 SERVICE CORE, MAIDS ROOM, STORAGE
 - 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
 - 13 LONG TERM CARE
 - 14 ROOF OF COMMON FACILITIES
- UNITS ON 3RD LEVEL
- 19 HOTEL UNITS
 - 20 RETIREMENT APARTMENTS
 - 22 LONG TERM CARE UNIT

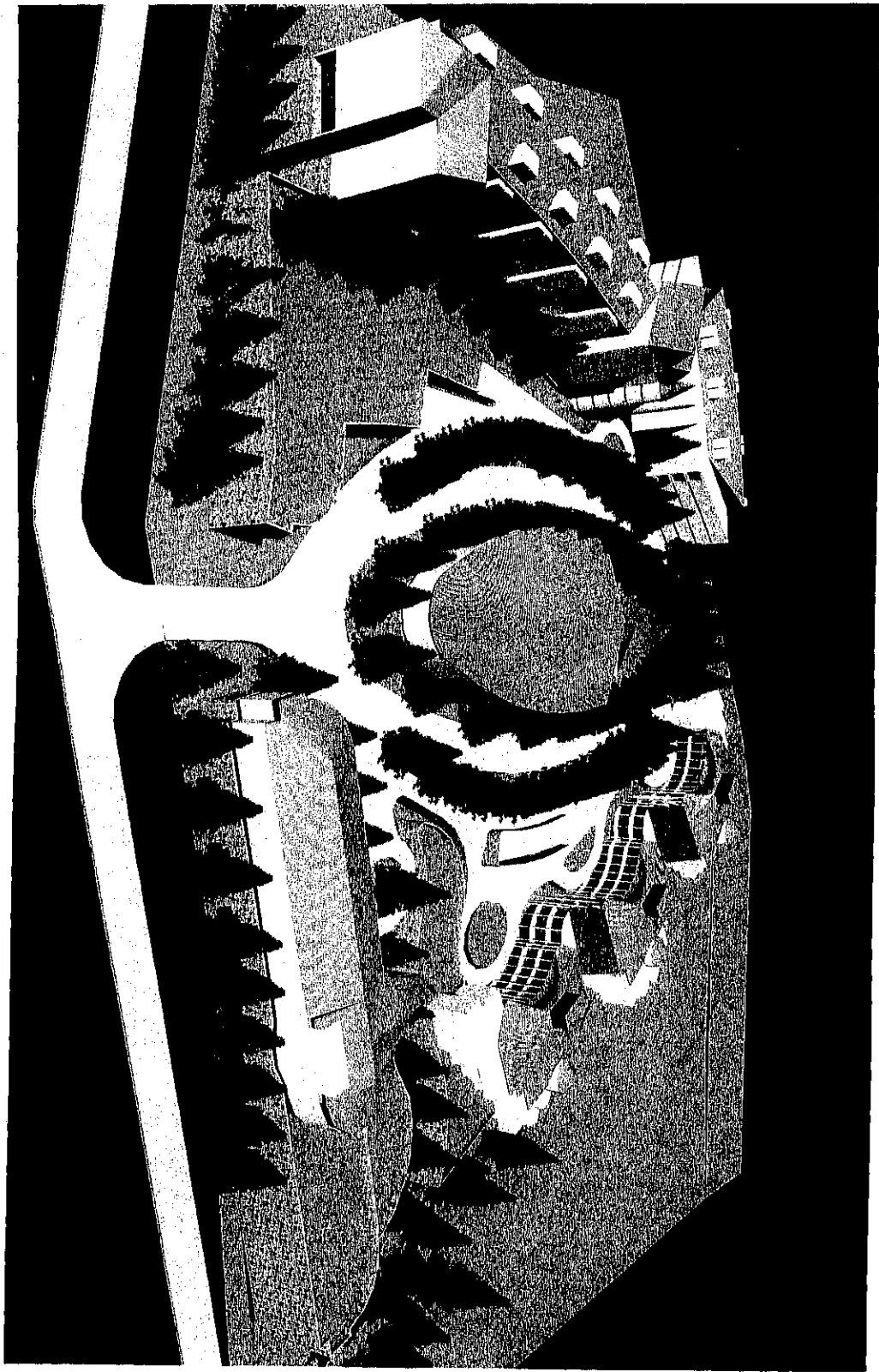


3RD FLOOR LEVEL

STELLAR INVESTMENT INC.
PETROFF

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC.



AERIAL PERSPECTIVE

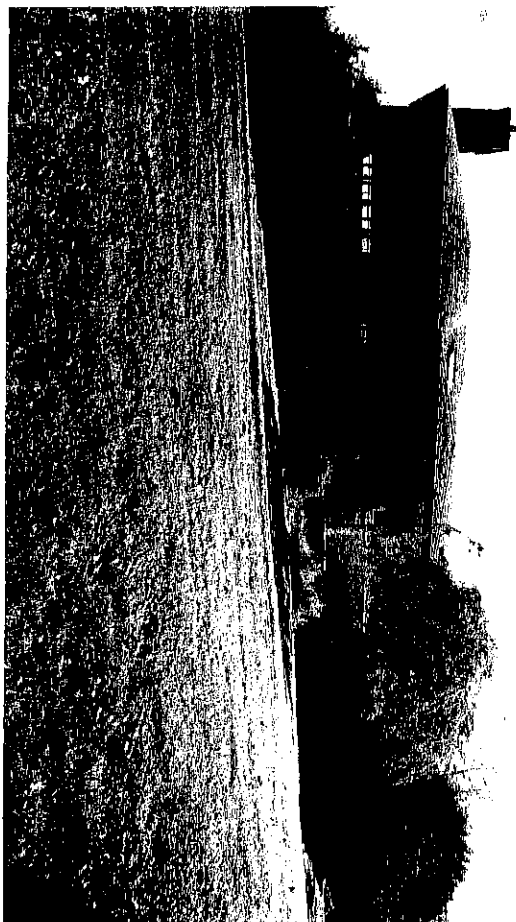
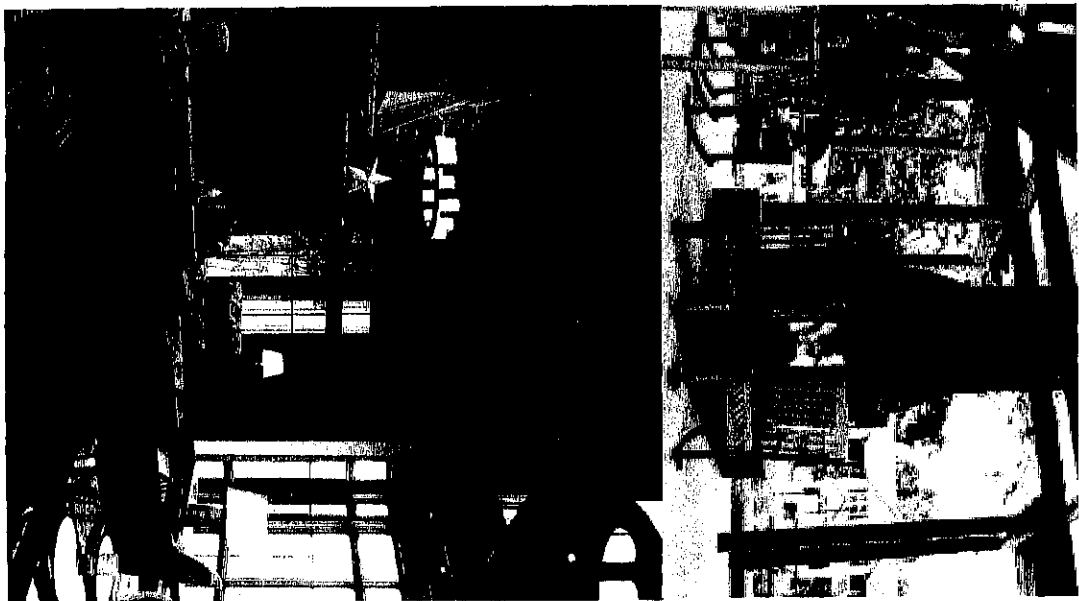
PERMANENT ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

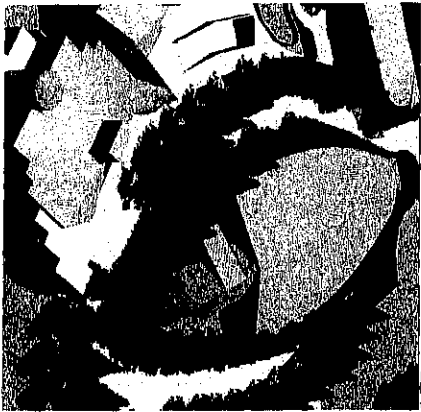
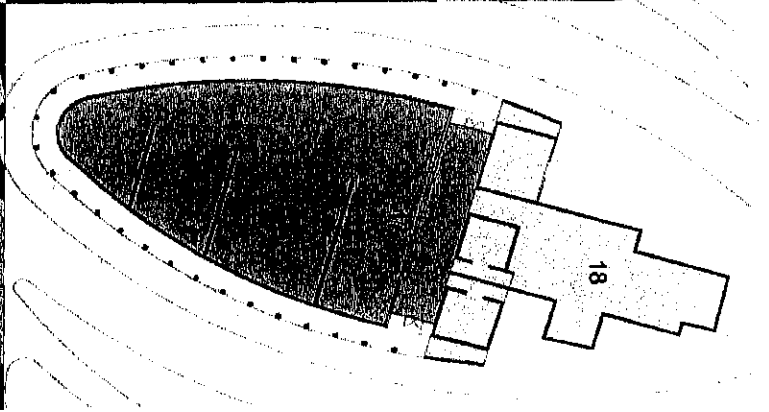
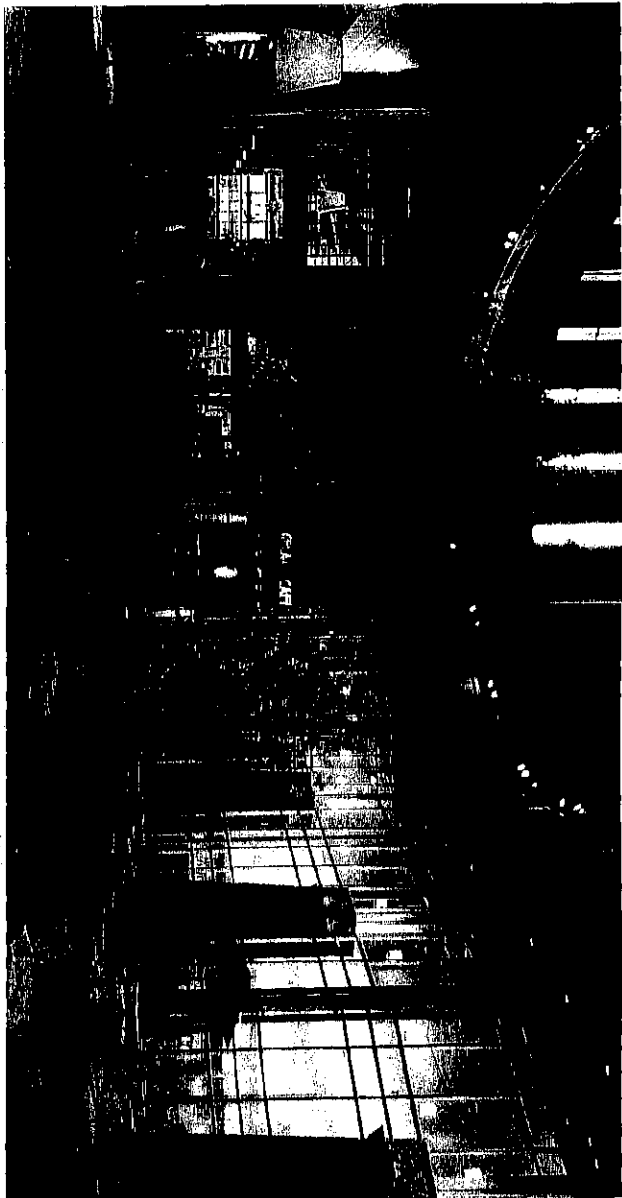


TOWN CENTRE

PETROFF

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

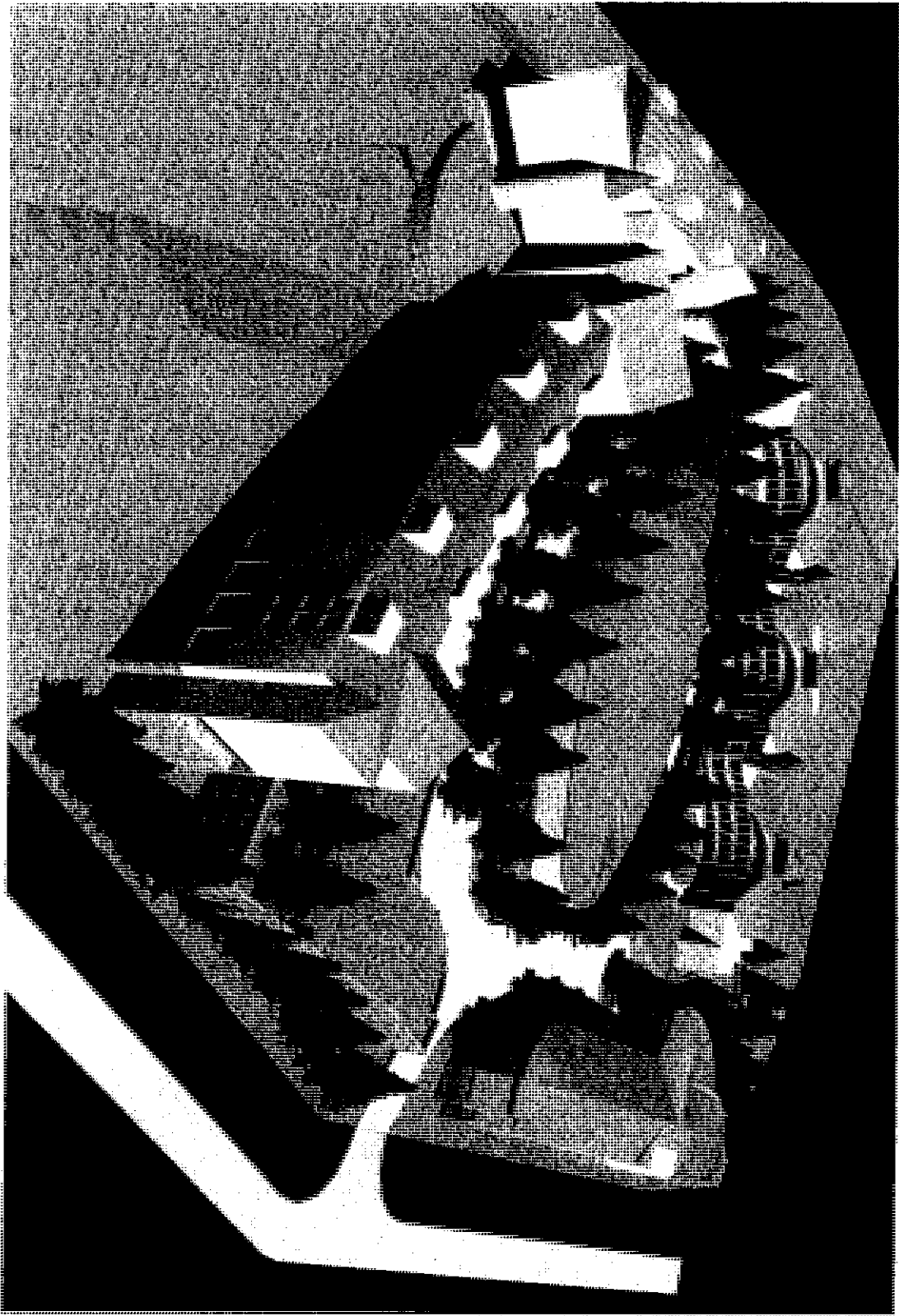


TOWN CENTRE

RETROFF

MILITARY
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

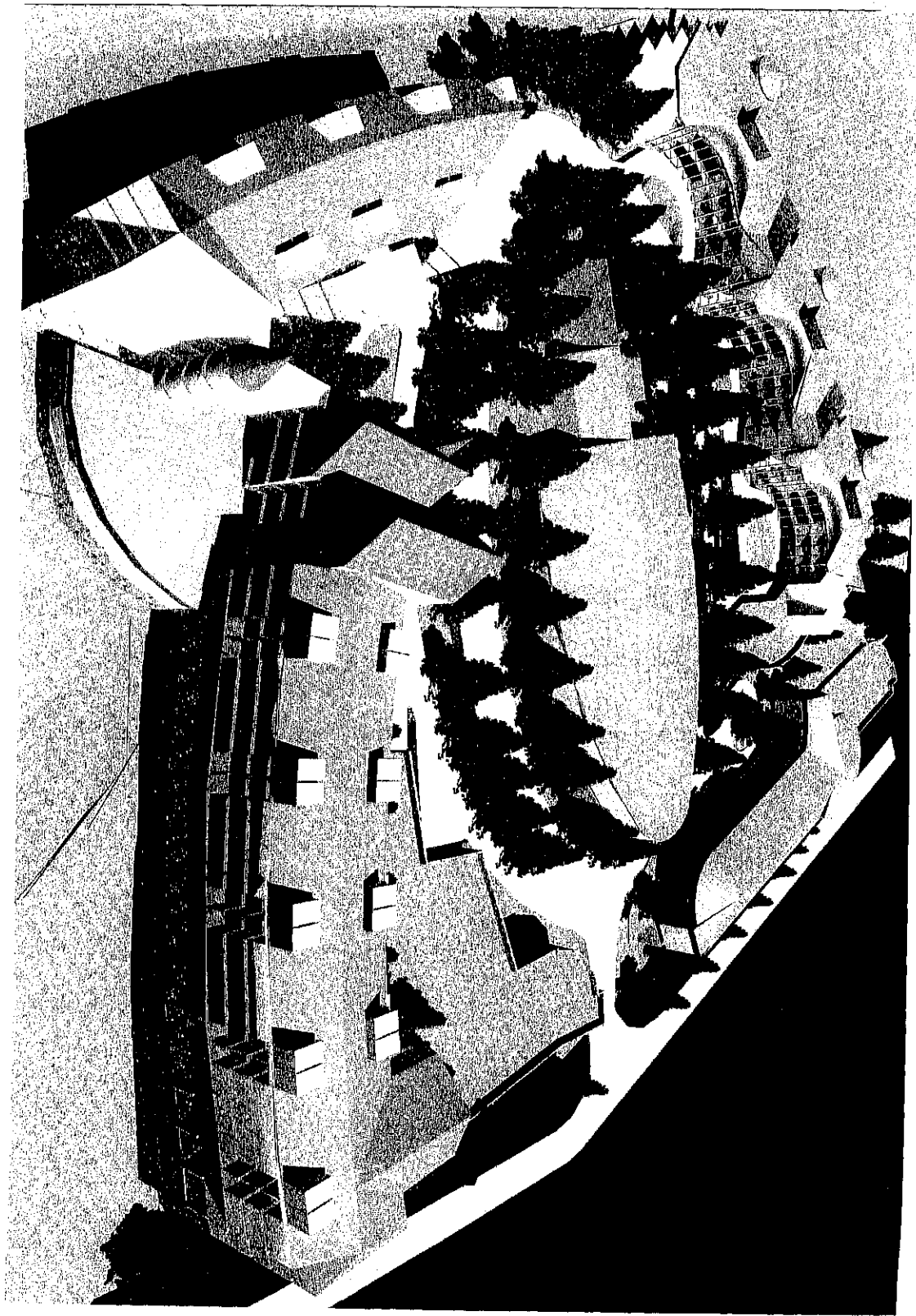
ARCHITECT: J. J. ROY

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

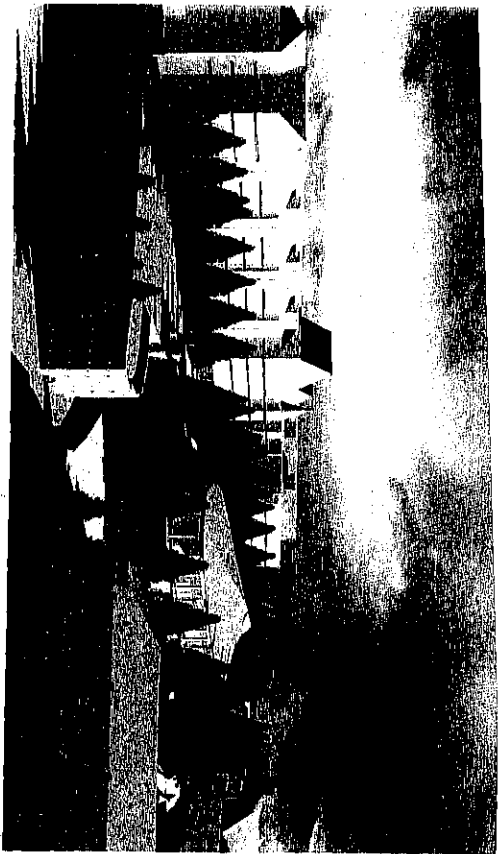
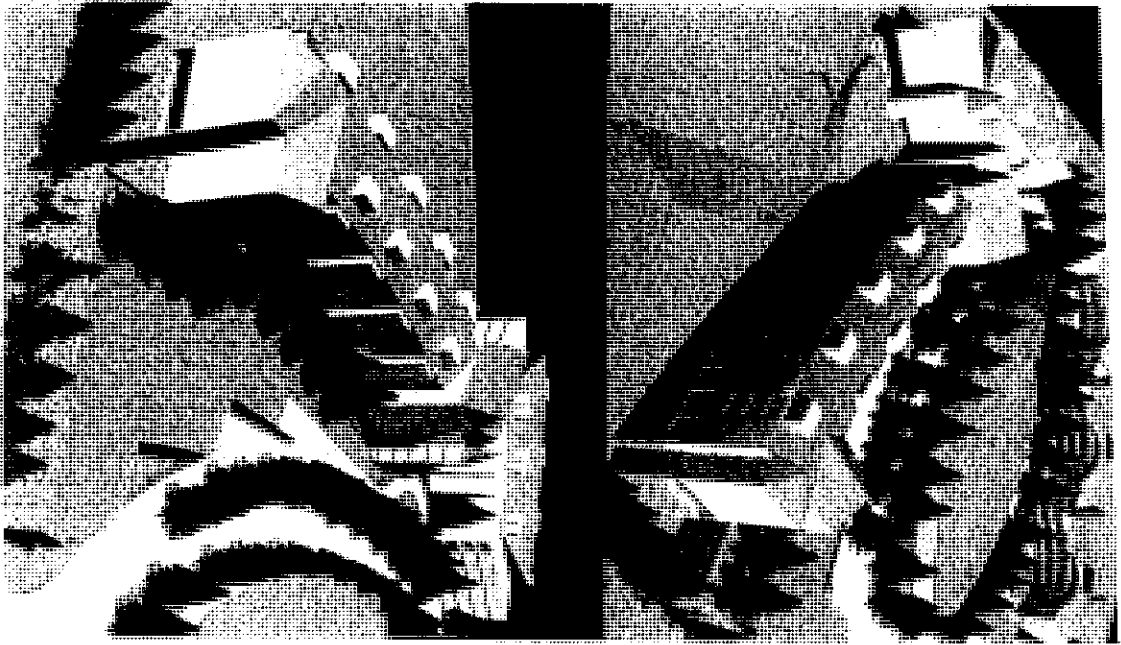


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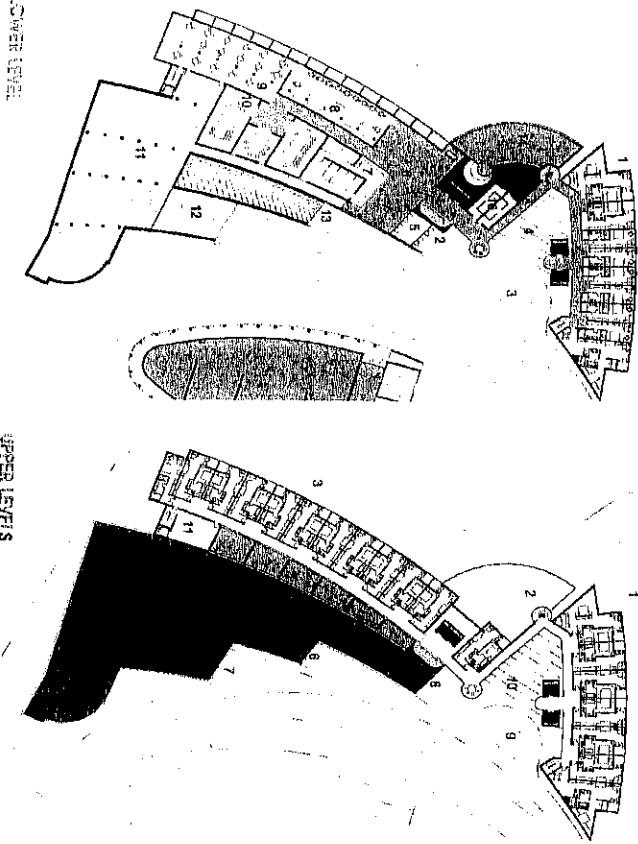
PETROFF

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC.



SHIPYARD BUILDINGS



LOWER LEVEL

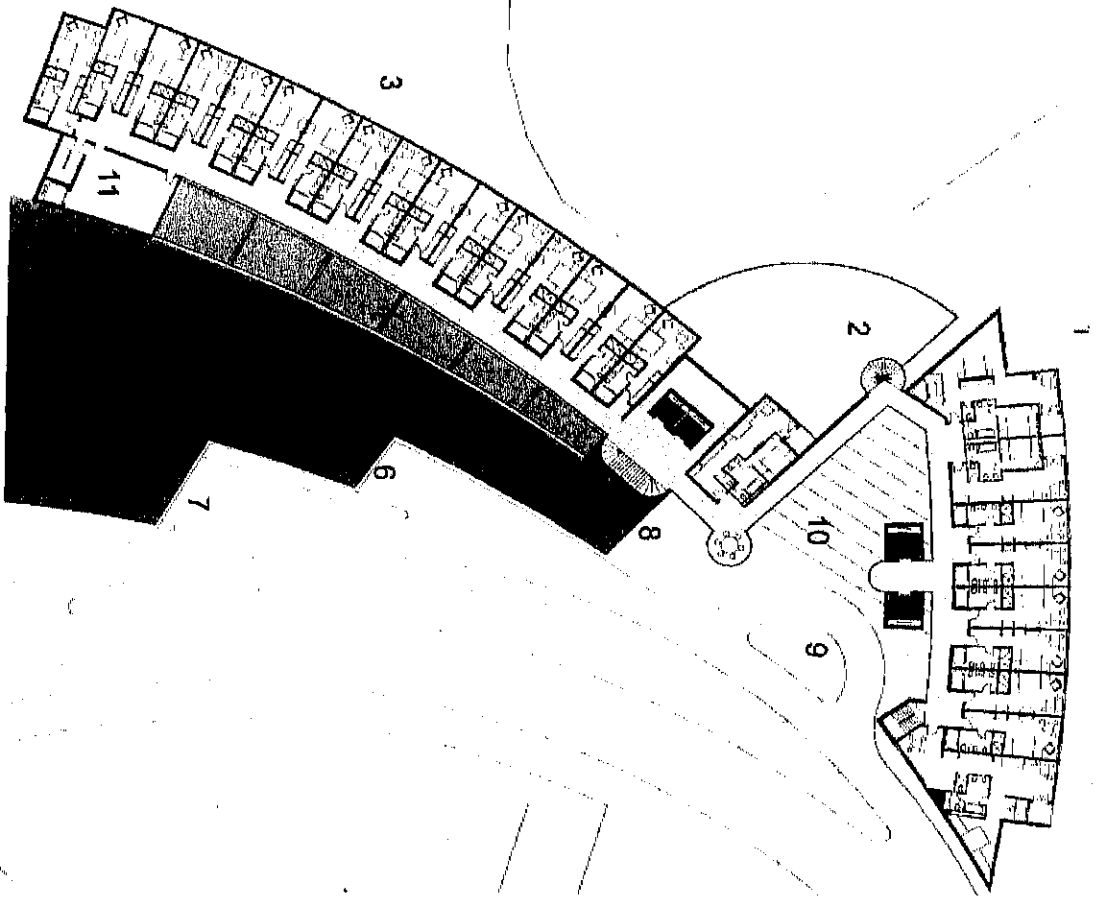
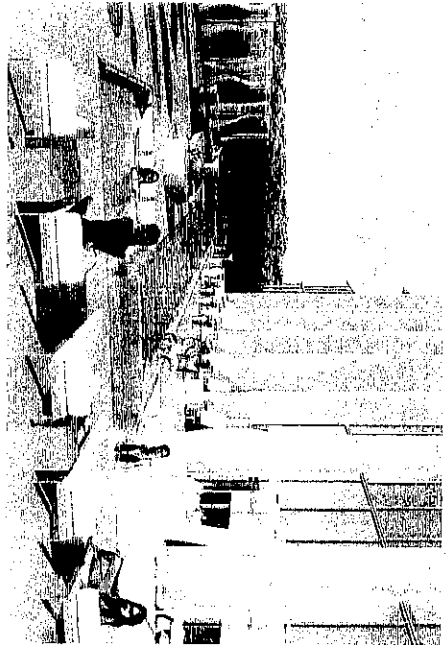
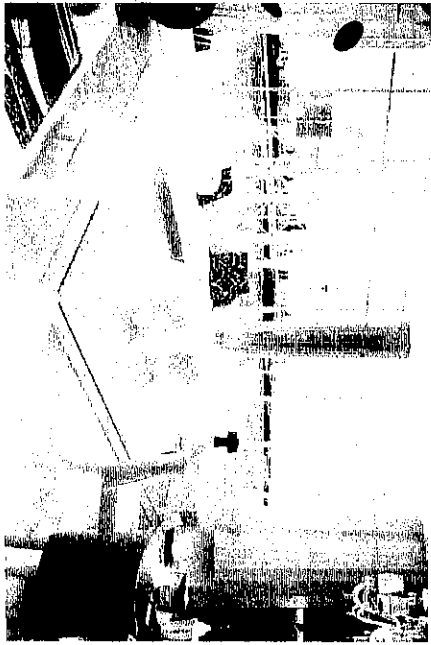
UPPER LEVELS

HOTEL

LUNENBURG NOVA SCOTIA

PEIROFF

ARCHITECTS

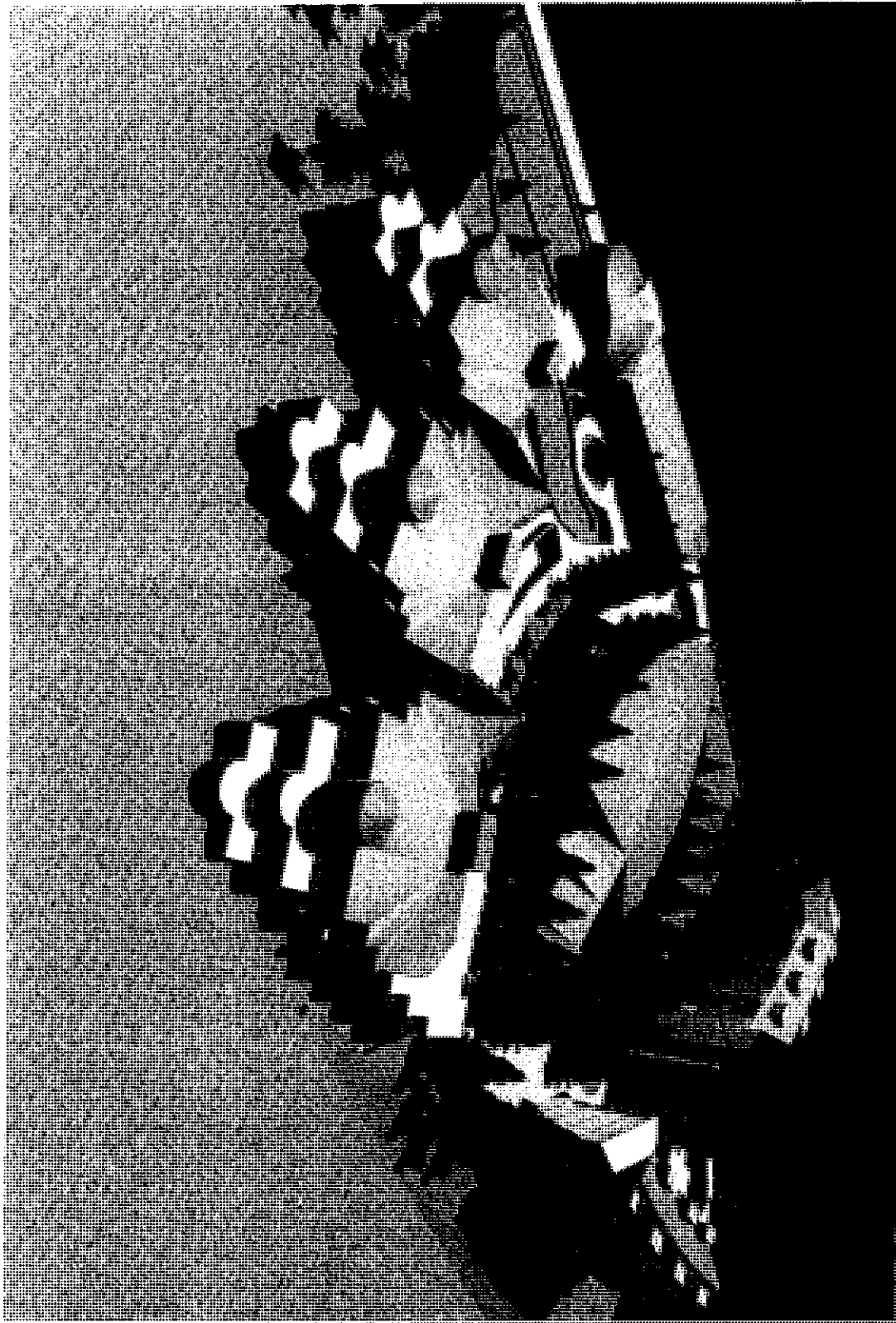


HOTEL

STELLAR INVESTMENT INC.
 PETROFF

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC.



AERIAL PERSPECTIVE

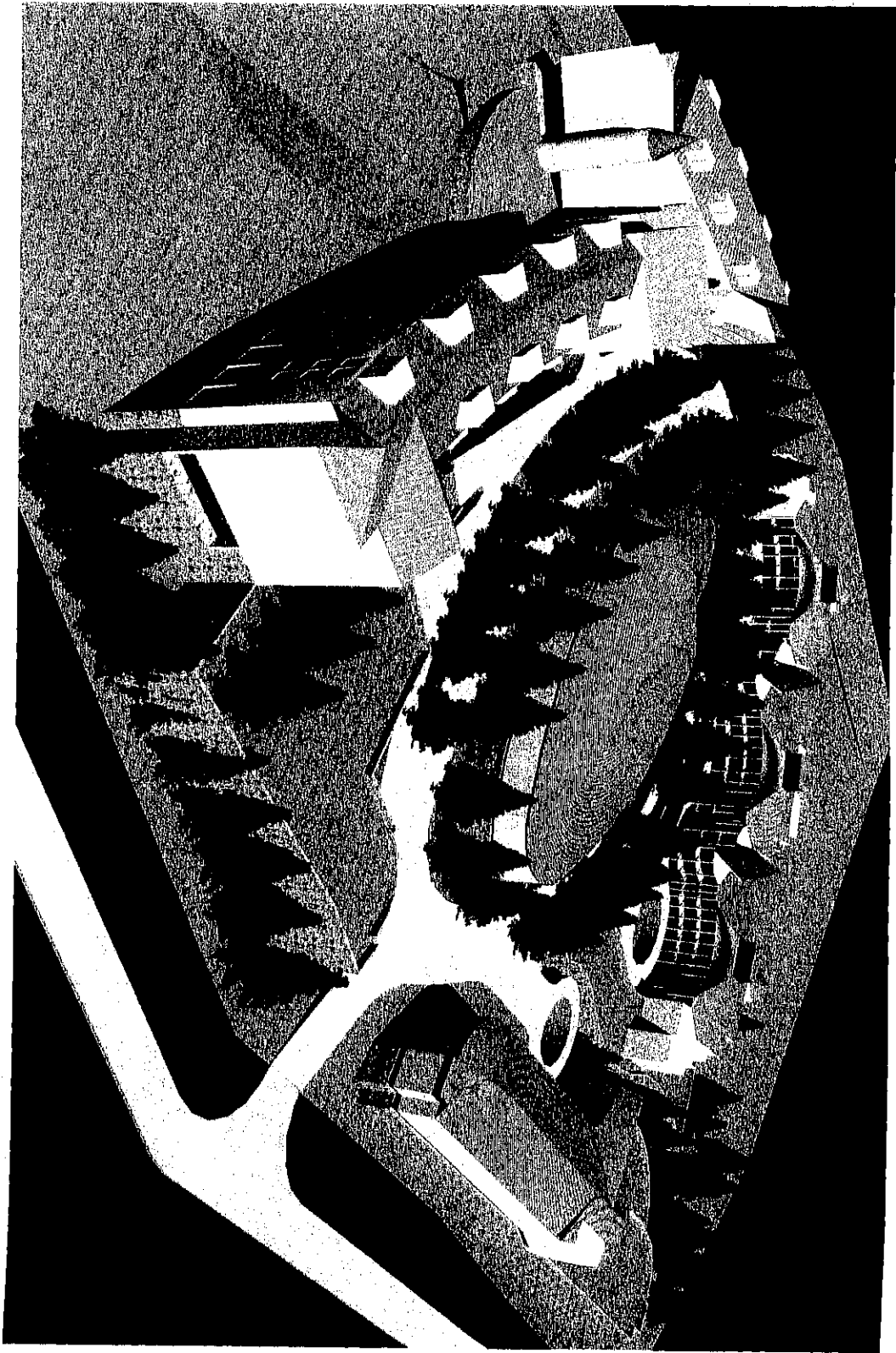
PHOTO: ANDREW JACOBSON

PEIROFF

STELLAR

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



AERIAL PERSPECTIVE

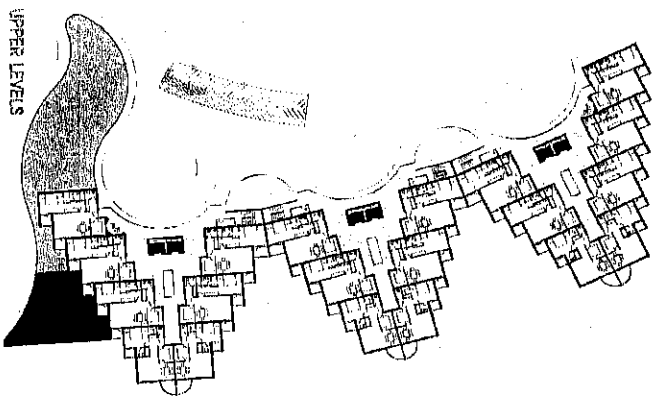
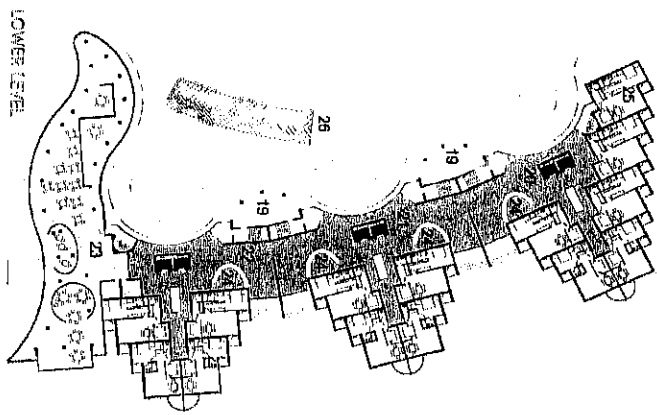
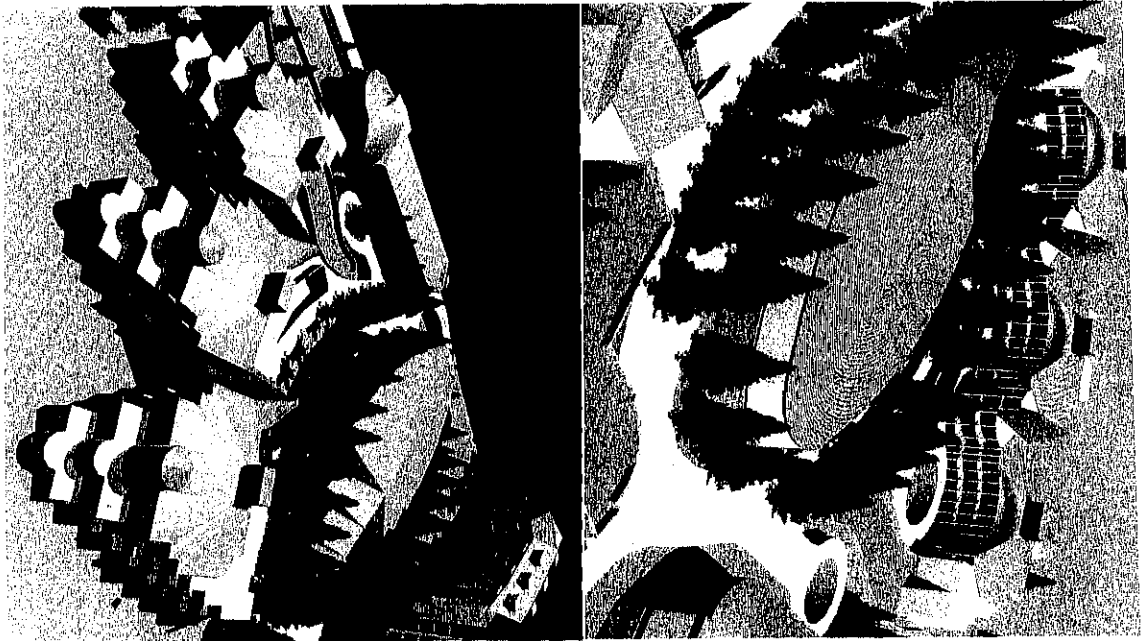
PROJECT ARCHITECTS ASSOCIATES

PETROFF

7744 9497

LUNENBURG NOVA SCOTIA

STEEL AN



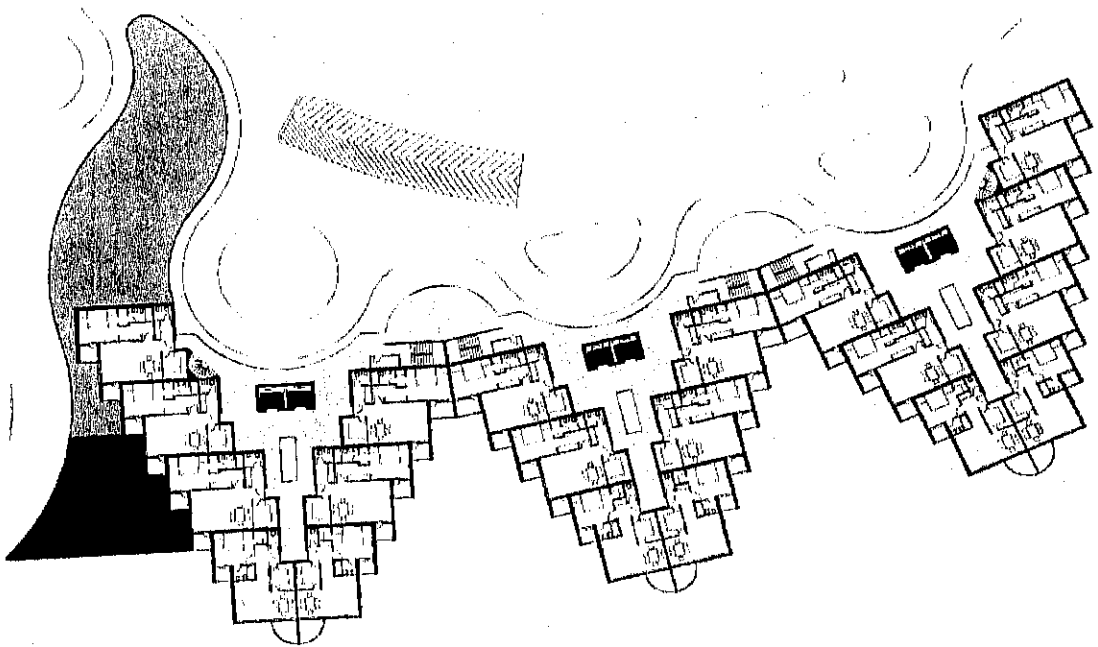
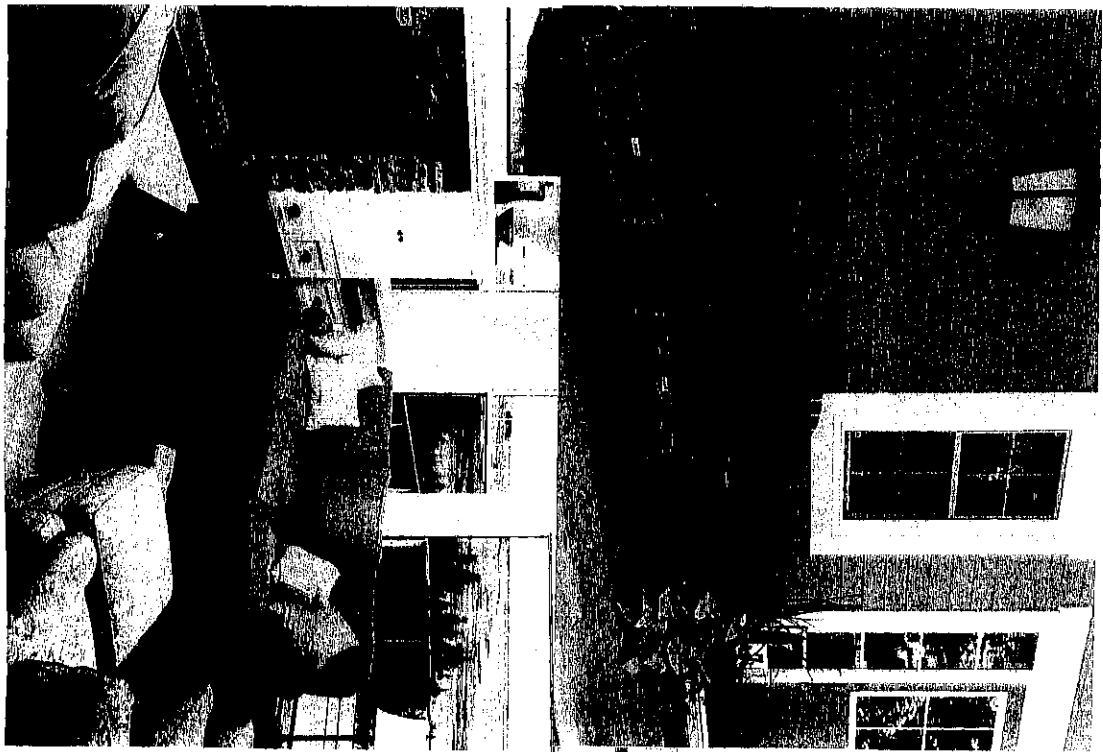
RESIDENTIAL

ARCHITECT
PETROFF

LUNENBURG NOVA SCOTIA



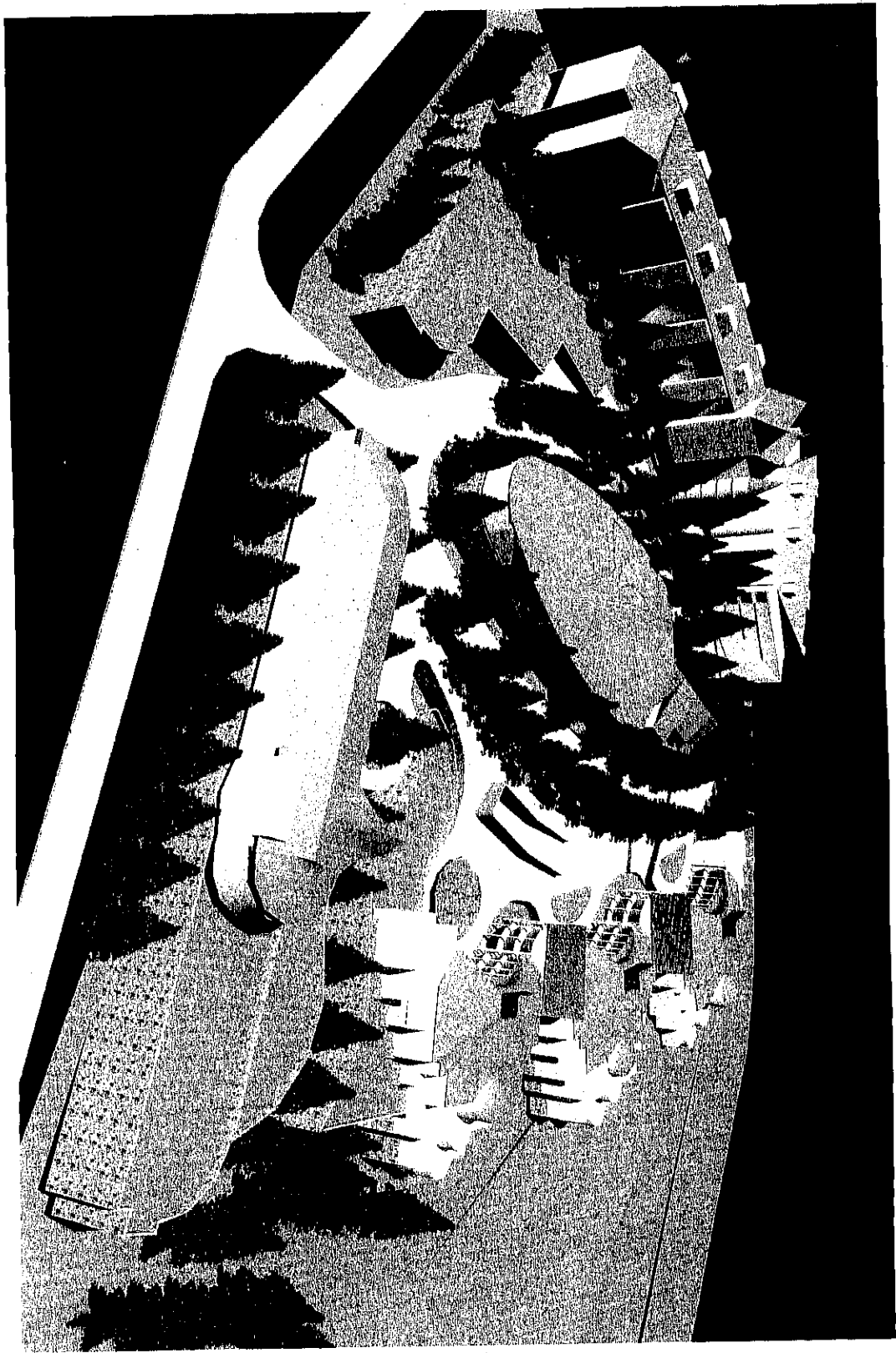
STELLAR INVESTMENT INC.



RESIDENTIAL
 BETROFF
 BETROFF PARTNERSHIP ARCHITECTS

LUNENBURG NOVA SCOTIA

STELLAR INVESTMENT INC

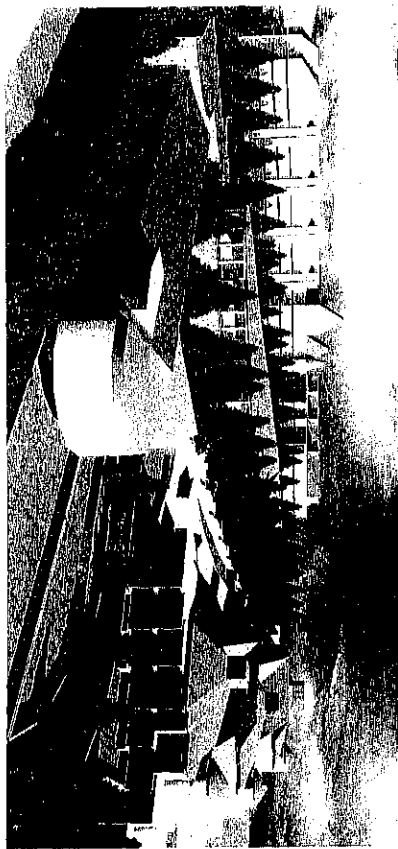
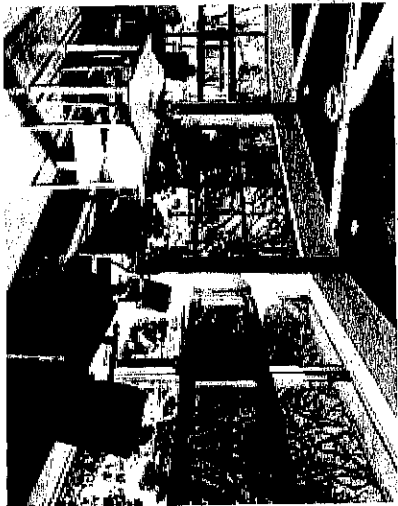


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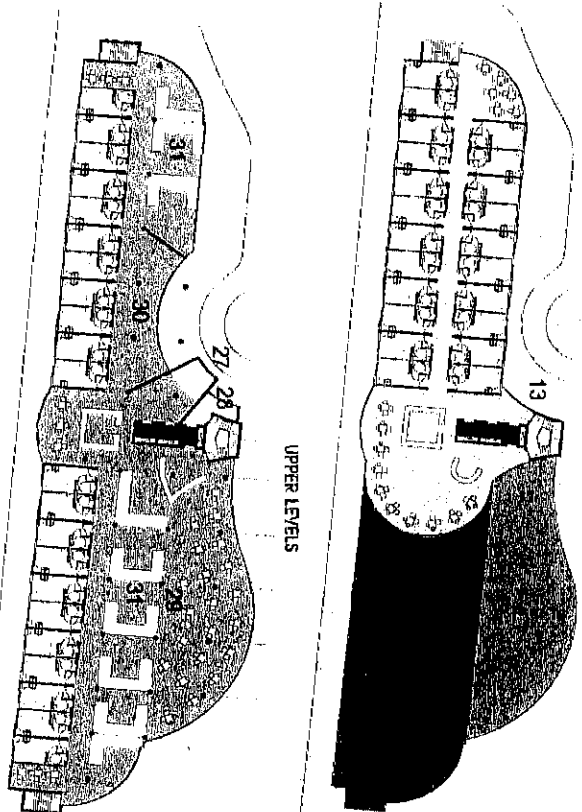
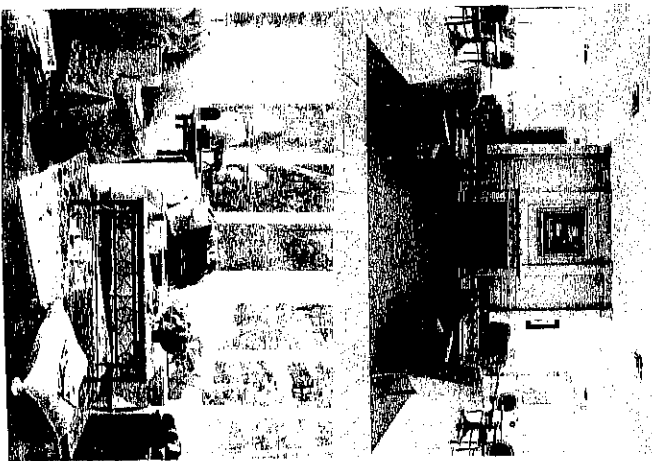
PETROFF

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



STELLAR INVESTMENT INC.



LOWER LEVEL

UPPER LEVELS

LONG TERM CARE FACILITIES

STUDIO PARTNERSHIP ARCHITECTS
PETROFF

LUNenburg NOVA SCOTIA

" THE TOP " DEVELOPMENTPROJECT NO. 08160
DEVELOPMENT DATA
DATE: JUNE 01, 2010MASONS BEACH ROAD
LUNenburg, NOVA SCOTIAPETROFF PARTNERSHIP ARCHITECTS
PETROFF**SITE INFORMATION:**

SITE AREA : 27,816.97 S.M. 6.874 Ac.

ZONING : -

GROSS FLOOR AREA :

BUILDING "A" - EXISTING :	GROUND FLOOR :	335.45 SM	3,611 SF
EXISTING G.F.A.:	TOTAL :	335.45 SM	3,611 SF
BUILDING "B" - HOTEL :	GROUND FLOOR :	3,572.76 SM	38,457 SF
	SECOND FLOOR :	1,885.84 SM	20,299 SF
	THIRD FLOOR :	1,885.84 SM	20,299 SF
TOTAL - 60 UNITS :		7,344.44 SM	79,055 SF
BUILDING "C" - CONDO :	GROUND FLOOR :	2,859.89 SM	30,784 SF
	SECOND FLOOR :	2,316.74 SM	24,937 SF
	THIRD FLOOR :	2,316.74 SM	24,937 SF
TOTAL - 60 UNITS :		7,493.37 SM	80,658 SF
BUILDING "D" - APARTMENTS :	GROUND FLOOR :	1,914.60 SM	20,609 SF
	SECOND FLOOR :	1,030.04 SM	11,087 SF
	THIRD FLOOR :	1,030.04 SM	11,087 SF
TOTAL - ³⁰ 60 UNITS :		^{1/2} 3,974.68 SM	42,783 SF
BUILDING "E" - COMMUNITY :	GROUND FLOOR :	1,094.59 SM	11,782 SF
TOTAL :		1,094.59 SM	11,782 SF
PROPOSED G.F.A.:	TOTAL GROUND FLOOR :	9,441.84 SM	62,809 SF
TOTAL :		19,907.08 SM	28,663 SF
TOTAL G.F.A.:	TOTAL GROUND FLOOR :	9,777.29 SM	66,420 SF
TOTAL :		20,242.53 SM	32,274 SF

COVERAGE : (9,777.29 / 27,816.97) 35.1 %

F.S.I. PROVIDED : (20,242.53 / 27,816.97) 0.728

PARKING PROVIDED :

SITE "A1" - HOTEL :	UNDERGROUND PARKING	120 CARS
SITE "A2" - CONDOMINIUM :	UNDERGROUND PARKING	95 CARS
SITE "A3" - APARTMENT :	UNDERGROUND PARKING	35 CARS

TOTAL PARKING PROVIDED : UNDERGROUND PARKING 250 CARS

" THE TOP " DEVELOPMENT

PROJECT NO. 08160
DEVELOPMENT DATA
DATE: JUNE 01, 2010

MASONS BEACH ROAD
LUNENBURG, NOVA SCOTIA

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

HOTEL COMMON AREAS:

GROSS FLOOR AREA :

BUILDING "B" – HOTEL :	– RESTAURANT – 120 SEATS :	511.00 SM	5,500 SF
	– SPA / WELLNESS :	278.70 SM	3,000 SF
	– POOL and ANCELLARIES :	T.B.D. SM	T.B.D. SF
	– CONFERENCE CENTRE :	836.13 SM	9,000 SF
	– SERVICE :	T.B.D. SM	T.B.D. SF
	– LOUNGE / BAR :	139.35 SM	1,500 SF
	– RECEPTION and ADMINISTRATION :	232.26 SM	2,500 SF
	– LOBBY :	371.60 SM	4,000 SF

SITE AREA:

SITE "A1" – BUILDING A,B and E:	3.252 Acres	13,159.35 SM
SITE "A2" – BUILDING C :	2.778 Acres	11,243.33 SM
SITE "A3" – BUILDING D :	0.844 Acres	3,414.29 SM
TOTAL DEVELOPMENT SITE :	6.874 Acres	27,816.97 SM

APPENDIX E

- 8.1 (c) Developments Permitted by Development Agreement
- (i) multi-unit dwellings in accordance with Municipal Planning Strategy policy 6.4.
 - (ii) tourist accommodations in accordance with Municipal Planning Strategy policy 6.5.
 - (iii) guest houses in accordance with Municipal Planning Strategy policy 6.6.
 - (iv) Dining Rooms in conjunction with guest houses in accordance with Municipal Planning Strategy Policy 5.10A.
 - (v) Mobile home parks in accordance with Municipal Planning Strategy policy 6.6A.
 - (vi) craft workshops in accordance with Municipal Planning Strategy 6.6 AA

APPENDIX F

- 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.

**#69. Town of Lunenburg Procedural Policy:
Planning Applications Procedure**

I. Purpose

The purpose of this policy is to clarify the process for applications for Municipal Planning Strategy and Land Use By-law amendments and development agreements and development agreement amendments.

II. Procedural Policy: Initial Process

1. Municipal Planning Strategy

All applications for an amendment to the Municipal Planning Strategy shall be referred immediately on receipt to Council. Council shall determine whether a report will be prepared and an application considered.

2. Land Use By-law: Map

Upon receipt of an application for an amendment to the map of the Land Use By-law, the planner shall prepare a report and forward the report to Council with a request that the Planning Advisory Committee be authorized to hold a public information meeting regarding the application.

3. Land Use By-law: Text

- (a) Upon receipt of an application for an amendment to the text of the Land Use By-law which is straightforward in nature, the planner shall prepare a report and forward the report to Council with a request that the Planning Advisory Committee be authorized to hold a public information meeting regarding the application.
- (b) Upon receipt of an application for an amendment to the text of the Land Use By-law for which a number of alternatives are possible, the planner shall prepare a report and forward the report to the Planning Advisory Committee for discussion and recommendation regarding a public information meeting to Council.

4. Development Agreements and Development Agreement Amendments

- (a) Upon receipt of an application for a development agreement or amendment to a development agreement which is straightforward in nature, the planner shall prepare a report and forward the report to Council with a request that the Planning Advisory Committee be authorized to hold a public information meeting regarding the application.
- (b) Upon receipt of an application for a development agreement or amendment to a development agreement within which a number of alternatives are possible or "fine-tuning" may be required, the planner shall prepare a report and forward the report to the Planning Advisory Committee for discussion and recommendation regarding a public information meeting to Council.

III. Procedural Policy: Remaining Process

The processes set out both in the Public Participation Program approved by resolution of Council and in the Municipal Government Act shall govern all of the remaining process for a planning application.

APPENDIX H

Development Agreement and Substantial Amendment

Location:

MGA	Activity	Date
-	Application Received, or Initiated by Council	
-	Planner advises applicant that \$500 deposit required (300 advertising, 200 application fee)	
-	Applicant makes deposit	
-	Planner reviews application	
-	Once information is complete, Planner prepares report and has it circulated to PAC, Council and applicant and has it placed on PAC agenda	
	Draft ads and motions prepared	
	List of 100' owners prepared	
	planner contacts Town Solicitor to ensure he can review and record agreement	
	PAC considers request and makes changes/requires info from developer; requests authorization from Council to hold PIM	
	Council authorizes PIM by PAC (date set by planner/PAC Chair)	
	PIM ad placed in local paper minimum of 4 days prior to PIM notice posted in Town Hall Planner sends letter to applicant giving PIM date and time	
-	Planner checks paper to ensure ad was placed; dated copy placed in Planning file	
	PIM held; PAC recommendation to Council made	
	Council considers recommendation from PAC and determines direction	
	Planner gives copy of agreement as advertised to Solicitor for review	
	Planner notifies applicant of direction of Council and date of hearing.	
LUB 2.15	Planner sends notice to all owners with 100' at time of first advertisement	
-	Planner sends notice of intent to Provincial Director and Municipalities which abut area affected at time of first advertisement	
	Planner places notice of intent & Public Hearing in newspaper	
	Planner checks paper to ensure ad was placed for 2 consecutive weeks, places dated copy in Planning file	
230(2)	Council holds Public Hearing and makes decision	
230(1)	If approved, (Council shall adopt or amend an agreement by policy)	
230(4)	Planner inserts notice of entering into agreement in paper Planner notifies applicant	
230 (5)	Planner sends Provincial Director copy of agreement certified by Clerk	
	Planner advises Finance (Debbie) of ads placed (form)	
230(6)	If refused, planner notifies applicant within 7 days of decision	
249©)	Planner checks with NSURB following appeal period (14 days) from notice	
	if an appeal, planner and solicitor prepare the Town's case	
228(3)©)	If there is no appeal, Planner sends agreement to applicant for execution by all owners Planner has agreement executed by Mayor and Clerk & completes affidavits	
228(4)	Planner has solicitor records agreement at the Registry of Deeds (note: agreement not effective until filed; Authorized lawyer required by LRA)	
-	Planner provides Kelly with 1 certified copy and memo <reference\development agreements\Kelly amending list> ; sends required certified copies to applicant & keeps 1 certified copy in orange file	
	Planner copies agreement on disc and updates active list Planner inserts notice of agreement in civic file Planner puts electronic copy in computer reference file Planner adds information to "reference\Development Agreements\development agreements - active"	

Figure 1
Site
101 Masons Beach Road
April 2010

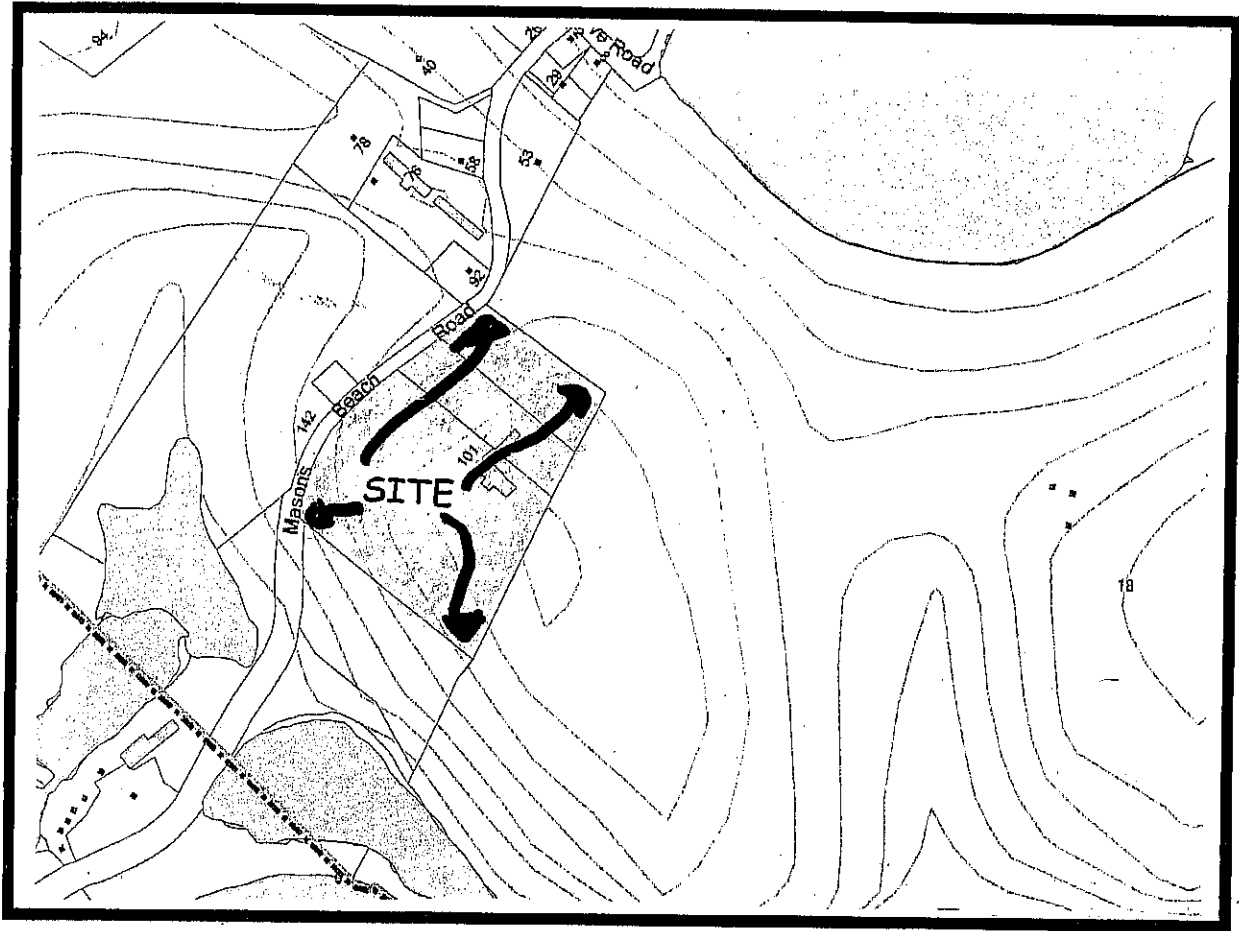
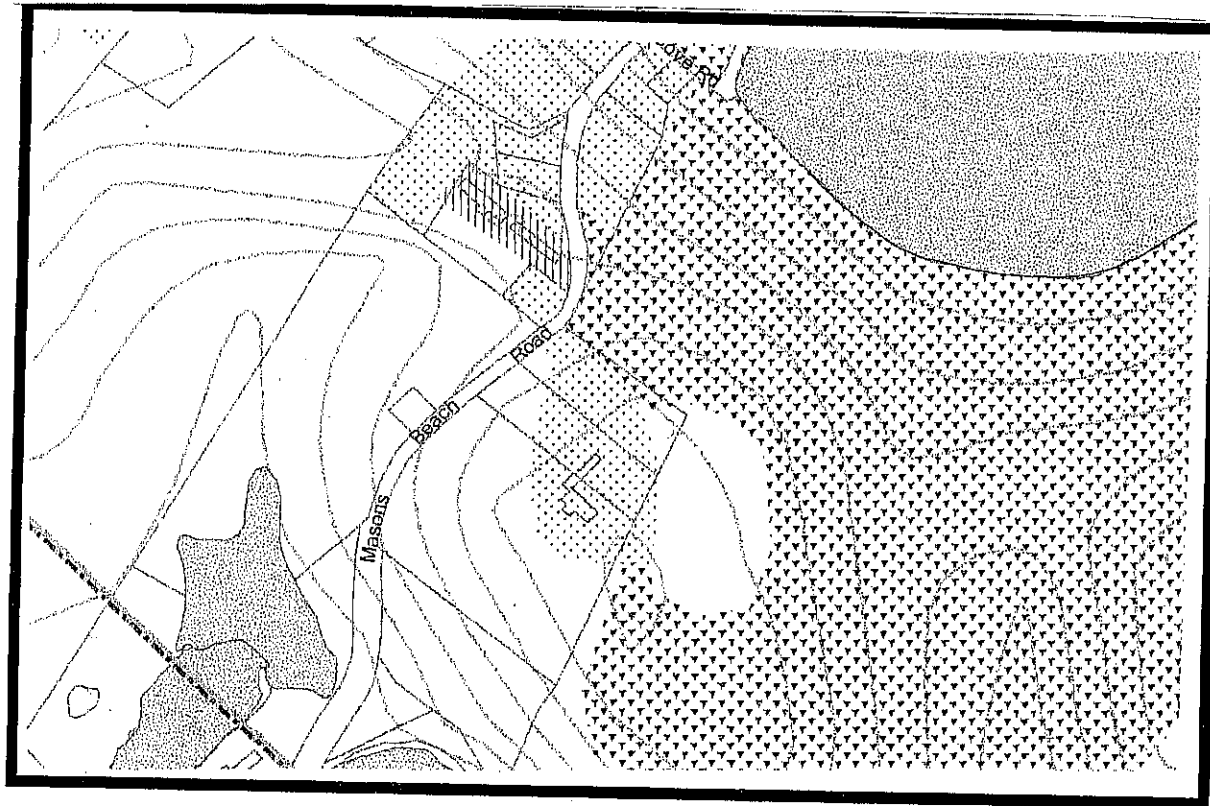


Figure 2
Existing Land Use Map Extract
101 Masons Beach Road
April 2010



TOWN OF LUNENBURG

MUNICIPAL PLANNING STRATEGY

MAP 1

EXISTING LAND USE

LEGEND

- Residential *
- Commercial
- Industry
- Civic and Cultural Uses (Includes Public Utilities)
- Education
- Open Space
- Agriculture, Forestry & Open Country
- Commercial Use in Residential Dwelling
- Private Garage On Separate Lot (Includes No. Of Units)

* * * Indicates Number of Dwelling Units
Based on Existing Land Use Survey Done Oct. 14 & 30, & Nov. 14, 1994

SCALE 1:5000

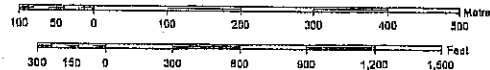
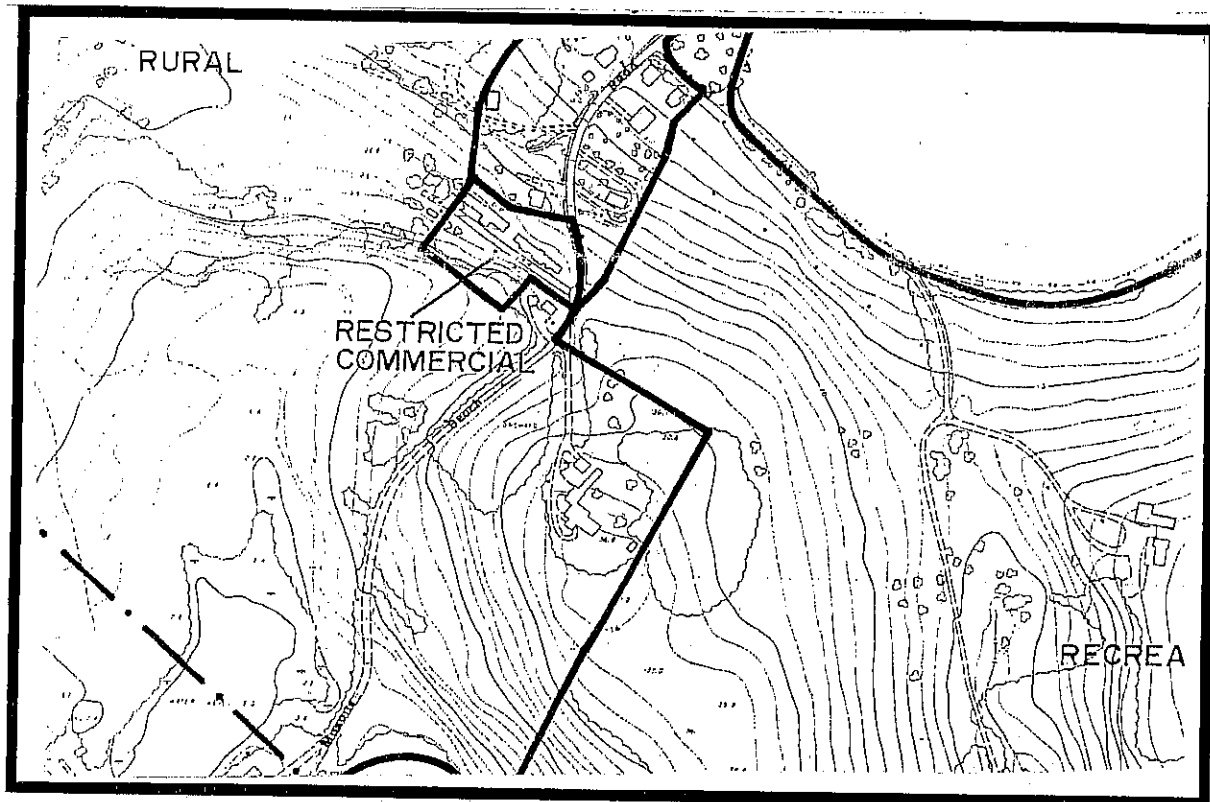


Figure 3
Future Land Use Map Extract
101 Masons Beach Road
April 2010



TOWN OF LUNENBURG

MUNICIPAL PLANNING STRATEGY

MAP 2

FUTURE LAND USE

LEGEND

- INS INSTITUTIONAL
- REC RECREATION
-  ARCHITECTURAL CONTROL AREA
-  HERITAGE CONSERVATION DISTRICT

Adopted by Council 15 April 1996

Approved by the Minister of Municipal Affairs 13 June 1996

Amendments:

April 10, 1997 - to show industrial designation for Burnt (Little) Island and unnamed adjacent Island.

April 2, 1998 - to change the designation of 187 Oxenford Street from Residential to Institutional.

July 15, 2000 - to change the designation of the rear of the property at 12 Sandy Hollow Road from Residential to Rural.

October 12, 2000 - to remove Old Town Architectural Control Area and replace with Heritage Conservation District

(Amendments Continued Below)

NOTE: Private streets are shown in italics

SCALE 1:5000



This base map was prepared by the Lunenburg County District Planning Commission in November 1994

from Topographic Series Mapping (scale 1:2000) produced by Land Registration and Information

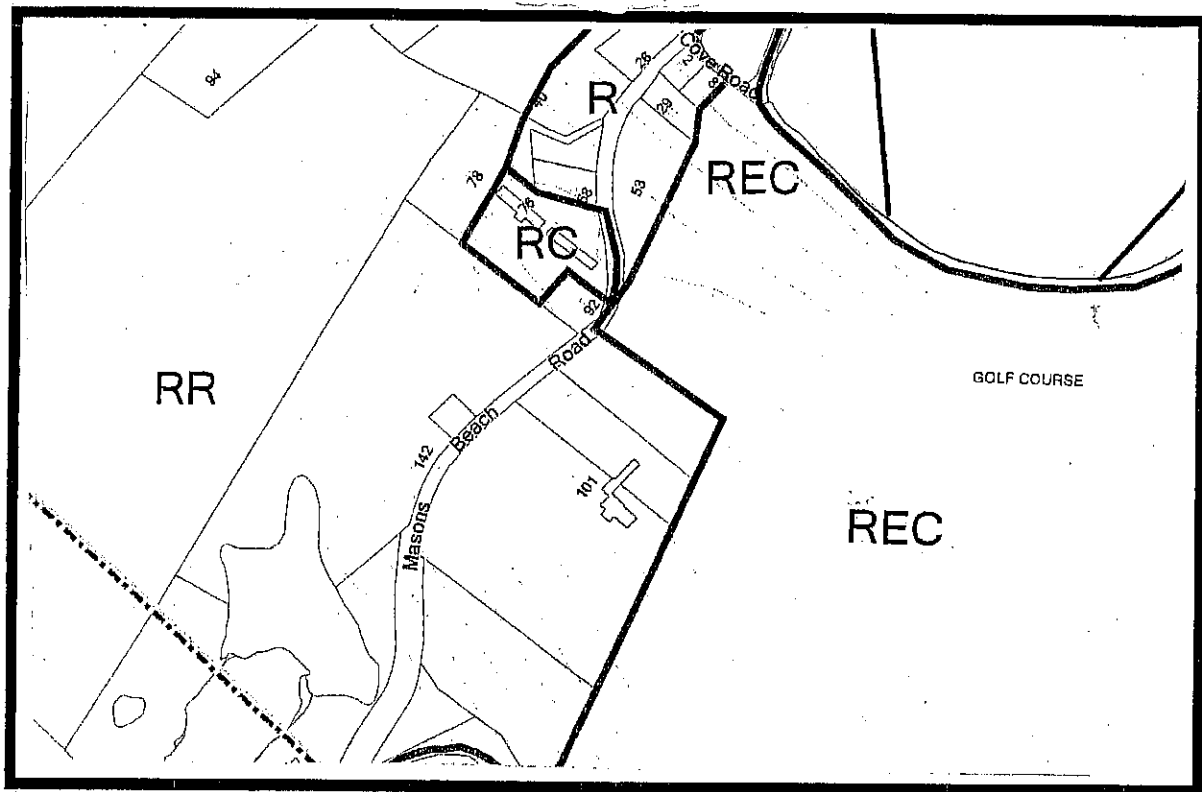
Service (LIRS) from aerial photography flown in May 1988.

Properties shown are a graphic representation of boundaries which approximate the size, configuration and location of parcels.

This map was digitally replicated in July 2006. Please see the original for fully accurate information.



Figure 4
Zoning Map Extract
101 Masons Beach Road
April 2010



TOWN OF LUNENBURG

LAND USE BY-LAW SCHEDULE "A" ZONING MAP

LEGEND

OTR	Old Town Residential	MI	Marine Industrial
R	Residential	I	Industrial
RR	Rural Residential	RI	Rural Industrial
GC	General Commercial	INS	Institutional
RC	Restricted Commercial	REC	Recreation
HC	Highway Commercial	OS	Open Shoreline
CS	Commercial Shoreline	—	Zone Boundary
TM	Tourism Marine		

Adopted by Council 15 April 1996

Approved by the Minister of Municipal Affairs 13 June 1996

Amendments:

April 12, 1997 - to show Marine Industrial (MI) Zone for Point (LUNA) Island and adjacent unnamed island.

April 2, 1998 - to change the zoning of 187 Cumberland Street from Old Town Residential (OTR) to Institutional (INS).

Aug 2, 2000 - to change the zoning of the rear portion of the property at 12 Sandy Hollow Road from Residential (RR) to Rural Residential (RR).

(Amendments Continued below)

Note: Private streets are shown in *italics*

SCALE 1:5000



This base map was prepared by the Lunenburg County District Planning Commission in November 1994 from Topographic Series Mapping (scale 1:2000) produced by Land Registration and Information Service (LRIS) from aerial photography flown in May 1983.

Properties shown are a graphic representation of boundaries which approximate the size, configuration and location of parcels.

This map was digitally replotted in July 2007. Please see the original for fully accurate information.



Circulated: _____

Document No: 7. A. (e.)
Meeting: Council September 28, 2010
Circulate To: Council , BR, PH, MB, ML,
Stellar, Pat Burke, John Camerson
File: 101 Mason's Beach Road

M E M O R A N D U M

TO: MAYOR AND COUNCIL

**FROM: MADELYN LEMAY, PLANNING/DEVELOPMENT/HERITAGE
CO-ORDINATOR**

DATE: SEPTEMBER 28, 2010

**RE: 101 MASONS BEACH ROAD, LUNENBURG
SECOND REVISED DRAFT DEVELOPMENT AGREEMENT FOR 101 MASONS
BEACH ROAD (PLANNING DOCUMENT DA 2009-58 C)**

1. FACTS

The public information meeting for the above-noted development agreement was held September 21, 2010 and a recommendation will be presented by the Planning Advisory Committee at the September 28, 2010 Council meeting.

In the meantime, requests for further minor changes to the draft development agreement have been received from Mr. Pat Burke, acting on behalf of Stellar Investments. These most recent changes have been reviewed by and considered acceptable by Mr. John Cameron, solicitor, who is acting for the Town in this matter. The changes have been requested for clarity. In the case of 1(b) below, the developer was concerned that it could be construed that there is an obligation for him to construct the development in its entirety. The development agreement is a contract which enables but does not require the development to be constructed, and this is the point he wished clarified.

The changes are as follow, with the changes noted in bold:

- 1.(b)...
the use of the properties for the development of:
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - a restaurant, conference rooms, club house, recreation and business center facilities, spa and indoor pool,in accordance with the terms of this agreement and as set out in Schedules B and C. **All uses or phases need not be constructed by the developer.**

- 4(b) that the maximum height of the buildings, as **"height"** is defined in the

Land Use By-law, be sixty-five (65) feet.

- 5(a) **that a maximum of two (2) temporary advertising signs each with a maximum sign area of 3.5 square metres (40 sq.ft.) be permitted on the property. The temporary signs must be removed within thirty-six (36) months of the issuance of the occupancy permit for the hotel, condominiums and apartment structures.**
- 9. Preamble
In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; **any development which commences more than 15 years of the date of this agreement requires an amending agreement.**
- 9(b) that the Town of Lunenburg may discharge this development agreement if **no** use described herein **has been** commenced within sixty (60) months of the date of this agreement.
- 9(c) that the Town of Lunenburg may discharge this development agreement if the use described herein is discontinued for **sixty (60) months** or longer; and

2. **ISSUES AND OPTIONS**

The second revised text of the draft development agreement (Appendix A) is provided for consideration by Council at the September 28, 2010 meeting.

3. **FINANCIAL IMPACT**

The changes within the text of the draft development agreement have no financial impact on the Town.

4. **RECOMMENDATION**

The draft agreement is provided to replace the September 20, 2010 development agreement for consideration at the September 28, 2010 Council meeting.

Approved by

Bea Renton
Town Manager/Clerk

Enclosures: Appendix A - Second Revised Text of Draft Development Agreement

APPENDIX A

REVISED DRAFT SEPTEMBER 27, 2010

This Development Agreement made this day of , A.D., 2010

Between: Stellar Investments Inc., hereinafter called the "Developer"
of the One Part

AND

Town of Lunenburg, a municipal body corporate pursuant to the Municipal Government Act

hereinafter called the "Town"
of the Other Part

WHEREAS the Developer wishes to operate a resort hotel, condominium units and an apartment building on three lots described in Schedule A, located at 101 Masons Beach Road, and identified as Land Information Service Parcel Identifier #s 60053097, 60388097, and 60388105; and

WHEREAS the properties described in Schedule A are situated within an area designated Rural on the Future Land Use Map of the Municipal Planning Strategy (1996), and zoned Rural Residential (RR), on the Zoning Map of the Land Use By-law (1996); and

WHEREAS Policy 6.4 of the Municipal Planning Strategy requires that multi-unit dwellings be considered only by development agreement in the Rural Residential (RR) Zone, and policy 6.5 of the Municipal Planning Strategy requires that tourist accommodations be considered only by development agreement and Part 8 of the Land Use By-law provides that multi-unit residential uses and tourist accommodations be considered only by development agreement in the Rural Residential (RR) Zone; and

WHEREAS the Town by resolution of Town Council passed at a meeting on DATE, approved the proposed development subject to the execution of this development agreement by the parties hereto; and

WHEREAS the Developer is the owner of the properties described in Schedule A;

Now this agreement witnesseth that in consideration of the foregoing recitals and for other good and valuable consideration the parties hereto agree as follows:

1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted uses in Section 8.1 (a) and 8.1(b) of the 1996 Land Use By-law; and
- (b) the use of the properties for the development of:
 - a one hundred and twenty (120) bed resort hotel; and
 - sixty (60) residential condominium units; and
 - thirty (30) apartments; and
 - a restaurant, conference rooms, club house, recreation and business center facilities, spa and indoor pool,

in accordance with the terms of this agreement and as set out in Schedules B and C. All uses or phases need not be constructed by the developer; and

- (c) except as otherwise provided in this agreement, the provisions of the 1996 Land Use By-law apply to any development undertaken pursuant to this agreement.

2. Parking and Driveway Area

- (a) that driveways and a minimum of two hundred and twenty-seven (227) parking spaces be developed and maintained in a manner which meets the requirements of the Town Engineer and Traffic Authority, with a minimum of 227 parking spaces located in an underground parking garage approximately as shown on Schedule B; and
- (b) that the driveways and parking area be surfaced to prevent the raising of dust due to wind or vehicular movement and that these areas be resurfaced or treated from time to time to ensure that dust will not be generated; and
- (c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

3. Landscaping, Lighting and Screening

- (a) that any exterior lighting be limited to lighting for safety and security only, and be focussed on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result; and
- (b) that landscaping in keeping with the nearby golf course and the neighbourhood be developed and maintained on all portions of the property which are not built on; and
- (c) that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as "height" is defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) temporary advertising signs each with a maximum sign area of 3.5 square metres (40 sq.ft.) be permitted on the property. The temporary signs must be removed within thirty-six (36) months of the issuance of the occupancy permit for the hotel, condominiums and apartment structures; and
- (b) that a maximum of two (2) permanent signs each with a maximum sign area of 3.5 square metres (40 sq.ft.) be permitted on the property.

6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or

altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:

- (i) the maximum number of rental units within the hotel; and
- (ii) the maximum number of residential condominium units; and
- (iii) the maximum number of one-bedroom apartments.

9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; any development which commences more than 15 years of the date of this agreement requires an amending agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if the use described herein has not been commenced within sixty (60) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if no use described herein has been commenced within sixty (60) months of the date of this agreement; and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

10. Other

That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the developers, its successors and assigns, the owner or owners from time to time of the property described in Schedule A, until discharged.

11. Compliance with Other By-laws and Regulations

That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

12. Ownership

We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as document # 4029 on July 4, 2003. Stellar Investments Inc. has not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.

Witness

Guenther Reibling, President
Stellar Investments Inc.

Witness	Susan Reibling, Secretary Stellar Investments Inc.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

In the presence of:

Witness	Guenther Reibling, President Stellar Investments Inc.

Witness	Susan Reibling, Secretary Stellar Investments Inc.

TOWN OF LUNENBURG

Witness	D. Laurence Mawhinney Mayor

Witness	Bea Renton Town Manager / Clerk

Circulated: _____

Document No: ~~#~~ 3.(a.) + 5.(b.)

Meeting: PAC September 21, 2010

Circulate To: BR, PH, MB, ML, PB, Stellar, John Cameron

File: 101 Masons Beach Road

MEMORANDUM

TO: PAC; MAYOR AND COUNCIL

FROM: MADELYN LEMAY, PLANNING/DEVELOPMENT/HERITAGE
CO-ORDINATOR

DATE: SEPTEMBER 20, 2010

RE: 101 MASONS BEACH ROAD, LUNENBURG
REVISED DRAFT DEVELOPMENT AGREEMENT FOR 101 MASONS
BEACH ROAD (PLANNING DOCUMENT DA 2009-58 B)

1. FACTS

The public information meeting for the above-noted development is scheduled for September 21, 2010 at 7:00.

The developer requested some minor changes to the text of the development agreement following Council's consideration of the matter August 31, 2010. These requested changes have been reviewed by and considered appropriate by Mr. John Cameron, solicitor, who is acting for the Town in this matter.

The changes are as follow, with the changes noted in bold:

- in clause 1 (a) the references to the land-use by-law have been changed to 8.1 (a) and 8.1 (b);
- in Section 9 (a) the MGA reference has been corrected to "of the Town pursuant to **subsection 229 (2)** of the Municipal Government Act"
- in 9(b) the construction start time has been changed from twelve (12) months to **sixty (60)** months;
- in Section 9, the following additional clause has been added at the beginning: "**Commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; the last phase of any use must be commenced within 15 years of the date of this agreement.**"
- minor wording changes were made in Sections 10 and 12.

2. **ISSUES AND OPTIONS**

The revised text of the draft development agreement (Schedule A) is provided for consideration by the Planning Advisory Committee during the September 21, 2010 public information meeting.

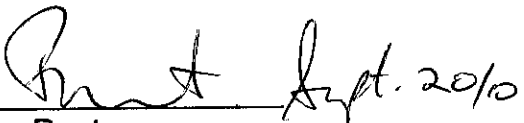
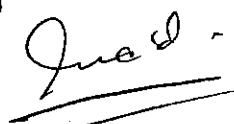
3. **FINANCIAL IMPACT**

The changes within the text of the draft development agreement have no financial impact on the Town.

4. **RECOMMENDATION**

The draft agreement is provided to replace the August 24, 2010 development agreement for consideration at the September 21, 2010 public information meeting.

Approved by


Bea Renton
Town Manager/Clerk 

Enclosures: Appendix A - Revised Text of Draft Development Agreement

(c) that a minimum of two entrances/exits be provided to the development and that each entrance/exit have the approval of the Town Engineer and Traffic Authority

3. Landscaping, Lighting and Screening

- (a) that any exterior lighting be limited to lighting for safety and security only, and be focussed on the lands that are the subject of this agreement so as to minimize the illumination of surrounding areas, and be located so that nearby properties and streets are not illuminated to the extent that a hazard or nuisance will result; and
- (b) that landscaping in keeping with the nearby golf course and the neighbourhood be developed and maintained on all portions of the property which are not built on; and
- (c) that all equipment, parts or waste material be located below ground in association with the parking garage or be screened from the public view.

4. Exterior Appearance of the Structures

- (a) that the exterior appearance of the structures be approximately as shown on Schedule C; and
- (b) that the maximum height of the buildings, as defined in the Land Use By-law, be sixty-five (65) feet.

5. Signs

- (a) that a maximum of two (2) signs be permitted on the property; and
- (b) that the maximum sign area of each sign be 3.5 square metres (40 sq. ft.).

6. Servicing

- (a) that fire flows are to be evaluated and deemed satisfactory by the Town Engineer at the time application is made for a building permit; and
- (b) that a storm drainage plan which is deemed satisfactory by the Town Engineer is provided before a development permit is issued; and
- (c) that any changes to Masons Beach Road in the immediate area of 101 Masons Beach Road that are required by the Traffic Authority and Town Engineer to accommodate the proposed development be carried out prior to a development permit being approved.

7. Maintenance

- (a) that the buildings be kept in good repair, and the exposed exterior surface painted or treated as may be necessary, so that the building is maintained in a tidy and attractive state; and
- (b) that all fences, retaining walls, lawns, trees, shrubs, gardens, and other landscaping elements be regularly maintained and any undeveloped, unused portions of the lot shall be kept in a tidy state and free from unkempt materials or matter of any kind.

8. Changes and Alterations

- (a) that all matters in this agreement not specified in Subclause 8 (b) below are non-substantial matters which may be changed or altered without a public hearing, but with the written consent of Town Council, provided that Town Council determines that the changes do not significantly alter the intended effect of these aspects of the agreement.
- (b) that the following matters are substantial matters and may not be changed or altered except by amendment to this agreement in the form of a further development agreement incorporating the intended change:
 - (i) the maximum number of rental units within the hotel; and
 - (ii) the maximum number of residential condominium units; and
 - (iii) the maximum number of one-bedroom apartments.

9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; the last phase of any use must be commenced within 15 years of the date of this agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge this development agreement if the use described herein has not been commenced within sixty (60) months of the date of this agreement; and
- (c) that the Town of Lunenburg may discharge this development agreement if the

- (d) use described herein is discontinued for twelve (12) months or longer; and that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

10. Other

That this agreement shall enure to the benefit of, and be binding upon the Town and its successors and assigns and shall enure to the benefit of and be binding upon the developers, its successors and assigns, the owner or owners from time to time of the property described in Schedule A, until discharged.

11. Compliance with Other By-laws and Regulations

That nothing in this agreement shall exempt the Developer from complying with other By-laws or Regulations in force within the Town, including the Building Code By-law, or from obtaining any Federal, Provincial or Municipal license, permission, permit, authority or approval required.

12. Ownership

We hereby certify that Stellar Investments Inc. is the sole owner of the property described in the attached Schedule A, having received the deed from Guenther Reibling and Susan J. Reibling, dated July 2, 2003, and recorded at the Bridgewater Registry of Deeds at Page 593 in Book 900 as document # 4029 on July 4, 2003. Stellar Investments Inc. has not disposed of any interest in the property and there are no judgements, mortgages or other liens or encumbrances affecting the property.

Witness

Guenther Reibling, President
Stellar Investments Inc.

Witness

Susan Reibling, Secretary
Stellar Investments Inc.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed by affixing their seals and corporate seals on the day and year first above written.

In the presence of:

Witness

Guenther Reibling, President
Stellar Investments Inc.

Witness

Susan Reibling, Secretary
Stellar Investments Inc.

TOWN OF LUNENBURG

Witness

D. Laurence Mawhinney
Mayor

Witness

Bea Renton
Town Manager / Clerk



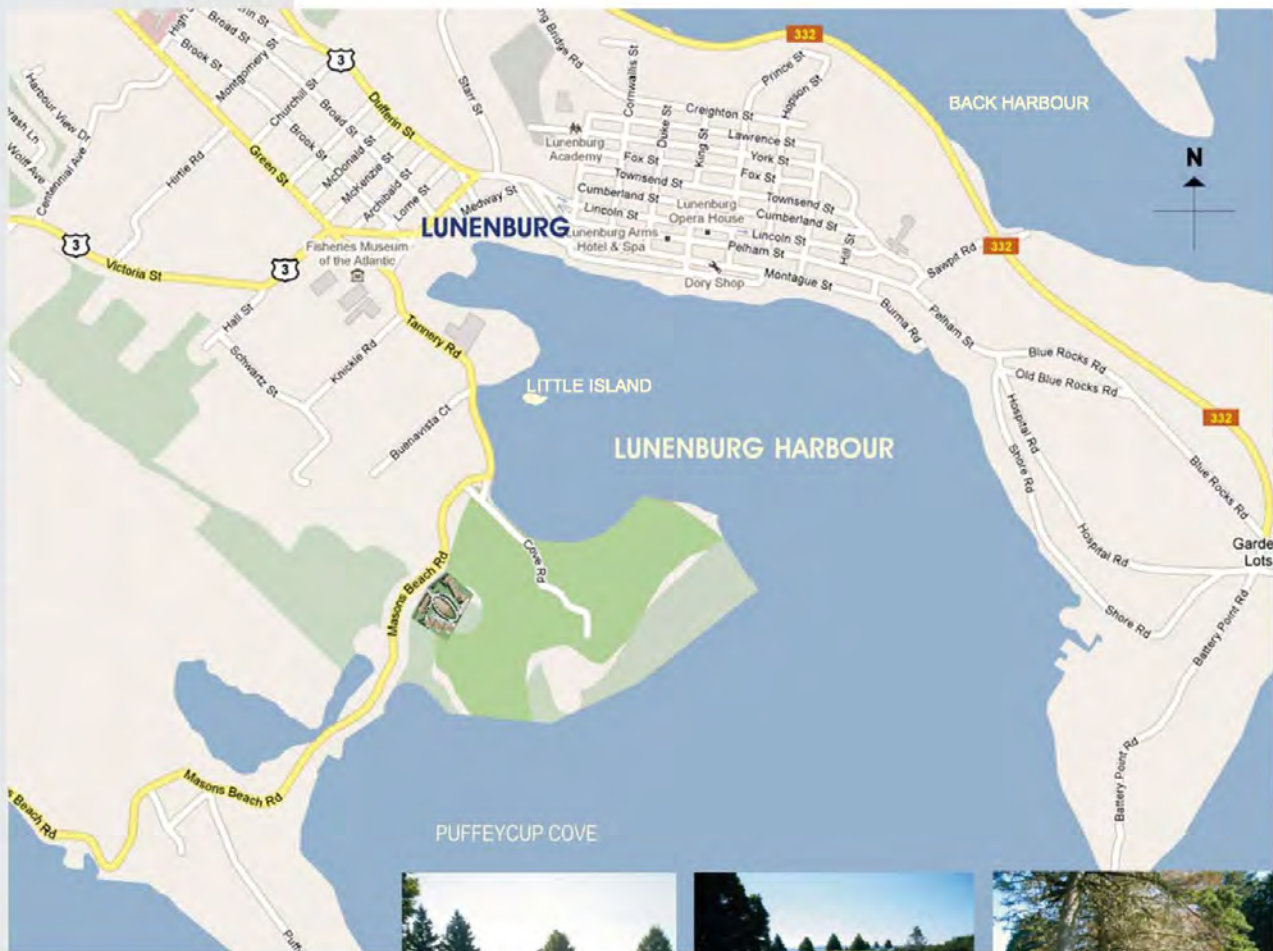
101 MASONS BEACH ROAD



PETROFF PARTNERSHIP ARCHITECTS
PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNenburg NOVA SCOTIA



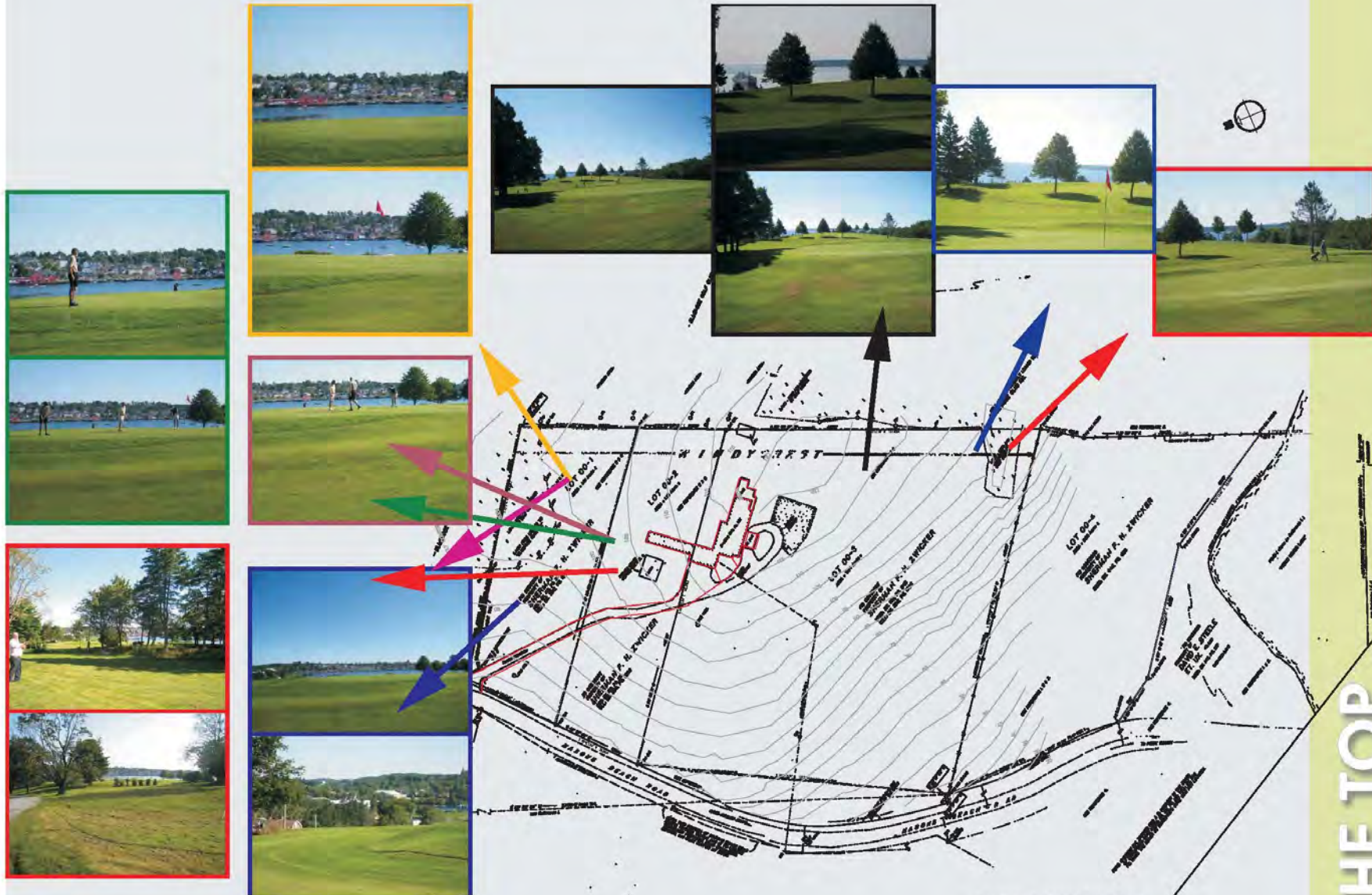
LOCATION

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



VIEWS FROM SITE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA



CONTEXT

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



TOP VIEW

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP

LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC

HOTEL COMPONENTS

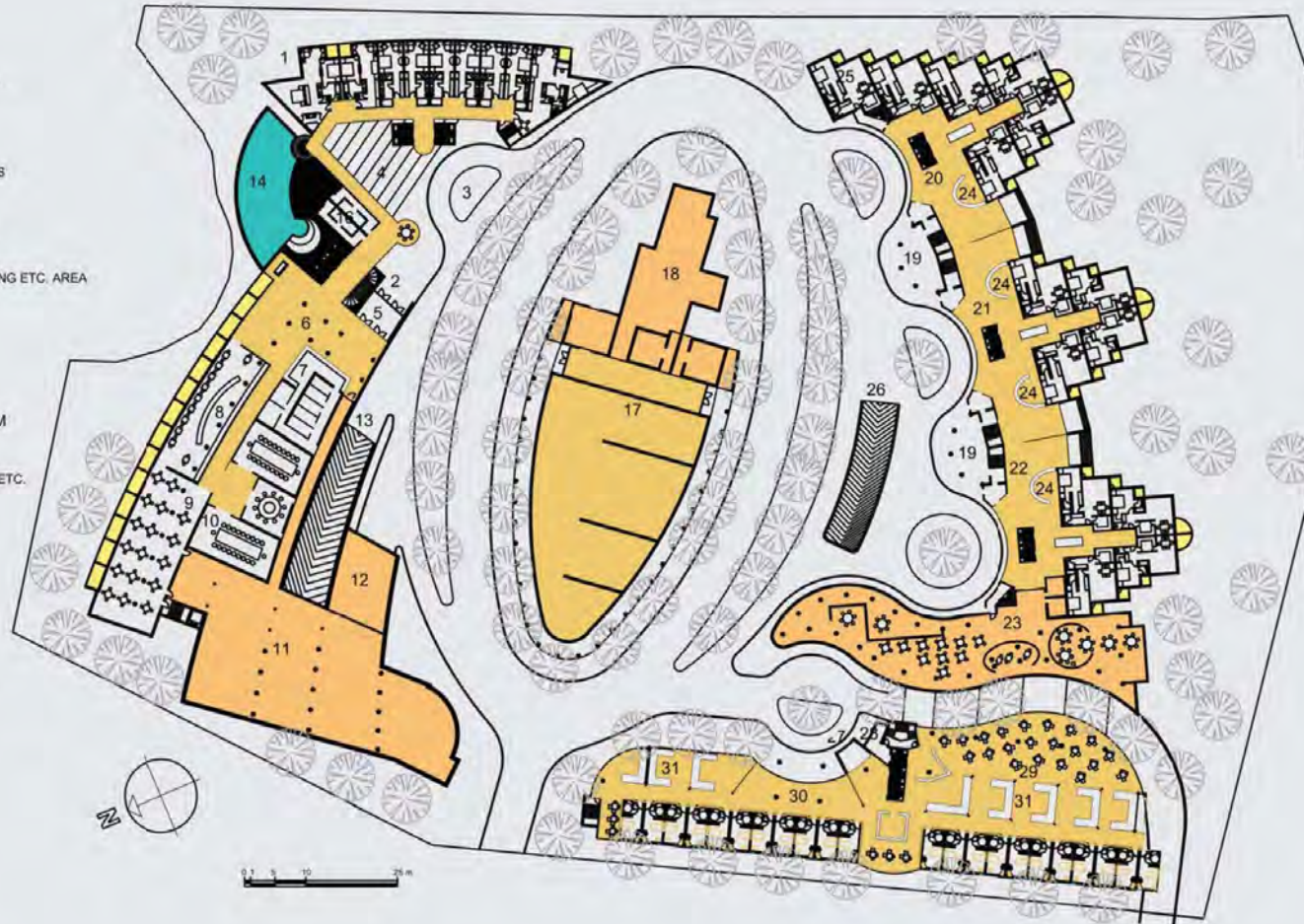
- 1 HOTEL PHASE 2
- 2 MAIN ENTRANCE
- 3 VEHICULAR ACCESS, DROP OFF-PICK UP
- 4 LANDSCAPED COURTYARD
- 5 VESTIBULE
- 6 MAIN LOBBY AND CIRCULATION AREA
- 7 FRONT DESK AND MANAGEMENT OFFICES
- 8 LOBBY BAR, LOUNGE AREA
- 9 RESTAURANT CAFE AREA
- 10 CONFERENCE MEETING ROOMS AREA
- 11 B.O.T.H. KITCHEN STAFF AREA
- 12 SHIPPING, RECEIVING GARBAGE HANDLING ETC. AREA
- 13 U.G. PARKING ACCESS-EGRESS RAMP
- 14 POOL
- 15 POOL DECK
- 16 CHANGING ROOMS

COMMUNITY SPACES, CONDOMINIUM AND APARTMENTS

- 17 FITNESS, CARDIO MACHINES, EXERCISE ETC.
- 18 RESTAURANTS, SHOPS, ETC.
- 19 TERRACES
- 20 LOBBY OF PHASE 1
- 21 LOBBY OF PHASE 2
- 22 LOBBY OF PHASE 3
- 23 PARTIES, GAMES, CONTRACT BRIDGE, TV LOUNGES ETC.
- 24 CONCIERGE
- 25 CARETAKER'S FLAT
- 26 U.G. PARKING ACCESS-EGRESS RAMP
- 27 MAIN ENTRANCE
- 28 SERVICE ENTRANCE
- 29 DINING AND MAIN ACTIVITIES AREA
- 30 LOBBY AND VISITORS AREA
- 31 SPECIFIC ACTIVITIES AREA

UNITS ON GROUND LEVEL

HOTEL UNITS	9
CONDOMINIUM UNITS	14
APARTMENT UNITS	22



GROUND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

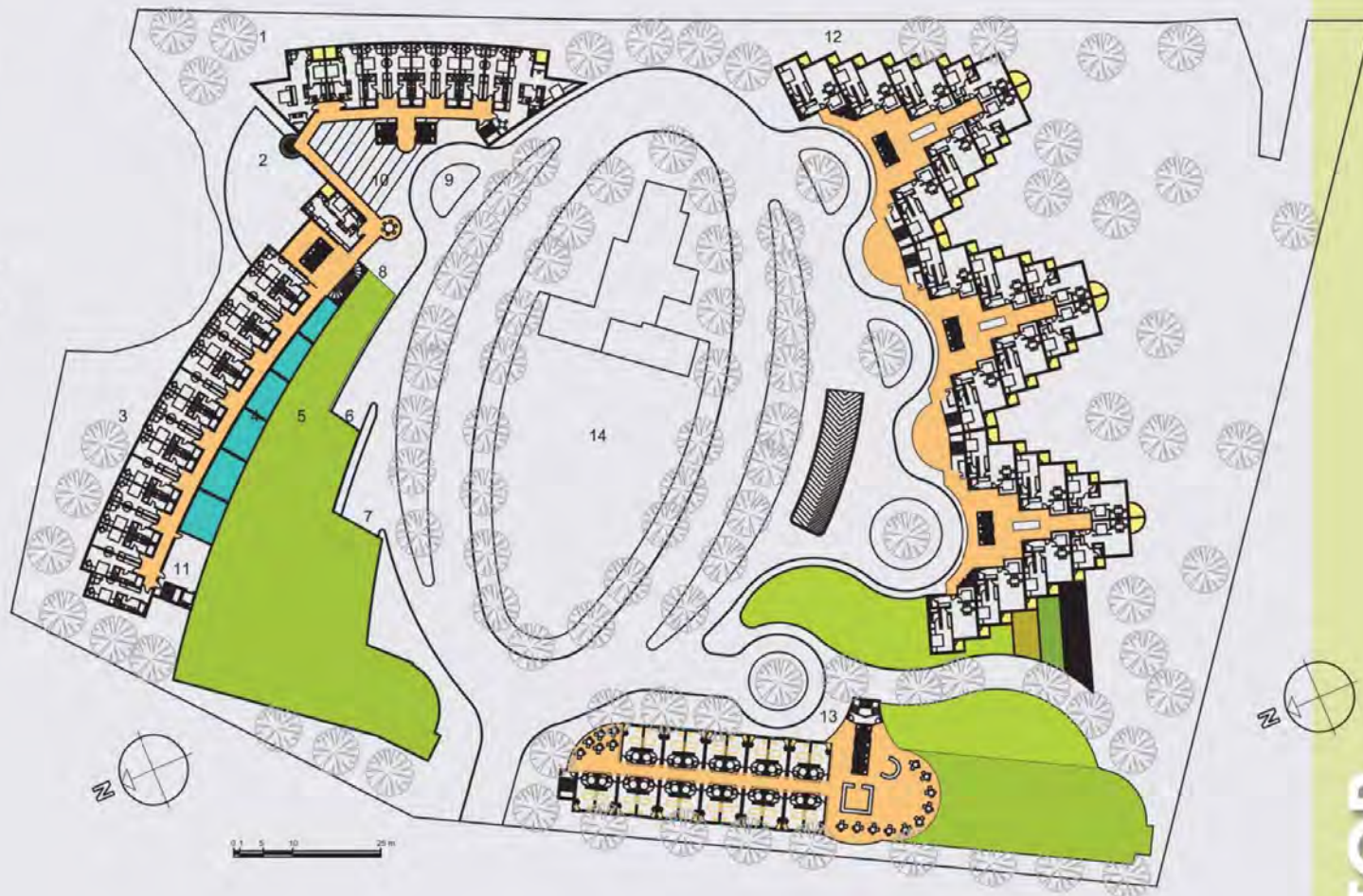
THE TOP
LUNENBURG NOVA SCOTIA

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE 1
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 UG. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 2nd LEVEL

HOTEL UNITS	26
CONDOMINIUM UNITS	20
APARTMENT UNITS	22



2ND FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

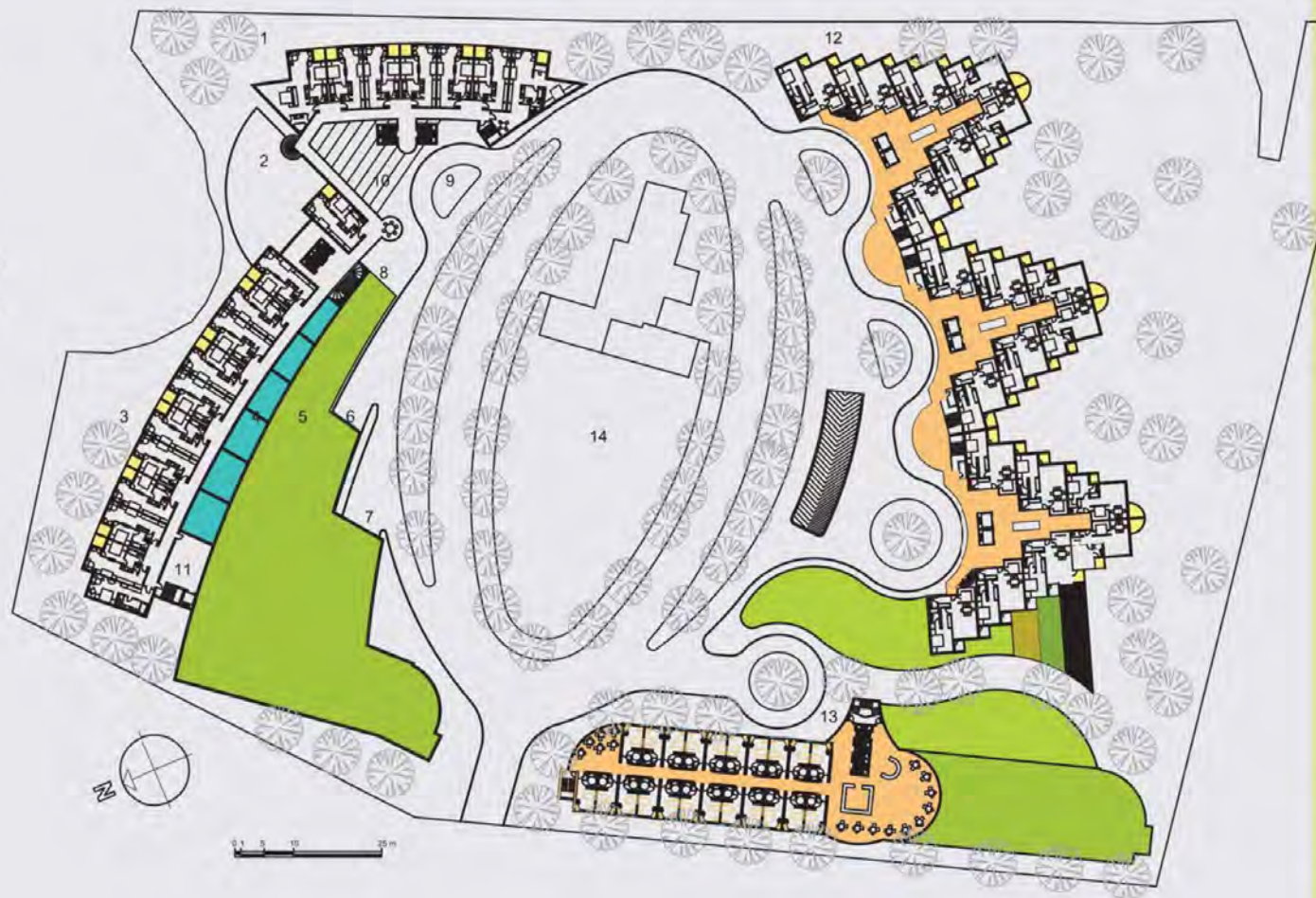
THE TOP
LUNENBURG NOVA SCOTIA

HOTEL: SINGLE ROOMS FLOOR,
SUITES AT SPECIFIC LOCATIONS

- 1 HOTEL PHASE 2
- 2 POOL AREA
- 3 HOTEL PHASE I
- 4 SKYLIGHTS
- 5 LANDSCAPED ROOF TERRACE
- 6 U.G. PARKING ACCESS, EGRESS
- 7 RECEIVING
- 8 MAIN ENTRANCE
- 9 VEHICULAR ACCESS, DROP OFF-PICK UP
- 10 LANDSCAPED COURT YARD AREA
- 11 SERVICE CORE, MAIDS ROOM-STORAGE
- 12 RESIDENTIAL, 3 CLUSTERS-3 PHASES
- 13 LONG TERM CARE
- 14 ROOF OF COMMON FACILITIES

UNITS ON 3rd LEVEL

- | | |
|-------------------|----|
| HOTEL UNITS | 19 |
| CONDOMINIUM UNITS | 20 |
| APARTMENT UNITS | 22 |



3RD FLOOR LEVEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



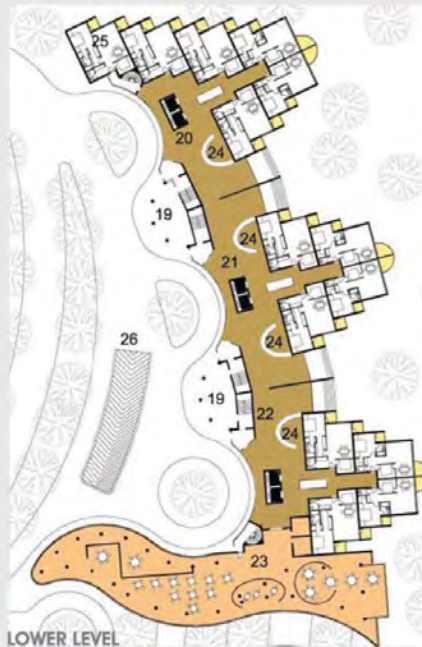
AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNenburg NOVA SCOTIA



LOWER LEVEL



UPPER LEVELS

CONDOMINIUM

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNenburg NOVA SCOTIA



CONDOMINIUM

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



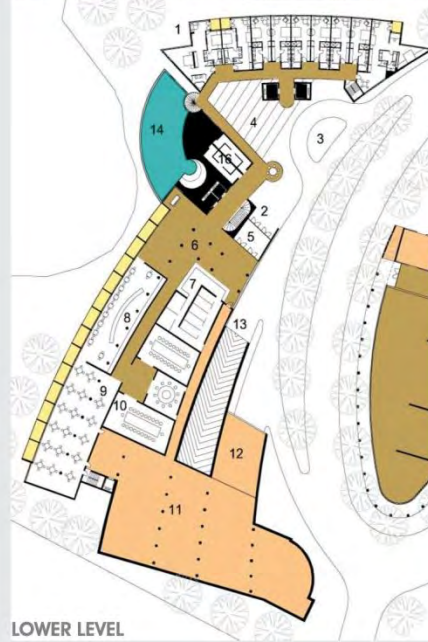
AERIAL PERSPECTIVE

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

THE TOP
LUNenburg NOVA SCOTIA

STELLAR INVESTMENT INC



LOWER LEVEL



UPPER LEVELS

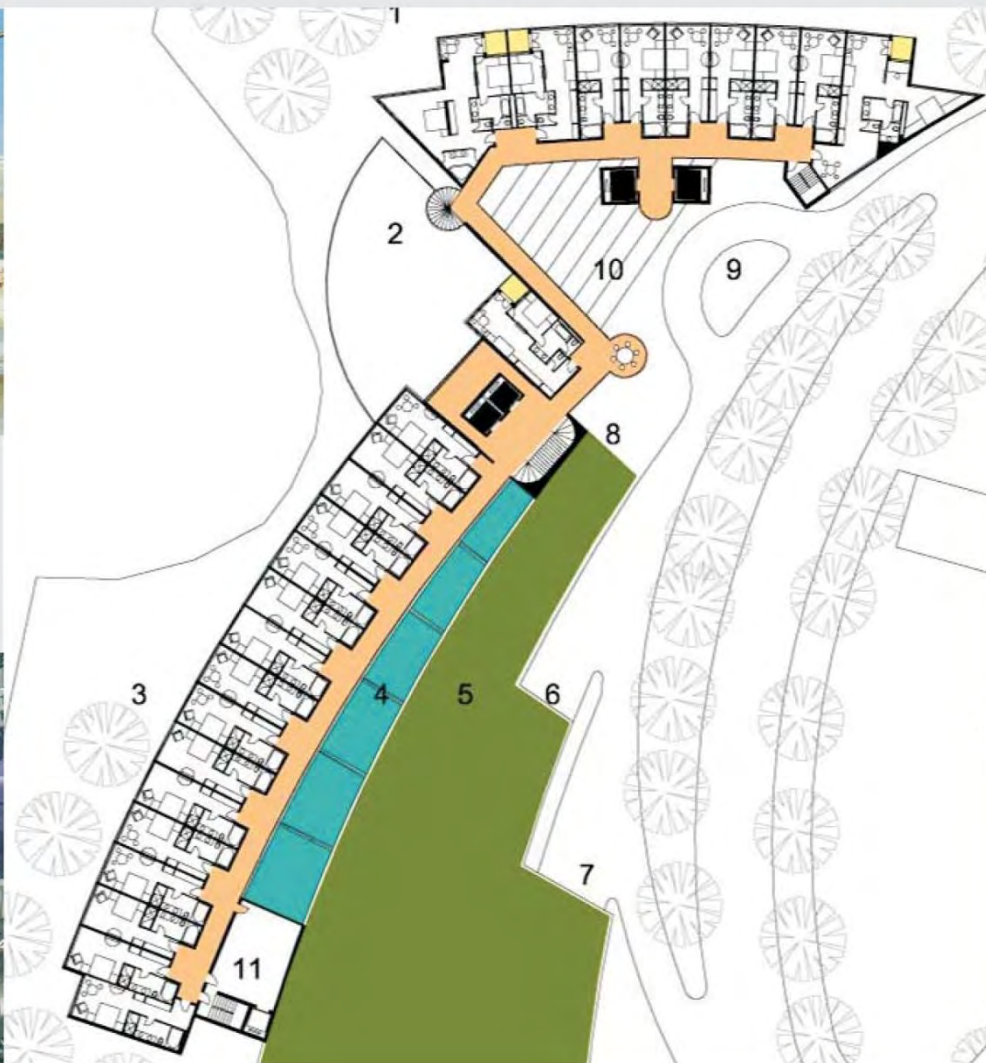
HOTEL

PETROFF PARTNERSHIP ARCHITECTS

PETROFF

STELLAR INVESTMENT INC

THE TOP
LUNENBURG NOVA SCOTIA



HOTEL

PETROFF PARTNERSHIP ARCHITECTS
PETROFF

STELLAR INVESTMENT INC

THE TOP
 LUNenburg NOVA SCOTIA



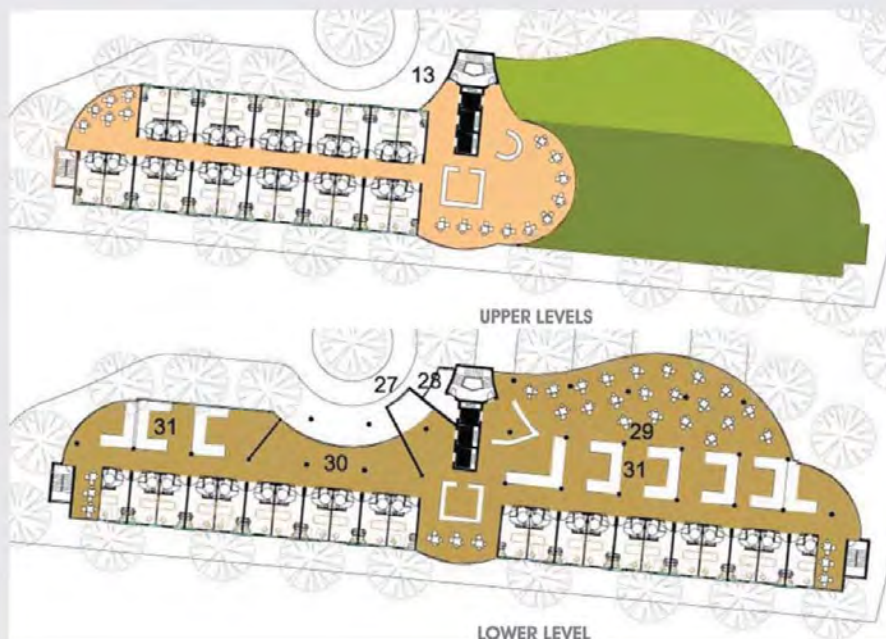
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PETROFF PARTNERSHIP ARCHITECTS

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APARTMENTS

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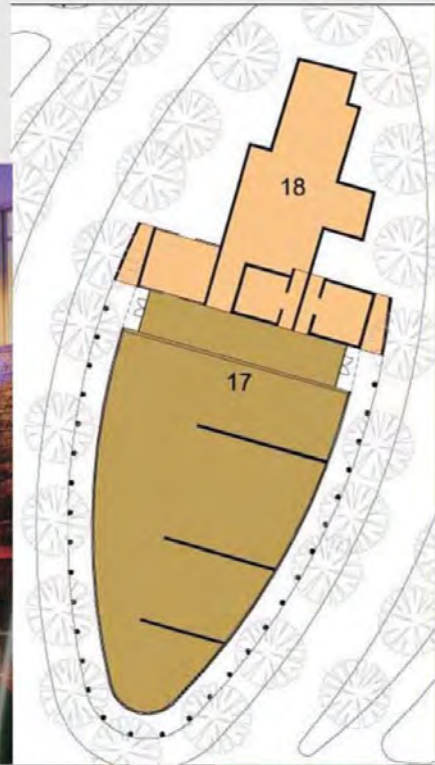
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COMMUNITY SPACES

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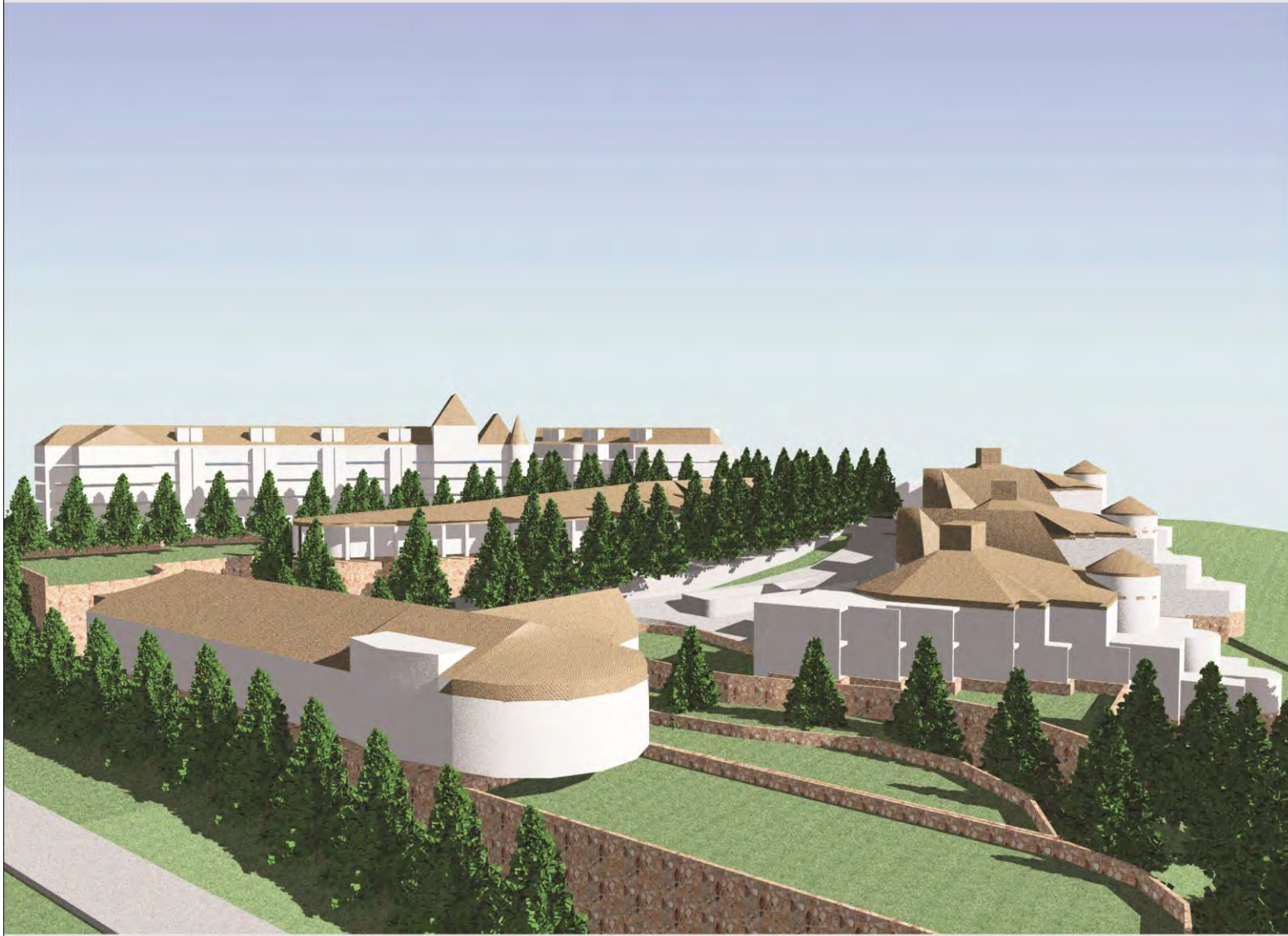
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WEST ELEVATION

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SOUTH ELEVATION

PETROFF PARTNERSHIP ARCHITECTS

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LUNENBURG NOVA SCOTIA



TOP VIEW

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STELLAR INVESTMENT INC



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Schedule E Policies Analysis

Municipal Planning Strategy Policy 19.8, 19.9

Implementation Policy 19.8	Analysis
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:.	<i>Please refer to the draft development agreement, attached as Schedule F, for relevant terms noted below.</i>
(a) specify the development, expansion, alteration, or change permitted; and	Terms of the draft development agreement specify the uses (DA 1. Uses), as well as any changes (DA 8 & 9)
(b) specify the conditions under which the development may occur; and	The draft development sets out conditions in DA 2-7
(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	Terms of termination are found in DA 9. Termination of Agreement

Implementation Policy 19.9	Analysis
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	The proposal is in keeping with the intent of the Municipal Planning Strategy and other applicable By-laws and regulations in the Town. (There is a legal opinion on this. Council felt it was in keeping with initially entering into the DA in 2011).
(b) that the proposal is not in conflict with Municipal or Provincial programs in effect in the Town; and	The proposal is not in conflict with Municipal or Provincial programs.
(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	There may be costs related to the development. DA 6 relates to Serving. A storm drainage plan needs to be approved by the Town Engineer prior to a building permit being issued. It also notes that changes to the road in the immediate vicinity of the subject properties, which are deemed necessary by the Town, are to be carried out prior to a development permit being issued. Who is paying for the upgrades is not expressly written in the agreement. Developer –pay or cost sharing arrangements would need to be addressed if required. Access permits (driveway) would be tied to the capability of the road to handle anticipated traffic load.

(ii) adequacy and proximity of school, recreation and other community facilities; or	Adequate
(iii) negatively affecting the enjoyment of established residences; or	Although abutting a golf course and vacant lands, there will be an impact on nearby residences due to the density and uses on the site. For example, there will be increased traffic travelling on Masons Beach Road. The impact is considered minimal as the subject lands are not adjacent to an established neighbourhood and in a rural environment.
(iv) the creation of any undue traffic hazard or congestion; or	No undue hazard or congestion as a result of this proposal has been identified. Road upgrades may be necessary, which would be determined by the Traffic Authority and Town Engineer.
(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	The operation of the Sewage Treatment Plant is negatively impacted by infiltration and salt water intrusion during significant storm events. Capacity is an issue during these times. The Town is working diligently and committing a great deal of funds and other resources in addressing the storm event related issues. The developer must provide information on the fire flows for the approval of the Town Engineer. It will be the responsibility of the developer pay for costs associated with tying to the Tannery Road 8" sewer line as per usual. The Town Engineer will need to approve the servicing plan - this is not written in the DA but is standard practice.
(vi) adequacy of storm drainage and effects of alteration to drainage pattern, including potential for creation of a flooding problem; or	DA 6.b sets out that the developer must provide a drainage plan to the satisfaction of the Town Engineer before a development permit can be issued.
(vii) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or	No pollution problem has been identified.
(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	The site appear to be suitable, given the information provided.
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	D.A 2 Parking and Driveway Area There is a <u>minimum</u> of 227 parking spaces to be provided with 227 in underground parking. Load calc.: RES 1.25 space X 90 res units= 112.5=113 HOTEL: 1 space X120 units= 120 LUB Parking requirement: is 233 spaces Minimum provided: 227 There is a difference of 6 spaces. Development agreements allow flexibility. Where the difference is small and the DA sets out a

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	DA 3.c. sets out that equipment, parts or waste material be located below ground in association with the parking garage or screened from public view. The Town of Lunenburg contracts for waste removal. Disposal must in in accordance with By-law # 38
(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.	There will be the usual impact as a result of the hotel as well as increased residential density. DA 3 regulates, landscaping, lighting, and screening of the development.

Implementation Policy 5.12A	Analysis
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 sq m. (3,000 sq ft) per dwelling unit up to four and 1,000 sq ft for each additional unit	
(b) Residential developments of 4 or more units must provide 20% of the minimum lot area as dedicated greenspace 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;	Meets the minimum 20% of lot area. Please refer to DA PLANS' Schedule D, which shows the plantings and their mix.
(c) Development must be screened from adjacent one or two unit residential uses by trees and shrubs according to the following requirements: (i) 4-5 units 1.5 m (5 ft) (ii) 6-10 units 3 m (10 ft) (iii) 11-15 units 4.5 m (15 ft) (iv) 16 units and over 6 m (20 ft) The location, plant mix and maintenance standards must be included in the development agreement.	There are no adjacent one or two unit residential uses. The proposal is screened from Masons Beach Road.
(d) 1.25 parking spaces are required for each unit in all developments of 4 and over.	RES 1.25 space X 90 res units= 112.5=113 (see above comments)
(e) parking in the front yard is prohibited	No parking in the front yard. Majority of parking is underground.
(f) location and design of parking spaces and driveways must be included in the development agreement.	Location and design are approximate/concept. Detailed design will be submitted for approval prior to the issuance of a development permit.
(2) In the case of additions to existing residential development, the criteria in subsection (1) apply only to the addition.	N/A
(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.	N/A

	minimum, a load requirement of 227 is reasonable.
(b) that the proposal provides adequate emergency vehicle access; and	DA 2.c sets out that there be a minimum of two access/egress points, which will need to be approved by the Town Engineer and Traffic Authority. The locations are shown on the site plan.
(c) that the hours of operation of the proposed use will not unduly disturb nearby properties; and	None are set out in the agreement for the hotel use. The greatest impact will be on the residential uses within the development.
(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	There are no detailed architectural drawings provided but there are concept drawings in the DA (PLANS attachment). The properties are not in an area of architectural control, Heritage Conservation District, or abutting a designated property. DA 4 Exterior Appearance of the Structure sets the height at 65 ft. and ties the appearance to that similar to the concept.
(e) that the proposal will not significantly alter the existing character or stability of the surrounding neighbourhood; and	The location is more rural in nature; not in or abutting an established residential neighbourhood.
(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	DA 3. Landscaping, Lighting, and Screening Sets out that landscaping is to be in keeping with the nearby golf course and the landscaping plan The development will be taking advantage of the aesthetic provided by the adjacent golf course. The PLANS show buffering along Masons Beach Road as well as the landscape plan. DA PLANS' Schedule D shows the plantings and their mix. The majority of the parking will be underground. There are no abutting residential uses that require screening.
(g) that residential developments provide sufficient usable outdoor open space; and	There is sufficient usable open space on the landscaping plan. It is shown as "Lawn" or "Lawn Area" on DA PLANS' Schedule D.
(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	There is no apparent or anticipated risk of damage to the natural or built environment.

Schedule F

Development Agreement Approval Process





THE TOWN OF LUNENBURG

Draft Amending Development Agreement
(draft date: 12 May 2021)

Between:

Stellar Investments Inc.

And

**Town of Lunenburg,
Lunenburg, Nova Scotia**

To permit the development of a resort hotel, condominium, and apartment building on three lots PIDs 60053097, 60388097, 60388105, at 101 Masons Beach Road, Lunenburg

Original agreement approved by Town Council on the 7th day of December, 2011

Amending agreement approved by Town Council on the ____th day of ____, 20__.

Signed and entered into this ____ day of _____, 2021.

This Amending Agreement made this _____ day of _____, 2021.

BETWEEN:

STELLAR INVESTMENTS INC. of Lunenburg, Nova Scotia,

hereinafter called the “**DEVELOPER**,”

OF THE FIRST PART;

- and -

THE TOWN OF LUNENBURG, a body corporate pursuant to the *Municipal Government Act* (SNS 1998, c. 18), having its chief place of business at Lunenburg, in the District of Lunenburg, Nova Scotia,

hereinafter called the “**TOWN**,”

OF THE SECOND PART.

WHEREAS the **DEVELOPER** is the registered owner of certain lands located 101 Masons Beach Road (PIDs 60388105, 60388097, 60053097), Lunenburg and which said lands are more particularly described in Schedule “A” to this Agreement, hereinafter called the **PROPERTY**;

AND WHEREAS the Town of Lunenburg, at a meeting held on the 7th day of December 2011, approved an application by the Developer to enter into a development agreement to allow for construction of a resort hotel, condominium units, and an apartment building on the Property, the said agreement being recorded at the Lunenburg County Land Registry Office on 13 April 2011 as Documents # 98138186 and 98133375 (hereinafter called the “**Existing Agreement**”);

AND WHEREAS the Developer has requested the Town approve an amendment to the Existing Agreement to allow for to allow for a 10 year extension to commencement;

AND WHEREAS the Town wishes to amend Existing Agreement to reference multi-unit dwellings;

AND WHEREAS the Council for the Town of Lunenburg approved these requests at a meeting held on the __ day of ____, 20__

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree to the following amendments:

1. to allow for a 10 year extension to commencement by amending Part 9. Termination of Agreement as follows:
 - a. In the first paragraph, after *commences more than*, delete “10” and insert “20” before *years from the date of this agreement*;
 - b. In the first paragraph, after *this agreement requires* delete “an” and insert “a further” before *amending agreement*;
 - c. In the third line of 9.(b), after *sixty (60) months of the date of this* insert “amending” before *agreement*;
 - d. In the third line of 9.(c), after *sixty (60) months or longer* insert “(which period is fully after the date of the amending agreement)”;
2. to reference multi-unit dwellings in 1. Use as follows:
 - a. after *bed resort hotel*; and delete
 - sixty (60) residential condominium units: and
 - thirty (30) apartmentsinsert
 - multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); andbefore
 - *other facilities ordinarily ...*

Consolidated amendments for 1. Use and 9. Termination of Agreement

1. Use

That the development on the properties described in Schedule A shall be limited to:

- (a) those uses specified as permitted in uses Section 8.1 (a) and 8.1 (b) of the Land Use By-law; and
- (b) the use of the properties for the development of:
 - a one hundred and twenty (120) bed resort hotel; and
 - multi-unit dwelling with sixty (60) units (shown as Building C); and
 - multi-unit dwelling with thirty (30) units (shown as Building D); and
 - other facilities ordinarily associated with a business centre, hotel or condominium complex including without limiting the generality of the foregoing a restaurant, conference rooms, club house, tennis courts, recreation and business centre facilities, spa and indoor/outdoor pool,in accordance with the terms of the this agreement and as set out in Schedules B and C. All uses or phrases need not be constructed by the developer; and
- (c) except as otherwise provided in this agreement, the provisions of the Land Use By-law apply to any development undertaken pursuant to this agreement.

9. Termination of Agreement

In this clause, commencement of a use means commencement of construction for that use; discontinuance of a use includes an interruption in construction of that use; development may be phased; any development which commences more than 20 years from the date of this agreement requires a further amending agreement.

- (a) that this agreement shall be in effect until discharged by resolution of the the Council of the Town pursuant to subsection 229(2) of the *Municipal Government Act*, whereupon the Land Use By-law shall apply to the lands described in Schedule A; and
- (b) that the Town of Lunenburg may discharge the development agreement if no use described herein has been commenced within sixty (60) months of the date of this amending agreement; and
- (c) that that the Town of Lunenburg may discharge this development agreement if there is no use described in Section 1 (b) for a period of sixty (60) months or longer (which period is fully after the date of the amending agreement); and
- (d) that the Town of Lunenburg retains the option of discharging this development agreement should any fact provided by the developer to the Town constitute a material misrepresentation of the facts.

IN WITNESS WHEREOF the parties hereto for themselves, their successors and assigns have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

DEVELOPER

Witness

Timothy Reibling , President
Stellar Investments Inc.

TOWN OF LUNENBURG

Witness

Matt Risser, Mayor

Witness

CAO & Municipal Clerk, Bea Renton

Province of Nova Scotia, _____.

On this _____ day of _____, 2021,
before me the, subscriber personally came and
appeared _____, a
subscribing witness to the foregoing agreement,
who having been by me duly sworn, made oath
and said that the Developer, one of the parties
thereto, signed, sealed and delivered the same
in his/her presence.

A Commissioner of the Supreme
Court of Nova Scotia

Province of Nova Scotia, County of Hants.

On this _____ day of _____, 2021, before me,
the subscriber personally came and appeared
_____, a subscribing
witness to the foregoing agreement, who having
been by me duly sworn, made oath and said that
_____,
signing authorities for the Municipality of East
Hants, one of the parties thereto, signed, sealed
and delivered the same in his/her presence.

A Commissioner of the Supreme
Court of Nova Scotia

SCHEDULE A

To be inserted from pdf of original development agreement (three lots)

My name is Scott McVittie and I am the President of the Bluenose Golf Club.

The Board of Directors of the Bluenose Golf Club are elected to manage and direct the operations of the club. All statements made today represent those of the president with input from those on the executive committee and the sub-committee.

The Bluenose Golf Club has been operating on a large parcel of land on Kaulbach Head since 1933. Mr. Homer Zwicker and the owner of the property, Mr. Edwin Kaulbach, met and after a favourable lease arrangement was made, golf course construction began on the land in May 1933.

Mr. Zwicker was the first President of the newly formed Bluenose Club which officially opened on July 8, 1933 with the Governor General in attendance. Mr. Zwicker later built his home on the adjacent property which now belongs to Stellar Investments, the developer.

We have come a long way since the opening day, yet many things remain the same. The old house and barn are still used as operating buildings of the golf club. Our club is extremely fortunate to have had the willingness of the Kaulbach family to lease the land since 1933. It is recorded that the original lease of \$400.00 per year was agreed upon, however, Mr. Kaulbach

waived the first year lease because of the significant expenses encountered to get the club operational to play in 1933.

We, the Bluenose Golf Club, have the same good fortune of leasing from Mr. Ron Kaulbach, who is most compassionate to our mission and vision of continuing to play golf in the scenic and quiet serenity of Kaulbach Head across the harbour from the UNESCO heritage site of beautiful Lunenburg, Nova Scotia.

Stellar Investment Inc. (the developer), has been a neighbour since they purchased the former Zwicker property and have continued to provide access to a portion of number 6 green and number 3 tee through a lease agreement for \$1 per year. For that, we are very grateful. Unfortunately, the property has not been kept up or lived in for many years and the grounds and buildings are in need of desperate repair or perhaps are now beyond repair. We made attempts to discuss the development with Tim Reibling, but we were unable to connect prior to this meeting. The Bluenose Golf Club is not against some sort of development on the property because, as I stated, there is welcomed and significant maintenance to be done on the property. However, the Bluenose Golf Club has concerns with the development proposal that was submitted over 10 years ago. The massive nature of the entire proposal is the biggest concern. With 227 planned underground parking spaces is such that we are very concerned with the tremendous amount of excavation required which we believe will be harmful to the golf club. The amount of construction effort required to

transport the earth needed to be taken away from that site is mind boggling. The town must decide if the current roads can handle that level of activity. The town also must be sure that any development can be serviced for water and sewage and other support.

Our club is very concerned with the duration of time it will take to construct as well as the level of noise and debris to complete this development. How long does the developer have to complete the project? How much disruption will our members put up with before moving to a quieter and cleaner location for a game of golf?

The construction of a business center, 120 bed hotel resort, 60 condo units and 30 apartments as well as other associated facilities is a mega construction project never seen before in this area or perhaps all of Nova Scotia. There was a spa in the Aspotogan area that began construction in the 80's or 90's but was never finished and eventually was demolished. We want to make sure that cannot be allowed to happen here.

This development project is so enormous that the Bluenose Golf Club is very concerned about our own infrastructure with regard to our underground water and sprinkler lines as well as the disruption our membership would endure for the duration of the construction process.

Another concern is the fact that our golf activities whereby our members and guests are hitting golf balls and it is not uncommon for wayward golf shots to fly off beyond their

intended target. There is a strong possibility golf balls will be headed toward the condominiums and the designated pool area of the hotel. We have great concerns of hitting into the adjacent property as well as hitting people or breaking windows. How do we make sure that does not happen, do we install fences or netting or perhaps even change the layout or move greens, a very expensive undertaking. Everyone wants a good neighbour, so our activity could require change if the development proceeds as close to the boundaries as proposed. We also tend to mow greens at dawn or sometimes earlier so that is another factor when building residential or commercial accommodations next to a golf course.

Our final concern rests with our fear of an approved long term development agreement in place that is connected to the property only to have the property sold. New owners may not have the same interests and concerns for the golf operation or the environment or the neighbourhood. Can the permit be attached to the present owners of the property and not be transferrable?

The people of Lunenburg want to see an attractive development fitting of the heritage and architecture of this beautiful town. The Bluenose Golf Club would like to see the same, but a much smaller development that compliments the golf course rather than one that pushes the infrastructure to the boundaries of the property. We ask the town to be diligent

in reviewing this proposal, rather than providing a rubber stamp renewal. I have heard the town has been working on a new strategy plan and new by laws. Most if not all of the councilors on council today were not part of this approval 10 years ago. We believe the town should NOT extend the previous agreement but start fresh and request a new, shorter term proposal which provides more detail in both building specifications and timeline information, so that the town has some ability to not let the project get out of control. It is important the final development agreement has all the necessary conditions to ensure the project will add to the beauty of the town and not significantly and negatively alter the activity of the citizens and neighbours, during construction or after.

Thank you,

Respectfully submitted,

Scott McVittie

President , Bluenose Golf Club

PLANNING ADVISORY COMMITTEE MEETING RECOMMENDATIONS

WEDNESDAY, JUNE 2, 2021

To recommend that Council give First Reading and set a Public Hearing date for the draft Municipal Planning Strategy, Land Use By-law, and Subdivision By-law with specifications, dated 2 June 2021, with minor non-substantive changes (Schedule B, Municipal Planning Strategy Draft, Land Use Bylaw Draft, Subdivision Bylaw Draft, Specifications for Subdivision Draft, June 2, 2021).

PLANNING ADVISORY COMMITTEE MEETING MINUTES

WEDNESDAY, JUNE 2, 2021 AT 6:00 P.M.

VIA ZOOM

PRESENT: Councillor Susan Sanford, Chair
Councillor Stephen Ernst
Councillor Ed Halverson
Peter Goforth, Citizen Appointment
Derek Kinsmen, Citizen Appointment
Mayor Matt Risser, ex officio
Gerry Rolfsen, Citizen Appointment

ALSO PRESENT: Steffen Käubler, Principal, Upland Planning and Design (Planning Consultant)
Heather McCallum, Assistant Municipal Clerk
Bea Renton, CAO
Dawn Sutherland, Planning and Development Manager
Ian Watson, Senior Planner, Upland Planning and Design (Planning Consultant)

1. Call to Order

The Chair called the meeting to order at 6:06 p.m.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Chair recognized Lunenburg's location on the unceded territory of the Mi'kmaq People.

3. Agenda

Motion: moved and seconded to approve the agenda. Motion carried.

4. Approval of minutes

a. Planning Advisory Committee May 19, 2021 meeting minutes

Motion: moved and seconded that the minutes of the May 19, 2021 meeting of the Planning Advisory Committee meeting be approved. Motion carried.

b. Planning Advisory Committee May 26, 2021 meeting minutes

Motion: moved and seconded that the minutes of the May 26, 2021 meeting of the Planning Advisory Committee meeting be approved. Motion carried.

5. Business Arising from the Minutes/Unfinished Business
6. Public Information Meeting – Second Session
 - a. New Draft Planning Documents (Municipal Planning Strategy, Land Use Bylaw, Subdivision By-law with Specifications – Upland Planning and Design Consultants Presentation and Public Submissions)

The Planning and Development Manager provided an overview of the public consultation, including these public information sessions ([Schedule A](#), Public Information Meeting Process Outline) and introduced the Town's Planning Consultants from Upland Planning and Design. The consultants next provided a summary of the key elements of the updated planning documents dated June 2, 2021, which they had drafted based on community consultation to date. The June 2nd drafts of the documents are attached as [Schedule B](#), Municipal Planning Strategy Draft, Land Use Bylaw Draft, Subdivision Bylaw Draft, Specifications for Subdivision Draft, June 2, 2021.

The Chair called for public submissions in relation to the proposed planning documents. There were no additional written submissions. There were on line Zoom chat questions ([Schedule C](#), Public Zoom Questions) from members of the public, to which the Planning Consultants responded referencing the relevant sections of the revised planning documents.

[Motion](#): moved and seconded to close the public information portion of the meeting. [Motion carried](#).

The Planning Consultants presented the draft documents and recapped the amendments they made since the May 26th Committee meeting in response to public comments and minor typographical and clarifications ([Schedule D](#), Presentation with updates to June 2, 2021).

[Motion](#): moved and seconded that the Planning Advisory Committee recommend that Council give First Reading and set a Public Hearing date for the draft Municipal Planning Strategy, Land Use By-law, and Subdivision By-law with specifications, dated 2 June 2021, with minor non-substantive changes ([Schedule B](#)). [Motion carried](#).

4. Next Meeting Dates
 - As required – TBA.
5. Adjournment

[Motion](#): moved and seconded to adjourn the meeting. [Motion carried](#).

The Chair adjourned the meeting at 7:27 p.m.

Bea Renton, CAO

Public Information Meeting Process Outline

1. Opening of the Public Information Meeting

A public information meeting provides members of the public with an opportunity to learn about a proposal and make their views known to the Planning Advisory Committee. A public information meeting is required under the Town of Lunenburg's Public Participation Program.

In terms of process, after the public information meeting is held, PAC may make a recommendation to Council or defer decision to a later date if, for example, more information is requested. Please note that time for questions from the gallery is during the Public Information Meeting. Once the meeting is closed, discussion is to be between the Committee members only. The public will have another opportunity for input should Council forward the proposal to a public hearing. After the public hearing, Council will make the final decision.

2. Review of General Rules of Conduct

There are a few general rules of conduct that are to be observed so that everyone who wishes to speak can do so in an open and respectful environment. The general rules of conduct for speakers are:

- *Please state your name and civic address clearly so that it may be recorded in the minutes.*
- *We ask that you be respectful of others opinions*
- *Speakers will be limited to one presentation unless called upon by the Chair for further comment. Speakers are limited so that all may have an opportunity to participate.*
- *PAC members may question each speaker.*
- *Comments and questions by the public are to be directed to the Chair.*

3. Public Information Meeting #2

- (a) New draft planning documents (Municipal Planning Strategy, Land Use By-law, Subdivision By-law with specifications. – Upland Planning and Design
 - (i) Presentation by Upland Planning and Design
 - (ii) Written submissions
 - (iii) Public input (oral submissions)

4. Closing of the Public Information Meeting

Motion: moved and seconded to close the Public Information Meeting portion of the Planning Advisory Committee meeting.

MUNICIPAL PLANNING STRATEGY DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG MUNICIPAL PLANNING STRATEGY, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:

Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change

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Chapter 1 - Introduction

1.1 The Municipal Planning Strategy

This Municipal Planning Strategy (“MPS”) is the policy document that guides land use and development in the Town of Lunenburg. It provides the context and policy for a variety of land use and development topics, including housing, infrastructure, commercial and industrial uses, parks and open spaces, the environment, and more. The Municipal Planning Strategy is primarily implemented through two other documents, the Land Use By-law and the Subdivision By-law. The first establishes zoning and the other standards by which development is approved. The second establishes the process for subdividing land and the standards for infrastructure (streets, sewer, and water) constructed through the process of subdivision.

1.2 Lunenburg Context

Lunenburg, or E’s’e’katik, was first inhabited by the Mi’kmaq people, and oral and archeological evidence dates the traditional territory of Mi’kma’ki back more than 10,000 years. In the Lunenburg region First Nations people used the land for agriculture, fishing, and hunting; however, the nature of these practices left little physical evidence visible today.

The first European contact in Lunenburg was made by the Acadians in the 17th century, and these families established a logging and farming community. In 1753, settlers from southern and central Germany, Switzerland, and the Montbeliard region of France were recruited by the British and settled in the Lunenburg area. Lunenburg was established as a Town in 1888, signaling a period of colonial prosperity. The impacts of European settlement have often not been accurately recorded in the history of what are now predominately white communities, and the displacement and genocide (Article II Genocide Convention, United Nations) resulting from settlement across Mi’kma’ki and Turtle Island (or North America) is often omitted from the narrative.

As a structure for settlement, the British established what is now known as Old Town, built on its rectangular grid of 48 blocks with narrow lots. The town continued to expand and New Town was established west of Old Town by the late 19th century.

Throughout the history of Lunenburg, sea related activities have played an integral role in the town’s development. A thriving economy was established on the trade of fish and was supported by shipbuilding and the town’s docklands. This legacy carried forward into the 20th century where large fishing vessels were routinely launched, including the Bluenose, a celebrated fishing and racing schooner that can today be seen on the Canadian dime.



Like several other Nova Scotia coastal communities, Lunenburg prospered during times of war. Lunenburg provided ships and other materials during World War II. During the same time, Lunenburg hosted a group of the Royal Norwegian Navy, a legacy which still exists today at Camp Norway.

Today, Lunenburg is one of several population centres along Nova Scotia's South Shore, including the Towns of Bridgewater and Mahone Bay. These towns offer local and regional services to residents and visitors in the area. However, like many communities in Nova Scotia, the population of Lunenburg has decreased and aged over the past decade. The decline of traditional marine industries, including fishing, has been a major contributing factor to Lunenburg's population decline.

This has been offset to a degree by recent economic development success stories in industries such as aerospace and video game development. These have provided new employment opportunities, though many employees commute from surrounding areas. In addition, tourism has become a major contributor to Lunenburg's economy.

The architectural and planning history that Lunenburg was built on has contributed to the town's success as a tourist destination. A UNESCO World Heritage Site, Old Town Lunenburg draws thousands of visitors each year from Nova Scotia and outside of the province and is integral to the economic success of the town. Despite this success, the impacts of tourism have been on the thoughts and minds of residents for years. Increased demand on services for things like parking and road capacity create large amounts of congestion in the summer months and the increased use of short-term rentals have threatened the already limited housing supply.

Despite its decreasing and aging population, the town boasts a strong institutional and commercial base. The town is built on a rich academic and cultural history with the Lunenburg Academy, Lunenburg School for the Arts, and many more that provide unique educational experience for people of all ages. Arts and culture thrive in Lunenburg. There are many independently owned local businesses in Lunenburg, as well as national chain retailers, giving residents and visitors access to an array of goods and services throughout the year.

Within Lunenburg, the town is connected by an extensive road network that enables and facilitates the majority of local trips. Most trips by residents to their place of employment are made by private automobile, while only about a fifth of residents walk to their place of work. While extensive in some areas, sidewalks and active transportation systems are disjointed, contributing to the overall high use of private automobiles.

Regionally, Lunenburg is connected through Nova Scotia's highway system. Highways 103 and 3 connect Lunenburg to the surrounding region and beyond while local roads connect the town to smaller communities just outside of Lunenburg. As a harbour community, Lunenburg is also connected to the region through the use of private boats and vessels that are able to safely dock in the harbour.



1.3 Statements of Provincial Interest

Land use planning in Nova Scotia is enabled and required by the *Municipal Government Act*. The “Act” sets out the requirements for responsible municipal planning. Included within the Act are five “Statements of Provincial Interest”. These statements cover land use topics that are important to all Nova Scotians and to the sustainability of the province. Municipal planning documents must be consistent with the Statements of Provincial Interest. The following tables outlines the Statements and the ways in which this Municipal Planning Strategy is consistent with them.

	Statement 1: Drinking Water
	<i>Goal: To protect the quality of drinking water within municipal water supply watersheds.</i>
A clean source of drinking water is essential to the health of our communities. The Statement of Provincial Interest Regarding Drinking Water recognizes this, and requires municipal planning documents to address the protection of municipal water supplies. The Town of Lunenburg has one designated municipal water supply, at Dares Lake. However, the lake is located outside the Town’s boundaries, within the Municipality of the District of Lunenburg. The Town is therefore unable to implement direct land use planning protections for the water supply; rather, such protections will be maintained through the Dares Lake Protected Water Area designation made under the <i>Protected Water Areas Regulations</i> and partnership with the District.	
Applicable MPS Policies: N/A; CCP Section 4.1	



Statement 2: Flood Risk Areas

GOAL: To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

The Statement of Provincial Interest Regarding Flood Risk Areas specifically applies to areas designated under the Canada-Nova Scotia Flood Damage Program, of which there are none in the Town of Lunenburg. However, Council recognizes the spirit of this Statement of Provincial Interest and has implemented flood risk areas in which development must be given careful consideration.

Applicable MPS Policies: 5-2 and 5-3



Statement 3: Agricultural Land

GOAL: To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

The Statement of Provincial Interest Regarding Agricultural Land specifically applies to lands with soils identified in the Canada Land Inventory as Class 2, 3, or active Class 4. The Town of Lunenburg is within an area of Class 3 soils. Some of these soils are already developed, while others are used for light agricultural activities (pasture, hay fields). This Plan supports continued agricultural uses on these lands, but also recognizes that allowing such lands to be developed may support the Statements on Infrastructure and Housing, as well as reduce pressure on agricultural lands in unserved areas.

Applicable MPS Policies: 4-19 and 4-20



Statement 4: Infrastructure

GOAL: To make efficient use of municipal water supply and municipal wastewater disposal systems.

Lunenburg is blessed with extensive networks of public infrastructure such as roads, sidewalks, sewer, and water. These assets help the community to flourish, but also come at a cost. This Plan and its implementing documents support efficient use of the Town's infrastructure by enabling a variety of development opportunities within areas of existing services, by establishing criteria for evaluating servicing extensions outside of town boundaries, and by establishing standards for new infrastructure.

Applicable MPS Policies: 3-3 through 3-14



Statement 5: Housing

GOAL: To provide housing opportunities to meet the needs of all Nova Scotians.

Safe, clean, affordable housing is a basic human need. However, the form that housing takes varies depending on the specific living arrangements of individuals, families, and other groups of people who choose to live together. Meeting these needs and creating a thriving community requires a diversity of housing types with sufficient availability. This Plan supports housing opportunities to meet the needs of all Lunenburgers by enabling housing at a variety of scales throughout the town, and by supporting initiatives that can help promote housing affordability, such as enabling accessory dwellings and placing limits on short-term rentals.

Applicable MPS Policies: 4-1; 4-5 through 4-9; 4-15



Chapter 2 - Key Issues

2.1 Planning Process

Perhaps uniquely in Nova Scotia, this Municipal Planning Strategy was developed after the process of creating a Comprehensive Community Plan (“CCP”) for the Town. This process was known as “Project Lunenburg”. The CCP outlines strategic initiatives covering many aspects of life in Lunenburg and related municipal operations. It links land use and development with municipal investments in public space, relationship building, community programs, public infrastructure, and research. The CCP contains additional contextual information that may be of interest to anyone reading this Municipal Planning Strategy.

The CCP was created over the course of two years from late 2018 to September, 2020. As a “community” plan, the CCP was developed in close relationship with residents, business owners, and visitors in Lunenburg; over 400 individuals participated in developing the CCP. Engagement for the CCP included eight discussion papers and related public workshops, online surveys, an online mapping tool, stakeholder engagements, and three additional public workshops to review and shape the draft CCP.

This Municipal Planning Strategy is one implementing tool of the CCP. The project team developed a draft of the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law directly following from the strategic direction of the CCP. Once these drafts were completed, the project team returned to the community to review the documents and gain feedback on the specific proposed approaches to implementing planning in Lunenburg.

The draft engagement for the Municipal Planning Strategy, Land Use By-law, and Subdivision By-law included an online public open house followed by two Public Information Meetings. Participants could ask questions and submit comments and suggestions for changes by email or phone following the meetings. The project team received many thoughtful comments and suggestions and as a result updated the draft documents between each meeting. Planning Advisory Committee recommended the drafts to Council at their June 2nd, 2021 meeting, at which point the documents entered the formal adoption process.



2.2 Key Issues

The background research and public engagement conducted as part of the CCP process identified a number of “Key Issues” in the community, many of which tie directly in to land and development planning. The policies of this Municipal Planning Strategy attempt, in particular, to address the following:

2.2.1 Housing

Like many communities on Nova Scotia’s South Shore, Lunenburg is facing a housing challenge. The average age of the population is increasing and average household sizes are decreasing. Between 2006 and 2016 Lunenburg’s median age increased from 50.5 to 56.1, and the average household size fell from 2.2 to 2.0 people per household. These trends create a need for different forms of housing, including smaller units and barrier-free options, which can be especially challenging in Lunenburg’s stock of historic housing.

Lunenburg also has a large service industry in the summer months, which creates an influx of staff who need to be housed. This occurs, of course, at the same time as peak demand for tourism accommodations; with the rise of short-term rental accommodations there has been additional pressure on housing availability as existing stock is converted to serve the tourism market.

In addition to these particular pressures, there is always a need to provide diverse housing options to accommodate different needs, lifestyles, and economic means. This includes enabling and encouraging a mix of home ownership and rental opportunities, different home sizes to accommodate everything from a single person to large families, and housing that is affordable.

2.2.2 A Working Waterfront

Lunenburg was founded and prospered on the strength of its waterfront industries, from boat-building to the fisheries. Today, many of these activities still continue and are important components of Lunenburg’s economy and of its charm as a place to live and to visit. However, many of these waterfront industries have operational needs that can be hard to accommodate if other types of development are allowed to intrude. This can include trucking access, storage and laydown space, and the ability to freely make noise or emit odours. It is, therefore, essential that Lunenburg’s waterfront be recognized as a “working waterfront” and that certain protections be given to enable these activities to continue.



2.2.3 Sustainable Infrastructure

Lunenburg is fortunate to have a range of infrastructure that supports development and quality of life in the community. These assets include sewer, water, roads, sidewalks, and even a municipal electric utility. Infrastructure is, however, also a liability that must be maintained and replaced as it ages. This is a significant cost burden to the Town. Existing infrastructure should be used to its fullest to make the most of this investment, and new infrastructure should be carefully considered to balance its sustainability against the potential benefits it can bring.

2.2.4 A Changing Climate

There is now overwhelming evidence that Earth's climate is changing as a result of greenhouse gas emissions caused by human activities. Now the questions are how fast and extreme the changes will be, and how a changing climate will affect different communities around the world. The science suggests that Lunenburg could experience a number of impacts, such as stronger rains and an increase in invasive species. Perhaps the most tangible impact is a rising sea and the potential for increased damage due to storm surge. Planning for the future must account for these expected changes, and also help the Town and its residents minimize their contributions to emissions.

2.2.5 Living Heritage

Lunenburg is steeped in heritage, from its exceptional building stock, to the physical layout of its streets, to the practices of its craftspeople and artisans. This heritage has been honoured by the designation of Old Town as a UNESCO World Heritage Site. Lunenburg is also a "living town" in which its heritage can be seen every day in the lives of its residents and business owners. Each successive generation builds on the stories and practices of those that came before, and continues the evolution of Lunenburg as a living entity. Planning for the future must be respectful and celebratory of the past, while reflecting the needs and dreams of today.



2.3 Planning Approach

Traditionally in Nova Scotia, standards for subdivision, land use, and building form have been tightly tied together through a single set of “zones” that contain standards for each of these aspects of planning. However, the history of Lunenburg has shown that these factors can independently define the character of the community.

For example, New Town and the northern area of Old Town are both predominantly residential in nature when it comes to use, but the size of lots and the form and placement of buildings results in very different neighbourhoods. Similarly, many of the buildings within Lunenburg have hosted a wide range of uses over their storied histories. What were once residences have become shops and hotels; what were once fishing sheds have become restaurants and galleries; and what was once a school has become a hub for the arts. This constant adaptability has been one of the keys to Lunenburg’s success over the years.

Addressing the Key Issues in Lunenburg must be based on the community’s strengths. This Municipal Planning Strategy and its associated Land Use By-law recognize the community’s historic adaptability and help support Lunenburg’s continued evolution by adopting a somewhat unique approach to planning in which lots, uses, and form are regulated separately from each other.



Chapter 3 - Community Development Patterns

3.1 Introduction

The character of Lunenburg fundamentally begins with land lots, and the streets and other public spaces between them. The history of the town is visible in the evolution from the rigid grid and small lots laid out in Old Town by British military engineers, to larger blocks and lots of New Town, to the winding streets of contemporary subdivisions. Each of these development patterns creates a different atmosphere or “feel” that clearly demarks the various areas of town. While buildings may come and go, the location of roads and the invisible lines between lots rarely change once established.

Patterns of community development are also influenced by choices about infrastructure. Sewer and water servicing enable smaller lots, while decisions about road standards and sidewalks affect our experiences of space as we move about the town.

This Chapter establishes the policies for these most fundamental tools in planning for the future of Lunenburg.

3.2 Lot Zones and Subdivision

3.2.1 Introduction

Subdivision is the formal process of creating new lot lines. It is often thought of as lot creation. Subdivision to create lots can occur on a small scale, such as subdividing a large lot in two to provide land to a family member, or on a large scale, such as the creation of a brand-new neighbourhood by a single developer. However, subdivision also includes the process of consolidating two or more lots into one, and the adjustment of boundaries between existing lots.

In Nova Scotia there are province-wide standards for creating unserviced lots. Beyond this, municipalities are free to establish more stringent standards, or to establish smaller standards for serviced lots.

3.2.2 Lot Zones

Lots can vary in area and in dimensions. Lot frontage (the length of the lot line along the road) is typically the key lot dimension that affects community character, as well as the amount of infrastructure required to service each lot. The Land Use By-law contains “lot zones” that establish the standards for lot area and frontage when creating new lots. In this way the character of the various areas of Lunenburg can be reinforced.



Policy 3-1: Council shall, through the Land Use By-law, establish Lot Zones, shown on the Lot Zoning Map of the Land Use By-law, to establish standards for the subdivision of new lots. The Lot Zones shall generally conform to the following scheme:

- (a) Lot Zone 1 is intended to replicate the fine-grained lot pattern of development in and around Old Town. Lot Zone 1 shall contain maximum lot area and maximum lot frontage requirements to prevent large-scale consolidations that would fundamentally change the character of these areas.
- (b) Lot Zone 2 is intended to reflect the larger lots that can be found in New Town.
- (c) Lot Zone 3 is intended to enable relatively small lots in areas of new development in order to enable density and efficient use of services.
- (d) Lot Zone 4 is intended to provide very flexible lot requirements to accommodate sites with atypical development needs.

3.2.3 Flag Lots

“Flag lots” are lots in which the main body of the lot (the “flag”) is located behind other lots and is connected to the road frontage by a very narrow “pole”. This lot arrangement can allow for more efficient use of land, but raises concerns about servicing and emergency access. Additionally, the character of Lunenburg is very much founded on a strong grid of lots, contrary to the development character of flag lots. For these reasons, Council has elected to prohibit the creation of new flag lots.

Policy 3-2: Council shall, through the Land Use By-law, prohibit the creation of new flag lots.

3.3 Infrastructure

3.3.1 Introduction

Lunenburg’s public infrastructure includes the sewer and water systems, sidewalks, roads, and electric system. When new lots are created they will typically require some or all of this infrastructure. In existing developed areas of town, it is often simply a matter of the new lots tying in the infrastructure that is already there. From the Town’s perspective, this is ideal since it makes good use of existing assets. In non-developed areas of town, subdivision must be accompanied by an extension of at least some of this infrastructure; even if a lot is to be serviced by on-site septic and a well, it will still require some form of road access and likely electrical service. The processes for developing this new infrastructure, and the standards to which infrastructure is developed, are contained within the Subdivision By-law.



3.3.2 Sewer

The Town's sewer system consists of almost 22 kilometres of sewer line. Sewage drains downhill into one of nine pumping stations located at the low points of the community, and from there is pumped to the wastewater treatment plant located on Starr Street, near Back Harbour. Finally, treated effluent travels back through Old Town and is released into Lunenburg Harbour.

The sewer system is essential to enabling sustainable growth in Lunenburg; however, the current system faces stresses from seawater infiltration and from excess treatment volumes caused by combined stormwater and wastewater pipes. The Comprehensive Community Plan contains a number of strategic actions related to upgrading the Town's sewer system, and this Municipal Planning Strategy and the Land Use By-law allocate growth opportunities to areas best supported by the current system.

Despite the challenges with the current sewer system, there is still capacity for growth in the near-term, and this growth will help support reinvestment in the system.

Policy 3-3: Council shall, through the Subdivision By-law, require all news lots with access to the central sanitary sewer system to connect to the system.

3.3.3 Central Water

The Town owns and operates a central water system with over 27 kilometres of pipe. The source water is Dares Lake, located in the Municipality of the District of Lunenburg. As a result, the Town does not have direct land use planning control over its source watershed. However, the Dares Lake Protected Water Area Regulations made under the *Environment Act* provide similar protections.

The Town's central water supply is a valuable asset, providing an abundant supply of clean, safe water. It also enables denser development because lots do not need to accommodate a well. However, the sustainable operation and upkeep of this community asset depends on utilizing the system to its fullest to spread costs among as many users as possible.

Policy 3-4: Council shall, through the Subdivision By-law, require all news lots with access to the central water supply system to connect to the system.

3.3.4 Service Extensions Outside of Town

The Town of Lunenburg is neighbours with the Municipality of the District of Lunenburg. Much of the land within the District adjacent to the Town boundary is undeveloped and, as of 2021, is not subject to land use controls (e.g. zoning) by the District. However, the Town has on occasion received requests from land owners to extend central services into the District to enable efficient development patterns that cannot be achieved with on-site services. While such extensions may occasionally be warranted, Council is hesitant to encourage "unplanned" development outside of the Town boundary and intends to develop a formal policy for servicing extensions. In the meantime, Council will consider such requests but only permit them when the benefits to the Town are clear.



Policy 3-5: Council shall, pending the adoption of a formal servicing extension policy, consider requests for sewer and water service extensions outside the Town boundary on a case-by-case basis. In evaluating such requests Council shall establish that there is a clear benefit to the Town if the extension is permitted. Such benefits may include, but are not limited to:

- (a) solving an environmental or health risk created by failure of existing on-site systems;
- (b) allowing the continuation of a development pattern for a development that is primarily within, and has clear transportation links to, the Town but which extends across the Town boundary into the District; or
- (c) enabling the establishment of a major employer which could not feasibly be located within the land base of the Town.

Policy 3-6: Council shall, when considering a request for service extensions outside the Town boundary, have regard for:

- (a) cost recovery to the Town for both capital and operational costs;
- (b) the effects on servicing capacity and serviceability of lands within the Town boundary; and
- (c) input from the Municipality of the District of Lunenburg.

3.3.5 On-site Services

Lunenburg is generally well-serviced by central sewer and water. Lots are required to connect to those services where they are available in order to make best use of those community investments. However, there are areas—particularly south of Lunenburg Harbour and also near the terminus of Green street—where central services are not yet available. In these cases, limited, rural-style development may be permitted on unserviced lots. Certain industrial users may also have operational processes or effluent streams that are better addressed by dedicated industrial treatment facilities.

Policy 3-7: Council shall, through the Land Use By-law, permit low-density residential uses; agricultural uses; recreational uses; and rural businesses, such as kennels, on unserviced lots in areas where central sewer and/or water are not available.

Policy 3-8: Council may, through the Land Use By-law, permit industrial uses to utilize private waste treatment facilities where the nature of the industrial use results in effluent streams that are inappropriate for the Town's central sewer system.

Policy 3-9: Provincial requirements for unserviced development shall take precedence over the minimum lot sizes established in the Land Use By-law.



3.3.6 Private Roads

Private roads, as the name suggests, are roads not owned by the Province or the Town. They are common in many areas of Nova Scotia as a means to access rural lands where municipalities do not want to be responsible for the cost of extensive roads, particularly cottage communities and forestry lands. However, private roads come with a number of challenges related to maintenance and emergency access. Council believes that in a small area such as Lunenburg the cost-savings benefit of allowing private roads is outweighed by the challenges they bring. As a result, Council has elected to prohibit the development of any new private roads.

Policy 3-10: Council shall, through the Subdivision By-law, prohibit the development of new private roads.

3.3.7 Public Streets and Sidewalks

Lunenburg's public streets strongly define the various areas of the community. The commercial areas of Old Town typically feature narrow streets with curbs and sidewalks, while the residential areas are still narrow but lack curbs or sidewalks. In New Town the streets are wider and typically do not have curbs or sidewalks. Both of these areas feature a strong grid pattern and well-connected streets. In contrast, Victoria Road is wide and winding, while the newer residential areas of town are more irregular and disconnected in their development pattern, with the occasional cul-de-sac.

The Town of Lunenburg owns all but three streets within the confines of the town boundaries; Highway 332 (bypassing the community to the north) is owned by the Province and two private roads currently exist. As the developed areas of town expand, new public streets will be required in order to provide access to these areas. This is an opportunity to create streets that reinforce the well-connected development pattern found in many areas of Lunenburg, while also supporting modern expectations for enabling barrier-free (accessible) travel throughout the community.

Policy 3-11: Council shall, through the Subdivision By-law, establish standards for new public streets that generally prioritize community character, connectivity, and access to land over the high-speed movement of traffic.

Policy 3-12: Council shall, through the Subdivision By-law, establish standards for the maximum distance between intersections and standards to discourage cul-de-sacs in order to promote connectivity throughout the community.

Policy 3-13: Council shall, through the Subdivision By-law, require planned subdivisions to preserve potential access points to abutting lands.

Policy 3-14: Council shall, through the Subdivision By-law, require sidewalks on all new streets.



3.4 Parks and Open Space

3.4.1 Introduction

Residents and visitors to Lunenburg have access to a good network of parks and open spaces. This includes the Lunenburg Academy grounds, the Victoria Road playground and tennis courts, the Townsend Block, a dog park, and more. The shoreline along Tannery Road is also a cherished open space for its clear and iconic view of Old Town. As the town grows there will be a need to acquire and develop additional parks and open space lands, while continuing to manage existing assets.

3.4.2 Public Open Space Dedication

The two main ways the Town can develop new public open space is to purchase lands, or to acquire lands through the subdivision process. The *Municipal Government Act* allows municipalities as part of the subdivision process to require a dedication of up to 10% land, cash, or combination of both for the purposes of parks and open space. Within Lunenburg there is a need for land for new parks in expanding areas of the community, and funds to reinvest in existing parks within the established areas of town. There is also a strong desire among the community to secure public access to the coast wherever possible. In light of these various needs, Council has elected to require a 10% dedication rather than default 5% dedication provided by the Act.

Policy 3-15: Council shall, through the Subdivision By-law, require subdividers of land with ocean frontage to transfer to the Town a public open space dedication of usable land which provides public access to the water and has an area of at least 10% of the area of new lots to be created.

Policy 3-16: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas with existing parks or parkland dedications to transfer to the Town a cash public open space dedication in the amount at least 10% of the assessed value of the lots to be created.

Policy 3-17: Council shall, through the Subdivision By-law, require subdividers of land without ocean frontage and within areas without existing parks or parkland dedications to transfer to the Town a public open space dedication of usable land with an area of at least 10% of the area of new lots to be created.

Policy 3-18: Council shall, through the Subdivision By-law, exempt from public open space dedication requirements subdivisions that create fewer than three vacant lots from an area of land, public road parcels, remainder lots, and certain classes of subdivision in which the primary intention of the subdivision is not for the purpose of land development.



Chapter 4 - Land Use

4.1 Introduction

The way we use land, and the buildings located on that land, is a core aspect of a community's identity. It also affects the opportunities for shelter, services, employment, and recreation available in the community.

Different uses have different needs and different impacts. For example, residential uses can be sensitive to noise and odours, while commercial uses often have a need to be located in areas with higher traffic, which provides access to a greater number of potential customers. Land use planning has, over the past century, typically focused on creating defined areas for the different types of uses to minimize any potential conflict among them.

However, there are also often synergies to be gained by locating different uses near to one another. Being within walking distance of a nearby grocery store can be a significant benefit to a residential use, while industrial uses can benefit from having a large source of employees in close proximity. Lunenburg has traditionally featured such mixing of uses, with homes in Old Town located a stone's throw from sail makers, fishing wharves, food establishments, and more.

This Chapter establishes the policies for how and where various uses will be permitted in Lunenburg.

4.2 Use Zones and Future Land Use Map

4.2.1 Introduction

An eclectic mix of uses is one of Lunenburg's defining qualities. However, there is still variation in the use of different areas of town. The lower portions of Old Town feature shops, restaurants, galleries, hotels, distilleries, public services, parks, churches, and more, all mixed with residences of various scales. New Town and the northern areas of Old Town are dominated by residential uses. The stretch of waterfront below Bluenose Drive has a heavy tourism component, while areas to the east and west are very much focused on industry and the fishery, and the waterfront on the south side of Lunenburg Harbour is primarily recreational. Victoria Road, running west out of town, includes an institutional and recreational hub around the arena and Bluenose Academy, and a mix of commercial uses. Industrial uses are also located south of Victoria Road at the top of Hall Street. Finally, much of the western areas of town feature agricultural uses and undeveloped land, though residential development is increasing in this area.



4.2.2 Use Zones

Different areas of Lunenburg are appropriate for different types of uses, depending on the other existing uses in the area, availability of services, proximity to transportation options, and natural features. The Land Use By-law contains “use zones” that establish the types of use that are permitted in various areas of Lunenburg.

Policy 4-1: Council shall, through the Land Use By-law, establish Use Zones, shown on the Use Zoning Map of the Land Use By-law, to establish the uses permitted in different areas of Lunenburg. The Use Zones shall generally conform to the following scheme:

- (a) The Lower Density Residential Use (RL) Zone is intended to prioritize low-density residential uses, such as dwellings with up to two units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; and neighbourhood amenities, such as parks and trails.
- (b) The Medium Density Residential Use (RM) Zone is intended to enable medium-density residential uses, such as dwellings with up to four units; accessory dwellings; bed-and-breakfasts with up to six sleeping units; home-based businesses; rooming houses; residential care facilities; and neighbourhood amenities, such as parks and trails.
- (c) The Higher Density Residential Use (RH) Zone is intended to encourage higher-density residential uses, such as multi-unit dwellings and nursing homes; daycare centres; and uses permitted in other residential zones.
- (d) The Commercial Mixed Use (CM) Zone is intended to enable a wide range of commercial and institutional uses, as well as larger residential uses located on the upper floors of buildings or to the rear of the lot. Auto-oriented commercial uses, with the exception of body shops, shall be permitted.
- (e) The General Commercial Use (CG) Zone is intended to accommodate the traditional mixing of uses found in Old Town Lunenburg, including a wide range of commercial uses, institutional uses, and residential uses; however, auto-oriented commercial uses, such as gas stations and auto repair, shall not be permitted.
- (f) The Waterfront Use (W) Zone is intended to accommodate marine-related industrial uses; waterfront recreational uses, including marinas, boat rentals, and water access facilities; and tourism-related commercial and cultural uses.
- (g) The Industrial Use (M) Zone is intended to accommodate a wide range of industrial uses, including scrap yards and recycling depots; auto-oriented commercial uses; as well as restaurant uses and other amenities, such as parks and trails, that might serve employees of businesses in the Industrial Use Zone.



- (h) The Marine Industrial Use (MM) Zone is intended to protect and support the “working waterfront” by permitting a range of industrial uses, government and emergency services uses, craft food and beverage production, and waterfront recreational uses, while limiting other uses.
- (i) The Rural Use (RUR) Zone is intended to enable rural-type uses, such as agriculture and low-density residential uses (one to two units and accessory dwellings), until such time that services are available to support a more urban form of development.
- (j) The Institutional Use (INS) Zone is intended to set aside land specifically for institutional uses, such as hospitals, emergency services, religious institutions, and government uses.
- (k) The Parks and Recreation Use (PR) Zone is intended to set aside land specifically for parks and recreational uses, such as trails, playgrounds, recreation facilities, and urban agriculture. Take-out restaurants may also be permitted to serve users of these recreational spaces.

4.2.3 Future Land Use Map

The Use Zones of the Land Use By-law establish a very specific list of uses that are permitted within various areas of Lunenburg. However, it may be reasonable to consider a shift in the permitted uses over time as the community evolves. This may be done in a reactionary manner when land owners come to Council with proposals for new uses of their land, or may be done in a visionary manner by establishing areas where the community expects—or wants—acceptable uses to change over time.

The Future Land Use Map establishes “Land Use Designations”. These Designations establish areas where similar Use Zones would be considered through changes to the Use Zoning Map of the Land Use By-law. For example, established areas of residential neighbourhoods in Lunenburg are often placed in the Lower Density Residential Use Zone. The Residential Designation recognizes that these lands might reasonably—after careful thought through the Land Use By-law amendment process—be appropriate places for other residential zones. However, an industrial zone is likely to be inappropriate in these areas and would require the much more onerous process of amending this Plan before an amendment to the Use Zoning Map of the Land Use By-law could be considered.

The Designations also establish areas where a transition in use may be appropriate over time. For example, residential areas abutting commercial areas might transition over time as commercial demand increases, but pre-emptively applying a commercial zone would fail to recognize the existing character of that area. Applying the Main Street Land Use Designation, for example, on these areas allows for easier consideration of new zoning as they evolve.



Policy 4-2: Council shall establish, on the Future Land Use Map, a series of Land Use Designations to guide the evolution of Use Zone placement over time. The Designations and the Use Zones permitted for consideration in each Designation are as follows:

- (a) The Residential Land Use Designation permits:
 - i. Lower Density Residential Use (RL) Zone
 - ii. Medium Density Residential Use (RM) Zone
 - iii. Higher Density Residential Use (RH) Zone
 - iv. Rural Use (RUR) Zone
 - v. Institutional Use (INS) Zone
 - vi. Parks and Recreation Use (PR) Zone
- (b) The Main Street Land Use Designation permits:
 - i. Commercial Mixed Use (CM) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (c) Downtown Commercial Land Use Designation permits:
 - i. General Commercial Use (CG) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (d) Waterfront Designation permits:
 - i. Waterfront Use (W) Zone
 - ii. Marine Industrial Use (MM) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (e) Industrial Designation permits:
 - i. Industrial Use (M) Zone
 - ii. Institutional Use (INS) Zone
 - iii. Parks and Recreation Use (PR) Zone
- (f) Parks and Institutional Designation permits:
 - i. Institutional Use (INS) Zone
 - ii. Parks and Recreation Use (PR) Zone



Policy 4-3: Notwithstanding Policy 4-2, Council may initially establish Use Zone placements on the Use Zoning Map of the Land Use By-law in conflict with the Future Land Use Map in order to recognize existing uses of land; the Future Land Use Map will guide the preferred evolution of these lands in the future.

4.2.4 Amendments to the Use Zoning Map

From time-to-time it may be appropriate to amend the Use Zoning Map of the Land Use By-law to modify the uses permitted on a property. This is typically done at the request of a property owner who has a specific plan in mind for their land. Such an amendment is a public process and includes a Public Hearing.

Policy 4-4: Council shall consider proposals to amend the Use Zoning Map of the Land Use By-law. Council shall not approve such an amendment unless:

- (a) the proposed Use Zone is consistent with Policy 4-2 and Schedule 'A', the Future Land Use Map of this Plan; and
- (b) Council is satisfied the proposal meets the general criteria for Land Use By-law map amendments, outlined in Policy 6-19.

4.3 Use Policies

4.3.1 Residential Uses

Suitable housing is a fundamental need for all residents of Lunenburg. "Suitable" means housing that is of a size and function (e.g. barrier-free) that meets the needs of the resident(s), is well-maintained, and is affordable in relation to the residents' economic means. Residential uses also are, and will continue to be, one of the dominant uses of land within the town. The various residential neighbourhoods within Lunenburg vary in their scale and form, but they all contribute to meeting the needs of residents.

Lunenburg has a variety of types of existing housing, from single-detached units, to apartment housing above commercial uses in Old Town, to purpose-built condominium buildings. This existing housing diversity is a strength. However, as Lunenburg's population continues to change, housing needs will change too. Council, therefore, intends to provide for an even wider range of housing types to meet the needs of people at different life stages, households of various sizes and compositions, households with varying economic means, and the needs of the seasonal workers who are crucial to the town's tourism industry. Approaches to increasing housing diversity will include:

- Enabling "accessory dwellings", which are subordinate dwelling units located within other dwellings or within accessory buildings.
- "Pre-zoning" new lands for higher-density residential uses.



- Avoiding regulation of housing in any manner that is based on the nature of the relationship of occupants of a dwelling unit to one another; for example, treating the dwelling of a married couple the same as a dwelling providing staff housing to the staff of a restaurant.
- Enabling “grouped dwellings” within the town. These are multiple dwellings on one lot, and can be useful for bare-land condominiums, housing co-ops, or independent living options for seniors.
- Allowing supportive housing facilities, such as small-options homes and residential care facilities, as-of-right. These housing options provide important services for adults who benefit from living with the support of other adults and who may need specialized supports on either a part-time or full-time basis.

Policy 4-5: Council shall, through the placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of residential uses to locate in Lunenburg.

Policy 4-6: Council shall, through the Land Use By-law, enable grouped dwellings by permitting multiple main buildings, with controls on parking and site design, in the Old Town/New Town 2, New Town 1, and Main Street Form Zones.

Policy 4-7: Council shall, through the Land Use By-law, enable small options homes in all Use Zones that permit lower-density residential uses and residential care facilities in all Use Zones that permit more than two residential dwelling units.

Policy 4-8: Council shall, through the Land Use By-law, permit rooming houses, in which individual rooms are rented to unrelated parties on a long-term (30 days or greater) basis, in any Use Zone that permits more than two residential dwelling units.

Policy 4-9: Council shall, through the Land Use By-law, permit accessory dwellings in detached accessory buildings and within the main building, subject to controls on size and location to ensure they remain accessory to other residential uses on the property. An accessory dwelling shall not count towards the number of dwelling units permitted on a lot.

Policy 4-10: Council may consider proposals for Bed & Breakfast uses larger than six sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone by development agreement. Council shall not enter in to a development agreement for such proposals unless Council is satisfied the proposal meets the general criteria for evaluating development agreements, as set out in Policy 6-19.



4.3.2 Institutional Uses

Institutional land uses in Lunenburg exist in a variety of locations and land use contexts. The institutional focus of the town has long been the four-block central area reserved for public purposes at the time of settlement, bounded by Townsend, Cumberland, Cornwallis, and Hopson Streets. However, as the community and the needs of its institutions have grown, the areas accommodating institutional uses have changed.

A number of churches are situated in residential areas in Lunenburg 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. Substantial expansion of these uses is limited in some cases by lack of available land and nearby residential uses. Other institutional uses, including the schools, 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.

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

Policy 4-11: Council shall, through the initial placement of the Institutional Use Zone, recognize existing institutional uses and enable the establishment of new institutional uses in areas where their potential impacts on surrounding uses are expected to be minimal. Existing institutional uses may initially be placed in a use zone other than the Institutional Use Zone in order to recognize and enable other uses that may already be present on the site or would be appropriate for the site.

4.3.3 Adaptive Reuse of Institutional Buildings and Sites

Institutional uses often create unique, landmark buildings that endure long after the institutional use itself has ceased. These buildings can sometimes be difficult to repurpose for other uses due to their very specific design, but when done well such repurposing can provide a long-term future for the building, and can also lead to some particularly special public or private spaces within the building. Council wishes to encourage investment in these buildings and will consider by development agreement proposals for their use not otherwise permitted in the applicable Use Zone.



Policy 4-12: Council may consider by development agreement proposals for adaptive reuse of former institutional buildings and sites, such as churches and schools, for uses not otherwise permitted in the applicable Use Zone. For greater clarity, the use may extend beyond the confines of the existing building provided any associated buildings or structures conform to the Form Zone and heritage requirements applicable to the site. Council shall not enter into such a development agreement unless Council is satisfied:

- (a) the proposal will lead to the preservation, enhancement, promotion, and (where needed) restoration of the building and in particular any character-defining elements;
- (b) the proposed use is appropriate for the site and compatible with surrounding uses, either by the fundamental nature of the use or by controls placed upon the use through the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.4 Commercial Uses

Much of the commercial activity in Lunenburg is clustered in the lower half of Old Town, but there is also a commercial node at the intersection of Dufferin and Falkland, and a growing commercial area along the extent of Victoria Road. These areas account for a diversity of commercial uses that vary greatly in scale, from small galleries to large grocery stores. There are also small nodes of commercial activity in other areas of town, such as the motel on Masons Beach Road.

Lunenburg features a strong tradition of home-based businesses, and indeed the efforts of home-based business operators in Lunenburg resulted in changes to the provincial Building Code to recognize these operations and lower barriers to their development. Council is supportive of home-based businesses, and intends to allow them widely, with a few minor controls to ensure they remain compatible with surrounding residential uses.

An important commercial topic in recent years has been tourist accommodations. Lunenburg features many B&Bs, small inns, hotels, and motels. With the rise of online rental platforms, Lunenburg has also seen an increase in the use of residential dwellings for accommodation purposes. These “short-term rentals” provide popular accommodation options and can help homeowners with the affordability of their property, but they also raise concerns about loss of housing stock and conflicts from a high level of occupant turnover in otherwise stable neighbourhoods. From a land use planning perspective, there are limited tools available to effectively regulate various aspects of short-term rentals (e.g. duration in a year, ownership). As a result, Council intends to permit them on a limited scale using the land use planning tools available, and explore options for other regulatory tools to control the other aspects of this use.



Policy 4-13: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, enable and encourage a diversity of commercial uses to locate in Lunenburg, with consideration for the potential impacts of commercial operations on surrounding uses.

Policy 4-14: Council shall, through the Land Use By-law, permit home-based businesses in any Use Zone that permits dwellings, and shall include limits on the size, number of non-resident employees, and types of commercial uses that will be permitted for home-based businesses.

Policy 4-15: Council shall, through the Land Use By-law, permit short-term rentals in all Use Zones that permit dwellings, but shall limit them to one per lot and shall not permit them within accessory dwellings or accessory buildings.

4.3.5 Industrial Uses

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.

A large site located between Starr Street and the railway tracks has been in the past designated as an industrial site; however, high site preparation costs resulting from poor subsoil conditions has discouraged development of this area. Much of the land here is now owned by the Town, with a portion utilized for the Town's sewage treatment plant. As identified in the Comprehensive Community Plan, the remaining lands may be appropriate for a "sustainable energy district", such as large-scale solar generation, the installation of which is relatively flexible and able to be done on difficult soil conditions.

Other sites suited to industrial uses are limited due to the existing land use pattern and topography. A site southwest of Bluenose Academy is currently utilized for aerospace manufacturing, with additional lands available for expansion or additional industrial use. However, a limiting factor for large scale expansion in this area is inadequate water pressure for fire protection above 20 metres (65 ft.) in elevation. The initial placement of the Industrial Use Zone in this area recognizes these limitations; however, the larger area is identified for industrial use on the Future Land Use Map of this Plan to allow for easy conversion to industrial lands as water services improve.

Policy 4-16: Council shall, through the initial placement of Land Use Designations and Use Zones, and through the list of permitted uses in each Use Zone, support existing industrial operations in Lunenburg and establish lands for new operations where they can be adequately serviced and where impacts on neighbouring uses are expected to be acceptable.



4.3.6 Heavy Industry

Heavy industrial uses include those that deal with extremely hazardous materials or have the potential to be obnoxious due to factors such as fumes or noise. Given the small land area within Lunenburg it would be quite challenging to locate them within the town without unacceptably impacting surrounding uses. However, there may be rare cases in which such a use is both desirable to locate within the town boundaries and in which the risk of impacts could be adequately minimized through careful design and operational procedures. Council is open to considering such cases, but will only accept them if a strong need and benefit can be identified, and the risks of impacts minimized.

Policy 4-17: Council shall consider by development agreement proposals to establish heavy industrial uses in the Industrial Use Zone and the Marine Industrial Use Zone. Council shall only enter into development agreements for such proposals if:

- (a) there is a clear need for the proposed use and a clear benefit to the Town and residents of Lunenburg in having the use locate within town boundaries;
- (b) potential impacts related to the use including, but not limited to, noise, smell, truck traffic, light, and risk of fire or other accident can be adequately addressed in the provisions of the development agreement; and
- (c) the proposal is consistent with the general evaluation criteria for development agreements, as set out in Policy 6-19.

4.3.7 Other Uses

Lunenburg's residences, businesses, and institutions are supported by a number of other land uses. Particularly important are parks, conservation lands, trails, and other recreation options, and Council wishes to encourage these uses to locate and expand throughout all of town.

Although Lunenburg is very much an urban community with a distinct urban settlement pattern and urban uses, 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. Many of these activities are located on agricultural soils classified as "Class III", which are generally considered good soils and are identified as valuable soils within the Provincial Statement of Interest on Agricultural Lands. Council recognizes the existence of these Class III soils and the existing rural uses upon them, and intends to continue to accommodate these agricultural activities as long as they desire to continue operating. However, when balanced against the Statements of Provincial Interest on Infrastructure and Housing, Council believes that it is appropriate—and indeed desired—to enable the development of these Class III lands in the future. Such development would enable additional housing options and make efficient use of existing services, while reducing pressure on other agricultural lands that are not within the limited area of town boundaries.



In addition to the existing traditional agriculture, there is a growing interest (or perhaps re-discovery) in Lunenburg around so-called “urban agriculture”, the practice of implementing agricultural activities on a smaller scale in urban settings. This might include community vegetable gardens, or even the keeping of bees or chickens on a very limited scale. Council intends to enable these activities, but with reasonable limitations to minimize conflicts with other urban uses.

Finally, there is growing interest in renewable energy on a local scale, such as solar panels and wind turbines on homes or even as small commercial operations. Council is generally supportive of these efforts to improve the sustainability of the community and will enable the development of such structures; however, with the limited land area in Lunenburg and the resulting inability to provide large separation distances from other uses, Council does not believe large wind turbines to be an appropriate use of land in the town and will not permit them.

Policy 4-18: Council shall, through the Use Zones of the Land Use By-law, widely permit parks, trails, conservation uses, and public recreation opportunities.

Policy 4-19: Council shall, through the Land Use By-law, continue to enable agricultural practices and similar rural activities through the application of the Rural Use Zone in the more rural areas of Lunenburg until such time as services become available to enable the efficient development of these lands.

Policy 4-20: Council shall, through the Land Use By-law, enable urban agricultural uses, including the small-scale keeping of chickens and bees, with limits to control their impact on neighbouring uses.

Policy 4-21: Council shall, through the Land Use By-law, permit solar energy systems as an accessory use in all Use Zones, and as a main use in the Industrial Use Zone and Rural Use Zone.

Policy 4-22: Council shall, through the Land Use By-law, permit domestic-scale wind turbines as an accessory use.

4.4 Non-conforming Uses

4.4.1 Introduction

The current structure of municipal land use planning is a relatively new tool in relation to the age of Lunenburg as a community. Municipal land use planning also changes over time, with planning rules updated, deleted, or added as the needs of the community evolve. This means that there are uses within Lunenburg that were established long before municipal land use planning, or were established under older rules but would not be permitted under today’s planning rules. These uses are known as “non-conforming”, and the *Municipal Government Act* provides some protections for these uses in recognition of the investment that owners have made.



4.4.2 Recommencement of Non-conforming Uses

The *Municipal Government Act* allows non-conforming uses to continue, and also allows them to recommence if they are discontinued for a period of less than six months. This supports existing investments in land uses, but enables a transition to compliance with contemporary planning rules when a non-conforming use is no longer operated. Council is generally supportive of this approach, but feels that six months is not necessarily enough of a grace period. As a result, Council intends to extend the allowance period for the recommencement of non-conforming uses.

Policy 4-23: Council shall, through the Land Use By-law, allow for the recommencement of non-conforming uses up to 12 months after they are discontinued.

4.4.3 Extension or Change of Non-conforming Use

Generally, the intention of making a use non-conforming is to see it transition over time to meet contemporary expectations for the site. However, Council recognizes there may be occasional situations in which it is actually desirable to allow a non-conforming use to expand or to convert to another use that would similarly be non-conforming but result in an overall improvement to the area. Council does not take such expansions or changes lightly and, as a result, will only consider them by development agreement.

Policy 4-24: Council shall consider proposals to expand a non-conforming use or to change a non-conforming use to another non-conforming use by development agreement, subject to Policy 4-25 and the development agreement policies of Section 6.4.

Policy 4-25: Council shall not enter into development agreement to expand a non-conforming use or to change a non-conforming use to another non-conforming use unless Council is satisfied:

- (a) the proposal is not prohibited under any other policies of this Plan;
- (b) the proposal improves, or at least does not worsen, the effects of the non-conforming use on the surrounding area, including, but not limited to, effects related to traffic, noise, odours, dust, and light trespass; and
- (c) the proposal meets the general evaluation criteria for development agreements in Policy 6-19.



4.5 Parking

4.5.1 Introduction

The development of new land uses necessitates travel between those uses. While Lunenburg's well-connected blocks and dense development patterns make walking easier than many other Nova Scotian communities, a large proportion of trips are still taken by automobile or bicycle, which ultimately creates a need for parking.

4.5.2 Automobile Parking Requirements

Most land use planning documents in Nova Scotia implement "minimum parking space requirements" for development. The intention is to avoid having uses—particularly commercial uses—offload the cost and burden of providing parking onto the surrounding neighbourhood.

However, much of Lunenburg was designed and built prior to the invention of the automobile. The result is that the older areas of town were not built with the automobile in mind, and many properties do not have on-site parking. Rather, automobiles typically park on the street or in central parking lots. While parking demand can be high in the summer tourism months, accommodating on-site parking in the older areas of Lunenburg would necessitate the demolition of buildings, which is clearly contrary to good community development. Instead, the Comprehensive Community Plan recognizes that the public provision of parking is a desirable alternative to destroying the building fabric of these areas, and contains recommendations related to improving street parking and off-site parking lots.

Outside of Old Town and New Town, parking demand is typically related to residential, institutional, and industrial uses. These are uses that benefit from being able to establish their own parking requirements; institutional and industrial parking requirements vary widely based on the specific nature of the use and are difficult to accurately capture in regulation, while residential developers have a strong incentive to provide adequate parking to meet the needs of their target market.

The one primary area outside of Old Town and New Town where parking demand is driven by commercial establishments is Victoria Road. However, lots in this area are quite large and Council has no concerns about business owners having to make a trade-off between increasing the commercial floor area and implementing adequate parking to meet their needs; in other words, there is little need to force commercial owners in this area to provide adequate parking to avoid spillover effects in the immediate neighbourhood.

For this variety of reasons, Council has elected to not establish minimum automobile parking requirements in the Land Use By-law.



4.5.3 Bicycle Parking Requirements

Contrasted to automobile parking, bicycle parking requires little space, but is often seen by property owners as an afterthought or unnecessary luxury. However, bicycle use is growing in Nova Scotia and specifically in Lunenburg for both leisure and utilitarian purposes. Bicycle tourism is also an emerging opportunity, with provincial initiatives such as the Blue Route bicycle network building an essential foundation of infrastructure and awareness. While bicycles can often be parked in a wide range of environments, *ad hoc* solutions to parking suggest to cyclists that they are not valued, and can also lead to bicycles locked to street trees (damaging them) or in areas that block safe pedestrian movement. Additionally, with a rise in electric bicycles and expensive touring bicycles (some of which can cost more than a used car) there is a need for safe, secure bicycle parking options. Council, therefore, has elected to implement basic requirements for bicycle parking.

Policy 4-26: Council shall, through the Land Use By-law, implement minimum requirements for bicycle parking space numbers and quality.



Chapter 5 - Community Form & Heritage

5.1 Form Zones

5.1.1 Form Zones

Lunenburg is strongly defined by the various form of its buildings, with its evolution over time evident in the scale and positioning of buildings in different areas of town. The Land Use By-law contains “form zones” that recognize existing community form and help to guide new development in a manner that matches the surrounding context, as well as establish standards for form in the expansion areas of town.

Policy 5-1: Council shall, through the Land Use Bylaw, establish Form Zones, shown on the Form Zoning Map, to establish standards for building form, building placement, site design, and signage. The Form Zones shall generally conform to the following scheme:

- (a) The Old Town 1 Form Zone is intended to protect the integrity of the core commercial district within the lower blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (b) The Old Town 2 Form Zone is intended to safeguard the tightknit residential development pattern within the upper blocks of the Old Town Lunenburg rectangular street grid established in 1753.
- (c) The Old Town/New Town 1 Form Zone is intended to maintain the residential development pattern of the parts of Lunenburg that were subdivided from the Common in 1862 & 1878 and enable new subdivisions to emulate said development pattern.
- (d) Old Town/New Town 2 Form Zone is intended to maintain the development character of neighbourhoods developed between 1950 and 1980 and enable new subdivisions to emulate said development pattern.
- (e) The New Town 1 Form Zone is intended to enable medium density residential development in multi-story building forms.
- (f) The Main Street Form Zone is intended to create a main street character with a multi-storey street wall and with an active ground floor close to the sidewalk.
- (g) The Marine Form Zone is intended to maintain the distinct character of a working waterfront with its fishing, shipbuilding, and interpretive tourism operations.
- (h) The Community Form Zone is intended to provide spatial conditions that acknowledge the heightened importance of institutions in the community.



- (i) The Industry Form Zone is intended to enable building forms for industry to flourish while minimizing undue impact on surrounding neighbourhoods.
- (j) The Rural Form Zone is intended to enable building forms conducive to agricultural enterprise.
- (k) The Shoreline Form Zone is intended to enable small scale structures associated with fishing and boating, primarily in the Back Harbour.

5.2 Coastal Development

5.2.1 Introduction

Lunenburg's history and future are intimately tied to the coast. The town was settled and built up from the water's edge, and has long been dependent on shipbuilding and the fishery. In recent decades tourism—often tied to the coast—has also become prominent. It is now known that climate change, combined with coastal subsidence, is causing sea levels in Nova Scotia to rise. Current modeling suggests that sea levels in Lunenburg could be 0.83 metres higher than they are now by the year 2100. When combined with storm surge, these rising water levels present a very real risk to coastal development. We must, therefore be mindful of these risks when planning for the future.

5.2.2 Flood Risk Areas

High-resolution elevation mapping, when combined with the sea level rise projection above and a storm surge equivalent to Hurricane Juan, shows the areas of Lunenburg vulnerable to coastal flooding. This includes much of the Back Harbour waterfront north of the trail, the northern shore of Lunenburg Harbour below Bluenose Drive, and the western shore of Lunenburg Harbour up to Tannery Road. If nothing changes in terms of infrastructure between now and 2100, a particularly bad storm could even cause flooding up into the low-lying areas between Victoria Road and Green Street.

In some communities, avoiding these coastal flood risks would simply be a matter of prohibiting all new development within areas of potential flooding. However, Lunenburg very much depends on access to the water for industry, tourism, and as part of the community's heritage. A more nuanced approach is therefore warranted.

Policy 5-2: Council shall, through the Land Use By-law, establish a Flood Risk Area Map identifying areas of Lunenburg at an elevation lower than 3.2 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), which are areas modelling shows are at risk from coastal flooding due to sea level rise and storm surge to the year 2100.



Policy 5-3: Developers of new development within areas identified on the Flood Risk Area Map shall be required to acknowledge the risks of coastal flooding to development and to reduce the potential impacts of coastal flooding on the development by:

- (a) locating habitable areas above the 3.2 metre (GCVD2013) elevation;
- (b) providing safe containment for potential water pollutants (oils, etc.) in the case of a flood; and
- (c) locating vulnerable infrastructure (such as electrical and mechanical systems) above the 3.2 metre (CGVD2013) elevation.

5.3 Heritage and Architectural Control

5.3.1 Introduction

Lunenburg has a distinct heritage rooted in the Germanic origins many of its first European 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.

The Town's architectural character is perceived as being a particularly important component of its heritage and Council has taken a number of initiatives to conserve, maintain, and improve that character.

In 1981, the Heritage Property By-law was first 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.

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.

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. 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.

In 2021 Council initiated a project to review the Heritage Conservation District Plan and By-law and Architectural Control Areas. However, this process is not yet complete at the time of adoption for this Municipal Planning Strategy and the associated Land Use By-law. As a result, this Municipal Planning Strategy continues without changing the approach contained within the 1996 Municipal Planning Strategy until such time as the review project is complete and this Plan is amended as necessary.



5.3.2 Heritage Conservation District and Architectural Control Areas

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 By-law.
- Establishment of architectural control areas in the Dufferin Street, Falkland Street, and Tannery Road areas, with limited architectural controls implemented through the Land Use By-law. These architectural controls will continue the regulatory approach originally adopted in 1996 with the exception that the cut-off date for architectural reference is 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.

Policy 5-4: Council shall, through the Land Use By-law and pending completion of the project to review heritage and architectural controls, establish a Heritage Conservation District and Architectural Control Areas consistent with the 1996 Municipal Planning Strategy, as amended.

5.4 Non-conforming Structures

5.4.1 Introduction

Like non-conforming uses (see Section 4.4) there are many buildings and other structures that were built in Lunenburg prior to contemporary planning requirements, or were built under previous planning rules that are no longer in effect. This results in “non-conforming structures” when they do not meet current planning regulations, such as minimum setbacks, and the *Municipal Government Act* provides some protection and flexibility for these structures.



5.4.2 Expansion and Reconstruction of Non-conforming Structures

The *Municipal Government Act* provisions allow for expansion of residential structures provided they do not further increase the non-conformity. For example, the owner of an existing house that violates the current regulations regarding minimum front setbacks may still add an addition to the rear of the house since this would not change how the building interfaces with the minimum front setback. However, no such flexibility is provided in the Act for non-residential structures.

The Act also permits non-conforming residential structures to be reconstructed if they are destroyed by fire or otherwise. For non-residential structures this permission to rebuild is only provided if less than 75 percent of the market value of the structure is destroyed.

In light of the number of commercial and industrial buildings in Lunenburg that predate contemporary planning, Council wishes to extend similar flexibilities to non-residential structures as enjoyed by residential structures.

Policy 5-5: Council shall, through the Land Use By-law, permit the expansion of non-conforming structures provided the expansion does not further increase the non-conformity.

Policy 5-6: Council shall, through the Land Use Bylaw, permit a non-conforming structure to be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage.

5.5 Signage

Signage plays an important role in Lunenburg. It helps people find the places they want to go, and helps businesses attract customers. However, signage that is too large or too abundant can overwhelm the visual quality of the community, or even present a hazard. It is, therefore, important to have reasonable regulations on the size, number, and placement of signs in Lunenburg.

Policy 5-7: Council shall, through the Land Use By-law, establish regulations for the size, number, and placement of signs in keeping with the intended character of each Form Zone.

Policy 5-8: Council shall, through the Land Use By-law, establish classes of signs that are permitted, classes of signs that are prohibited, and classes of signs that are exempt from the signage regulations.



Chapter 6 - Implementation & Review

6.1 Administration

6.1.1 Context

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Lunenburg. This Plan and its associated By-laws are enabled by, and are consistent with, Parts 8 and 9 of the *Municipal Government Act*.

6.1.2 Document Administration

This document and the Land Use By-law are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

- 1 – Chapter
- 1.1 – Section
- 1.1.1 – Subsection
- 1.1.1 (a) – Clause
- 1.1.1 (a) (i) – Subclause

When amending this Plan or the text of the Land Use By-law, the Town will use the following practices:

- The date, general nature of the change, and reference file or project will be noted in the changelog at the beginning of the document.
- Each record in the changelog will be given a reference number prefaced with the letters, “CHG”.
- Deleted text will be replaced with the text, “DELETED” and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the “highway interchange” system will instead be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.



6.1.3 Policy Statements

Policy statements of Council are separate from the above document structure and are denoted by the text, "POLICY #-#". All contents of this Plan not contained within a Policy are considered preamble, and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 6-1: Official Council Policies are denoted in this Plan by the text, "POLICY #-#", with the number signs replaced by the appropriate policy number.

6.1.4 Language

The policies of this Plan are written to be as clear and precise as possible. As a result, some words have specific, defined meanings.

Policy 6-2: In this Plan, the word "shall" takes the imperative, and indicates a duty to act. The word "may" takes the permissive, and indicates permission to act.

6.1.5 Effective Date

Policy 6-3: This Municipal Planning Strategy and implementing Land Use By-law shall come into effect on the date that a notice is published in a newspaper, circulating in the Municipality, informing the public that the planning documents are in effect.

6.2 Regional Cooperation

6.2.1 Consultation with Adjacent Municipality

This Municipal Planning Strategy and its associated By-laws apply only to lands within the Town of Lunenburg. However, activities that occur within the Town have the potential to affect lands within the Municipality of the District of Lunenburg. This may be direct, such as the generation of traffic or trespass of noise or odours across borders. It may also be indirect, such as through effects on the market for various types of development in neighbouring areas.

Council believes that it is important to consider the input of the Municipality of the District of Lunenburg when considering amendments to this Municipal Planning Strategy.

Policy 6-4: Council shall consult with the Municipality of the District of Lunenburg when:

- (a) adopting a new Municipal Planning Strategy to replace this one; and
- (b) when considering amendments to this Municipal Planning Strategy that would affect lands within 500 metres of the Town boundary.



6.3 Land Use By-law and Subdivision By-law

6.3.1 Adoption

The land use and development policies in this Municipal Planning Strategy are implemented through a Land Use By-law. This by-law uses a series of zones to establish lot standards, the permitted uses of land, and the form of buildings. In doing this, the Land Use By-law reflects the policies of this Municipal Planning Strategy. Council approves the Land Use By-law at the same time this Plan is approved.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

The Land Use By-law and Subdivision By-law are administered by a Development Officer appointed by the Town of Lunenburg. The Development Officer is responsible for issuing development permits in accordance with the Land Use By-law and for issuing subdivision approval in accordance with the Subdivision By-law.

Policy 6-5: Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

Policy 6-6: Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these by-laws.

Policy 6-7: The Subdivision By-law shall:

- (a) apply to the whole of the Municipality;
- (b) ensure that any subdivision, with the exception of lots created using a variance or the provisions of Section 279 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- (c) establish locations and standards for the development of public streets; water, sewer, and stormwater services; and other publicly owned infrastructure;
- (d) contain provisions for dedicating land or an equivalent value for parkland, playgrounds, and similar public purposes;
- (e) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
- (f) contain any other provisions needed to fulfill the intent of this Plan.



6.3.2 Variances

Section 235 of the *Municipal Government Act* gives the Development Officer the power to grant “variances” from the requirements of the Land Use By-law. The Act sets out the circumstances when such variances may be granted, the Land Use By-law provisions for which variances may be granted, and the process for granting such variances. The Act provides by default the ability to vary lot coverage, setbacks, lot frontage, and lot area. Additional variance categories may be enabled in a Municipal Planning Strategy. Council recognizes that occasionally challenging and unique development scenarios will arise as a result of Lunenburg’s long history, and intends to provide for a wider range of variances as a tool to enable solutions to these challenges.

Policy 6-8: Council shall, in accordance with Section 235 of the *Municipal Government Act*, permit the Development Officer to vary:

- (a) location and number of parking spaces required;
- (b) ground area of a structure;
- (c) height of a structure;
- (d) floor area occupied by a home-based business; and/or
- (e) height and area of a sign.

6.3.3 Amending the Text and Use Zoning Map of the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the Town in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors may be in conflict with the policies in this Plan. Where such errors are discovered, Council may consider correcting them through amendments to the Use Zoning Map of the Land Use By-law.

Policy 6-9: Council shall amend the text of the Land Use By-law if the proposed amendment is consistent with this Municipal Planning Strategy and meets the general evaluation criteria for amending the Land Use By-law, as set out in Policy 6-19.



Policy 6-10: Council shall consider amendments to the Use Zoning Map of the Land Use By-law when the proposed map amendment is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed Use Zone is enabled by this Plan for use within the same Future Land Use Map designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or
- (c) notwithstanding the Use Zones permitted within a Future Land Use designation, the land to be rezoned is under 1,000 square metres in area and is abutting a Future Land Use Map designation that permits the proposed Use Zone. For clarity, land that abuts a right-of-way, such as a street, is considered to be abutting the designation on the other side of the right-of-way.

Policy 6-11: Council shall not amend the Use Zoning Map of the Land Use By-law unless Council is satisfied that:

- (a) the proposal is consistent with the description of the Use Zone in Policy 4-1 and any specific policies, if any, directing where it is appropriate to place the proposed Use Zone; and
- (b) the proposed Use Zone and the uses it permits meet the general criteria for amending the Land Use By-law, set out in Policy 6-19.



6.3.4 Amending the Lot Zoning Map of the Land Use By-law

In general, the initial placement of Lot Zones is intended to be a very deliberate choice as a means to shape the future character of Lunenburg. As such, amendments to the Lot Zoning Map are generally not to be considered without an amendment to this Plan. However, minor rounding out of Lot Zone boundaries may occasionally be appropriate and the establishment or closure of unique (e.g. industrial, institutional, open space) uses may require an amendment to implement or remove Lot Zone 4 from the Lot Zoning Map.

Policy 6-12: Council shall not amend the Lot Zoning Map of the Land Use By-law without an amendment to this Plan, except in the following situations:

- (a) Minor adjustments between abutting Lot Zones to better reflect the transition from one lot development pattern to the other.
- (b) Amendments to change the Lot Zone on a property to Lot Zone 4 when a proposed non-residential, non-commercial use requires this lot zone for efficient operations.
- (c) Amendments to change the Lot Zone on a property away from Lot Zone 4 to an abutting Lot Zone when the use that required Lot Zone 4 has ceased and the property is proposed to be redeveloped for other purposes.

6.3.5 Amending the Form Zone Map of the Land Use By-law

The initial placement of the Form Zones on the Form Zoning Map was conducted with much thought and as a reflection of the desired community structure identified in the Comprehensive Community Plan. Any wholesale changes to this structure should only be considered through a review of the Comprehensive Community Plan and, by extension, this Municipal Planning Strategy. However, it may be reasonable at times to consider minor adjustments to the Form Zoning Map as the community evolves or if a significant change in use dictates the need for a different—but compatible—form for buildings and the site.

Policy 6-13: Council may consider amendments to the Form Zoning Map of the Land Use By-law. Council shall not adopt such amendments unless Council is satisfied:

- (a) the proposal is consistent with the description of the Form Zones in Policy 5-1;
- (b) there is a clear need for the amendment to accommodate a proposed use for the land that is both acceptable for the location and that could not be accommodated within the confines of the existing Form Zone;
- (c) the proposed Form Zone enables a form for the site that is compatible with (though not necessarily identical to) the surrounding form; and
- (d) the proposal meets the general evaluation criteria for amending the Land Use By-law, set out in Policy 6-19.



6.4 Development Agreements

6.4.1 Context

A development agreement is a written legal agreement between the Town and a property owner. It “runs with the land”; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies.

The development agreement is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be permitted by the standards established in the applicable zone. This can allow a proposal to better fit the specific constraints or opportunities provided by a site.

A development agreement allows or limits the development to the use or types of uses actually proposed and outlined in the agreement. This allows Council to have a finer-grained level of control over the proposed development, and to implement specific measures to mitigate potential impacts. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement, which would be evaluated against the policies in this Plan.

In accordance with the *Municipal Government Act*, the types of development that may be considered by a development agreement must be clearly identified in the Plan.

6.4.2 Adopting and Amending Development Agreements

Policy 6-14: Council shall consider entering into a development agreement where such an agreement is enabled by policies elsewhere in this Plan. Where Council approves a development agreement, the development agreement:

- (a) shall specify the development, expansion, alteration, or change permitted;
- (b) shall specify the conditions under which the development may occur; and
- (c) may set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-15: Council shall not enter into or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-19.



Policy 6-16: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and the general criteria set out in Policy 6-19. Such conditions may include, but are not limited to, controls regarding:

- (a) servicing;
- (b) the type, location, and orientation of structures;
- (c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (d) the provision of open space and amenities;
- (e) the type, size, and location of signage;
- (f) the type and orientation of exterior lighting;
- (g) management of solid waste, compost, and recycling;
- (h) pedestrian, bicycle, and vehicular circulation;
- (i) connections within the boundaries of the lot to existing or planned pedestrian, bicycle, and vehicular networks abutting the lot;
- (j) the location and number of bicycle and vehicular parking and loading spaces;
- (k) access for emergency vehicles;
- (l) the location and type of landscaping, including fences and other forms of screening;
- (m) stormwater management;
- (n) grading and erosion control;
- (o) the emission of noise, odour, light, liquids, gases, and dust;
- (p) the type of materials stored and/or sold on site;
- (q) hours of operation;
- (r) the phasing of development;
- (s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (t) mitigation measures for construction impacts;
- (u) time limits for the initiation and/or completion of development; and
- (v) all other matters enabled in Section 227 of the *Municipal Government Act*.



6.4.3 Legacy Development Agreements

There are a number of development agreements in the Town of Lunenburg that were adopted prior to this Plan. These agreements are legal contracts that continue to remain in force subject to the terms outlined in the agreement. However, the policies under which these agreements were considered are often no longer in force, so evaluating any proposed amendments to these agreements can be challenging.

Council may conduct a comprehensive review of existing development agreements to determine if they can be discharged or possibly brought into alignment with this Plan. Pending this review, amendments to existing development agreements will be governed by the following policies:

Policy 6-17: Council shall consider non-substantive amendments to development agreements adopted prior to [adoption date], 2021 subject to the criteria for non-substantive amendments outlined in the particular development agreement and subject to Policy 6-19 of this Plan.

Policy 6-18: Council shall only consider substantive amendments to development agreements adopted prior to [adoption date], 2021 if the proposal is specifically enabled by, and is consistent with, a policy of this Plan.



6.5 General Evaluation Criteria

6.5.1 Amending the Land Use By-law & Entering into Development Agreements

Amendments to the Land Use By-law and the entering into of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

Policy 6-19: Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not knowingly conflict with any Town or Provincial programs, by-laws, or regulations in effect in the municipality;
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
 - ii. impacts on existing drinking water supplies, both private and public;
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - v. the adequacy of fire protection services and equipment;
 - vi. the adequacy and proximity of schools and other community facilities;
 - vii. impacts on UNESCO World Heritage Site statements of outstanding value;
 - viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
 - ix. site-specific climate change risks;
 - x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
 - xi. impacts on known habitat for species at risk;
 - xii. impacts on the navigability and environment of Lunenburg Harbour;
 - xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to rights-of-way; and
 - xiv. land use conflicts that could place limits on existing operational procedures at existing businesses.



6.6 Monitoring and Updating this Plan

6.6.1 Plan Reviews

Good plans are not set in stone. While every effort has been made to be thorough in the preparation of this Municipal Planning Strategy, things can change. The assumptions under which this plan was made, the technologies and land use issues of the day, and the values of community members will all change over time. This Plan must be monitored and periodically reviewed and updated to remain effective.

Policy 6-20: Council shall initiate a brief housekeeping review of this Municipal Planning Strategy within two years of its adoption. The intent of this review is solely to identify errors and omissions.

Policy 6-21: Council shall initiate a review of this Municipal Planning Strategy following the five-year review of the Comprehensive Community Plan. The intent of this review is to align the Municipal Planning Strategy with any new priorities and actions arising from the Comprehensive Community Plan review.

6.6.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of the adjacent municipality and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and review by the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

Policy 6-22: Council shall consider an amendment to this Municipal Planning Strategy, including as necessary Schedule 'A', the Future Land Use Map, when:

- (a) any policy intent is to be changed;
- (b) a proposed amendment to the maps or text of the Land Use By-law or Subdivision By-law is in conflict with this Plan and there are valid reasons for the amendment;
- (c) incorporation of a detailed secondary area strategy into this Plan is desired; or
- (d) this Municipal Planning Strategy is found to be inconsistent with the *Municipal Government Act* or the Statements of Provincial Interest.



Schedules

Schedule 'A' – Future Land Use Map



MAP

Future Land Use

SCHEDULE

A

LAST UPDATED

6/1/2021

NORTH

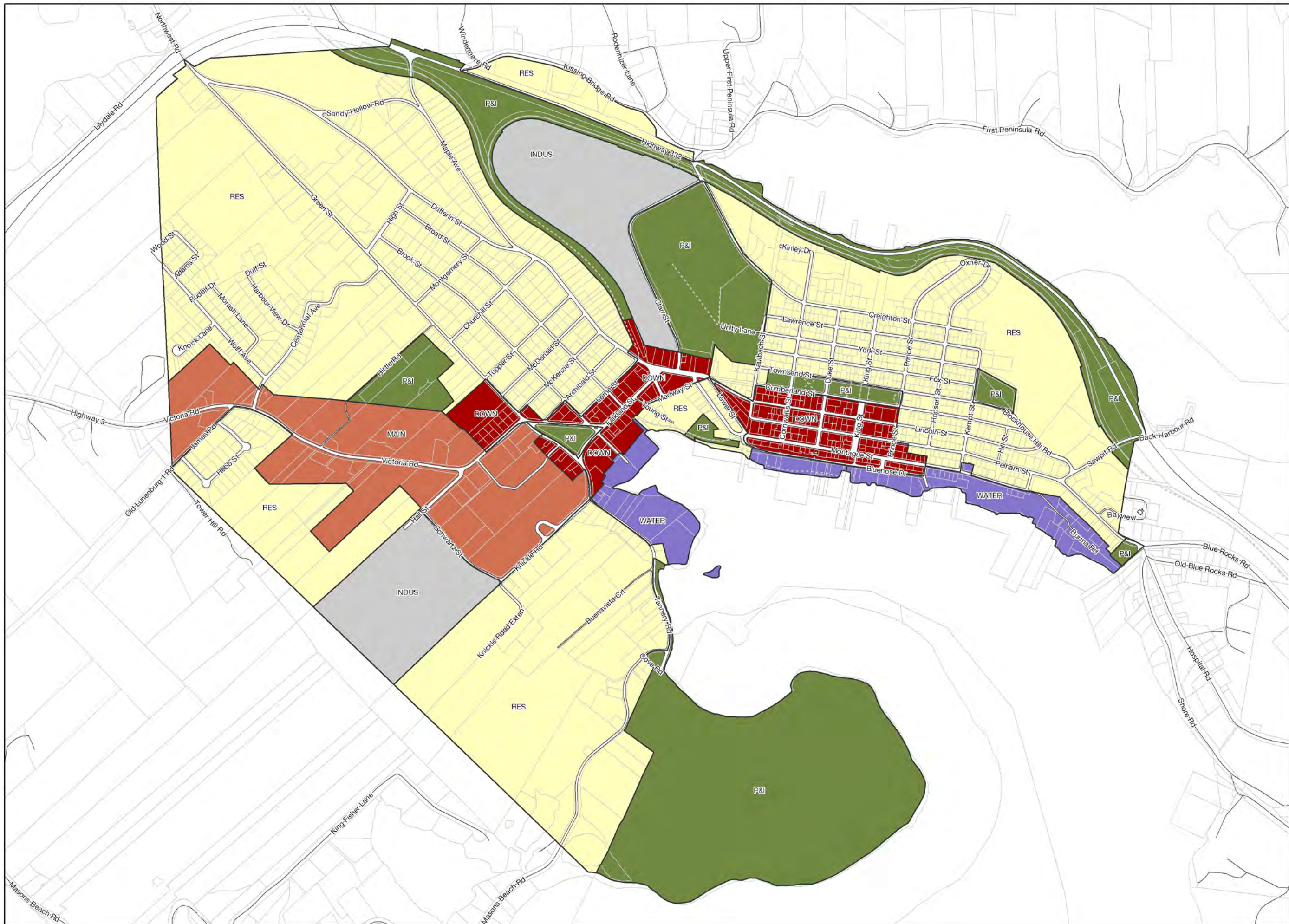


SCALE

1:10,000

LEGEND

RES	Residential
MAIN	Main Street
DOWN	Downtown Commercial
WATER	Waterfront
INDUS	Industrial
P&I	Parks and Institutional



LAND USE BY-LAW DRAFT

JUNE 2, 2021



TOWN OF LUNENBURG LAND USE BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



Changelog

Reference Code	File or Application Number	Council Adoption Date	Enacted Date	General Description of Change



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1 Title, Purpose, & Authority

1.1. Title

- 1.1.1. This By-law is the Town of Lunenburg Land Use By-law, and may be cited as the “Land Use By-law” or “LUB”.
- 1.1.2. This Land Use By-law may also be cited as “By-law” when used in a self-referential manner within the text.

1.2. Purpose

- 1.2.1. The purpose of this By-law is to carry out the intent of the Municipal Planning Strategy of the Town of Lunenburg by regulating the use of land, buildings, and structures and by regulating the height, bulk, location, size, spacing and character of buildings and structures within the Town of Lunenburg.

1.3. Authority

- 1.3.1. This By-law is passed under the authority of the *Municipal Government Act*.



2 Interpretation

2.1. Certain Words

2.1.1. In this By-law:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

2.1.2. Words not otherwise defined in this By-law shall have the meaning assigned to them in the *Municipal Government Act*.

2.2. Conflict

2.2.1. In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall take priority.

2.2.2. Colour coding throughout this By-law and the Zoning Maps is for ease of reference only and the text of the By-law shall take priority.

2.2.3. In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall take priority.

2.2.4. In the case of conflict between a written zone name and a zone symbol, the written zone name shall take priority.

2.3. Definitions

2.3.1. For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Part 8 - Definitions. Where a word is not defined in Part 8 the word shall have the meaning or meanings assigned by accepted English dictionaries.



2.4. Units of Measurement

- 2.4.1. This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. Conversions to other units are approximate and rounding has been applied in a manner that provides a margin of error to ensure compliance with the official metric measurements. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

2.5. Interpretation of Zone Boundaries

- 2.5.1. Boundaries between zones shall be determined as follows:
- (a) where a zone boundary is indicated as following a boundary survey line as recorded at the Registry of Deeds or Land Registration Office, the boundary shall follow that line;
 - (b) where a zone boundary is indicated as following a street, private road, or controlled access highway the centerline of the street, private road, or controlled access highway shall be the boundary unless otherwise indicated;
 - (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centerline of the right-of-way shall be the boundary unless otherwise indicated;
 - (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
 - (e) where the zone boundary is indicated as following the shoreline of a river, watercourse, lake or salt water body, the mean high water mark shall be the boundary and the zone boundary shall follow any changes in mean high water mark; and
 - (f) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

2.6. Severability

- 2.6.1. If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.



3 Administration

3.1. Administration of By-law

- 3.1.1. Council shall appoint one or more Development Officer(s) for the Town.
- 3.1.2. The Development Officer shall be responsible for the administration of this By-law.

3.2. Inspection

- 3.2.1. The Development Officer or designate is authorized to enter, at all reasonable times, into or upon any property within the Town for the purpose of any inspections necessary to administer this By-law.

3.3. Enforcement & Penalty

- 3.3.1. In the event of any violation of the provisions of this By-law, the Town may act in accordance with the *Municipal Government Act*.

3.4. Compliance with Other Legislation

- 3.4.1. Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Town, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.4.2. Where the provisions in this By-law conflict with those of any other by-law of the Town or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

3.5. Restoration to a Safe Condition

- 3.5.1. Nothing in this By-law shall prevent the restoration of any building or structure to a safe condition, as determined by the Town's Building Official.

3.6. Effective Date

- 3.6.1. Upon adoption by the Council of the Town of Lunenburg and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Town, informing the public that the Land Use By-law is in effect.



3.7. Existing Structures and Uses

- 3.7.1. A structure or use of land shall be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
 - (b) it has lawfully commenced;
 - (c) it is lawfully under construction; or
 - (d) all required permits for its construction or uses were in force and effect, except that this shall no longer apply if the construction or use is not commenced within 12 months after the date of the latest issuance of the required permits.

3.8. Repeal of By-law

- 3.8.1. The Town of Lunenburg Land-Use By-Law adopted by Council for the Town of Lunenburg on August 29, 2012, as amended, is hereby repealed.



4 Permitting & Application Process

4.1. Development Permit Required

- 4.1.1. Unless otherwise stated in this By-law, no person shall undertake a development within the Town without first obtaining a development permit from the Development Officer.

4.2. Developments Not Requiring a Permit

- 4.2.1. Subject to Section 4.3, the following developments shall not require a Development Permit:
- (a) Interior renovations or alterations to a structure that do not result in a change in the number of dwelling units or a change in use of the structure.
 - (b) Exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure, except within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.
 - (c) Signs smaller than 0.2 square metres (2.2 square feet) in sign area, where signs are permitted.
 - (d) Temporary uses meeting the requirements of Section 6.8.
 - (e) Public and private utilities located within the street right-of-way.
 - (f) Temporary cloches, crop hoops, or other such temporary crop structures.
 - (g) Farm, fish, and forest sales meeting the requirements of Section 6.9.
 - (h) The making of a domestic garden.
 - (i) Personal offices or studios meeting the requirements of Subsection 6.10.1.
 - (j) The teaching of one student at a time, meeting the requirements of Subsection 6.10.3.
 - (k) Signs permitted in all Form Zones, as listed in Subsection 7.8.5.
 - (l) Minor structures such as retaining walls, children's play structures, hot tubs, cold frames, garden trellises, clothesline poles, dog houses, propane cylinders, and heat pumps.
 - (m) Vending activities as outlined in Schedule 'G', Vending.



- 4.2.2. For greater clarity, a building permit and/or Certificate of Appropriateness may still be required for developments that are exempt from requiring a development permit. Applicants are responsible for inquiring with the Town prior to undertaking any development.

4.3. No Exemption from Requirements

- 4.3.1. Every development shall be subject to the requirements of this By-law whether or not a Development Permit is required.

4.4. Development Permit in Conformance with By-law or Development Agreement

- 4.4.1. The Development Officer shall only issue a development permit in conformance with this By-law or a registered development agreement, except where a variance is granted or in the case of an existing non-conforming use or structure, in which case a development permit shall be issued in conformance with the Act.

4.5. Certificate of Appropriateness

- 4.5.1. The Development Officer shall not issue a development permit if the applicant has not yet obtained a Certificate of Appropriateness if required by the *Heritage Conservation District Bylaw*.

4.6. Development Permit Duration, Revocation, and Renewal

- 4.6.1. A development permit shall expire within the following time periods from the date issued if the development has not commenced:
 - (a) Two years for industrial uses.
 - (b) One year for all other uses.
- 4.6.2. The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.



4.7. Application Requirements

- 4.7.1. Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the applicant;
 - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
 - (c) a statement of the proposed use of the land;
 - (d) a site plan, as detailed in Subsection 4.7.2; and
 - (e) any other information required by this Land Use By-law.

Plan Requirements

- 4.7.2. Every application for a development permit shall be accompanied by a plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
 - (b) the proposed location, height and dimensions of the building, structure, or work for which the permit is applied;
 - (c) the location of rights-of-way and easements within the subject property;
 - (d) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas where applicable;
 - (e) the location of all watercourses on the property; and
 - (f) other such information as requested by the Development Officer to determine whether or not the development conforms to the requirements of this By-law.

Additional Plan Information

- 4.7.3. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations in force, they may require that the plan submitted under Subsection 4.7.2 shows:
- (a) the location of every building or structure already erected on or partly erected on such lot;
 - (b) the location of every building erected upon any abutting lot;
 - (c) existing and proposed services; and/or
 - (d) a plan based upon a survey prepared by a Nova Scotia Land Surveyor.



Additional Studies and Plans

- 4.7.4. Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate professional. Such additional information may include, but is not limited to:
- (a) site survey and/or site plan prepared and stamped by a Nova Scotia Land Surveyor;
 - (b) location certificate;
 - (c) topography and soil conditions of the subject site;
 - (d) watercourse delineation study;
 - (e) stormwater management plan;
 - (f) floor plans and elevation drawings of any proposed structures;
 - (g) geotechnical study;
 - (h) site grading plan;
 - (i) traffic impact assessment or study;
 - (j) groundwater supply study; and/or
 - (k) any other information deemed necessary by the Development Officer.

4.8. Variances

- 4.8.1. Notwithstanding anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the *Municipal Government Act*. Specifically, the Development Officer may vary:
- (a) percentage of land that may be built upon;
 - (b) size or other requirements relating to yards;
 - (c) lot frontage or lot area, or both, if
 - i. the lot existed on the effective date of the By-law, or
 - ii. a variance was granted for the lot at the time of subdivision approval;
 - (d) location and number of parking spaces and loading spaces required;
 - (e) ground area of a structure;
 - (f) height of a structure;
 - (g) floor area occupied by a home-based business; and/or
 - (h) height and area of a sign.



- 4.8.2. In accordance with Section 235 of the *Municipal Government Act*, the Development Officer shall not grant a variance if the:
- (a) variance violates the intent of the Land Use By-law;
 - (b) difficulty experienced is general to properties in the area; or
 - (c) difficulty experienced results from an intentional disregard for the requirements of the Land Use By-law.
- 4.8.3. Where the Development Officer has granted a variance in the requirements of this By-law, notification of the variance shall be served upon assessed property owners of all properties that lie within 30 metres (100 feet) of the property subject to the variance.
- 4.8.4. Notification of a variance shall:
- (a) describe the variance granted;
 - (b) identify the property(s) subject to the variance; and
 - (c) set out the right to appeal the decision of the Development Officer to Council.
- 4.8.5. A sign in a form established by the Town and containing the above information shall also be posted by the applicant on the property subject to the variance.
- 4.8.6. Variance requests shall be accompanied by fee paid to the Development Officer, at the time of application, in an amount established by Council sufficient to pay the costs associated with giving notice of variances as required by the Act.



5 Lot & Subdivision Standards

5.1. Lot Zones

- 5.1.1. The subdivision of land and the creation of new streets within the Town of Lunenburg is governed by lot zones, the boundaries of which are shown on Schedule 'B', the Lot Zoning Map. Such zones may be referenced by the appropriate symbols:

Lot Zone Name	Lot Zone Symbol
Lot Zone 1	LZ1
Lot Zone 2	LZ2
Lot Zone 3	LZ3
Lot Zone 4	LZ4

5.2. Lot Standards

- 5.2.1. The subdivision of land within the Town shall comply with Table 1, Lot Subdivision Standards.

Table 1: Lot Subdivision Standards

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ² (1,185 ft ²)	370 m ² (3,983 ft ²)	330 m ² (3,553 ft ²)	37 m ² (399 ft ²)
Maximum Lot Area	465 m ² (5,005 ft ²)	-	-	-
Minimum Lot Frontage	6 m (20 ft)	12 m (40 ft)	12 m (40 ft)	6 m (20 ft)
Maximum Lot Frontage	40 m (131 ft)	-	-	-

- 5.2.1. Notwithstanding Subsection 5.2.1, the Nova Scotia Department of Environment and Climate Change may require larger minimum lot sizes for unserviced lots.

Existing Undersized Lots

- 5.2.2. Notwithstanding the minimum lot area and minimum lot frontage requirements of Table 1, any undersized lot legally in existence may be increased in area and/or frontage as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the maximum lot area or maximum lot frontage requirements of Table 1.



Existing Oversized Lots

- 5.2.3. Notwithstanding the maximum lot area and lot frontage requirements of Table 1, a legally existing oversized lot may be reduced in lot area and/or lot frontage requirements as a result of an approved plan of subdivision. For greater clarity, this provision does not exempt lots from the minimum lot area or minimum lot frontage requirements of Table 1.

Subdivision By-law Exceptions

- 5.2.4. Notwithstanding the requirements of Section 5.2, lots may be subdivided using the provisions of Sections 5.3, 5.4, 5.5, and 5.6 of the Subdivision By-law and a development permit may be issued for development on these lots in compliance with all other requirements of this Land Use By-law.

Subdivision for Dwelling Party Walls

- 5.2.5. Notwithstanding the minimum lot frontage and area requirements of Subsection 5.2.1 a lot may be subdivided to place attached, side-by-side dwelling units on their own lot, with a lot line running along the party wall, provided:
- (a) the lot frontage is at least 6 metres (20 feet) for each dwelling unit and the total combined area of the lots complies with the minimum and maximum lot frontage requirements of Subsection 5.2.1;
 - (b) the total combined number of dwelling units in the dwelling does not exceed the maximum number of dwelling units on a lot outlined in Section 6.2, or six (6) dwelling units, whichever is less; and
 - (c) the total combined area of the lots complies with the minimum and maximum lot area requirements of Subsection 5.2.1.

5.3. Flag Lots

- 5.3.1. Flag lots shall not be permitted.



6 Land Uses & Required Bicycle Parking

6.1. Use Zones

- 6.1.1. The uses permitted on land within the Town of Lunenburg are governed by land use zones, the boundaries of which are shown on Schedule 'C', the Use Zoning Map. Such zones may be referenced by the appropriate symbols:

Use Zone Name	Use Zone Symbol
Lower Density Residential Use Zone	RL
Medium Density Residential Use Zone	RM
Higher Density Residential Use Zone	RH
Commercial Mixed Use Zone	CM
General Commercial Use Zone	CG
Waterfront Use Zone	W
Industrial Use Zone	M
Marine Industrial Use Zone	MM
Rural Use Zone	RUR
Institutional Use Zone	INS
Parks and Recreation Use Zone	PR

6.2. Tables of Permitted Uses

- 6.2.1. The following tables outline the permitted uses in each use zone, subject to the following scheme:
- Uses denoted with a "P" are permitted subject to all requirements of this By-law, and to any sections noted in the "Special Req's" column.
 - Dwelling uses denoted with a numeral are permitted up to the number of dwelling units identified by the numeral and subject to all requirements of this By-law. Dwelling uses with a 'P' are not limited in the number of permitted dwelling units. Accessory dwellings shall not be counted for the purposes of determining the number of dwelling units.
 - Uses denoted with a "DA" are permitted by development agreement, subject to the Municipal Planning Strategy Policies noted in the "Special Req's" column.
 - Uses denoted with a "-" or not listed in the table are not permitted.



Residential Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.1 to 6.4.4
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-	subs. 6.4.5 to 6.4.7
Dwelling	2	4	P	P	P	-	-	-	P	-	-	subs. 6.4.8
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-	
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-	
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-	
Small Options Home	P	P	P	-	P	-	-	-	P	-	-	

Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P	
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-	
Emergency Services	-	-	-	P	-	-	P	P	-	P	-	
Government Uses	-	-	-	P	P	P	P	P	-	P	P	
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P	
Hospitals	-	-	-	-	-	-	-	-	-	P	-	
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-	
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-	
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-	
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-	



Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Accommodations	-	-	-	P	P	-	-	-	-	-	-	
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-	
Animal Care	-	-	-	P	P	-	-	-	P	-	-	
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-	
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-	
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-	
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-	
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-	
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-	
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P	
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-	
Craft Food and Beverage Production	-	-	-	P	P	P	P	P	P	-	-	
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-	
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-	
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-	
Home-based Business	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.9
Kennel	-	-	-	-	-	-	P	-	P	-	-	
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-	
Marinas	-	-	-	-	-	P	-	P	-	-	-	
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P	
Offices	-	-	-	P	P	P	P	P	-	P	-	
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-	
Private Clubs	-	-	-	P	P	-	-	-	-	P	-	
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-	
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P	
Retail Stores	-	-	-	P	P	P	P	P	-	-	-	subs. 6.4.10
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-	
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-	
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-	subs. 6.4.11 and 6.4.12
Wholesale	-	-	-	-	-	-	P	P	-	-	-	
Workshops	-	-	-	P	P	P	P	P	-	P	-	



Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-	
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-	MPS Policy 4-17
Light Industrial	-	-	-	P	P	P	P	P	-	-	-	
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-	
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-	
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-	
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-	
Warehousing	-	-	-	-	-	-	P	P	-	-	-	

Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR	Special Req's
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-	
Cemeteries	-	-	-	-	-	-	-	-	P	P	P	
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-	
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-	
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-	
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	
Public Recreation	-	-	-	P	-	P	-	-	P	P	P	
Public Transportation	-	-	-	P	P	-	P	-	-	P	-	
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-	
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P	subs. 6.4.13 to 6.4.15
Water Access	P	P	P	P	P	P	P	P	P	P	P	



6.3. Existing Uses

- 6.3.1. The existing uses listed in Schedule 'A', Existing Uses are considered permitted.

6.4. Special Use Requirements

Accessory Dwellings

- 6.4.1. Accessory dwellings may be permitted within the main building or within a detached accessory building, but the total number of accessory dwellings shall be limited to one per lot.
- 6.4.2. The building footprint of a detached accessory dwelling shall not exceed 60 square metres or 40% of the building footprint of the main dwelling, whichever is larger.
- 6.4.3. Detached accessory dwellings shall not be located in the front yard.
- 6.4.4. Detached accessory dwellings shall meet form zone requirements for accessory buildings.

Bed and Breakfasts

- 6.4.5. Bed and breakfast uses shall not serve food to non-guests unless a restaurant is a permitted use in the applicable use zone.
- 6.4.6. Bed and breakfast uses shall be limited in size to six (6) sleeping units in the Lower Density Residential Use Zone, Medium Density Residential Use Zone, and Rural Use Zone.
- 6.4.7. Notwithstanding Subsection 6.4.6, larger bed and breakfast uses may be permitted by development agreement subject to Municipal Planning Strategy Policy 4-10.

Dwellings

- 6.4.8. Within the Commercial Mixed Use Zone, dwelling units shall be prohibited on the ground floor within 15 metres (50 feet) of the front lot line. For greater clarity, uses accessory to dwellings, such as residential lobbies and amenity space, may be permitted on the ground floor.



Home-based Businesses

6.4.9. Home-based business shall meet the following requirements:

- (a) The dwelling must be the place of primary residence of the owner of the business.
- (b) The business shall not employ on-site at one time more than two (2) persons whose primary residence is not the dwelling on the lot.
- (c) The business must be located in the dwelling or in an accessory building.
- (d) The following uses shall be permitted as a home-based business:
 - i. Business offices or professional offices
 - ii. Craft workshops and craft shops
 - iii. Personal service shops
 - iv. Tailoring and/or commercial sewing
 - v. Studios for the practice or instruction of fine arts, commercial arts or crafts
 - vi. Repair shops, excluding vehicle or small engine repair shops
 - vii. Day care centres
 - viii. Taxicab operations
 - ix. On-site preparation of food for off-site (catering)
- (e) More than one of the uses permitted in clause (d) may be located on the site at one time, but multiple uses shall be considered as one home-based business for the purposes of compliance with this subsection.
- (f) Retail sales of products shall be limited to the sale of products made, refinished, or repaired on the premises and products associated with the business.
- (g) The business shall not occupy an area equivalent to no more than 25% the gross floor area of the dwelling or 47 square metres (505 square feet), whichever is less.
- (h) No more than two (2) commercial vehicles, including taxicabs, related to the business use may be kept upon or operated from the lot on which the business is located.



Retail Stores

- 6.4.10. Within the Industrial Use Zone and Marine Industrial Use Zone, retail stores shall:
- (a) be related to another use on the lot; and
 - (b) not exceed 25 percent of the gross floor area on the lot.

Short-term Rentals

- 6.4.11. Only one short-term rental shall be permitted on a lot.
- 6.4.12. Short-term rentals shall not be permitted in accessory dwellings or accessory buildings.

Urban Agriculture

- 6.4.13. The keeping of chickens as an urban agriculture use shall be subject to the following requirements:
- (a) Roosters shall be prohibited.
 - (b) The number of hens permitted shall be:
 - i. five (5) or fewer on lots 1,000 square metres (10,764 square feet) in area or smaller; and
 - ii. ten (10) or fewer on lots larger than 1,000 square metres (10,764 square feet).
 - (c) The chickens shall be kept within an enclosure and not permitted to run at large.
 - (d) Coops shall meet form zone requirements for accessory buildings.
- 6.4.14. The keeping of bees as an urban agriculture use shall be subject to the following requirements:
- (a) All hives shall be located at least 3.0 metres (10 feet) from any lot line, unless they are located on a rooftop at a height of 3.0 metres (10 feet) or higher.
 - (b) All hives and colonies shall be registered with the Nova Scotia Department of Agriculture.
- 6.4.15. Community gardens shall include a clearly-defined area for solid waste and compost.



6.5. Adaptive Re-use

- 6.5.1. Adaptive re-use of former institutional buildings and properties for a use not otherwise permitted in the applicable use zone may be permitted by development agreement, subject to Municipal Planning Strategy Policy 4-12.

6.6. Non-conforming Uses

- 6.6.1. A non-conforming use shall not be recommenced if discontinued for a continuous period of 12 months.
- 6.6.2. A non-conforming use may be expanded or converted to another non-conforming use by development agreement as provided for by Municipal Planning Strategy Policy 4-24.

6.7. Accessory Uses

- 6.7.1. Uses accessory to a main use shall be permitted in all use zones.

Electric Vehicle Charging – Accessory

- 6.7.2. Nothing in this By-law shall prevent the installation of an electric vehicle charging station where the station is for the exclusive domestic use of a dwelling.
- 6.7.3. Charging stations for electric vehicles that are not for the exclusive use of a dwelling shall be permitted as an accessory use in all use zones except the Lower Density Residential Use Zone.
- 6.7.4. Electric vehicle charging stations operated on a commercial basis shall be permitted, or not, as indicated in each use zone's permitted uses table.

Solar Collector Systems – Accessory

- 6.7.5. On-building solar collector systems shall be permitted as an accessory use in all use zones.
- 6.7.6. On-building solar collector systems shall be exempt from building height requirements.
- 6.7.7. Off-building solar collector systems may be permitted as an accessory use to a maximum panel area of 4 square metres (43 square feet) and subject to the form requirements for accessory buildings.



Wind Turbines – Accessory

- 6.7.8. Wind turbines shall be permitted as an accessory use in all use zones.
- 6.7.9. Notwithstanding form zone requirements, wind turbines shall not exceed a height of 9 metres (29 feet) or a nameplate generation capacity of 10 kW.

Residential Storage Buildings

- 6.7.10. Storage buildings associated with a residential use, including but not limited to garages and boathouses, may be permitted as the main use on a lot subject to the following requirements:
 - (a) In the General Commercial Use Zone the storage building must be within 30 metres (98 feet) of a lot with a dwelling on it held in the same ownership.
 - (b) In all other use zones the storage building must be on a lot abutting a lot with a dwelling on it held in the same ownership.
 - (c) The applicable form zone requirements of this By-law must be satisfied as if the storage building were regarded as the main building on the lot.
 - (d) Notwithstanding form zone requirements, the storage building shall:
 - i. not exceed 37 square metres (398 square feet) in building footprint; and
 - ii. not exceed 8 metres (26 feet) in height.

6.8. Temporary Uses

Temporary Uses Incidental to Constructions

- 6.8.1. This By-law does not apply to the use of land or the erection of temporary buildings or structures incidental to construction.
- 6.8.2. A development permit is not required for land uses or temporary buildings or structures incidental to construction if a development permit has been issued or is not required by this By-law for the development being constructed.
- 6.8.3. Any land uses or temporary buildings or structures incidental to construction must be terminated or removed:
 - (a) after the completion of the development being constructed; or
 - (b) if construction has not completed within two (2) years of commencement, Council may, by resolution, order the termination or removal of the temporary land use or buildings or structures.



Temporary Uses for Special Occasions and Holidays

- 6.8.4. This By-law does not apply to the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.5. A development permit is not required for the use of land or the erection of temporary buildings or structures for special occasions and holidays.
- 6.8.6. Any land uses or temporary buildings or structures for special occasions and holidays must be terminated or removed within two (2) days after the end of the special occasion or holiday.

6.9. Farm, Fish, and Forest Sales from a Stand or Parked Motor Vehicle

- 6.9.1. Outdoor sales from a stand or parked motor vehicle of fresh flowers, fruit, and vegetables; products from the sea; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products is allowed in the Mixed Use Zone, General Commercial Use Zone, Waterfront Use Zone, and Rural Use Zone without the requirement for a development permit, subject to the *Vending By-law*.
- 6.9.2. Stands shall not exceed a footprint of 10 square metres (107 square feet).
- 6.9.3. Outdoor sales from a stand or parked motor vehicle shall not be located within the street right-of-way.

6.10. Home Occupations

Personal Office or Studio

- 6.10.1. Nothing in this By-law shall prevent the use of a portion of any dwelling or building accessory to a dwelling as personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.
- 6.10.2. No development permit is required for a personal office or studio.

Instruction of One Student at a Time

- 6.10.3. Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.
- 6.10.4. No development permit is required for the instruction of one student at a time.



6.11. Obnoxious Uses

- 6.11.1. Obnoxious uses shall not be permitted except heavy industrial uses where the Use Zone permits the heavy industrial use by development agreement and subject to any terms in the development agreement to manage or control the obnoxious effects of the use.

6.12. Vending

- 6.12.1. Vending shall comply with the *Vending By-law* and with Schedule 'G', Vending, of this Land Use By-law.
- 6.12.2. Where the *Vending By-law* references a section of this Land Use By-law that reference shall be considered as a reference to the section with the same name within Schedule 'G', Vending, of this Land Use By-law.

6.13. Minimum Bicycle Parking Requirements by Use

- 6.13.1. No development permit shall be issued for any development unless bicycle parking is provided and maintained in conformity with Table 3 and the standards of this Section.

Table 3: Minimum Bicycle Parking Requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² (2,153 ft ²) GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

- 6.13.2. If a lot contains more than one main use the minimum bicycle parking requirements of Table 3 for each use shall be summed to determine the total number of required spaces.
- 6.13.3. The minimum bicycle parking requirements of Table 3 shall not apply to existing buildings within the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, of this By-law.



Bicycle Parking Space Dimensions

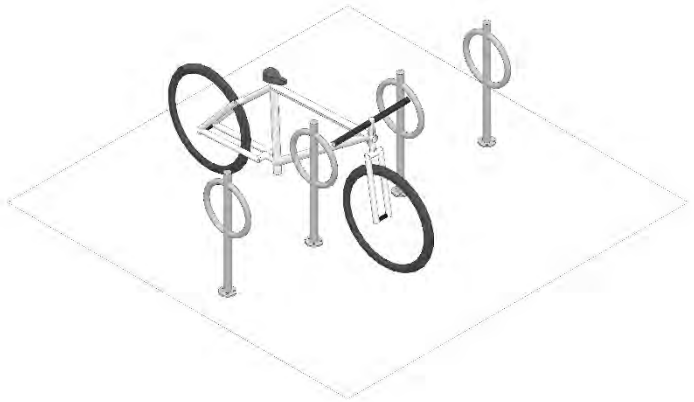
- 6.13.4. Bicycle parking spaces provided for the purposes of fulfilling the requirements of Subsection 6.13.1 shall:
- (a) have a minimum width of 0.6 metres (2 feet) and a minimum length of 2 metres (6.6 feet);
 - (b) be free of obstructions to a height of 2 metres (6.6 feet);
 - (c) not obstruct vehicular or pedestrian circulation;
 - (d) be accessed by an access lane with a minimum unobstructed width of 1.2 metres (4 feet); and
 - (e) include an “inverted U” or “post-and-ring” bicycle rack that:
 - i. is located on one side of the parking space and oriented parallel to the length of the parking space;
 - ii. is permanently mounted into or onto the surface with the midline of the rack at the midline of the length of the parking space; and
 - iii. is made of metal.
- 6.13.5. For greater clarity, one bicycle rack may be used to fulfill the rack requirements for two adjacent bicycle parking spaces by placing it on the shared border of the two spaces.

Bicycle Parking Location

- 6.13.6. Bicycle parking spaces provided for the purposes of Subsection 6.13.1 shall:
- (a) be accessible to the public; and
 - (b) be located between the main building and the front lot line unless, in the opinion of the Development Officer, this location is impossible due to an existing main building being located on or near to the front lot line.
- 6.13.7. The requirements of Subsection 6.13.6 shall not apply to bicycle parking spaces for dwellings.



Inverted "U" and Post-and-Ring bicycle Racks





7 Form

7.1. Form Zones

- 7.1.1. The forms of buildings within the Town of Lunenburg are governed by form zones, the boundaries of which are shown on Schedule 'D', the Form Zoning Map. The zones may be referenced by their corresponding symbol:

Form Zone Name	Form Zone Symbol
Old Town 1 Form Zone	OT1
Old Town 2 Form Zone	OT2
Old Town/New Town 1 Form Zone	ONT1
Old Town/New Town 2 Form Zone	ONT2
New Town 1 Form Zone	NT1
Main Street Form Zone	MST
Marine Form Zone	MA
Community Form Zone	CTY
Industry Form Zone	IN
Rural Form Zone	RF
Shoreline Form Zone	S

7.2. General Form Requirements

Servicing

- 7.2.1. Plumbed development in all form zones except the Rural Form Zone shall be serviced by the Town sewer and water systems where these services are available. If availability is disputed or unclear the Town Engineer shall be solely responsible for making a determination.
- 7.2.2. Notwithstanding Subsection 7.2.1, the Town Engineer may permit industrial uses to utilize private treatment and disposal systems if the effluent waste stream would not be appropriate for the Town sewer system.

Corner Vision Triangle

- 7.2.3. Notwithstanding any other provision of this By-law any vegetation or building or structure including, but not limited to, fences and signs are not permitted to exceed 1.0 metres (3.2 feet) in height above the grade of the abutting streets in a corner vision triangle except in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map. This provision shall not apply above a height of 2.4 metres (7.9 feet).



Fences

- 7.2.4. Notwithstanding minimum setbacks, fences and walls 1.8 metres (5.9 feet) or less in height in any form zone, and fences of any height in the Industry Form Zone, may be erected along property lines.
- 7.2.5. Fences or walls greater than 1.8 metres (5.9 feet) in height shall not be permitted within the Old Town 1 Form Zone, Old Town 2 Form Zone, or Old Town/New Town 1 Form Zone.
- 7.2.6. The use of barbed wire or other sharp-edged materials is prohibited except at the top of fences or walls over 2 metres (6.6 feet) high (where permitted) or fences or walls associated with agricultural uses in the Rural Form Zone and Industry Form Zone.

Exterior Lighting

- 7.2.7. Exterior lighting on any lot shall be directed away from abutting properties and streets.

Canopies and Covered Ways

- 7.2.8. No canopy or covered way shall be erected so that any portion of the structure protrudes below a height of 2.5 metres (8.2 feet) above grade, or the height required by Town snow removal equipment, whichever is greater, but this shall not apply where such structures project entirely over private property and are situated so as to present no hazard to public safety.

Balconies, Extended Dormers, Exterior Staircases and Fire Escapes

- 7.2.9. In any form zone where setback or yard requirements are 0 metres, balconies, extended dormers, exterior staircases and fire escapes added to buildings existing on [adoption date] shall be permitted to project over abutting property lines provided an easement permitting the encroachment is registered on the abutting property prior to the application for a development permit.



Flood Risk Area Development Standards

- 7.2.10. New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
- (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.

Take-Out Windows

- 7.2.11. "Take-out" windows enabling walk-up service from private property or the public sidewalk shall be permitted in all form zones.

Drive Through Facilities

- 7.2.12. Drive through facilities shall be prohibited in all form zones except the Main Street Form Zone.

Waste Receptacles

- 7.2.13. Any premises that offer prepared food to be taken and eaten outside the main building shall provide outdoor receptacles for waste.

Shipping Containers

- 7.2.14. Shipping containers shall not be permitted as accessory buildings except in the Marine Form Zone, Community Form Zone, Industry Form Zone, and Rural Form Zone.
- 7.2.15. In the Rural Form Zone the total length of shipping containers used as accessory buildings on the lot shall not exceed 12.2 metres (40 feet).



7.3. Architectural Control Area

New Buildings

- 7.3.1. In addition to all requirements governing land use and building form, new buildings within the Architectural Control Area, as shown Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to any substantially intact pre-1940 main building located within 91 metres (300 feet) of the new building and fronting on the same street, with respect to:
- (a) architectural style;
 - (b) building length to width ratio;
 - (c) height;
 - (d) roof shape;
 - (e) appearance of exterior cladding and roof materials;
 - (f) architectural details and trim;
 - (g) shape and size of porches, doors and windows;
 - (h) window area to wall area ratio; and
 - (i) location, type, bulk and appearance of chimneys.
- 7.3.2. New buildings located on corner lots may use either street as the street on which they front.

Additions and Alterations to Existing Buildings

- 7.3.3. In addition to all requirements governing land use, additions and alterations to any main building constructed prior to 1940 within the Architectural Control Area as shown on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map, shall be similar to the main building with respect to Clauses (a) to (i) inclusive of Subsection 7.31. above, and the total building footprint of all additions approved after June 13, 1996 shall not exceed 25% of the building footprint existing prior to June 13, 1996.



7.4. Number of Main Buildings on a Lot

- 7.4.1. In all form zones except those specified in Subsections 7.4.2 and 7.4.3, below, only one main building shall be permitted on a lot.
- 7.4.2. Within the Marine Form Zone, Industry Form Zone, and Shoreline Form Zone, there shall be no limit on the number of main buildings on a lot.
- 7.4.3. Within the Old Town/New Town 2, New Town 1, and Main Street Form Zones, multiple main buildings shall be permitted on a lot, subject to the following requirements:
 - (a) The maximum front and flankage setbacks of Subsection 7.5.1 shall only apply to the main building that is closest to the front lot line.
 - (b) The streetwall and stepback requirements of Subsections 7.7.2 and 7.7.3 shall only apply to the main building that is closest to the front lot line.
 - (c) Notwithstanding the requirements of Clause 7.9.4(f), all surface parking shall be located to the rear of the main building that is closest to the front lot line.
 - (d) The minimum separation distance between main buildings shall be 2.5 metres (8.2 feet).
 - (e) All main buildings shall be connected to each-other and to the front lot line by means of a network of pedestrian walkways meeting the standards of Subsection 7.9.1.
 - (f) At least one tree with a minimum caliper of 50 mm shall be planted, or one existing tree with a minimum caliper of 150mm shall be preserved, for every 20 square metres (215 square feet) of lot area not covered by buildings. For greater clarity, the trees may be grouped together.



7.5. Setbacks

Main Building Setbacks

- 7.5.1. Main buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 5: Main Building Setbacks

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	4 m (13 ft)	0 m (0 ft)	1.5 m (5 ft)
Old Town 2	0 m (0 ft)	4 m (13 ft)	1.2 m (4 ft)	3.5 m (11.5 ft)
Old Town/New Town 1	0 m (0 ft)	6 m (19.5 ft)	2.4 m (8 ft)	6 m (20 ft)
Old Town/New Town 2	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	6 m (20 ft)
New Town 1	6 m (20 ft)	10 m (32 ft)	2.4 m (8 ft)	4 m (13.5 ft)
Main Street	1.5 m (5 ft)	4 m (13 ft)	2.4 m (8 ft)	6 m (20 ft)
Marine	0 m (0 ft)	-	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	-	4.5 m (15 ft)	7.5 m (25 ft)
Industry	12 m (40 ft)	-	6 m (20 ft)	12 m (40 ft)
Rural	6 m (20 ft)	-	2.4 m (8 ft)	6 m (20 ft)
Shoreline	0 m (0 ft)	-	1.2 m (4 ft)	0 m (0 ft)

- 7.5.2. The maximum front and flankage setbacks shall not apply for enlargements of existing buildings.
- 7.5.3. The minimum rear and side setback requirements are waived for any setback that directly abuts a harbour shoreline in the Industry and Marine Form Zones.
- 7.5.4. Notwithstanding minimum side setback requirements the party wall of attached, side-by-side dwelling units may be centred on mutual side lot lines.

Accessory Building Setbacks

- 7.5.5. Accessory buildings constructed or enlarged within the Town shall comply with the following setbacks:

Table 6: Accessory Building Setbacks

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town 2	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 1	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Old Town/New Town 2	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
New Town 1	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Main Street	0 m (0 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Marine	0 m (0 ft)	0 m (0 ft)	0 m (0 ft)
Community	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Industry	12 m (40 ft)	6 m (20 ft)	6 m (20 ft)
Rural	6 m (20 ft)	1.2 m (4 ft)	1.2 m (4 ft)
Shoreline	0 m (0 ft)	1.2 m (4 ft)	0 m (0 ft)

- 7.5.6. Accessory buildings shall be located on the same lot as the main use.
- 7.5.7. Accessory buildings shall not be located in the front or flankage yard.
- 7.5.8. Notwithstanding Subsection 7.5.5, an accessory building less than 16 square metres (172 square feet) in gross floor area may have a minimum rear and/or side yard of not less than 1.0 metre (3.3 feet).
- 7.5.9. Notwithstanding minimum side setbacks, the party wall of a semi-detached garage may be centred on a mutual side lot line.
- 7.5.10. Notwithstanding minimum side and rear setbacks, boat houses, docks, wharves, or piers may be built across the lot line corresponding to the water's edge.



- 7.5.11. Notwithstanding Subsection 7.5.5, accessory buildings legally existing on [adoption date] with less than the required setback may be replaced or rebuilt in the same location provided the undersized setback is not further reduced.

Encroachment into Setbacks

- 7.5.12. Notwithstanding Subsections 7.5.1 and 7.5.5 the follow encroachments into minimum required setbacks shall be permitted:

Table 7: Permitted Encroachments

Feature	Required Setback in which Encroachment is Permitted	Permitted Encroachment Distance
Balconies, decks (> 0.3 m high), patios, steps, verandas, porches (open) not exceeding one storey in height, terraces (uncovered)	Front, rear and flankage	2.5 m (8.2 ft)
Barrier free access structures	Any	To lot line
Carports	Side	0.6 m (1.9 ft) from lot line
Decks less than 0.3 metres (0.98 ft) high	Any	To lot line
Exterior insulation retrofitted to an existing building	Any	0.3 m (0.98 ft)
Fire escapes and exterior staircases	Rear and side	1.5 m (4.9 ft)
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m (1.9 ft)
Window bays up to 3 metres (9.8 ft) wide	Front, rear and flankage	1 m (3.2 ft)
Lunenburg Bump	Front	To lot line



7.6. Site Design

- 7.6.1. Development within the Town shall comply with the following site design requirements:

Table 8: Site Design Requirements

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Abutting Zone Requirements

- 7.6.2. Where a yard or lot located within the Industry Form Zone abuts any other zone, the following restrictions apply to the abutting yard within the Industry Form Zone:
- (a) the minimum setback required for the abutting yard shall be 6 metres (20 feet);
 - (b) the required abutting setback shall be planted with a mix of coniferous and deciduous trees;
 - (c) no open storage or permanent outdoor display is permitted in the abutting yard in the Industry Form Zone; and
 - (d) no parking space is permitted in an abutting yard within 3 metres (10 feet) of a side or rear lot line.

Outdoor Storage

- 7.6.3. The following requirements apply to outdoor storage, where permitted:
- (a) Outdoor storage is not permitted within the required minimum front or flankage setback of a lot.
 - (b) All outdoor storage in the front, flankage, and side yards shall be screened or be within a solid enclosure.
 - (c) The area devoted to outdoor storage shall not exceed 50% of the lot area.



7.7. Building Form

Main Building Form

- 7.7.1. Main buildings constructed in the Main Street Form Zone shall be oriented with their primary façade and main entrance approximately parallel to the front lot line. Where there is more than one main building on a lot, this requirement shall only apply to the one closest to the front lot line.
- 7.7.2. Main buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 9: Main Building Form Requirements

Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max. Building Footprint
Old Town 1	10.5 m (34 ft)	6 m (20 ft)	-	-	-	-	-
Old Town 2	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 1	10.5 m (34 ft)	-	-	-	-	-	-
Old Town/New Town 2	10.5 m (34 ft)	-	-	-	-	-	-
New Town 1	19.5 m (63 ft)	-	-	-	-	-	1,500 m ² (16,145 ft ²)
Main Street	20.5 m (67 ft)	10 m (33 ft)	4 m (13.2 ft)	10 m (33 ft)	16 m (52 ft)	3 m (10 ft)	3,000 m ² (32,291 ft ²)
Marine	19.5 m (63 ft)	-	-	-	-	-	-
Community	10.5 m (34 ft)	-	-	-	-	-	-
Industry	13.5 m (44 ft)	-	-	-	-	-	-
Rural	10.5 m (34 ft)	-	-	-	-	-	-
Shoreline	8 m (26 ft)	-	-	-	-	-	47 m ² (505 ft ²)

Streetwall Width

- 7.7.3. Main buildings constructed in the Main Street Form Zone shall have a streetwall width a minimum of 40 metres (132 feet) or 60% of the lot frontage, whichever is less.



Accessory Building Form

- 7.7.4. Accessory buildings constructed or enlarged within the Town shall comply with the following building form requirements:

Table 10: Accessory Building Form Requirements

Form Zone	Maximum Height
Old Town 1	8 m (26 ft)
Old Town 2	8 m (26 ft)
Old Town/New Town 1	8 m (26 ft)
Old Town/New Town 2	8 m (26 ft)
New Town 1	8 m (26 ft)
Main Street	8 m (26 ft)
Marine	8 m (26 ft)
Community	8 m (26 ft)
Industry	8 m (26 ft)
Rural	8 m (26 ft)
Shoreline	8 m (26 ft)

Height Exemptions

- 7.7.5. Notwithstanding Subsections 7.7.2 and 7.7.4 minimum and maximum height requirements shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, and telecommunication towers.

7.8. Signage

Permits Required for Signs

- 7.8.1. Except as specifically exempted in this part, the erection or placement of a sign requires a development permit.
- 7.8.2. Signs require a Certificate of Appropriateness prior to issuance of a development permit if the property is a registered municipal heritage property or if it is in the Heritage Conservation District, as identified on Schedule 'F', the Heritage Conservation District and Architectural Control Area Map.



Counting Signs

- 7.8.3. A sign is a single display surface or device, but a series of related elements organized to convey a single message counts as one sign.

Prohibited Signs

- 7.8.4. The following signs shall be prohibited:
- (a) Signs that incorporate any flashing or moving illumination, except for menu board signs.
 - (b) Signs that incorporate illumination that varies in intensity or colour, including flashing lights, except for menu board signs.
 - (c) Roof signs.
 - (d) Signs that are a hazard to public health or safety.
 - (e) Signs that obstruct drivers' vision or any traffic sign or traffic control device.
 - (f) Signs that obstruct the use of a fire escape door, windows, or other required exit.
 - (g) Signs that make use of such words as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any other similar words, phrases, or symbols so as to interfere with or confuse traffic.
 - (h) Signs that advertise a product, service, or business that is not available at that location.
 - (i) Signs on public property or public right-of-way, unless:
 - i. erected by a public authority;
 - ii. erected with the permission of the owner of the property; or
 - iii. the sign is a portable sign in compliance with this By-law.
 - (j) Signs painted upon, attached to, or supported by a tree, stone, cliff, or other natural object.

Signs Permitted in all Form Zones

- 7.8.5. The following signs are permitted in all form zones and a development permit is not required:
- (a) Signs identifying the name and address of a private residence or the name of the resident, and not more than 0.2 square metres (2.15 square feet) in sign area.



- (b) "No trespassing" signs or other such signs regulating the use of a property, and not more than 0.2 square metres (2.15 square feet) in sign area.
- (c) Real estate signs, not exceeding 1.5 square metres (16 square feet) in sign area in the Rural, Marine, and Industrial Form Zones and 0.5 square metres (5.3 square feet) in sign area other zones, which advertise the sale, rental or lease of the premises.
- (d) Signs regulating or denoting on-premises traffic or parking, or other signs denoting the direction or function of various parts of a building or premise provided that the signs are less than 0.5 square metres (5.3 square feet) in area.
- (e) Signs erected by a government body, or under the direction or authority of such a body, such as, but not limited to, traffic signs, railroad crossing signs, safety signs, signs identifying public schools, public election lists and signs, public interpretive signs, and commercial direction signs forming part of a direction sign program for the Town.
- (f) Memorial signs or tablets and signs denoting the historical significance and date of erection of a structure.
- (g) The flag, pennant, or insignia of any government, or of any charitable, religious or fraternal organization.
- (h) A sign having an area of not more than 4.5 square metres (48.4 square feet) incidental to construction and located on the same site as the building under construction.
- (i) Signs associated with a Federal, Provincial or Municipal election.
- (j) One sign for each street frontage of a lot to be subdivided, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet) advertising a subdivision, and located within the area of the plan of subdivision.
- (k) One sign for each street frontage of a lot to be developed, each with a maximum area of 3.0 square metres (32 square feet) and a maximum height of 5.0 metres (16.4 feet), advertising a dwelling development of more than six dwelling units, and located on the parcel to be developed.
- (l) Signs (including banners) indicating "open", "closed", "sale" or similar terms for any business.
- (m) Temporary signs in windows advertising sales and bargains that are displayed for two weeks or less.
- (n) Temporary community special event signs that are displayed for the duration of the event and removed within one week of the event's conclusion.



- (o) Notices attached to a community bulletin board if a development permit has been issued for the community bulletin board.
- (p) Advertising signs on Town-owned recreation lands which reflect a significant support of the recreation facility by the advertiser if approved by both the Town Council and any operator of the facility.

Changeable Copy Signs

7.8.6. Changeable copy signs are not permitted in the Old Town 1 Form Zone.

Ground Signs

7.8.7. In the Main Street and Industry Form Zones ground signs shall:

- (a) not exceed 10 square metres (107 square feet) in sign area; and
- (b) not exceed 6 metres (19.6 feet) in height.

7.8.8. In all other form zones, ground signs shall:

- (a) not exceed 2.4 square metres (25.8 square feet) in sign area; and
- (b) not exceed 3 metres (9.8 feet) in height.

7.8.9. Ground signs shall not extend into:

- (a) an adjacent property;
- (b) a driveway;
- (c) a parking space;
- (d) a corner vision triangle; or
- (e) a street or other public right-of-way.

7.8.10. There shall only be one ground sign on a property, except in the Main Street Form Zone where two shall be permitted.

7.8.11. Ground signs in the Main Street Form Zone and Community Form Zone may be digital, in whole or in part, subject to the following requirements:

- (a) The content of the digital sign shall not change more frequently than once every 30 seconds.
- (b) The digital sign shall not cause glare on adjacent roadways or on other lots.

7.8.12. Ground signs may have an additional signage area of not more than 1.0 square metres (10.7 square feet) to denote the price of fuel.



Menu Signs

- 7.8.13. Within the Main Street Form Zone two menu signs shall be permitted in conjunction with a drive-through facility and such signs shall not count towards the number of ground signs permitted on the lot.

Projecting Signs

- 7.8.14. No projecting sign shall:
- (a) exceed 2 square metres (21.5 square feet) in sign area;
 - (b) project over a public street beyond the curb line;
 - (c) project above the eaves, parapet or roof line of a building;
 - (d) be erected at less than a height of 2.4 metres (7.9 feet) above grade, measured from the lowest point on the sign; or
 - (e) be permitted to swing freely on its supports without the installation of a suitable catch, chain or other control device.

Wall Signs

- 7.8.15. Wall signs shall not extend above the wall or beyond the extremities of the wall on which it is placed.
- 7.8.16. In all form zones except the Main Street Form Zone:
- (a) no wall sign may cover more than 5% of the area of the wall on which it is placed;
 - (b) the total area of a wall covered by wall signs may not exceed 9 square metres (96.8 square feet).
- 7.8.17. In the Main Street Form Zone:
- (a) no wall sign may cover more than 10% of the area of the wall on which it is placed; and
 - (b) the total area of a wall covered by wall signs may not exceed 37 square metres (398 square feet).
- 7.8.18. In this Section, the length of a wall is measured from the extremities of the building.
- 7.8.19. In this Section, the area of a wall is measured by multiplying the length of the wall by the height of the wall, measured from ground level at the centre of the wall to a line level with the eaves, the lowest point of a mansard roof or the base of the parapet.



Portable Signs

- 7.8.20. Portable signs are only permitted in the Old Town 1 and Main Street Form Zones.
- 7.8.21. A portable sign must be located in front of the premises in which the business the sign is intended to advertise is located.
- 7.8.22. A portable sign shall not be located on a sidewalk or other property of the Town unless the owner of the sign executes an indemnity agreement with the Town undertaking to indemnify the Town, its employees, officers and agents and the Mayor and councillors against any claim of any kind made against any of them and relating in any way to the sign, and agreeing that any portable sign may be removed by the Town if any provision of this Section is violated.
- 7.8.23. A portable sign on a sidewalk must not interfere with pedestrian traffic or drivers' vision.
- 7.8.24. A portable sign on a sidewalk shall be positioned so as to leave at least 1.0 metres (3.3 feet) between the sign and the curb.
- 7.8.25. There shall not be more than one portable sign per business.
- 7.8.26. In the Old Town 1 Form Zone a portable sign may not exceed 1.0 square metres (3.3 feet) in sign area, be more than 0.8 metres (2.6 feet) wide, or be more than 1.4 metres (4.5 feet) high.
- 7.8.27. In the Main Street Form Zone, a portable sign may not exceed 1.2 square metres (12.9 square feet) in sign area, be more than 1.0 metres (3.2 feet) wide, or be more than 1.4 metres (4.5 feet) high.

Window Signs

- 7.8.28. No more than 25% of the glass area of any window may be covered by anything affixed directly to the glass, whether inside or out.

Community Bulletin Board

- 7.8.29. That portion of a community bulletin board intended for the posting of notices by the general public may not exceed 2.0 square metres (21.5 square feet).



7.9. Parking and Access Design

Pedestrian Access

- 7.9.1. New main buildings in all form zones except the Rural Form Zone shall have a pedestrian access connecting the primary entrance to the front lot line and meeting the following requirements:
- (a) The pedestrian access shall be at least 1.0 metres (3.3 feet) wide.
 - (b) The pedestrian access shall be surfaced with asphalt, concrete, bricks, flagstone, or pavers.
 - (c) The pedestrian access shall be separated from vehicular traffic by means of:
 - i. a difference in grade of no less than 0.15 metres (0.5 feet);
 - ii. a vegetated area not less than 0.5 metres (1.7 feet) wide; or
 - iii. through the use of protective barriers such as, but not limited to, curbs, planters, or Jersey barriers.

Vehicular Access

- 7.9.2. Within the Main Street Form Zone, no more than one driveway access and curb cut shall be permitted per lot on each road frontage unless spaced more than 18 metres (60 feet) apart. This distance may be reduced to 15 metres (50 feet) on large lots with 30 metres (99 feet) or more lot frontage subject to approval of the Town Engineer.
- 7.9.3. Except in the Industry Form Zone and Marine Form Zone, driveways shall not exceed a width of 10 metres (32.8 metres) at the property line.

Surface Parking Areas

- 7.9.4. Surface parking areas for four (4) or more automobiles shall meet the following requirements:
- (a) All parking spaces shall have an unobstructed access on a public street or unobstructed access to a driveway or aisle that leads to a public street.
 - (b) The parking area shall be maintained with a stable surface sufficient to support a vehicle without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grass grid.



- (c) Any lights used for illumination of the parking area shall be arranged as to divert the light away from streets, and abutting lots.
- (d) For any parking area containing more than six (6) parking spaces, any ingress or egress driveways shall not be closer than 10 metres (32.8 feet) to the centreline of any street intersection.
- (e) The maximum continuous length of a parking row shall be 18 parking spaces. Parking rows longer than 18 parking spaces shall be divided into segments not longer than 18 parking spaces by landscaped islands that:
 - i. are the full depth of the parking row (5.8 metres min.) and a minimum of 1.8 metres wide; and
 - ii. contain a minimum of one deciduous tree (50mm caliper) and eight shrubs (min 60cm high) or to meet the requirements of a stormwater island.
- (f) Except in the Community Form Zone, only the first three (3) parking spaces shall be permitted to locate in the front yard or flankage yard (combined) and all other spaces shall be located in the side and/or rear yards. Where, in the opinion of the Development Officer, it would be impossible to locate automobile parking in the rear or side yards due to the placement of existing buildings spaces may be located in the front and/or flankage yard to the extent necessary and a landscaped strip shall be provided along the front and/or flankage property line (excepting access points) and the strip shall:
 - i. be a minimum depth of 1.5 metres (5 feet);
 - ii. contain a minimum of one tree (50mm minimum caliper) for every 3 metres of strip length; and
 - iii. incorporate additional vegetation as may be required by the Development Officer to screen the parked cars without obstructing views.



Structured Parking in Main Street and Old Town 1 Form Zones

- 7.9.5. All new structured parking developed in the Main Street and Old Town 1 Form Zones shall meet the following requirements:
- (a) At least the front 5 metres (16.5 feet) of the ground floor of the structure shall be dedicated to uses other than parking, such as, but not limited to, commercial storefronts or residential lobbies.
 - (b) Notwithstanding Clause (a), a parking garage entry up to 6 metres (19.6 feet) wide is permitted on the ground floor frontage. However, where possible, parking garage entries should exit from the rear or side of a building.
 - (c) Parking garage entries that cross a sidewalk must be designed for safe passage of pedestrians.
 - (d) Parking stalls shall supply electric vehicle charging in the following ratios (with fractions rounded down):
 - i. 50% of the stalls shall include Level 1 (120v) charging plugs.
 - ii. 10% of the stalls shall include Level 2 (240v) charging plugs.

Parking in the Community Form Zone

- 7.9.6. Automobile parking areas in the Community Form Zone must be visually screened from abutting properties not located in the same zone by means of a fence or hedge or combination of at least 1.5 metres (5 feet) in height.

7.10. Non-conforming Structures

- 7.10.1. Non-conforming structures shall be permitted to expand provided the expansion does not further increase the non-conformity.
- 7.10.2. A non-conforming structure may be rebuilt, replaced, or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage



8 Definitions

A

Accessory Building means a separate building located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Dwelling means the use of a building or part of a building for a dwelling unit subservient to another dwelling unit on the lot.

Accessory Structure means a separate structure located on the same lot as the main building or principal use, and of a nature customarily and clearly subordinate and incidental to the main building or main use of land.

Accessory Use means a use subordinate and naturally, customarily, and normally incidental to, and exclusively devoted to, a main use of land or building and located on the same lot.

Accommodations means the use of a building, buildings on the same lot, or part thereof used to accommodate the travelling public for gain or profit by supplying them with overnight sleeping accommodation with or without meals, with or without on-site administration, and with or without private cooking facilities, and may include, but is not limited to, hotels, motels, hostels, and cottage or cabin rentals.

Act means, unless otherwise specified, the *Municipal Government Act* of the Province of Nova Scotia.

Agricultural Uses means the use of land, buildings, or structures to raise crops or livestock and includes the sale of agricultural products produced on the land.

Animal Care means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

Assembly Uses means the use of a building or part thereof for public assembly such as, but not limited to, community halls, gymnasiums, and auditoria.

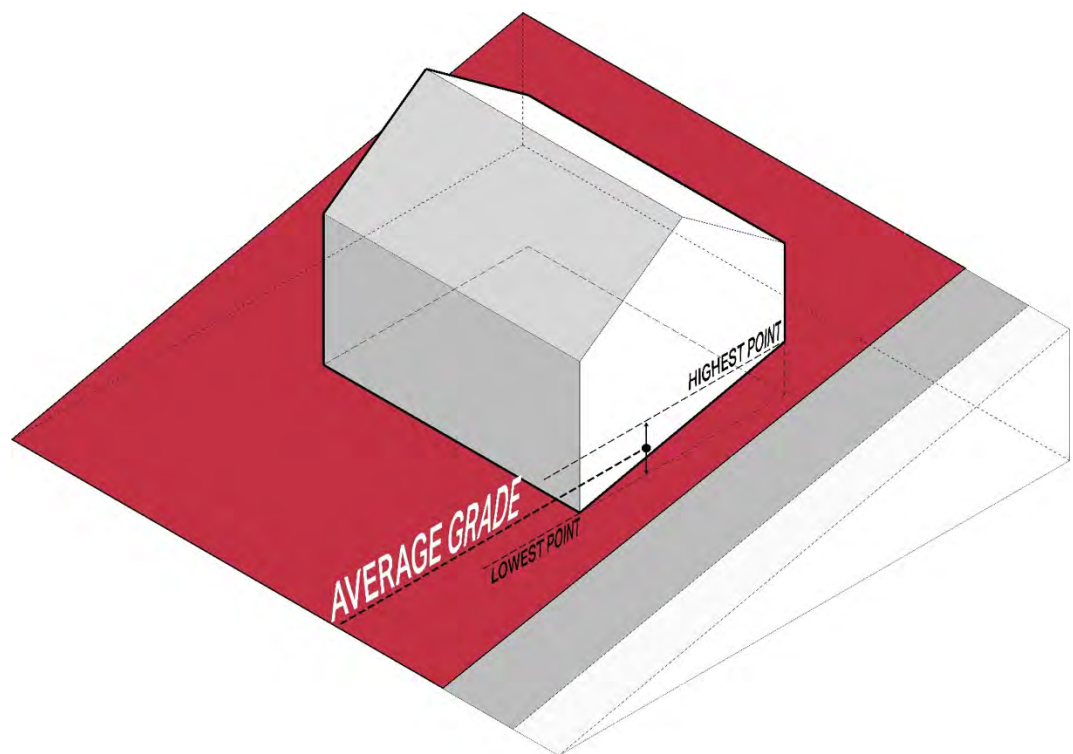
Automobile Body Shop means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing and similar activity.



Automobile Fueling and Washing means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

Automobile Repair means the use of a building or part thereof for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

Average Grade means the average elevation of the finished surface of the ground, excluding any artificial embankment or entrenchment, where it meets the exterior at the front of the building, or, in the case of a structure other than a building, the finished surface of the ground immediately surrounding the structure, excluding any artificial embankment or entrenchment.



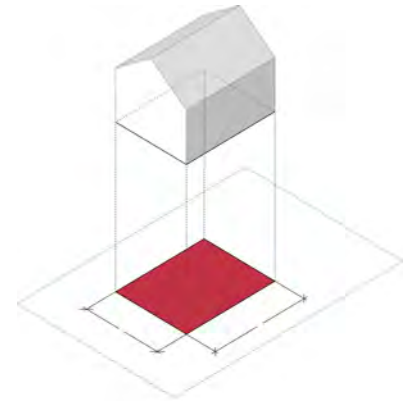


B

Bed and Breakfast means a single-unit dwelling in which there is a resident owner or resident manager who provides overnight accommodation to the travelling public and provides at least one meal (usually breakfast, but occasionally other meals as well) to overnight guests. The bed & breakfast use shall not include provision of meals to non-guests.

Building means any structure, whether temporary or permanent, that is roofed and that is used for the shelter or accommodation of persons, animals, material, or equipment but does not include frames for sheltering crops.

Building Footprint means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.



Building Official means the person or persons appointed by Council from time to time to administer the *Building By-law*.

Building Supply and Equipment Depot means the use of buildings or land for the storage of materials and equipment in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, landscapers, and plumbers.

C

Cemetery means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

Chicken means a member of the animal species *Gallus gallus domesticus*.

Craft Food and Beverage Production means the use of a building or part thereof for the production of:

- (a) specialized food products intended for retail sale;
- (b) not more than 150,000 hectolitres of beer, wine, mead, pre-mixed cocktails, kombucha, or non-alcoholic beverages in a year; or
- (c) not more than 75,000 litres of distilled spirits in a year;

and may include public tasting and retail sales of the product but does not include a restaurant or licensed liquor establishment unless those uses are permitted as a main use in the applicable use zone.

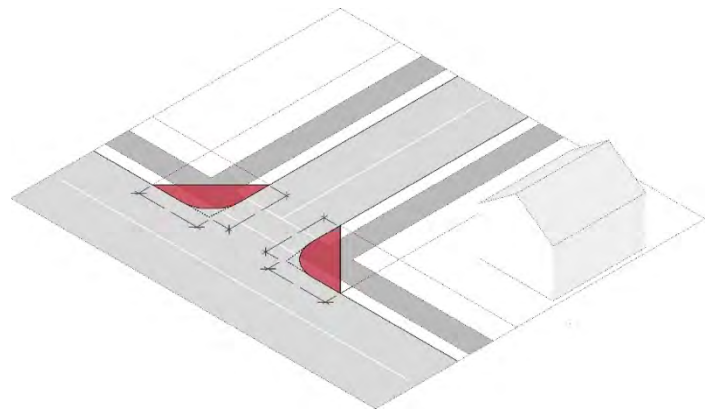
Commercial Club means the use of a building in a manner that is restricted to members and their guests, operated for gain.

Commercial Recreation, Indoor means the use of a building or part thereof for commercial recreation or entertainment purposes and, without limiting the generality of the foregoing, may include such establishments as dance halls, cinemas, billiard or pool halls, rock climbing gyms, fitness gyms, bowling alleys, indoor miniature golf courses, indoor shooting ranges, indoor paintball fields, and bingo halls.

Commercial Recreation, Outdoor means the use of land for commercial recreation or entertainment purposes together with necessary and accessory buildings and structures and, without limiting the generality of the foregoing, may include such establishments as golf courses, driving ranges, paintball fields, drive-in movie theatres, outdoor miniature golf courses, ropes courses, tennis clubs, and summer camps, campgrounds, and RV parks; but does not include outdoor shooting ranges, tracks for the racing of animals or for the racing of any type of motor vehicle, or any use that is obnoxious. For greater clarity, and without limiting the generality of the foregoing, uses accessory to outdoor commercial recreation may include uses such as, but not limited to, eat-in and take-out restaurants; licensed liquor establishments; “pro shops” and other rental, maintenance, and retail sales of equipment related to the recreation activity; spas; child minding services; and staff accommodations.

Corner Vision Triangle

means that part of a corner lot adjacent to the intersection of the streets forming the corner, bounded by the streets and a line joining the points on each street line 3 metres from the intersection.



Council means the elected Council of the Town of Lunenburg.

Cultural Facilities means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.



D

Daycare Centre means the use of a building or part thereof for the care of people without overnight accommodation, but does not include a school.

Development Officer means the person or persons appointed by Council from time to time to administer the Land Use By-law and Subdivision By-law.

Dwelling means a building or a part of a building occupied or capable of being occupied as a home or residence by one or more persons, containing one or more dwelling units.

Dwelling Unit ("DU") means one or more habitable rooms within a dwelling designed, occupied, or intended for use by one or more individuals as an independent and separate housekeeping establishment in which cooking, sleeping, and sanitary facilities are provided for the exclusive use of such individual or individuals.

E

Electric Vehicle Charging, Commercial means infrastructure that supplies energy for the charging of electric vehicles, such as plug-in electric and hybrid vehicles, for remuneration. For greater clarity, electric vehicle charging provided for free as a service to customers of a main use of land, such as accommodations or a retail shop, is not considered "commercial".

Emergency Services means the use of a building or land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

F

Farmers' Market means the use of land, buildings, structures, or part thereof by five or more vendors where the greater part of the goods for sale are products of the farm, the forest, or the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products produced by the vendors or their immediate families.

Forestry Uses means the use of land or buildings for commercial silviculture and the production of timber or pulp and uses associated with the forestry industry, including saw mills, maple sugaring operations, Christmas tree u-picks, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.



Funeral Home means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

G

Gross Floor Area ("GFA") means the maximum area contained within the outside walls of the building, excluding garages, porches, verandahs, sunrooms, unfinished attics or basements, any detached building, and any room not habitable at all seasons of the year. For commercial and industrial uses the area dedicated to washrooms and furnace rooms shall be excluded from the gross floor area measurement.

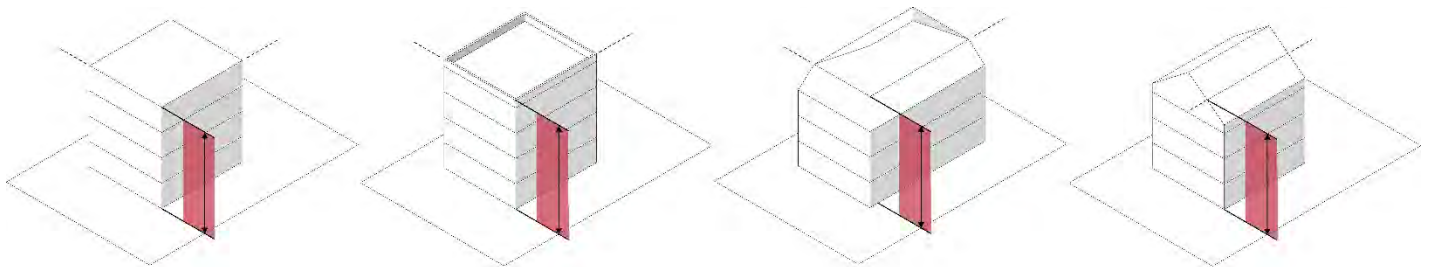
H

Habitable Area means an enclosed area of a building designed and/or used for the purposes of human habitation or care but shall not include parking areas or building access areas, such as lobbies.

Heavy Industrial means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include marine industrial uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

Height means the vertical distance from average grade to the referenced point.

Building Height means the height measured to the highest point of the roof surface on a flat roof without a parapet; the highest point on the parapet around a flat roof, if there is one; the deckline of a mansard roof; the midpoint between the eaves and ridges of other roof types, measured to the highest gable.





Ground Floor Height means the height measured to the bottom of the slab or floor joists of the second floor of a multi-story building or to the bottom of the ceiling joists in a one-story building. In the case of one-story buildings with cathedral ceilings, ground floor height shall be measured to the mid-point between the lowest and highest points on the interior of the finished ceiling.

Structure Height means the height measured to the highest point on any non-building structure.

Home-based Business means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

I

Interpretive Centre means the use of a building or structure or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

J

K

Kennel means the use of land, a building, or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold, and/or boarded.

L

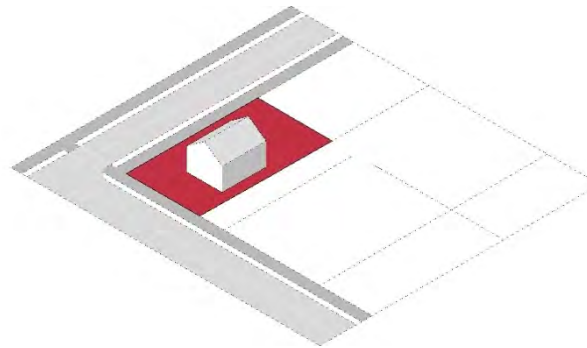
Licensed Liquor Establishment means the use of land, a building, or part thereof for a cabaret, lounge, beverage room, and/or bar licensed under the Nova Scotia *Liquor Control Act* or successor legislation.

Light Industrial means the use of a building for machining, manufacturing, assembly, and/or processing and such use shall be wholly contained within the building and shall not include explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

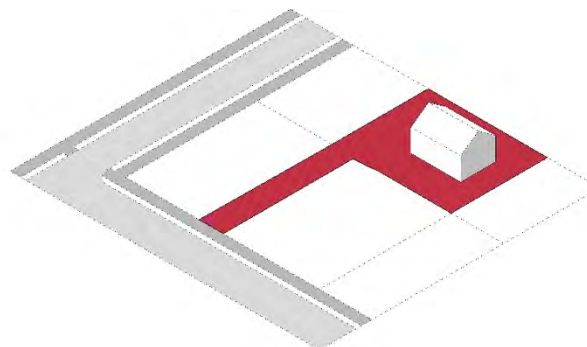
Lot means any parcel of land described in a deed or as shown on a registered plan of subdivision.



Corner Lot means a lot situated at the intersection of land abutting on two or more streets or private roads.



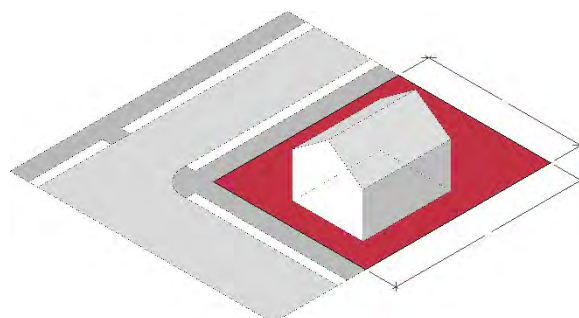
Flag Lot means a lot characterized by the main body of the lot generally to the rear of another lot and with lot frontage provided by a prolongation or "pole" with a width less than the minimum lot frontage permitted in the applicable lot zone and that extends from the main body of the lot to a public or private road.



Serviced Lot means a lot that is serviced by a municipal sewer system, or is in the process of tentative subdivision approval and has been identified for connection to a municipal sewer system, and may or may not include municipal water services.

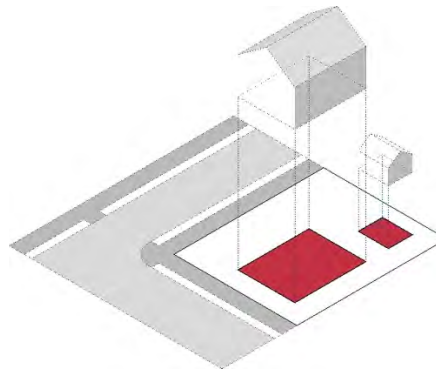
Unserviced Lot means a lot that is not serviced by a municipal sewer system.

Lot Area means the total horizontal area within the lot lines of a lot.

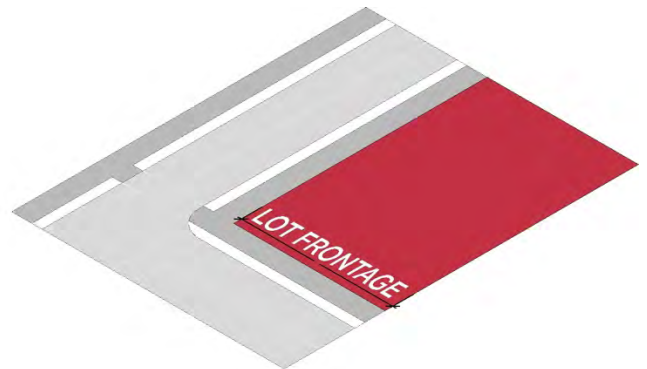




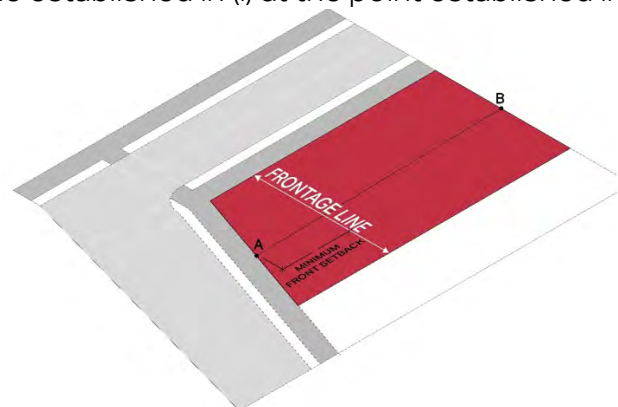
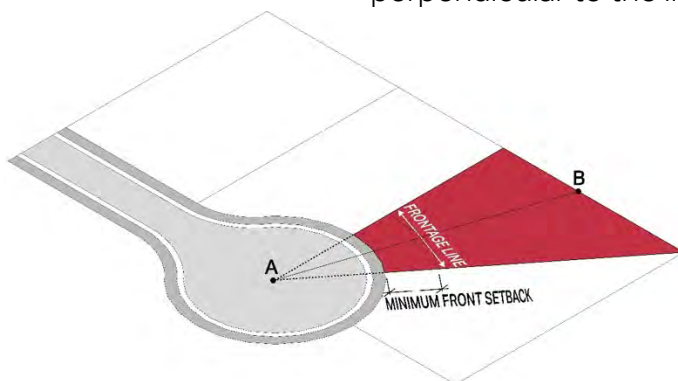
Lot Coverage means the percentage of the lot area covered by buildings and roofed structures, and for the purpose of this definition cantilevers shall be counted.



Lot Frontage means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road. Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,



- i. establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
- ii. establish the point on the line established in (i) that is the distance of the minimum front setback required in the applicable zone from the street; and
- iii. measure the distance between the side lot lines along the line perpendicular to the line established in (i) at the point established in (iii).





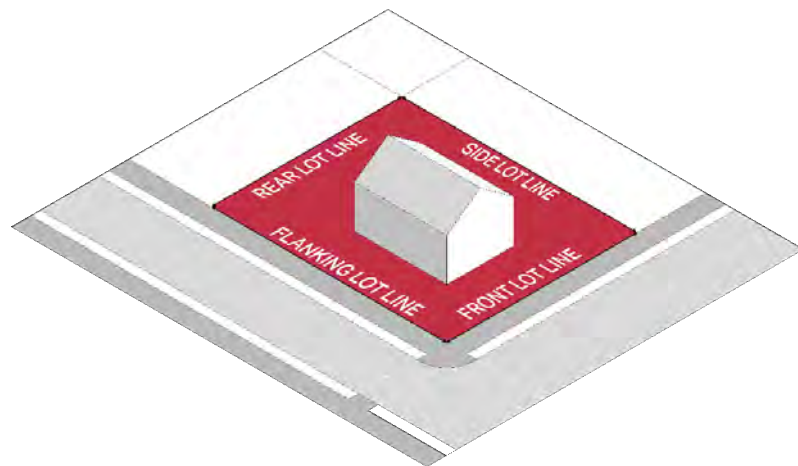
Lot Line means a boundary line of a lot.

Flankage Lot Line means any lot line that abuts a street or private road but is not a front lot line.

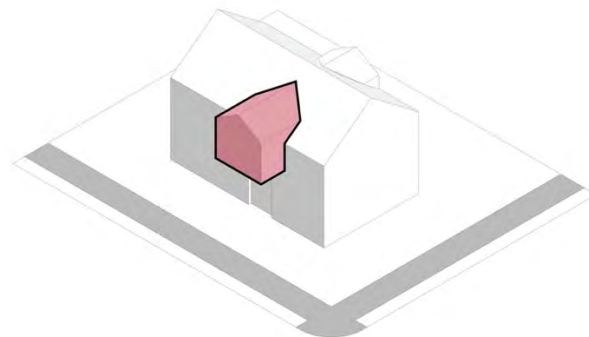
Front Lot Line means the line dividing the lot from the street or private road. In the case of a corner lot or a through lot that has not been built upon, it may be any boundary dividing the lot from a street, but where the lot has been built upon it is the boundary dividing the lot from the street that is faced by the main pedestrian entry to the building on the lot. In the case of an island lot with no street or private road on the island the front lot line shall be the lot line dividing the lot from the water and where multiple lot lines abut the water the developer may choose which is designated as the front lot line. In the case of a lot with no frontage on a street or private road it may be any lot line.

Rear Lot Line means the lot line that is not a flankage lot line and is farthest from or opposite to the front lot line.

Side Lot Line means a lot line other than a front, flankage, or rear lot line.



Lunenburg Bump means a dormer that cantilevers over the front door of a building.





M

Main Building means the building designed or used for the principle use on the lot.

Marina means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public.

Marine Industrial means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, fish processing, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear.

Marine Recreation Provider means the use of land, buildings, or structures for a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, and jet ski rentals, but does not include uses related to the commercial fishing industry.

Medical Clinic means the use of a building or part thereof where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital.

Municipal Planning Strategy ("MPS") means the Municipal Planning Strategy of the Town of Lunenburg.

N

Nursing Home means the use of a building or part thereof for an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness or infirmity, are unable to care for themselves.

O

Obnoxious means a use that from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration; or by the emission of gas, fumes, dust or objectionable odour; or by the unsightly storage of goods, wares, merchandise, salvage, refuse matter waste, or other material.

Outdoor Display means the display of retail goods or materials intended for the immediate sale to the general public where such goods are not enclosed within a building.



Outdoor Storage means storage exterior to a building of items such as merchandise, goods, inventory materials, or equipment and where such items are not intended for immediate sale; but does not include items ancillary to a residential use, such as, but not limited to, firewood for on-site consumption.

P

Parks and Playgrounds means the use of land for passive recreation and landscaping features and shall include, but is not limited to, greens, community gardens, walking paths, play structures, ponds, fountains, and dog parks.

Personal Service Shop means the use of a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and without limit the generality of the foregoing may include such establishments as barber shops, beauty parlours, shoe shining shops, tattoo shops, and depots for collecting clothing and linens for dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale or the actual act of dry cleaning.

Private Club means the use of a building or part thereof for a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

Private Road means any road that is not owned by the Town of Lunenburg or the Crown.

Public Road or Street means the whole and entire right-of-way of every highway, road, or road allowance vested in the Province of Nova Scotia or the Town, but does not include a controlled-access highway.

Public Recreation means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

Public Transportation means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

**Q****R**

Recycling Depot means the use of a building or land in which domestic recoverable resources such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled to be taken to another site for processing. For greater clarity, this use does not include a salvage yard.

Religious Institutions means the use of land, a building, or part thereof for religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

Residential Care Facility means the use of a building or part thereof as a family home, group care facility, or similar facility for the non-medical care of more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

Restaurant means the use of land, a building, or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

Restaurant, Eat-in means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

Restaurant, Take-out means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal, outdoor eating facilities such as picnic tables.

Retail Store means the use of a building or part thereof in which goods, wares, merchandise, substances, articles, or things are offered or kept for sale directly to the public at retail, but this definition does not include automobile sales, boat and marine sales, or heavy equipment sales and rentals.

Rooming House means a dwelling in which the proprietor lives on-premises and supplies room for monetary gain to no more than six roomers for rental periods of 30 days or more.



S

School, Academic means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

School, Commercial means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

School, Post-secondary means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

Scrap Yard means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

Self-storage Facility means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

Setback means the horizontal distance between the specified lot line and the nearest main wall of any building or structure and extending the full width or length of the lot.

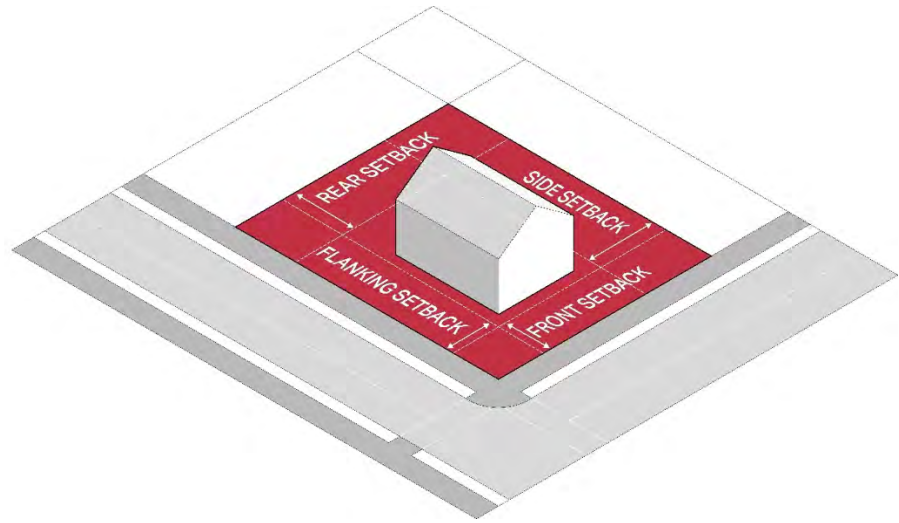
Setback, Flankage means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

Setback, Front means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot. On a flag lot the front setback shall be measured to the lot line of the main body of the lot that is closest to parallel with the street or public road.

Setback, Rear means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.



Setback, Side means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.



Shipping Container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

Short-term Rental means the use of a dwelling unit or part thereof for commercial overnight accommodations for consecutive periods of 30 days or less per party and may include the rental of the entire dwelling unit to one party or to multiple parties.

Sign means any structure or device used to advertise or draw attention to any product, place, person, business, institution, organization, or event, including any directional or way finding purpose and that is intended to be seen from off the premises or from a parking lot. For greater clarity, signs not located such that they are visible from off the premises or from a parking lot are not considered signs for the purpose of this By-law and are not subject to the signage requirements of this By-law.

Changeable Copy Sign means a sign on which half or more of the information intended to be conveyed may be changed by changing individual pre-fabricated letters or words.

Ground Sign means a sign permanently affixed in or to the ground.

Portable Sign means a ground sign that is not permanently affixed, and includes signs such as sandwich board signs.

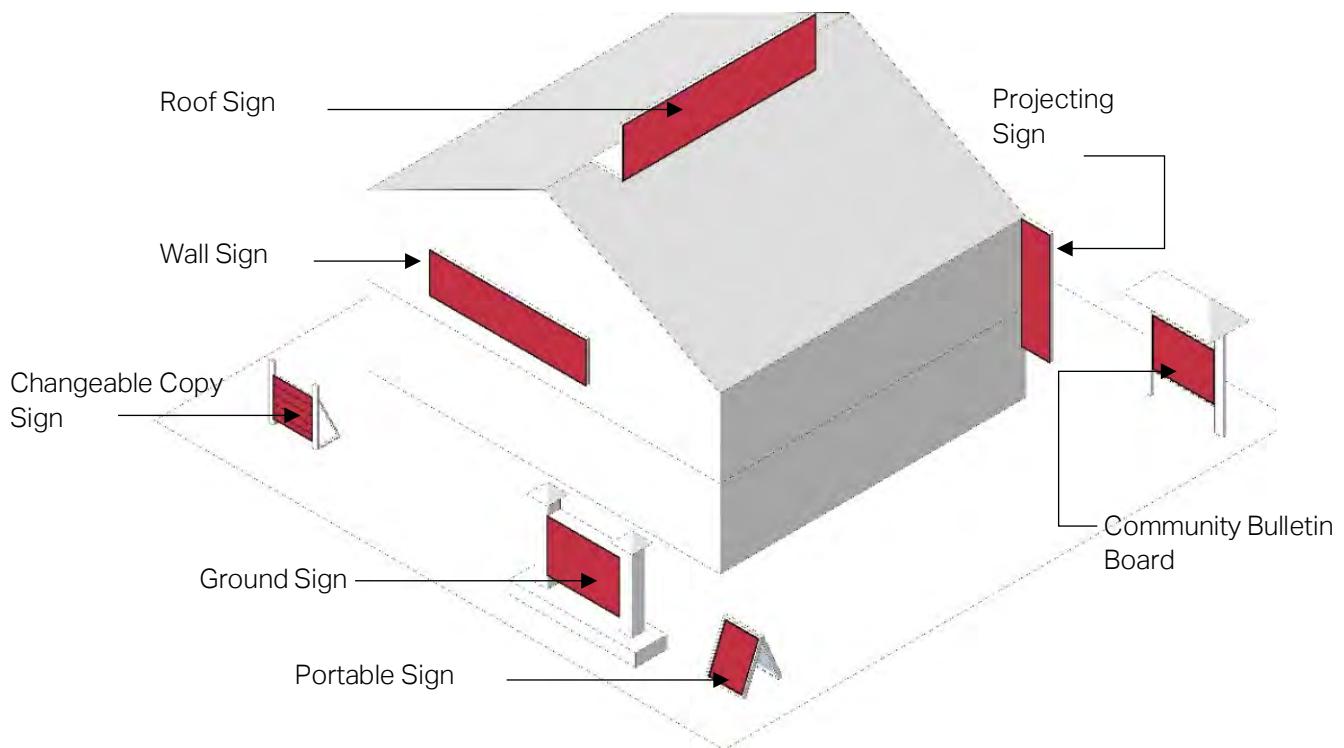


Projecting Sign means a sign projecting outward from a wall, supported by a bracket or other structure attached to the wall. A sign mounted on or that forms part of a canopy or awning is a projecting sign.

Roof Sign means a sign affixed to or supported by the roof of any structure.

Wall Sign means a sign attached directly to or painted on a window or wall, and includes flags and banners and signs indicating whether the premises are open for business.

Community Bulletin Board means a sign where all or part of the sign is intended for the posting of notices by the general public.





Sign Area means the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose the surface area of the sign. Only one side of a multi-faced sign shall be used to determine sign area. The sign area of individual letters or figures that are attached or painted on a surface shall be the area of the smallest triangle, rectangle, circle or semicircle that can wholly enclose all of the letters, numbers or insignia.



Small Options Home means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

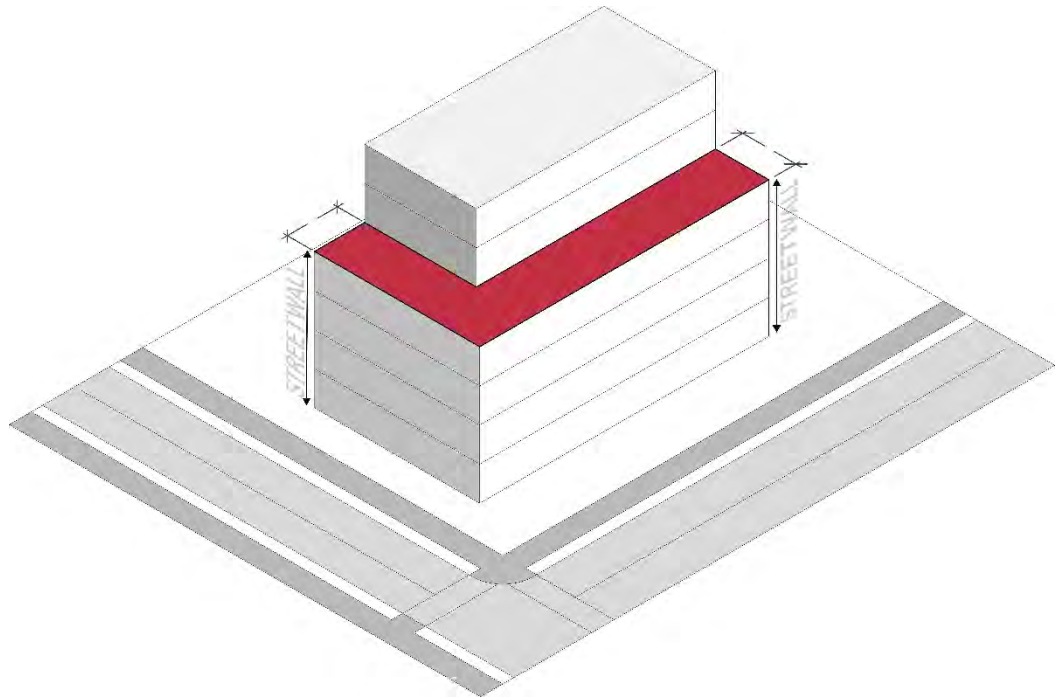
Solar Collector System means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

Solar Collector System, Accessory means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs,

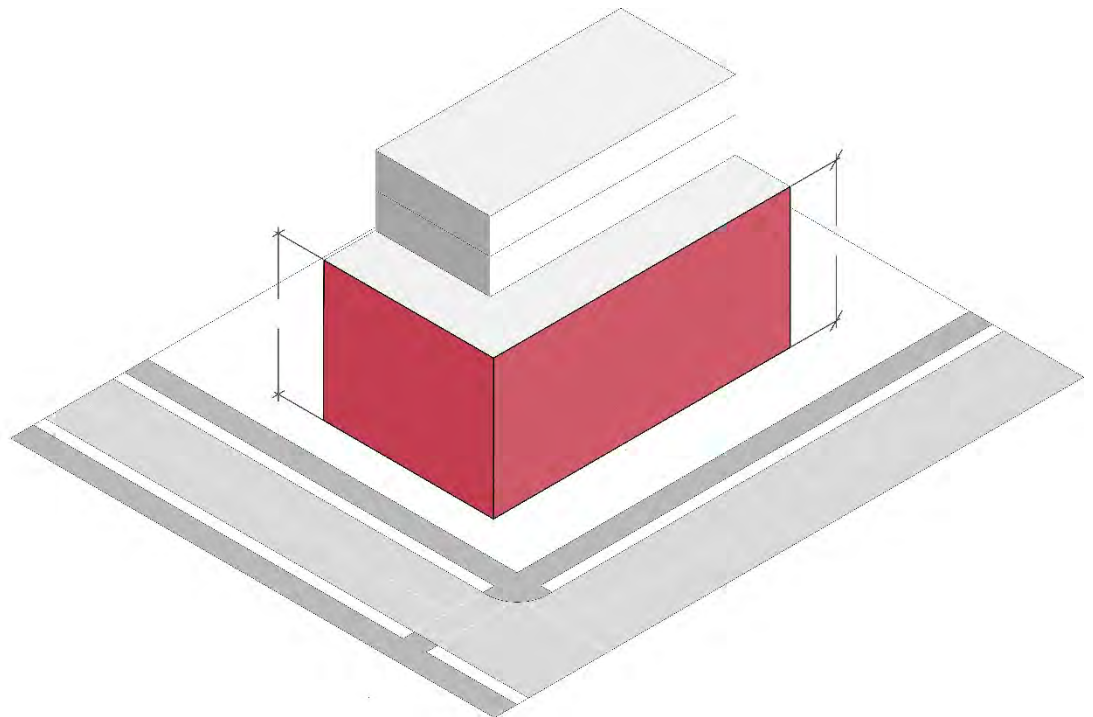
Solar Collector System, Large-scale means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.



Stepback means the horizontal distance measured between the top of the streetwall and the main face of building floors above the streetwall.



Streetwall means the wall of a building facing a streetline that is below the height of a specified stepback, which does not include minor recesses for elements such as doorways or protrusions for elements such as bay windows.





Structure means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, and includes a building, but shall exclude fences less than 1.8 metres in height.

Structured Parking means a structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, is entirely covered, and has a parking surface at least 2.4 metres below grade.

T

Town means, where the context dictates, either the Body Corporate of the Town of Lunenburg, or the geographical area incorporated as the Town of Lunenburg.

Transportation and Logistics means the use of a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

U

Urban Agriculture means the use of land and accessory buildings for agricultural activities on a hobbyist or very small commercial scale and shall include community gardens, small-scale bee keeping, and small-scale keeping of chickens and/or rabbits, but shall not include the keeping of any other livestock, the keeping of which is covered by the definition of agricultural uses.

V

Variance means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in Section 235-237 of the *Municipal Government Act*.

W

Warehousing means the use of a building or part thereof for the storage of commercial or industrial wares or goods, excluding retail stores and self-storage facilities.



Water Access means the use of land or structures to provide watercraft access to marine or fresh water bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

Watercourse means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Wind Turbine means a machine and supporting structure designed to convert wind energy into mechanical or electrical energy.

Workshop means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include “maker spaces”.

X



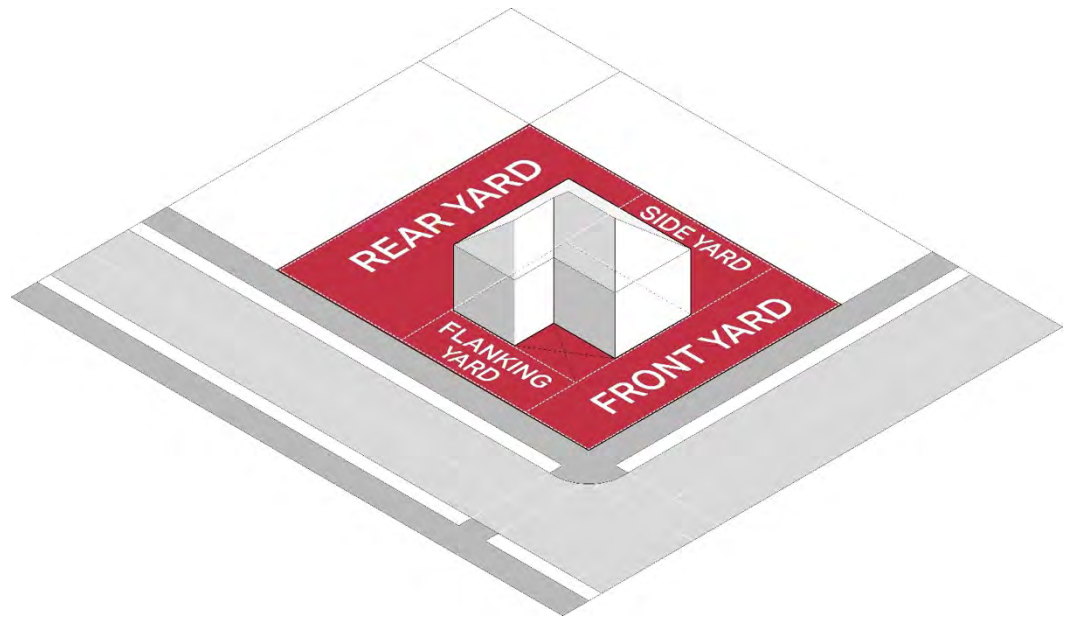
Y

Yard, Flankage means the area of land extending from the front yard to the rear yard and between the flankage lot line and the nearest main wall of any main building on the lot.

Yard, Front means the area extending across the full width of a lot between the front lot line and the nearest main wall of any main building on the lot.

Yard, Rear means the area extending across the full width of a lot between the rear lot line and the nearest main wall of any main building on the lot.

Yard, Side means the area of land extending from the front yard to the nearest main wall of any main building on the lot.



Z



Schedules

Schedule 'A' – Existing Uses

Schedule 'B' – Lot Zoning Map

Schedule 'C' – Use Zoning Map

Schedule 'D' – Form Zoning Map

Schedule 'E' – Flood Risk Area Map

Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Schedule 'G' – Vending



Schedule 'A' – Existing Uses

Civic Address	Existing Use
11 York Street	Commercial storage
162 Townsend Street	Residential storage
166 Townsend Street	Residential storage
18 Lower Street	Use of 450 square feet of the property for outdoor sales and display Use of 528 square feet of the basement level floor of the dwelling for the creation, painting and retail sale of wooden toys Use of two signs, each a maximum of 5 square feet in area
186 Fox Street	Dwelling (4 units)
195 Green Street	Retail florist
200 Montage Street	Dwelling (1 unit)
205 Pelham Street	Law office, retail store
220 Montague Street	Accommodations (3 sleeping units)
23 James Road	Dwelling (14 units)
268 Montage Street	Dwelling (1 unit)
272 Montage Street	Dwelling (3 units)
30-36 Broad Street	Dwelling (8 units)
34 Linden Avenue	Use of 100 square feet of the property for outdoor sales and display Use of 518 square feet of the ground floor of the dwelling for the retail sale of quilts, quilt-related craft and art goods, and handmade hooked rugs Use of three signs: one 25 square foot quilt hung on the dwelling; one 13.6 square foot ground sign; and one 3.5 square foot flat fixed wall sign
41 James Road	Dwelling (14 units)
49 Tannery Road	Dwelling (1 unit)
57 Tannery Road	Dwelling (1 unit)
60 Dufferin Street	Part-time upholstery business in accessory building
61 Tannery Road	Dwelling (1 unit)
62 Duke Street	Dwelling (4 units)
74 York Street	Dwelling (6 units)
78 Lawrence Street	Retail shoe store



Schedule 'B' – Lot Zoning Map



MAP
Lot Zoning Map

SCHEDULE	LAST UPDATED
B	6/1/2021

NORTH	SCALE
	1:10,000

LEGEND	
	LZ1 Lot Zone 1
	LZ2 Lot Zone 2
	LZ3 Lot Zone 3
	LZ4 Lot Zone 4





Schedule 'C' – Use Zoning Map



MAP

Use Zoning Map

SCHEDULE

C

LAST UPDATED

6/1/2021

NORTH

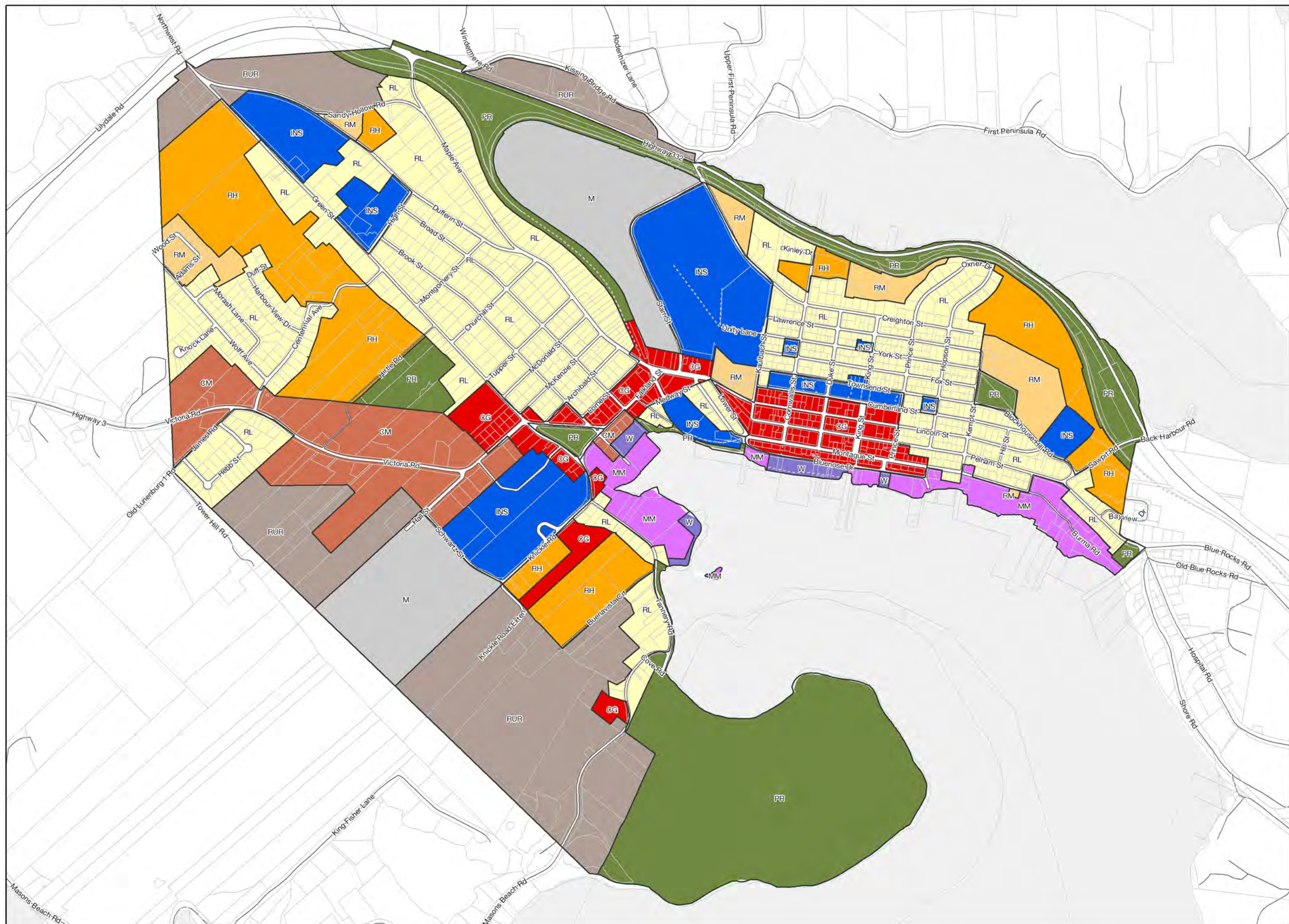


SCALE

1:10,000

LEGEND

	RL	Lower Density Residential
	RM	Medium Density Residential
	RH	Higher Density Residential
	CM	Mixed Use
	CG	General Commercial
	W	Waterfront
	M	Industrial
	MM	Marine Industrial
	RUR	Rural
	INS	Institutional
	PR	Parks and Recreation





Schedule 'D' – Form Zoning Map



MAP
Form Zoning Map

SCHEDULE	LAST UPDATED
D	6/1/2021

NORTH
↑

SCALE
1:10,000

LEGEND		
	OT1	Old Town 1
	OT2	Old Town 2
	ONT1	Old Town/ New Town 1
	ONT2	Old Town/ New Town 2
	NT1	New Town 1
	MST	Main Street
	MA	Marine
	CTY	Community
	IN	Industry
	RF	Rural
	S	Shoreline





Schedule 'E' – Flood Risk Area Map



MAP

Flood Risk Area Map

SCHEDULE	LAST UPDATED
E	6/1/2021

NORTH

SCALE

1:10,000

LEGEND

Flood Risk Area

Town of Lunenburg





Schedule 'F' – Heritage Conservation District and Architectural Control Area Map

Heritage Conservation
District and Architectural
Control Area Map

6/1/2021

1:10,000

 HCD Heritage Conservation District

 ACA Architectural Control Area

 Town of Lunenburg



Schedule 'G' – Vending

The provisions of this Schedule shall apply to vending activities in the Town, subject to the *Vending By-law*.

Outdoor Vending

Outdoor vending activities are prohibited in all use zones except those in which they are specifically permitted.

Yard Sales

- (a) Yard sales are permitted in any use zone provided that:
 - i. articles for sale may include only the tangible personal property of the residents conducting the sale and may not include goods acquired for resale;
 - ii. only two yard sales may take place on any property during each calendar year; and
 - iii. yard sales may be conducted only on Saturdays from 8 am to 10 pm and on Sundays from 12 noon to 10 pm.
- (b) No development permit is required for yard sales permitted under clause (a).

Transient Vending

Transient vending is permitted in any use zone and does not require a development permit, but is subject to the Town of Lunenburg *Vending By-law*.

Vending at Group Fund Raising Events by Community or Religious Not-for-Profit Groups

No development permit is required for vending activities associated with fund raising by community or religious not-for-profit groups from the Town of Lunenburg.

Outdoor Sales of Prepared Food

Outdoor sales of prepared food shall be prohibited except for:

- (a) those uses specifically authorized by this by-law;
- (b) outdoor food sales in a restaurant;
- (c) outdoor food sales by Transient Vendors authorized under the Town of Lunenburg Vending By-law;



- (d) outdoor food sales in the General Commercial Use Zone or Commercial Mixed Use Zone; and
- (e) outdoor food sales at Craft Markets and Farmers' Markets.

Walking Tours

Walking Tours shall be permitted in all zones and shall not require a development permit but shall be subject to the Town of Lunenburg *Vending By-law*.

Flea Markets

- (a) Flea markets organized and operated by community or religious not-for-profit groups from the Town of Lunenburg for the purposes of fund raising are permitted in any use zone other than the Lower Density Residential Use Zone, Medium Density Residential Use Zone, or Higher Density Residential Use Zone.
- (b) Flea markets not otherwise permitted by Clause (a) are prohibited in all use zones.
- (c) A development permit is not required any flea market permitted by Clause (a)

Mobile Canteens

Mobile canteens are permitted in the following use zones and do not require a development permit but are subject to the *Vending By-law*:

- (a) Commercial Mixed Use Zone

SUBDIVISION BY-LAW DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SUBDIVISION BY-LAW, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Authority and Title

- 1.1.1 This By-law is enacted by the Council of the Town of Lunenburg under the provisions of sections 271-274 of the *Municipal Government Act* (S.N.S. 1998, ch. 18)
- 1.1.2 This By-law may be cited as the "Subdivision By-law" of the Town of Lunenburg.
- 1.1.3 This Subdivision By-law may also be cited as "By-law" when used in a self-referential manner within the text.
- 1.1.4 All former Subdivision By-laws of the Town of Lunenburg are hereby repealed.



2 Administration

- 2.1.1 This By-law shall be administered by the Development Officer of the Town appointed under the authority of the *Municipal Government Act*.
- 2.1.2 In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.



3 Interpretation

3.1 Measurement

- 3.1.1 The metric system of measurement is used throughout this By-law. Imperial measurements are approximate only, for convenience only, and in all cases of conflict between imperial measure and metric measure, the metric measure shall prevail.

3.2 Specifications and Standards

- 3.2.1 The Specifications and Standards referred to throughout this By-law and the accompanying Specifications may be adjusted by the Town Engineer in exceptional circumstances and in accordance with accepted engineering practices.



4 Definitions

- 4.1.1 For the purposes of this By-law, all words shall carry their customary meaning except for those defined as follows:

Act means the *Municipal Government Act*.

Area of Land means any existing lot or parcel as described by its boundaries, except in Section 5.6 (Main Building).

Back Flow Prevention means a device or method which prevents backflow.

Council means the Council of the Town of Lunenburg.

Central Sewer System means a system of pipes and associated facilities owned by the Town for the collection and disposal of sewage from two (2) or more lots.

Central Water System means a system of reservoirs and pipes owned by the Town which supplies potable water to two (2) or more lots.

Lot means any parcel created by the filing of a plan or instrument of subdivision.

Proposed Lot means any lot being proposed to be created by a plan or instrument of subdivision, including a remainder lot.

Province means the Province of Nova Scotia.

Public Street means any street or road owned and maintained by the Town, a municipality, or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

Land Registration Office means the office of the registration district in which the area of land being subdivided is situate.

Service Specifications means the specifications for design and construction of public streets, central sewer systems, and central water systems adopted by Council.

Subdivider means the owner of the area of land proposed to be subdivided and includes anyone acting with the owner's written consent.



Subdivision means the division of any area of land into two or more parcels, and includes a resubdivision or a consolidation of two or more parcels.

Town means the Town of Lunenburg.

Town Engineer means the Engineer appointed by the Town and includes a person acting under the supervision and direction of the Town Engineer.

Usable Land means:

- (a) land that:
 - i. contains an average slope of land not greater than the average slope of the land being subdivided;
 - ii. is not comprised of lands subject to flooding or classified as wetlands;
 - iii. has a minimum area of 550 square metres; and
 - iv. has frontage on a public street or access to a public street by means of abutting publicly-owned lands; or
- (b) land that:
 - i. has frontage on the ocean; and
 - ii. has frontage on a public street or access to a public street by means of abutting publicly-owned lands.



5 Lot Requirements

5.1 Abut Public Street

- 5.1.1 All lots shall abut a public street.

5.2 Land Use By-law

- 5.2.1 All lots shall meet the applicable requirements contained in the Land Use By-law.
- 5.2.2 Sections 5.3 (10% Variance), 5.5 (Encroachments), and 5.6 (Main Building) are inoperative and do not apply unless the Land Use By-law permits development on any lot created pursuant to these sections and the Municipal Planning Strategy provides for both the subdivision and development of such lots.

5.3 10% Variance

- 5.3.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law) the Development Officer may approve a maximum of two lots, shown on a plan of subdivision, in accordance with Section 279 of the Act provided all other requirements of this Subdivision By-law are met.
- 5.3.2 Subsection 5.3.1 does not apply if the area requirements established by the Department of Environment and Climate Change for the construction or installation of an on-site sewage disposal system are not met.

5.4 Boundary Alteration

- 5.4.1 Notwithstanding Section 5.1 (Abut Public Street), and the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), the Development Officer may approve a subdivision altering the boundaries of two or more areas of land where:
 - (a) no additional lots are created;
 - (b) each resulting lot:
 - i. meets the minimum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, reduced;



- (c) each resulting lot:
 - i. meets the maximum dimension for lot frontage of the Land Use By-law, or
 - ii. has not had its frontage, if any, increased;
 - (d) each resulting lot:
 - i. meets the minimum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area reduced; and
 - (e) each resulting lot:
 - i. meets the maximum requirement for lot area of the Land Use By-law, or
 - ii. has not had its area increased.
- 5.4.2 Where the proposed lot is not surveyed, the final plan of subdivision prepared pursuant to Subsection 5.4.1 shall:
- (a) be certified and stamped by a Nova Scotia Land Surveyor that the boundaries of the parcel or area of land proposed to be added to the existing area of land have been surveyed and shown as a heavy solid line, except the common boundary between the existing areas of land, which is surveyed and certified as being the common boundary and shown as a heavy broken line; and
 - (b) notwithstanding Clause 15.1.2(b), other than the new boundaries which have been surveyed pursuant to Clause 5.4.2(a), show the remaining boundaries of the resulting lot for which approval is requested described graphically as a lighter solid line; and



- (c) have the following notation, completed and signed by the surveyor, affixed to the plan adjacent to the certification required by the Land Surveyors Act and its regulations:

"NOTE: The only boundaries shown on this plan which have been surveyed are the boundaries of _____. The common boundary between the existing areas of land identified by _____ and _____, which is shown by a heavy broken line, is hereby certified as having been the common boundary.

The remaining boundaries of resulting Lot _____ shown on this plan are a graphic representation only and do not represent the accurate shape or position of the lot boundaries which are subject to a field survey."

5.5 Encroachments

- 5.5.1 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land prior to October 25, 2007, the Development Officer may approve a plan of subdivision to the extent necessary and practical to remove the encroachment.
- 5.5.2 Where a lot created pursuant to Subsection 5.5.1 is not surveyed, the provisions of Subsection 5.4.2, (Boundary Alteration), shall apply.

5.6 Main Building

- 5.6.1 For purposes of Subsection 5.6.2, "main building" means a building that is not an accessory building to another building on the area of land.
- 5.6.2 Notwithstanding the lot area and frontage requirements of Subsection 5.2.1 (Land Use By-law), where an area of land contains more than one main building built or placed on the land and used as a main building prior to November 4, 1966, (the date of the first Subdivision Regulations in the Town of Lunenburg) the development officer may approve a final plan of subdivision creating the same number of lots or fewer as there are main buildings provided that each proposed lot is served by a central sanitary sewer or meets the applicable requirements of the Department of the Environment for on-site sewage disposal systems.



5.7 Lot Shape

- 5.7.1 Lots shall not be subdivided to create a width or depth of less than 6 metres (20 feet).



6 Streets

6.1 Private Roads

- 6.1.1 The development of new private roads shall not be permitted.

6.2 Continuation of Existing Streets and Connections to Abutting Properties

- 6.2.1 All proposed public streets and subdivision designs shall connect to existing streets and provide connections to abutting properties in conformance with the requirements of Part 6 of the Specifications for Subdivision.

6.3 Approval of Public Streets

- 6.3.1 All proposed municipal public streets shall be approved by the Town Engineer in accordance with the Specifications for Subdivision adopted by Council.
- 6.3.2 Where a proposed municipal public street intersects a provincial public highway, that intersection shall be approved by the Department of Transportation and Active Transit.

6.4 Lot Access

- 6.4.1 A proposed lot that abuts a public street shall have any new access to the public street approved by the authority having jurisdiction for that public street.

6.5 Identification of Public Street

- 6.5.1 Where a plan shows a proposed lot abutting an existing public street, the authority having jurisdiction shall verify that the street or road is a public street.



7 Water Supply

- 7.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central water supply system shall be connected to the Town central water supply system.
- 7.1.2 Where lots are not to be served by the Town central water supply system, the subdivider shall design, lay out and construct a water supply system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



8 Sanitary Sewers

- 8.1.1 Any new lot within 30.5 metres (100 feet) of the existing Town central sanitary sewer system shall be connected to the Town central sanitary sewer system.
- 8.1.2 Where lots are not to be served by the Town central sanitary system, the subdivider shall design, lay out and construct a sewage disposal system to service every proposed lot in conformance with the standards of the Nova Scotia Department of Environment and Climate Change.



9 Public Open Space

9.1 Dedication Required

- 9.1.1 Where the area of land proposed to be subdivided has frontage on the ocean, prior to endorsement of approval on a final plan of subdivision, the subdivider shall transfer to the Town, free of encumbrances, for park, playground and similar public purposes, an area of usable land with frontage on the ocean and is equal to at least 10% of the area of all new lots created by the plan.
- 9.1.2 Where the area of land proposed to be subdivided does not have frontage on the ocean and is within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes cash-in-lieu in the amount of at least 10% of the assessed value of the lots created by the plan.
- 9.1.3 Where the area of land proposed to be subdivided does not have frontage on the ocean and is not within a 400 metre radius of an existing municipal park or parkland dedication, prior to endorsement of approval on a final plan of subdivision, the subdivider shall convey to the Town for park, playground, and similar public purposes usable land equal to at least 10% of the area of all new lots created by the plan, free of encumbrances.
- 9.1.4 For the purposes of public dedication calculations, remainder land and lots for street right-of-ways shall be excluded.

9.2 Waiver

- 9.2.1 Council hereby waives the requirements of section 9.1 (Dedication Required), where:
 - (a) fewer than three vacant lots are created from an area of land, including the remainder lot;
 - (b) the subdivision is the consolidation of two or more lots;
 - (c) lot boundaries are changed but no new vacant lots are created;
 - (d) the subdivision is the result of a devise of land by will executed on or before January 1, 2000; or
 - (e) the subdivision is undertaken by a government body.



10 Construction of Services

10.1 Inspection

- 10.1.1 The subdivider shall permit the Town Engineer to inspect the construction of streets and services at any reasonable time, and shall advise the Town Engineer of the dates, sites and times of any required inspection or testing of water systems, sewer systems, or streets.

10.2 Deviations

- 10.2.1 No deviation from the plans, drawings, and specifications required by Subsections 6.3 (Approval of Public Streets), 7.1.2 (Water Supply) and 8.1.2 (Sanitary Sewers) shall take place during construction unless such deviation is approved by the Town Engineer.

10.3 Duty on Completion

- 10.3.1 Within thirty (30) days of being notified that the Town Engineer has determined that the new public streets, central water systems, and central sewer systems have been constructed as required by this By-law, the subdivider shall:
- (a) Provide the Town Engineer with the "as built" reproducible engineering drawings conforming with the applicable requirements of the Service Specifications; and
 - (b) Provide the Town Engineer with all necessary operating and procedural manuals for each water or sanitary sewer system; and
 - (c) Provide the Town Engineer with reports of all required tests to indicate that the central water and central sewer systems are operating to the standard required by the Service Specifications; and
 - (d) Post for one (1) year a maintenance bond or other security acceptable to the Town Engineer or Development Officer in an amount equal to ten percent (10%) of the actual cost of construction; and



- (e) Transfer to the Town title in fee simple to all public streets and to all plants and assets necessary to the operation of the public streets, central water systems and central sewer systems together with easements sufficient for the maintenance of all services and public street drainage systems, such title and easements to be conveyed free of encumbrances and at no cost to the Town.

10.4 Construction Agreement and Bond

- 10.4.1 Where the subdivider wishes the subdivision plan to be approved prior to construction of public streets or services, the subdivider shall, with the consent of Town Council, enter into an agreement with the Town to carry out and complete the required construction according to the requirements of this By-law within a period of time set out in the agreement and shall also post a performance bond or other security acceptable to the Town to guarantee such agreement, in the amount of one hundred twenty-five percent (125%) of the total estimated cost of supplying such construction.
- 10.4.2 The estimated cost required by Subsection 10.4.1 shall include a detailed cost breakdown and be prepared over the stamp of a Professional Engineer, at the subdivider's cost.
- 10.4.3 The Town Engineer shall review the estimate and shall advise Council of the adequacy of the size of the performance bond or other security.
- 10.4.4 The agreement required by Subsection 10.4.1 shall require the subdivider to transfer to the Town, free of encumbrances and at no cost to the Town, title in fee simple to:
 - (a) all plants and assets necessary to the operation of central sewer systems, together with easements sufficient for the maintenance of all services; and
 - (b) all plants and assets necessary to the operation of central water systems that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all services; and
 - (c) all proposed public streets that are to be owned and maintained by the Town, together with easements sufficient for the maintenance of all associated drainage systems.



11 General Requirements for Applications

11.1 Application Form

- 11.1.1 Any application for approval of a concept, tentative or final plan of subdivision shall be made to the Development Officer in the form specified in Schedule A of this Subdivision By-law.
- 11.1.2 The development officer shall comply with all notification and approval provisions of the Act.

11.2 Agencies to Forward Recommendations

- 11.2.1 Any agency that has been forwarded a copy of a concept, tentative or final plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure) shall forward a written report of its assessments or recommendations to the Development Officer. A copy of any repeal shall be sent to the relevant agency.

11.3 Additional Information

- 11.3.1 Where the concept, preliminary, tentative, or final plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the following additional information, if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan:
 - (a) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway, and water wells;
 - (b) the location of any watercourse, wetland, marine water body, and other features that may influence the design of the on-site sewage disposal system, including any ditch, street and driveway, or easement;
 - (c) the surface slopes and directions;
 - (d) the location of any test pit;
 - (e) the proposed on-site sewage disposal system, selected or designed;
 - (f) an explanation of the extent, volume and type of usage to which the system will be subjected;



- (g) an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test; and
- (h) any other information necessary to determine whether the subdivision meets the On-site Sewage Disposal Systems Regulations.

11.4 Plan Contrary to Provincial Law or Regulation

- 11.4.1 Approval of a concept, preliminary, tentative, or final plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of Environment and Climate Change, the Department of Transportation and Active Transit or of any other agency of the Province or the Town unless the plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province.

11.5 Notification of Land Registration Office

- 11.5.1 For final plans of subdivision, the Development Officer shall forward to the Land Registration Office:
 - (a) within seven (7) days of approving the plan, one (1) approved copy of the final plan of subdivision and a notice of approval in the form specified in Schedule 'B' of this By-law; and
 - (b) if applicable, the items required by Section 15.7 (Approval of Consolidation or Additions) of this By-law.
- 11.5.2 For repeals of subdivision, the Development Officer shall forward to the Land Registration Office a notice of repeal in the form specified in Schedule D of this By-law.



11.6 Notification of Subdivider

- 11.6.1 The Development Officer shall forward an approved copy of the concept, preliminary, tentative, or final plan or notice of repeal to the subdivider.
- 11.6.2 Where the Development Officer refuses to approve a concept, preliminary, tentative, or final plan, or a repeal of subdivision, the development officer shall:
- (a) give notice of the refusal to all agencies which were forwarded a plan pursuant to Sections 12.3 (Concept Plan Procedure), 13.3 (Preliminary Plan Procedure), 14.3 (Tentative Plan Procedure), or 15.3 (Final Plan Procedure); and
 - (b) inform the subdivider of the reasons for the refusal in writing and advise the subdivider of the appeal provisions of section 284 of the Act.

11.7 Fees

- 11.7.1 At the time of application for approval of a tentative plan of subdivision, the subdivider shall submit to the Development Officer:
- (a) the fees contained in the *Costs and Fees Act* and its regulations for filing the approved final plan of subdivision and registering a notice of approval of the plan at the Land Registration Office; and
 - (b) the processing fee set by Council.
- 11.7.2 Where the development officer refuses to approve a tentative or final plan of subdivision or a repeal of subdivision, the Development Officer shall return the fees referred to in Clause 11.7.1(a) to the subdivider.



12 Concept Plans

12.1 Concept Plan Optional

12.1.1 Concept Plans shall be optional, at the subdivider's discretion.

12.2 Concept Plan Requirements

- 12.2.1 A subdivider proposing to subdivide an area of land in phases which will contain new streets may submit to the development officer eight (8) printed copies and one (1) digital copy of a concept plan of the entire area of land. Concept plans shall be at a scale sufficient for clarity of all particulars of the plan and shall show the following:
- (a) the words "Concept Plan" located in the title block;
 - (b) the name of the owner of the area of land being subdivided;
 - (c) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (d) the names of all owners of all properties abutting the area of land being subdivided;
 - (e) the proposed internal street system with connections to existing public streets;
 - (f) the proposed location of public open space;
 - (g) the location of existing development, if any;
 - (h) the location of any municipal service boundary;
 - (i) the north point;
 - (j) contours at 5-metre intervals; and
 - (k) any other information necessary to determine if the subdivision meets the Service Specifications and accepted engineering practice as determined by the Town Engineer.



12.3 Concept Plan Procedure

- 12.3.1 The Development Officer shall forward the concept plan and any supplementary information to appropriate agencies in order to request evaluation of the concept plan in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
 - (b) street layout, pedestrian routes, and connections with existing and proposed transportation links on a local and regional scale;
 - (c) the feasibility of servicing with applicable services, and the effect of the layout on the provision of future services where applicable;
 - (d) public open space; and
 - (e) any proposed community and commercial uses.

12.4 Stamps to Appear on Concept Plan

- 12.4.1 The following information shall be stamped or written and completed by the Development Officer on any concept plan that is approved:
- (a) "This concept plan is approved.";
 - (b) the date of the approval of the concept plan; and
 - (c) "This concept plan shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the development officer and filed in the Land Registration Office.".



13 Preliminary Plans of Subdivision

13.1 Preliminary Plan Optional

13.1.1 Preliminary Plans shall be optional, at the subdivider's discretion.

13.2 Preliminary Plan Requirements

- 13.2.1 A subdivider proposing to subdivide an area of land may submit to the development officer four (4) printed copies and one (1) digital copy of a preliminary plan of subdivision drawn to scale and showing:
- (a) the name of the owner of the area of land being subdivided;
 - (b) the names of all owners of all properties abutting the area of land being subdivided;
 - (c) the civic number of main buildings on the area of land being subdivided and the unique Parcel Identifier (PID) of all the areas of land being subdivided;
 - (d) the approximate location of railways and railway rights-of-way;
 - (e) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
 - (f) the shape, dimensions, and area of the lots being created;
 - (g) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where available, and the letter. There shall be no duplication of lot identifiers;
 - (h) the graphic representation of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
 - (i) the location of existing buildings within 10 metres (32.8 feet) of a property line;
 - (j) the general location of watercourses and wetlands;



- (k) a location plan showing the approximate distance between the area of land being subdivided and the nearest prominent landmark;
- (l) the north point;
- (m) the scale to which the plan of subdivision is drawn; and
- (n) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.

13.2.2 Where the preliminary plan of subdivision is to be forwarded to the Department of Environment and Climate Change, the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the plan.

13.3 Preliminary Plan Procedure

13.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.

13.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the preliminary plan of subdivision to:

- (a) the Town Engineer;
- (b) the authority having jurisdiction for public streets shown on the plan; and
- (c) any other agency of the Province or the Town the Development Officer deems necessary.



- 13.3.3 The development officer shall inform the subdivider in writing of the results of the evaluation of the preliminary plan of subdivision.



14 Tentative Plans of Subdivision

14.1 Tentative Plan Optional

14.1.1 Tentative Plans shall be optional, at the subdivider's discretion.

14.2 Tentative Plan Requirements

14.2.1 A subdivider proposing to subdivide an area of land may submit to the Development Officer eight (8) printed copies and one (1) digital copy of the tentative plan of the proposed subdivision meeting the requirements of this section.

14.2.2 Tentative plans of subdivision submitted to the development officer shall be:

- (a) drawn to a scale or scales sufficient for clarity of all particulars on the tentative plan of subdivision;
- (b) based on a description of the area of land to be subdivided, preferably but not necessarily as surveyed;
- (c) folded to approximately 20x30 cm (8x12 in.) with the face of the folded print being the title block which is located in the lower right-hand corner of the tentative plan of subdivision.

14.2.3 Tentative plans of subdivision shall show the following:

- (a) the words "Plan of Subdivision" located in the title block;
- (b) the words "Tentative Plan" located above the title block;
- (c) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
- (d) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
- (e) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
- (f) the unique Parcel Identifier (PID) of all areas of land being subdivided;
- (g) the civic number and location of main buildings on the area of land being subdivided;



- (h) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;
- (i) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (j) the width and location of railroads and railway rights-of-way;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of lots being created shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) where applicable, a notation stating the lots are serviced by a central sewer and/or water system;
- (p) the general location of watercourses, wetlands, or prominent rock formations;
- (q) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (r) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided;
- (s) the location of any existing access from a proposed lot to a public street;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
- (w) the scale to which the plan of subdivision is drawn; and
- (x) any other information necessary to determine whether the plan of subdivision conforms to this Subdivision By-law.

- 14.2.4 Where the tentative plan of subdivision is to be forwarded to the Department of Environment and Climate Change additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the tentative plan.
- 14.2.5 Where the proposed lots front on a proposed public street, a tentative plan of subdivision shall:
- (a) show a boundary survey of the area of land proposed to be subdivided, excluding the remainder lot, certified and stamped by a Nova Scotia Land Surveyor in the manner required by the Land Surveyors Act and its regulations;
 - (b) be accompanied by four copies of a plan showing:
 - i. contours at 2-metre intervals;
 - ii. drainage patterns;
 - iii. the width and location of proposed public streets and their intersection with existing public streets;
 - iv. the location of existing and proposed central sewer and water systems and proposed connections thereto; and
 - (c) be accompanied by two (2) copies of centerline profiles of proposed public streets.
- 14.2.6 Where new Town public streets, central water systems, or central sewer systems are required the Development Officer shall not approve a tentative plan of subdivision until the subdivider has submitted plans, drawings and specifications that satisfy the requirements of Subsection 14.2.5 and the Service Specifications.



14.3 Tentative Plan Procedure

- 14.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.
- 14.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the tentative plan of subdivision to:
- (a) the Town Engineer;
 - (b) the authority having jurisdiction for public streets shown on the plan; and
 - (c) any other agency of the Province or the Town the Development Officer deems necessary.

14.4 Stamps to Appear on Tentative Plan

- 14.4.1 The following information shall be stamped or written and completed by the Development Officer on any tentative plan of subdivision which is approved together with any other information, including conditions, necessary for the tentative plan to proceed to the final plan stage:
- (a) "This tentative plan of subdivision is approved for Lots _____. Such approval lapses if the lots are not shown on a final plan of subdivision approved within two years of the date of the approval of the tentative plan";
 - (b) the date of the approval of the tentative plan;



- (c) "This tentative plan of subdivision shall not be filed in the Land Registration Office as no subdivision takes effect until a final plan of subdivision is approved by the Development Officer and filed in the Land Registration Office."

14.4.2 The development officer shall forward a copy of the approved tentative plan of subdivision to the subdivider and the surveyor.



15 Final Plans of Subdivision

15.1 Final Plan Requirements

- 15.1.1 A subdivider proposing to subdivide an area of land shall submit twelve (12) printed copies and one (1) digital copy of the final plan of subdivision meeting the requirements of this section to the Development Officer for approval.
- 15.1.2 Final plans of subdivision submitted to the development officer shall be
- (a) drawn to a scale or scales sufficient for clarity of all particulars of the final plan of subdivision;
 - (b) certified and stamped by a Nova Scotia Land Surveyor that the lots for which approval is requested and any proposed public street have been surveyed in the manner required by the Land Surveyors Act and its regulations, except for a final plan of subdivision prepared pursuant to Subsection 5.4.2 (Boundary Alteration), of this By-law; and
 - (c) folded to approximately 20x30 centimetres (8x12 inches) with the face of the folded print being the title block which is located in the lower right-hand corner of the final plan of subdivision.
- 15.1.3 Final plans of subdivision shall show the following:
- (a) the words "Plan of Subdivision" located in the title block;
 - (b) a clear space for stamping being a minimum of 225 square centimetres (36 square inches) with a minimum width of 8 centimetres (3 inches);
 - (c) the name of the subdivision, if any, and the name of the owner of the area of land being subdivided;
 - (d) if applicable, the book and page number of the deed to the area of land as recorded in the name of the owner in the Land Registration Office;
 - (e) the unique Parcel Identifier (PID) of all areas of land being subdivided;
 - (f) the civic number and the location of main buildings on all the areas of land being subdivided;
 - (g) the names of all owners or the identifiers of all properties abutting the area of land being subdivided;



- (h) the name of existing and proposed public streets (and the authority number) and private roads as issued pursuant to the civic addressing system;
- (i) the width and location of railroads and railway rights-of-way;
- (j) the location of any existing access from a proposed lot to a public street;
- (k) the shape, dimensions, and area of the proposed lots;
- (l) each proposed lot identified by a number, except in cases where a parcel is being added to or subtracted from an existing area of land, in which case the parcel shall be identified by a letter and the new lot identified by the existing area of land identifier, where applicable, and the letter. There shall be no duplication of lot identifiers;
- (m) the boundaries of proposed lots shown by solid lines, and the vanishing boundaries of existing areas of land being resubdivided, consolidated or both, shown as broken lines;
- (n) the location of existing buildings within 10 metres (32.8 feet) of a property boundary;
- (o) the geographical and mathematical location of all buildings within 3 metres (9.8 feet) of a proposed boundary;
- (p) where applicable, a notation stating the lots are serviced by a central sewer and/or water system; and
- (q) the width, location, and nature of any easements on or affecting the area of land proposed to be subdivided; and
- (r) the general location of watercourses, wetlands, and prominent rock formations;
- (s) if applicable, sight-stopping distance information provided by a Nova Scotia Land Surveyor;
- (t) the date on which the plan of subdivision was drawn and the date of any revisions;
- (u) a location map, drawn to a scale not smaller than 1:50,000 (such scale to be shown on the map), preferably with the same orientation as the area of land;



- (v) the north point;
 - (w) the scale to which the plan of subdivision is drawn; and
 - (x) any other information necessary to determine whether this plan of subdivision conforms to this Subdivision By-law.
- 15.1.4 Where the final plan of subdivision is to be forwarded to the Department of Environment and Climate Change the additional information listed in Section 11.3 (Additional Information), if required by the Department of Environment and Climate Change, shall be part of, or included with, the final plan.
- 15.1.5 Unless they have already been submitted, final engineering drawings for any services, including streets, to be conveyed to the Town shall accompany the final plan of subdivision.
- 15.1.6 Where a new Town public street, central water system or a central sewer system is required, the Development Officer shall not approve a final plan of subdivision until the requirements of Section 10.3 (Duty on Completion), or of Section 10.4 (Construction Agreement and Bond) have been met.

15.2 Public Open Space

- 15.2.1 Where a transfer to the Town of money for public open space is required by Section 9.1 (Dedication Required) the transfer shall take place prior to endorsement of the final plan.

15.3 Final Plan Procedure

- 15.3.1 In areas not served by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:
- (a) the Department of Environment and Climate Change to determine compliance with the On-site Sewage Disposal Systems Regulations or—if the following conditions are met—for confirmation that an on-site sewage disposal system is not needed:
 - i. the proposed lot is more than 9,000 square metres (96,878.4 square feet) in area;
 - ii. the proposed lot has a width of 76 metres (249.3 feet) or more; and
 - iii. the subdivider has certified on the application that the proposed lot is not intended for a purpose requiring an on-site sewage disposal system;



- (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
 - (c) the authority having jurisdiction for public streets shown on the plan; and
 - (d) any other agency of the Province or the Town the Development Officer deems necessary.
- 15.3.2 In areas serviced by central sewer, the Development Officer shall forward a copy of the final plan of subdivision to:
 - (a) the Town Engineer;
 - (b) the Building Inspector, to identify any potential violation of the of the Town Building By-law, where buildings are shown on the plan of subdivision within 10 metres (32.8 ft.) of a new lot boundary;
 - (c) the authority having jurisdiction for public streets shown on the plan; and
 - (d) any other agency of the Province or the Town the Development Officer deems necessary.

15.4 Public Open Space Contribution Required

- 15.4.1 No approval of a final plan of subdivision may be given unless the subdivider has conveyed to the Town land, or a combination of land or money or value in kind, that satisfies the requirements of Part 9 (Public Open Space).

15.5 Sewer and Water Approvals Required

- 15.5.1 No approval of a final plan of subdivision may be given until the subdivider has obtained the required approvals from the Town Engineer of any central water system required by Part 7 (Water Supply) or a central sewer system required by Part 8 (Sanitary Sewers).

15.6 Public Street Construction or Agreement Required

- 15.6.1 No approval of a final plan of subdivision may be given unless the subdivider either has laid out and constructed public streets and any other services required in accordance with the provisions of Section 10.3 (Duty on Completion) or has entered into an agreement with the Town in accordance with Section 10.4 (Construction Agreement and Bond).



15.7 Approval of Consolidation or Addition

- 15.7.1 No approval of a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships shall be given before the development officer has received:
- (a) the executed deeds suitable for registering to effect the addition or consolidation;
 - (b) the fees for registering the deeds;
 - (c) the affidavit of value, including particulars of any exemption, pursuant to Part V of the Act;
 - (d) the deed transfer tax applicable to the transaction, if any; and
 - (e) forms sufficient to meet the requirement of the *Land Registry Act*.

15.8 Approval after Conveyance

- 15.8.1 A final plan of subdivision showing lots to be approved under circumstances described in subsection 287(3) of the Act by special note on the plan shall:
- (a) identify such lots;
 - (b) state the names of the grantor and the grantee of such lots; and
 - (c) state the date, book and page number of the conveyance of such lots as recorded in the Land Registration Office.

15.9 Stamps to Appear on Final Plan

- 15.9.1 The following information shall be stamped or written and completed by the Development Officer on any final plan of subdivision which is approved:
- (a) "This final plan of subdivision is approved for Lots _____";
 - (b) where applicable,
 - i. "[lot(s) approved and/or remainder] (is, are) suitable for the construction or installation of an on-site sewage disposal system for [proposed use] and any conditions which apply are contained in a report dated [date] and available from the Department of Environment and Climate Change.";



- ii. " IMPORTANT NOTICE [lot(s) approved and/or remainder] (has, have) been created for a purpose which does not require an on-site sewage disposal system and will not be eligible for a permit to install a system unless the requirements of the Department of Environment and Climate Change are met.";
 - iii. "[lot(s) approved and/or remainder] (is, are) served by an existing on-site system and should a replacement system become necessary in future, approval of the replacement system from the Department of Environment and Climate Change is required"; or
 - iv. "lot(s) are serviced with central sanitary sewer; and
- (c) where applicable,
- i. a notation stating that access to the public street as shown has been approved for the lots created by this final plan and any conditions which apply are listed on the plan or are contained in a report dated _____, available from the authority having jurisdiction for public streets; or
 - ii. where a lot which abuts a public street does not have an approved access point along the street, a notation stating that direct access to the street is not permitted.



16 Repeal of Subdivision

16.1 Approval May be Repealed

- 16.1.1 Where a plan of subdivision has been approved, the approval may be repealed for any or all of the lots created by the plan or instrument of subdivision.

16.2 Application to Repeal

- 16.2.1 Any person requesting a repeal shall submit an application in the form specified in Schedule C to the Development Officer.
- 16.2.2 At the time of application for the repeal of a subdivision the subdivider shall submit to the development officer:
- (a) the fees contained in the *Costs and Fees Act*, and its regulations, for registering a repeal of a plan of subdivision; and
 - (b) the processing fee set by the Council.

16.3 Provisions Applicable

- 16.3.1 The notification and approval provisions of the Act which apply to the approval of a plan of subdivision shall also apply to a repeal.
- 16.3.2 Parts 5 to 15 inclusive of this By-law do not apply to the repeal of a plan of subdivision.

16.4 Agency Assessments

- 16.4.1 When the Development Officer is satisfied that an application for repeal is complete, the development officer may forward a copy to any agency that provided an assessment or recommendations on the original plan of subdivision.



16.5 No Violation of By-laws

- 16.5.1 Where buildings have been erected on the subject lands after the date of the subdivision approval sought to be repealed, no repeal shall be granted which would cause these buildings to be in violation of the Town Building By-law, the Land Use By-law, or sewage disposal regulations unless the violation will be rectified by the approval of a new plan of subdivision filed at the Land Registration Office on the same day as the repeal is filed.

16.6 Approval Notification

- 16.6.1 The Development Officer shall forward the repeal in the form specified in Schedule 'D' to:
- (a) the Land Registration Office;
 - (b) the subdivider, and
 - (c) any agency that provided an assessment or recommendations on the original plan of subdivision.

SPECIFICATIONS FOR SUBDIVISION DRAFT

JUNE 2, 2021





TOWN OF LUNENBURG SPECIFICATIONS FOR SUBDIVISIONS, 2021

First Reading:

Second Reading:

Approved by the Minister of Municipal Affairs:

Notice of Effect:

With Amendments to:



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1 Definitions

1.1.1 Whenever the following terms are used in any part of these specifications the intent and meaning shall be interpreted as follows:

ACT means the *Municipal Government Act*.

APPROVAL means the approval of the Town Engineer. The Town Engineer's decision shall be final and binding in matters of design and construction.

BOARD means the Nova Scotia Utility and Review Board

DEVELOPMENT OFFICER means the officer of the Town of Lunenburg charged from time to time by Council with the administration of the Subdivision By-law.

FORCEMAIN means a section of sanitary sewer through which sewage is either pumped or flows by gravity under a low pressure head.

PUBLIC STREET means any street or road owned and maintained by the Town, a municipality or the Province excluding designated controlled access highways pursuant to section 21 of the *Public Highways Act*.

INSPECTION means a field inspection by the Town Engineer at various stages of construction.

LATERAL means a service pipe for either sanitary sewage, storm water or potable water that extends from the main to the property line.

MAIN LINE means the primary pipeline in a water or sewer system. In the case of a sewer line a main line includes both collection and trunk lines, and in the case of a water main includes both distribution and transmission lines.

MAINTENANCE PERIOD means one year from the date of final approval of a subdivision.

NATURAL WATERCOURSE means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.

PROFESSIONAL ENGINEER means a Professional Engineer who is a member of the Association of Professional Engineers of Nova Scotia.



RUNOFF means overland flow that occurs when the rainfall rate exceeds the soil's capacity to absorb water.

SANITARY SEWAGE means wastewater from residential, industrial, institutional, and commercial buildings, excluding storm water runoff and ground water.

SETBACK means the minimum setback requirements as defined by the Land Use By-law or the Subdivision By-law of the Town.

SERVICES means all of the sanitary sewer, storm sewer, and water systems.

STORM SEWER means a buried drain for conveyance of storm water that includes the storm sewer main, manholes, laterals, catch basins, and catch basin leads.

SUB-BASE COURSE means the crushed rock or aggregate which is placed immediately upon the subgrade.

SUBDIVISION means 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.

SUBGRADE means that portion of the roadbed upon which the sub-base course is to be placed.

TOWN means the Town of Lunenburg.

TOWN ENGINEER means the engineer of the Town of Lunenburg and includes a person acting under the supervision and direction of the engineer.

TRAFFIC STUDY means a study carried out by a professional engineer specializing in traffic, paid for by the Town, and shall include, at the discretion of the Town Engineer, information regarding:

- (a) existing traffic patterns; and
- (b) estimate of future traffic patterns and volumes; and
- (c) ability of existing adjacent streets to support the anticipated traffic volumes; and
- (d) sight distances; and
- (e) recommendations regarding traffic safety improvements; and



- (f) recommendations regarding upgrades to existing streets affected by the proposed subdivision; and
- (g) recommendations regarding upgrades to pedestrian and active transportation infrastructure affected by the proposed subdivision.

TRIBUTARY AREA means the area that contributes runoff flow to an inlet or given point immediately downstream of the contributing area.



2 Submission Requirements

2.1 General

- 2.1.1 This Part is intended to assist the applicant for subdivision approval in preparing a submission for the approval of municipal services. This Part must be read in conjunction with the Subdivision By-Law.

2.2 Tentative Approval

- 2.2.1 Three (3) copies of the information in this Section shall be submitted with an application for tentative approval of subdivision.

Permit to Construct

- 2.2.2 A copy of the Certificate of Approval from Nova Scotia Department of Environment and Climate Change shall be required prior to approval of the Tentative Plan.

General Service Plan

- 2.2.3 A copy of the plan indicating proposed street layout, tributary areas for servicing, existing and proposed services; including pipe sizes, valves, hydrants, manholes, lift stations, directions of flow, and points of connection to existing systems shall be required prior to approval of the Tentative Plan.

Drainage Plan

- 2.2.4 A copy of the plan indicating contributing area, the tributary area for each inlet, natural watercourse, and existing and proposed storm drainage systems; including run-off rates at each inlet and outlet, pipe/culvert size, and other relevant features shall be required prior to approval of the Tentative Plan. Lot grading plans and minimum basement elevations may be required for areas prone to flooding.

Survey Plan

- 2.2.5 A tentative plan of subdivision in accordance with the Subdivision By-law, showing proposed lot layout and all proposed public streets, street reserves, and easements to be transferred to the Town shall be required prior to approval of the Tentative Plan.
- 2.2.6 Proposed streets shall be identified with preferred street names.



Detailed Design Drawings

- 2.2.7 The following material is required prior to approval of the Tentative Plan:
- (a) Plan and profile drawings (1 :40 horizontal, 1 :4 vertical), drawing size D (24" x 36" overall dimensions) indicating lot layout, manhole locations, main and lateral locations, valves, hydrants, pipe size, material, and slope, horizontal and vertical street alignment data, existing and proposed street center line profiles, and cross sections; and
 - (b) All streets, water, storm and sewer systems shall be designed in accordance with the specifications included in this document. These specifications shall be read in conjunction with the latest edition of "Standard Specifications for Municipal Services" which may be obtained from the Joint Committee on Contract Documents c/o Spectech Ltd. , Halifax, NS. The design shall also be in compliance with the latest edition of the "Nova Scotia Standards and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage" prepared by the Nova Scotia Department of Environment and Labour; and
 - (c) The Town's specifications shall govern over other specifications referred to in this document; and
 - (d) In the case where the developer proposes to substitute an equivalent product or procedure departing from these specifications a description of the proposed substitute with sufficient supporting documentation shall be submitted to the Town Engineer for approval; and
 - (e) All engineering work must be undertaken and stamped by a Professional Engineer registered in the Province of Nova Scotia; and
 - (f) The developer shall notify the Town of work or tests a minimum of two (2) working days in advance of such work or test taking place. Work or tests completed without prior notice may not be accepted by the Town; and
 - (g) Details for lift stations indicating pump data, invert elevations for gravity inlet, overflow, and forcemain, float elevations, base elevation, top elevation, wet well size, bypass piping arrangement, and other relevant details; and
 - (h) Details for environmental control measures, and other relevant details as required or as requested by the Town Engineer.



Design Submission

- 2.2.8 Depending on the size of the proposed subdivision development, the following information may be required by the Town Engineer:
- (a) Design summary for the sewer system in tabular form giving population density peak flow, design flow, pipe size, slope, minimum and maximum velocity, and depth of flow; and
 - (b) Design summary for the water system in tabular form giving population density, domestic demand, fire flow requirements, maximum and minimum static pressures under normal operating conditions, and residual pressures under fire flow conditions; and
 - (c) Design information for the storm drainage system in tabular form giving runoff rates at each inlet and outlet, design flow, pipe, culvert, or channel size, and depth of flow; and
 - (d) Design information in tabular form for lift stations and forcemains giving minimum, maximum, and peak flow rates, pipe size, velocity in forcemain, and pump cycle time, system and pump curves for lift stations and forcemains; and
 - (e) Erosion and sedimentation control plan.

Traffic Study

- 2.2.9 The Town may commission a traffic study by a qualified consultant to determine the impact of the proposed subdivision on adjacent streets, pedestrian networks, and active transportation facilities. The cost of the traffic study shall be paid by the Town, and the cost of improvements required by the study shall be paid for by the developer.

2.3 Final Approval

- 2.3.1 The information in this Section shall be required for final approval of municipal streets and services.

Record Drawings

- 2.3.2 Reproducible record drawings stamped by a Professional Engineer. Plan and profile, detail drawings and a drainage plan similar to those submitted for tentative approval are required.



- 2.3.3 Record drawings prepared on a CAD system must be submitted in both hard and electronic format. Hard copies must be on a high-quality bond paper (1 set) and mylar (1 set). Electronic copies are to be submitted on compact disc or USB drive and be saved in AutoCAD "dwg" or "dxf" format. Record drawings prepared manually must be submitted on both high-quality bond paper (1 set) and mylar (1 set).

Deeds and Easement Documentation

- 2.3.4 The following shall be submitted by the developer:
- (a) Warranty Deed for all street rights-of-way and street reserves; and
 - (b) Easement agreements for water, sanitary sewer, and storm drainage systems located outside of the proposed street right-of-way; and
 - (c) Title certificate by developer's solicitor for land and easements being transferred. A copy shall be provided to the Town Solicitor for approval; and
 - (d) Information and documentation sufficient to record the deeds in either the Traditional Registry or Land Registry, as applicable. Title to streets shall be migrated if required under the Act; and
 - (e) Plan of subdivision submitted for final approval.

Maintenance Deposit

- 2.3.5 The following shall be submitted by the developer:
- (a) Statement of construction costs which must be reviewed and approved by the Town Engineer; and
 - (b) Statutory declaration from the developer indicating that all accounts for labor and material used in the construction of the subdivision and all statutory liens have been paid in full; and
 - (c) Maintenance deposit in accordance with Subdivision By-law.

Street Completion Agreement and Bond for Street Completion

- 2.3.6 The street completion agreement and bond shall be provided in accordance with the Subdivision By-law.



Operation and Maintenance Manuals

- 2.3.7 Operation and Maintenance Manuals shall be provided for pumps and other similar equipment.

Certificate of Compliance

- 2.3.8 A Certificate of Compliance shall be provided by the developer from a Professional Engineer stating that the streets and services have been constructed in accordance with the approved plans and specifications.

Inspection and Testing Reports

- 2.3.9 The following inspection and testing results as applicable, shall be provided:
- (a) video inspection file and report for sanitary and storm sewer; and
 - (b) test results for allowable leakage testing of the sanitary and storm sewer, stamped by a Professional Engineer; and
 - (c) test results for hydrostatic and leakage tests for water lines, stamped by a Professional Engineer; and
 - (d) bacteriological test results for water lines; and
 - (e) sieve analysis for base and sub-base gravel; and
 - (f) compaction test results on trench compaction, subgrade, sub-base and base courses; and
 - (g) test results for asphaltic concrete paving shall be required after completion and prior to release of standby letter of credit.

2.4 Listing Procedure for Subdivision Streets

- 2.4.1 Before the constructed streets and services are accepted, the Town must receive confirmation from the Nova Scotia Environment and Climate Change that all its requirements have been met.
- 2.4.2 When the preceding information has been submitted and approved, the developer may then officially request the Town take over the street system in the subdivision. The request shall be accompanied by four (4) copies of a final plan showing the entire subdivision, its boundaries and street layout. The Town Engineer may then recommend that the Town officially accept the deeds for the streets in the subdivision.



3 Sanitary Sewer System Specifications

3.1 General

- 3.1.1 This Part specifies the requirements for a central sanitary sewer collection system. A sanitary sewer consists of main lines, laterals, forcemains and appurtenances (including manholes and lift stations).

3.2 References

- 3.2.1 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association; and
 - (b) Sanitary sewage systems shall conform to the Nova Scotia Department of the Environment and Climate Change Standard and Guidelines Manual for the Collection, Treatment and Disposal of Sanitary Sewage. No systems shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.
- 3.2.2 In addition, please note that any discharge into a sanitary sewer must comply with the Town of Lunenburg's *Sewer Discharge By-law*.

3.3 Design Criteria

General

- 3.3.1 The sanitary sewage system shall be designed for flows generated from all lands within the serviceable area which are naturally tributary to the drainage area as determined from topographic plans. In addition, lands within the serviceable area which are tributary by pumping or regrading which are at present or anticipated to flow through the design area are to be included.
- 3.3.2 Design shall be based on an appropriate population density according to land use and zoning.



Design Flows

- 3.3.3 Sewer collection mains shall be sized for the domestic peak hourly water demand. Unless data is supplied by flow metering, the design sewage flow shall be calculated as follows:
- (a) Average Dry Weather Flow (Q_A) shall be calculated on the basis of an allowance of 75 Imperial Gallons per person per day (340 liters per person per day).
 - (b) Design Peak Flow (Q_P) shall be based on the peak wet weather flow according to the following:

$$Q_P = M \cdot Q_A + I \cdot A$$

where:

M = Peaking Factor, determined using the Harmon formula:

$M = (1 + 14)/(4 + P^{0.5})$, where P = design population in thousands;

I = a minimum of 1080 Imperial Gallons per acre per day (12,096 liters per hectare per day); and

A = tributary area in Acres (Hectares) as defined in Section 1, Definitions.

- 3.3.4 The Town Engineer shall have the right to request flow and other engineering calculations including impact on the downstream systems prior to approval to install a sewer system.

3.4 Gravity Systems

Pipe Material

- 3.4.1 Polyvinyl Chloride (PVC), SOR 35 shall be used for sanitary sewer main installations within the Town, unless otherwise approved by the Town Engineer.

Hydraulic Design

- 3.4.2 Sanitary sewer mains shall be designed to convey the calculated Design Peak Flows. The Designer shall ensure that surcharging of the system does not occur during such peak flow conditions by taking into consideration such factors as energy loss at manholes. The capacity of the sanitary sewer mains shall be calculated using the "Manning Formula" or an appropriate nomograph. A Manning roughness coefficient (n) equal to 0.011 shall be used for PVC pipe.



- 3.4.3 Sewers shall be designed to maintain a minimum velocity of 2 feet per second (0.6 meters per second) and a maximum velocity of 15 feet per second (4.6 meters per second) when operating under Design Peak Flow conditions from the tributary area when fully developed.

Minimum Pipe Size

- 3.4.4 No sanitary sewer main shall be less than 8 inches (200 mm) in diameter.

Minimum Slope

- 3.4.5 Sanitary sewer mains shall have a minimum slope of 1 percent. Slopes less than 1 percent may be considered where the depth of flow will be at least 30 percent of the diameter of the pipe for Design Peak Flow. In no case shall the slope be reduced to less than 0.75 percent.
- 3.4.6 Calculations shall be presented in a tabular form to indicate depths and velocities at minimum, average and maximum daily wastewater flow for the different sizes of sewer proposed.

High Velocity Protection

- 3.4.7 Where velocities greater than 15 feet per second (4.5 meters per second) are attained, special provision shall be made to protect against displacement of pipe and structures by erosion and shock.

Depth

- 3.4.8 The sanitary sewer shall be installed at a sufficient depth to provide service by gravity flow from all proposed lots within the proposed subdivision and to provide service to adjoining lands.
- 3.4.9 The minimum depth of sanitary sewer mains shall not be less than 5 feet (1.5 meters).
- 3.4.10 The depth of sanitary sewer mains shall not normally exceed a maximum of 14 feet (4.3 meters). However, under special conditions, if full and justifiable reasons are given (such as elimination of a pumping station), the maximum depth of sanitary sewer mains may be increased to 18 feet (5.5 meters).



Location

- 3.4.11 Where possible, all sanitary sewer pipe and appurtenances shall be located within a street owned by the Town. If approved by the Town Engineer, sanitary sewer mains may be installed within an easement granted in favor of the Town. The actual width of the easement shall depend upon the depth of any pipe lines contained within the easement. The minimum width of any such easement shall be 20 feet (6.1 meters).
- 3.4.12 Depending upon the length and location of the easement, the Town Engineer may require a suitable surface to provide vehicle access within the easement for maintenance purposes.
- 3.4.13 Where a need is identified by the Town Engineer to accommodate future upstream lands which are naturally tributary areas to the drainage area, an easement shall be provided from the edge of the street right-of-way to the upstream limit of the subdivision.

Joints

- 3.4.14 All joints on gravity lines shall be bell and spigot as recommended by the manufacturer.

Alignment

- 3.4.15 All sanitary sewer mains shall be laid with a straight alignment between manholes.

3.5 Gravity System Manholes

General

- 3.5.1 A manhole shall be provided on a sanitary sewer at the end of each line, at any change in pipe size, vertical or horizontal alignment and at all pipe intersections. All manholes shall be watertight.



Hydraulic Losses

- 3.5.2 The following criteria shall be used for pipe elevation and alignment in sanitary sewer manholes to account for hydraulic losses through the manhole:
- (a) minimum drop across manholes of similar diameters shall be:
 - i. straight run - 0.10 feet (30 mm); and
 - ii. deflections up to 45 Degrees - 0.10 feet (30 mm); and
 - iii. deflections 45 to 90 Degrees - 0.20 feet (60 mm); and
 - (b) the crown of a downstream pipe shall not be higher than the crown of an upstream pipe.

Minimum Diameter

- 3.5.3 The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Maximum Spacing

- 3.5.4 The distance between manholes shall not exceed 400 feet (120 m) for sewer main diameter of 24 inches (600 mm) or less. For sewer mains greater than 24 inches (600 mm) in diameter, the maximum spacing shall be 500 feet (150 m).

Location

- 3.5.5 All sanitary sewer manholes shall be positioned so as to minimize the inflow of surface water or ground water. Manholes shall not be located at or near drainage ditches or roadway low points.
- 3.5.6 In some situations where manholes cannot be easily located to minimize inflow, the use of berms and/or water-tight frames and covers may be permitted by the Town Engineer.

Drop Manholes

- 3.5.7 Where the difference between invert elevations of any two pipes entering and leaving a manhole is greater than 3 feet, either an internal or external drop chamber shall be provided. Drop manholes will only be approved when there are no other means of installing the pipe near the base of the manhole.



Frames & Covers

- 3.5.8 The following manhole frames and covers are approved for use:
- (a) IMP Type R60 for manholes within a public street allowance; and
 - (b) IMP R12 bolt down frame and cover for manholes in easements, parks or wet wells.

Lateral Connections at Manholes

- 3.5.9 If services must be designed to enter a manhole then the maximum number entering any manhole shall be limited to three (3). All entrances shall be cast into the manhole by the manufacturer and be complete with watertight gasketed joints.

3.6 Gravity System Laterals

General

- 3.6.1 In any subdivision for which tentative or final approval is being sought, a single sanitary sewer lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 3.6.2 A single sanitary sewer lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services, except that duplex or semi-detached unit lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 3.6.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material

- 3.6.4 Polyvinyl Chloride (PVC), SOR 28 shall be used for sanitary sewer service laterals. Pipe markers and end caps for sanitary sewer laterals shall be red in color.

Minimum Pipe Size

- 3.6.5 Minimum pipe size for laterals shall be 4 inches (100 mm) in diameter.



Clean-out

- 3.6.6 Service laterals with a total length greater than 85 feet (25 metres) shall be installed complete with a wye type clean-out or approved manhole in locations approved by the Town Engineer. A 1 foot (300 mm) by 1 foot (300 mm) x 1/4 inch (6mm) steel plate shall be placed above cleanouts and located 6 inches (150 mm) below the ground surface to allow detection by a metal detector.

Minimum Slope

- 3.6.7 Sewer laterals shall have a minimum slope of 2 percent.

Depth

- 3.6.8 The minimum depth of sanitary sewer laterals shall not be less than 5 feet (1.5 metres) below a traveled way (such as a driveway or street) or less than 3 feet (1 meter) below the bottom of a ditch.
- 3.6.9 To minimize future maintenance costs, all service laterals shall be eliminated from the deep section of the sewer main either by installation of a rider sewer for lateral connections or by the installation of all laterals at manholes.

Connection to Mains

- 3.6.10 Service connections to an existing main in service shall be made using the approved saddles listed below:
- (a) PVC Main - PVC gasketed strap on, in line or wye tee
 - (b) Concrete or AC main - Daigle 050
- 3.6.11 All saddles shall be fitted with a gasket and a double stainless steel strap and shall not protrude into the main.
- 3.6.12 Service connections to any newly constructed main shall be made using a service tee or wye fittings of the same material as the pipe with gaskets.
- 3.6.13 For laterals greater than 6 inches (150 mm) in diameter the connection to the sewer main shall be made by installing a manhole on the sanitary sewer main.



- 3.6.14 Any service connection requiring a major change in horizontal or vertical alignment shall be constructed using a maximum of one horizontal and one vertical bend per service lateral unless an approved manhole structure or "wye" type clean-out is provided. All bends shall be long-radius type with a maximum deflection of forty-five degrees.
- 3.6.15 The center line of any service connection at the main shall be located at an angle of 45 degrees above the horizontal at the main.

Joins

- 3.6.16 Sewer joints shall be designed to prevent infiltration and to prevent the entrance of roots, and shall be made in accordance with the manufacturer's recommendations.

Repairs

- 3.6.17 Repairs to pipe damaged after installation will be accepted only if carried out in accordance with the manufacturer's recommendations and after the damaged section has been retested.

Groundwater Movement

- 3.6.18 The design engineer shall assess the possible change in groundwater movement caused by the use of pervious bedding material and shall be responsible for the design of corrective measures to prevent flooding as a result of this groundwater movement. Clay plugs in service lateral trenches may be required for low lying lots and impervious soils.

3.7 Pumped Systems

General

- 3.7.1 Pumping stations shall be provided when, in the opinion of the Town Engineer, a gravity system is not possible or is not economically feasible.
- 3.7.2 Sewage pumping station structures and electrical and mechanical equipment shall be protected from physical damage from the 1 in 100 year flood. Sewage pumping stations shall be designed so that they remain fully operational and accessible during the 1 in 50 year flood.
- 3.7.3 During preliminary location planning, consideration shall be given to the potential of emergency overflow provisions and the avoidance of health hazards, nuisances and adverse environmental effects.



- 3.7.4 Unless otherwise approved by the Town Engineer, all pumping stations, pumps, and forcemains shall be designed for the ultimate sanitary sewer peak flows from the tributary area for drainage. In the selection of pumps, both present and future conditions shall be considered, and pump overloading situations shall be avoided.
- 3.7.5 Design parameters such as the roughness coefficient of pipe and flow volumes can vary over time, and such variances shall be considered in the selection of the pumps.

3.8 Pumped System Pumping Stations

General

- 3.8.1 All pumping stations shall include above ground self-priming pumps unless approved otherwise by the Town Engineer.

Pump Capacity

- 3.8.2 All pumping stations shall have a minimum of two pumping assemblies. If only two pumps are provided, each shall be capable of handling the expected Design Peak Flow. Where three or more units are provided, they shall be designed to fit actual flow conditions and must be of such capacity that, with the largest unit out of service, the remaining units will have capacity to handle maximum sewage flows, taking into account head losses with parallel operation. The pump control circuitry shall be designed to automatically alternate pumps for each pump cycle. Run time meters shall be provided to record run time for pumps operation.

Wet Well Size

- 3.8.3 The wet well shall be designed to allow for a minimum cycle time for each pump of fifteen minutes. For a duplex station, the volume in cubic feet, between pump start and pump stop shall be 0.5 times the pumping rate of one pump, expressed in US gallons per minute. The wet well size and control settings shall be appropriate to avoid heat build-up in the pump motor due to frequent starting and to avoid septic conditions due to excessive detention time.
- 3.8.4 The wet well shall be designed for a maximum retention time of 30 minutes to avoid septic conditions.



Phased Development

- 3.8.5 In situations of phased development, the effects of minimum flow conditions shall be investigated to ensure that the retention time in the wet well will not create an odor or septic conditions.

Structural Design

- 3.8.6 The wet well structure shall be designed for all external loads, including bearing capacity with the wet well full, lateral earth pressure and hydraulic uplift with the wet well empty.

Pump Manufacturers

- 3.8.7 The following pumps and pump manufacturers may be approved for use in sewage pumping stations in the Town:
- (a) submersible pumps manufactured by "ITT Flygt" or "Gorman Rupp"
 - (b) self priming pumps manufactured by "Gorman Rupp"
- 3.8.8 All pumps shall be solids-handling type complete with electric motors.

Pump Supplier

- 3.8.9 The pump supplier shall have as a minimum:
- (a) 15 years of continuous sales and repair service in Canada; and
 - (b) a replacement mechanical seal, a replacement wear plate, and a replacement impellor for the electrical pump in inventory in Nova Scotia; and
 - (c) factory trained personnel available at all times in Nova Scotia; and
 - (d) all pumps and motors must carry a minimum 24-month warranty.

Emergency Overflows

- 3.8.10 Each pumping station shall be provided with an emergency overflow arrangement acceptable to both the Town Engineer and the Nova Scotia Environment and Climate Change. The invert of the overflow pipe at the pumping station shall be lower than the invert of any sanitary sewer laterals at the property line. As well, the invert of the overflow pipe shall be at an elevation high enough to prevent backflow from surface runoff or during extreme high tides.



Safety Precautions

- 3.8.11 The pumping station and appurtenances shall be designed in such a manner to ensure the safety of Town employees, in accordance with all applicable Municipal, Provincial and Federal regulations including the *Occupational Health and Safety Act*. All moving equipment shall be covered with suitable guards to prevent accidental contact.
- 3.8.12 Equipment that starts automatically shall be suitably and visibly posted with warning signs to ensure that the Town employees are aware of this condition. Lock-outs on all equipment shall be supplied to ensure that the equipment is completely out of service when maintenance or servicing is being carried out.

Pump Selection

- 3.8.13 Pumping equipment shall be selected to perform at maximum efficiencies under normal operating conditions. Pumping stations, wet wells and dry wells shall be designed such that all pumps will operate under a continuous positive prime condition during the entire pump cycle. (This criteria will not apply to pumping stations designed to use self-priming pumps). System head calculations and curves shall be provided for the following operating conditions:
 - (a) $C=100$ and low water level in the wet well; and
 - (b) $C=120$ and medium water level over the normal operating range in the wet well; and
 - (c) $C=130$ and overflow water level in the wet well.

Where C is Hazen-Williams flow co-efficient.

Curve (b) shall be used to select the pump and motor since this most closely represents normal operating conditions. The extreme operating ranges will be given by the intersections of curves (a) and (c) with the selected pump curve. The pump and motor shall be capable of operating satisfactorily over the full range of operating conditions.

Surcharge

- 3.8.14 Pumping stations shall be designed such that the incoming sewers will not surcharge under the peak flow conditions.



Flow Velocity

- 3.8.15 Suction and header piping shall be sized to carry the anticipated flows. Flow velocities shall be:
- (a) minimum cleansing velocity of 2.6 feet per second (0.8 meters per second), and
 - (b) maximum velocity of 6.6 feet per second (2.0 meters per second).
- 3.8.16 Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter shall not be acceptable, unless otherwise approved by the Town Engineer.

Piping

- 3.8.17 Pumping station internal piping shall be either ductile iron Class 54 with coal tar epoxy lining or stainless steel, Type 316 or 316L, 11 Gauge. Regular steel pipe spool pieces will not be permitted.
- 3.8.18 Threaded flanges or victaulic couplings shall be used for all ductile iron pipe joints, fittings and connections within the station. Pressed or rolled vanstone neck flanges shall be used for all stainless steel pipe joints, fittings and connections. All piping within the pumping station shall be properly supported and shall be designed with appropriate fittings to allow for expansion and contraction, thrust restraint, etc.

Wet Well Inlet

- 3.8.19 Only one inlet will be permitted into the wet well. If more than one sewer main flows to a pumping station site then a manhole shall be provided near the pumping station to collect the flow from the contributing mains.

Hydraulic Analysis

- 3.8.20 A hydraulic transient analysis shall be undertaken to ensure that transients (water hammer) resulting from pumps starting, stopping, full load rejection during power failure, etc. do not adversely affect the pipe or valves in the system.

Valves

- 3.8.21 Hand operated gate or plug valves shall be provided on discharge piping to allow for proper maintenance. A check valves shall be provided on the discharge lines between the isolation gate valve and the pump. Check valves shall be accessible for maintenance.



Ventilation

- 3.8.22 Forced ventilation shall be provided for pumping station wet wells and dry wells. A ventilation system capable of delivering a complete air change in ten minutes and with automatic operation of the fan at least four times in a 24-hour period is required.

Access & Removal

- 3.8.23 Access hatchways and doorways shall be provided to allow adequate maintenance and servicing. All pumping stations shall be provided with an acceptable device for the removal of pumps and motors for repair and maintenance. Lift hatches shall have gas assisted cylinders and be able to be "locked in" in the upright position.
- 3.8.24 Submersible pumps shall be readily removable and replaceable without dewatering the wet well or disconnecting any piping in the wet well. A non-corroding working platform shall be constructed in the wet well of any submersible station. The platform shall be set on a concrete lintel cast integrally with the station walls. Alternatively, a separate valve chamber shall be provided.
- 3.8.25 All locks shall be keyed to the Town's standard key system.

Electrical / Supervisory Control and Data Acquisition (SCADA) System

- 3.8.26 Electric motors less than 10 horsepower shall be 208 volt and 3 phase. Electric motors 10 horsepower and larger shall be 600 volt and 3 phase. Single phase pumps will only be permitted if in the opinion of the Town Engineer that three phase power is not feasible. All pumping station control equipment shall be mounted in a CSA Type 3 enclosure that is weather tight, heated and rated NEMA 4. Alternatively, control equipment may be mounted in an aboveground, prepackaged enclosure as manufactured by Gorman Rupp. Control package and wiring shall be CSA approved and the complete package shall meet CSA requirements for the type of equipment.
- 3.8.27 Run-time meters shall be provided for each pump. The run-time shall be recorded both on SCADA and also locally on meters at the station, mounted in the panel, facing outwards.



- 3.8.28 Pumping stations shall have ultrasonic echo controls to control pump starts and stops. Mercury float switches may be required in stations where ultrasonic echo control is unsuitable or used as a back-up to the ultrasonic echo controls. The station liquid levels shall be displayed both locally and remotely. Pump controls are to be provided with two over-rides (over-riding the normal function of the station), both of which are to be operated by mercury float switches. One float is to be set to lock-out the pumps if the liquid level drops 3 inches (75 mm) below the normal pump shut-off level. This condition is to provide an alarm but is to be self-resetting. The other float is to be set at the high-level alarm level, both to provide that alarm but also to start both pumps, if they are not already running.
- 3.8.29 Each panel is to be equipped with a pump controller complete with communications hardware, including but not limited to, radio, radio power supply, antenna and interface cable. Adequate lighting arresters shall be provided. The SCADA system must be compatible with the system presently used by the Town.
- 3.8.30 The SCADA unit shall have two extra digital points and two extra analog points and shall be capable of transmitting the following signals and alarms to the central monitoring location:
- (a) hand off automatic selector switch status; and
 - (b) output control through SCADA system; and
 - (c) power generating system (overload, battery status, fuel tank level, running, etc.); and
 - (d) low level alarm; and
 - (e) high level alarm; and
 - (f) panic alarm; and
 - (g) building fire alarm; and
 - (h) power failure alarm; and
 - (i) illegal entry alarm; and
 - (j) pump information (overload, motor current, pump status, line voltage, pump running hours, pump starts, and phase monitoring); and
 - (k) dry well alarm - where applicable; and



(l) any other requests of the Town Engineer

- 3.8.31 The electrical service meter socket is to be mounted on a utility pole and come complete with CEMA 3 weatherproof enclosure and disconnect switch suitable for the service provided.
- 3.8.32 The service connection shall meet requirements of the Town's electric light utility.
- 3.8.33 Electrical service from the supply to the control panel and between the control panel and the pumping station shall be through buried conduit. Each pump cable shall be installed in a separate conduit and a spare conduit shall be provided for future use. All conduits entering or leaving shall be adequately sealed to protect against corrosion, water intrusion or harmful gases.

Site Considerations

- 3.8.34 Whenever possible, all pumping stations and control panels shall be within the street right-of-way in an appropriate area specifically designated for that purpose. Property required for the pumping station shall be deeded to the Town. All pumping station land shall be graded such that ponding of water does not occur. The elevation of the top of the wet well shall be no less than 4 inches (100 mm) and no more than 6 inches (150 mm) above the finished grade of the pumping station lot. Adequate areas for vehicular access and parking areas shall be paved. All other exposed areas shall be sodded. The pumping station shall not be located in areas which may flood. Low maintenance shrubs and foliage are to be planted by the developer to screen the site.

Testing

- 3.8.35 The wet-well shall be tested for water-tightness by filling to the top cover level with water and after a 24-hour period, being topped up and tested for 4 hours to ensure that there is no more leakage from the station than 5 liters/hour/0.8 m² surface area/1000 mm of vertical height. Any visible leaks, seepage or weeping shall be repaired regardless of test results.
- 3.8.36 The capacity of the pumps shall be tested both individually and together by means of a station draw-down test or approved equivalent method. Results shall be submitted to the Town Engineer in order to compare the results obtained with the pump curve and design. Pumps failing to meet the design will be not be accepted.



- 3.8.37 The pumps shall be tested both individually and together for voltage and current draw. Copies of the manufacturer's start-up report, including capacity test, and certification from the pump manufacturer that the pumps meet the electrical and installation specifications are required.

Operations and Maintenance Manual

- 3.8.38 Three copies of the pumping station operation and maintenance manual shall be prepared in a form acceptable to the Town Engineer and provided to the Town Engineer prior to acceptance of the pumping station. This manual shall contain the following as a minimum:
- (a) system description; and
 - (b) design parameters, system hydraulics and design calculations (including curves); and
 - (c) as-constructed civil, mechanical and electrical drawings; and
 - (d) pump literature, pump curves and operating instructions; and
 - (e) manufacturer's operation and maintenance instructions of all equipment; and
 - (f) name, address, and telephone number of all equipment suppliers and installers; and
 - (g) information on guarantees/warranties for all equipment.
- 3.8.39 All special tools and standard spare parts for all pumping station equipment shall be provided by the contractor prior to acceptance of the system by the Town Engineer.

3.9 Pumped System Forcemain

Pipe

- 3.9.1 PVC DR 18 pipe is approved for use for all sanitary sewer forcemains in the Town. Warning tape (150 mm wide polyethylene) shall be placed 6 inches above the top of the pipe's first backfill layer and labeled "Caution, Sewer Line Buried". The minimum pipe diameter shall be 4 inches (100 mm). The hydraulic losses in the forcemain shall be calculated using the Hazen-Williams formula. Variations in the roughness coefficient (C) through the life of the pipe shall be taken into account.



Limiting Velocities

- 3.9.2 The forcemain shall be designed such that a minimum cleansing velocity of 2 feet per second (0.6 meters per second) is maintained. The maximum velocity in any forcemain shall not exceed 8 feet per second (2.4 meter per second). Regardless of the above conditions, piping less than 4 inches (100 mm) in diameter is not acceptable, unless otherwise approved by the Town Engineer.

Minimum/Maximum Depth

- 3.9.3 Forcemains shall have a minimum cover of 5 feet (1.5 m) and a maximum cover of 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Slope

- 3.9.4 Forcemains shall be installed at uniform slopes and under no circumstance shall they be installed at zero slope.

Location

- 3.9.5 Forcemains shall not be located in a common trench with a water main and the soil between them shall be undisturbed. Forcemains crossing water mains shall be laid to provide a minimum vertical distance of 1.5 feet (450 mm) between the outside of the forcemain and the outside of the water main. The water main shall be above the forcemain. At crossings, one full length of water pipe shall be located so that both joints are as far from the forcemain as possible. Special structural support for the water main and forcemain may be required.

Termination

- 3.9.6 Forcemains shall terminate at a manhole on the gravity sewer system, and at a point not more than 2 feet (0.6 meters) above the flow line of the receiving manhole. A bend may be required to direct the flow down into the barrel of the receiving gravity sewer.

Valves

- 3.9.7 Where high points in the forcemain profile cannot be avoided, automatic air relief and vacuum valves shall be installed in a manhole to prevent air locks in the pipe or in other locations as determined by the Town Engineer. Drain valves housed in manholes shall be provided at low points in the forcemain system as directed by the Town Engineer.



Air Relief & Vacuum Valves

- 3.9.8 Heavy duty type cast iron body valves with bronze trim and combination of small orifice and large orifices shall be used. Small orifice size shall be 3.2 mm. Valves shall be suitable for operation at 150 psi (1 MPa) working pressure and shall have flanged ends.
- 3.9.9 Operation shall be through independent floating stainless steel buoy balls located in both orifices.
- 3.9.10 Orifices shall be capable of expelling air at a high rate during filling and at a low rate during operation and shall admit air while draining the pipeline. Seats shall be replaceable.
- 3.9.11 Valves shall have no moving parts except for stainless steel balls which shall remain in the throat area discharging air without blowing shut or collapsing the balls.
- 3.9.12 Valves shall not leak in the closed position when pipe is being filled.

Changes in Direction

- 3.9.13 Any change in direction which is in excess of the pipe joint deflection tolerance will require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change of direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa). In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the forcemain through the use of stainless steel tie rods securely embedded in concrete. The use of restrained joints is not permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Pipe Installation

- 3.9.14 Repairs to pipe after installation will only be accepted if carried out in accordance with the manufacturer's recommendations and shall be re-tested.



3.10 Inspections and Testing

General

- 3.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.

Manholes

- 3.10.2 Manholes and valve chambers shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 3.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 3.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer.

Deflection

- 3.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 3.10.6 Leakage test shall be done in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 3.10.7 Video inspections shall be carried out at the following times:
- (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 3.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



4 Water System Specifications

4.1 General

- 4.1.1 This Part specifies the requirements for a water distribution system. A water distribution system consists of water mains, laterals and appurtenances, including pumping stations, pressure control facilities and reservoirs, which is designed to convey and distribute an adequate supply of potable water for domestic consumption and fire protection.

References

- 4.1.2 In cases where this document requires expansion or clarification, the latest revision of the following documents may be used for reference:
- (a) Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.
- 4.1.3 The following reference standards and organizations are supplementary to these specifications:
- (a) "Water Supply For Public Fire Protection" prepared by the Fire Underwriters Survey-Insurer's Advisory Organization (IAO)
 - (b) National Fire Protection Association (NFPA)
 - (c) American Water Works Association (AWWA)
 - (d) Canadian Standards Association (CSA)
 - (e) National Building Code (NBC)
 - (f) Canadian Plumbing Code (CPC)
 - (g) Underwriters Laboratories of Canada (ULC)

Nova Scotia Environment and Climate Change Requirements

- 4.1.4 Water distribution systems shall conform to any requirements established by the Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by the Nova Scotia Department of Environment and Climate Change.



Quality Assurance

- 4.1.5 Water quality is monitored and maintained by the Town's Water Utility. The system shall be designed such that water quality is maintained and supplied to water utility customers at an adequate pressure and volume.

4.2 Design Criteria

System Capacity

- 4.2.1 Water distribution systems shall be designed to supply fire flow demand plus maximum daily demand, or the maximum hourly demand, whichever is greater, unless otherwise approved by the Town Engineer.
- 4.2.2 Fire flow demand shall be established in accordance with the latest edition of Fire Underwriter's Survey publication, "Water Supply for Public Fire Protection: A Guide to Recommended Practice".
- 4.2.3 The following domestic demand rates shall be used for water distribution systems design:
 - (a) average daily demand: 90 Imperial Gallons per capita per day (410 liters per capita per day).
 - (b) maximum daily demand: 200 Imperial Gallons per capita per day (909 liters per capita per day).
 - (c) maximum hourly demand: 300 Imperial Gallons per capita per day (1364 liters per capita per day).

Design Population

- 4.2.4 Water distribution systems shall be designed based upon appropriate population projections. The design population and assumed domestic demand shall be clearly stated in the calculations submitted for review and approval.



Hydraulic Analysis

- 4.2.5 Hydraulic analysis of the distribution system shall be carried out by the design engineer. Water distribution designs shall be supported by a hydraulic analysis of the system which determines flows, pressures and velocities under maximum day plus fire, maximum hour and minimum hour conditions. The analysis shall be of sufficient scope to identify and describe any impact on the existing system. The analysis shall include a location of known hydraulic grade line determined by the Engineer and include demands on the existing system downstream of the known hydraulic grade line, as well as demands generated by the proposed development. Maximum day plus fire analysis shall include sufficient scenarios to test all extreme conditions, such as high fire flow requirements, fires at locations of high elevations and fire at a location remote from the source or feeder main.
- 4.2.6 Subject to the Engineer's review, new water system extensions of thirty (30) dwelling units, as defined in the Land Use By-law, or less may not require a hydraulic analysis if it can be demonstrated that minimal or no impact will be created on the existing system.
- 4.2.7 The Town Engineer shall have the right to request flow and other engineering calculations prior to granting approval to install a water system.

4.3 Water Main

Looping

- 4.3.1 Water distribution systems shall be designed to exclude any dead-end pipes unless otherwise approved by the Town Engineer.

Limiting Velocities

- 4.3.2 The water main shall be sized such that the maximum velocity in the pipe shall not exceed 5 feet per second (1.5 meters per second) during maximum hourly domestic flow conditions or 8 feet per second (2.4 meters per second) during fire flow conditions.

Minimum Pipe Size

- 4.3.3 The pipe size for local distribution mains shall be no smaller than 8 inches (200 mm) in diameter. The pipe size for a main feeder shall be no smaller than 12 inches (300 mm)



Oversizing

- 4.3.4 Oversizing of water mains to accommodate the water supply requirements of future off-site development may be required by the Town Engineer.

Type of Pipe

- 4.3.5 Pipe shall be Polyvinyl Chloride (PVC) conforming to AWWA C900, DR18 unless otherwise approved by the Town Engineer.
- 4.3.6 Fittings shall conform to AWWA C110, with a minimum working pressure rating of 1035 kPa (150 psi).
- 4.3.7 Joints shall be mechanical or push-on conforming to AWWA C111. Mechanical joint restraints shall be as approved by the Town Engineer.

Cover Over Watermain

- 4.3.8 All water mains shall be designed with a minimum cover of 5 feet (1.5 m).
- 4.3.9 In no situation shall the depth of cover over the water main exceed 8 feet (2.4 m). The depth of cover shall be measured from the design grade at finished surface to the crown of the pipe line.

Location

- 4.3.10 Water lines installed in the same trench as sewer lines shall be installed to one side on a shelf of undisturbed earth, and a minimum horizontal separation of 20 inches (500 mm) and vertical separation of at least 12 inches (300 mm) shall be maintained between the crown of the sewer line and the bottom of the water line. If the vertical separation cannot be maintained, the two lines shall be installed in separate trenches with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.11 Under no circumstances shall a water main be installed in the same trench as a sewer forcemain. Water mains and sewer forcemains shall be installed with a minimum horizontal separation of 10 feet (3.0 m), maintaining undisturbed soil between the trenches.
- 4.3.12 Whenever a sewer crosses underneath a watermain a separation of at least 18 inches (450 mm) must be maintained between the top of the sewer and the bottom of the watermain.



- 4.3.13 All water mains and appurtenances shall be located within a street or within an easement, of minimum 20 feet (6.1 meters) width, granted in favor of the Town. Depending on the length and location of the easement, the Town Engineer may require a suitable surface to provide access within the easement for maintenance purposes. Water mains shall be installed as close as possible to the centerline of the easement.
- 4.3.14 All watermains shall be installed at a consistent grade to avoid localized high points. The location of watermains and laterals shall also meet the requirements of the Nova Scotia Department of Environment and Climate Change.
- 4.3.15 Where a need for water mains to accommodate future development on adjacent lands is identified, easements shall be provided from the edge of the street right-of-way to the property boundary of the subdivision.

Changes in Direction

- 4.3.16 Any change in direction which is in excess of the pipe joint deflection tolerance shall require a suitable fitting as approved by the Town Engineer. Thrust blocks shall be provided at any change in direction and shall be designed considering the operating pressure, surge pressure, peak flow velocity and in-situ material which the thrust block bears against. Thrust blocks shall be constructed of "ready mix" concrete and shall have a minimum 28-day compressive strength of 3000 psi (20 MPa).
- 4.3.17 In the case of vertical bends, the thrust block shall be located below the fitting and shall be connected to the water main through the use of stainless steel tie rods securely embedded in the concrete. The use of restrained joints shall not be permitted unless used in conjunction with a thrust block and of a design acceptable to the Town Engineer.

Groundwater Movement

- 4.3.18 The design of the water system shall give consideration to the possible change in ground water movement caused by the use of pervious bedding material. The design shall include corrective measures to prevent flooding as a result of this ground water movement.
- 4.3.19 Water mains installed in a single pipe trench may require a trench drainage relief system to lower the ground water in the trench. The design of the relief system shall be specific to the situation with consideration for topography, subsurface conditions, ground water conditions and local drainage patterns.



- 4.3.20 Service lateral trenches that have a trench bed sloping down from the main trench may require the installation of an appropriate clay plug, or similar solution, to prevent the flow of ground water from the trench towards the abutting properties.

Air Relief Valve and Vacuum Valves

- 4.3.21 Air relief and vacuum valves shall be installed in a manhole at all high points in the distribution system.

Connections to Existing Mains

- 4.3.22 Tapping sleeves and valves shall be provided for connections to existing water mains where required by the Town Engineer.

4.4 Service Laterals

General

- 4.4.1 In any subdivision for which tentative or final approval is being sought, a single water service lateral shall be provided by the developer to each lot at the time of installation of services. The lateral shall extend from the main to the property line.
- 4.4.2 A single water service lateral shall be installed to each existing lot or potential future lot which could be created under the zoning in effect at the time of installation of services except that duplex or semi-detached units lots may be serviced by a common service lateral from the main to the street line with individual curb stops for the two units at the street line.

Location

- 4.4.3 Where possible, service laterals shall not be installed in private driveways, parking areas, or other traveled areas.

Pipe Material and Size

- 4.4.4 Water service laterals shall be copper tubing conforming to ASTM 888, Type K annealed, minimum working pressure of 150 psi (1035 kPa).
- 4.4.5 All water service laterals between the corporation stop and curb stop shall be a minimum of 3/4 inch (19 mm) in diameter.



- 4.4.6 A single lateral designed to service duplex or semi-detached units shall have a minimum inside diameter of 1 inch (25 mm). Individual service laterals from the curb stop to the street line shall have a minimum inside diameter of 3/4 inch (19 mm).
- 4.4.7 Where the length of service laterals from the curb stop to the serviced building is longer than the typical setback, a larger diameter service maybe required to avoid excessive pressure loss.

Service Fittings

- 4.4.8 Corporation and curb stops shall be brass conforming to ASTM B 62 with compression type joints. Threads on corporation stops shall conform to AWWA C800. All service connections on PVC mains shall include a service clamp (saddle) with bronze body, confined "o"-ring seal cemented in place, stainless steel straps suited for the main size, and outlet threads conforming to AWWA C800.
- 4.4.9 Service connection joints shall be compression type, with a minimum pressure rating of 150 psi (1035 kPa).
- 4.4.10 For services which are longer than 66 feet (20 m), the number of compression couplings used shall be kept to a minimum.
- 4.4.11 Service boxes shall be adjustable with cast iron bottom section, cast iron lid with recessed nut, and internal stem to suit the depth of bury.

Minimum Cover

- 4.4.12 All service laterals shall be installed with a minimum cover of 1.5 meters (5 feet).

4.5 Valves

General

- 4.5.1 All connections to an existing water system shall be valved so that the system can be isolated from the existing main to facilitate construction and testing. The connection to the existing water system shall be coordinated through the Town Engineer.



Type of Valves

- 4.5.2 Valves on water mains 12 inches (300 mm) and smaller shall be mechanical joint gate valves conforming to AWWA C509, minimum working pressure rating of 200 psi (1380 kPa), with cast iron body and resilient rubber seat. Cast iron adjustable height valve boxes shall be provided on all valves 12 inches (300 mm) and smaller.
- 4.5.3 Valves larger than 12 inches (300 mm) shall be gate valves conforming to AWWA C500, minimum working pressure rating of 150 psi (1035) kPa, with cast iron body and bronze mounted mechanism. Butterfly valves conforming to AWWA C504, Class 150B, minimum pressure rating of 150 psi (1035 kPa), with cast iron body and mechanical joint ends may be approved by the Town Engineer.
- 4.5.4 All meter chambers, air release chambers, and other special works shall be as approved by the Town Engineer.

Valve Locations

- 4.5.5 Valves shall be provided on water mains at the following locations:
 - (a) where required to adequately isolate sections of the water system as determined by the Town Engineer; and
 - (b) four valves for each cross in the watermain - one on each leg of the cross; and
 - (c) three valves for each tee in the watermain - one on each leg of the tee; and
 - (d) at intervals of 1,000 feet (300 m) on watermain sections where there are no junctions; and
 - (e) at the street line for all domestic and sprinkler services.

4.6 Backflow Prevention Devices

General

- 4.6.1 Backflow prevention devices shall be provided on new water services if in the Town Engineer's opinion there is a risk of contamination of the potable water supply. Premises which require backflow prevention devices include, but are not limited to, the following:
 - (a) industrial, commercial and institutional buildings; and



- (b) dwellings larger than four units; and
- (c) sprinkler service lines.

Location

- (d) Backflow prevention devices shall be installed downstream of water meters. A water distribution connection shall not be permitted between a water meter and a backflow prevention device.
- (e) Where a meter by-pass is required, a backflow prevention device shall be installed on the main service line and on the by-pass line.

Type of Device

- 4.6.2 Backflow prevention devices shall conform to CSA B64-M88.

4.7 Fire Hydrants

Spacing and Location

- 4.7.1 Fire hydrants shall be spaced in accordance with the latest revision of the publication "Water Supply for Public Protection". In no case shall the spacing exceed 500 feet (150 m).
- 4.7.2 The following are desirable hydrant locations:
- (a) at high points on the water main profile unless an automatic air release valve is required at that location;
 - (b) at low points on the water main profile;
 - (c) at street intersections;
 - (d) near the middle of long blocks;
 - (e) at the end of dead-end streets or cul-de-sacs greater than 300 feet (90 m) in length.
- 4.7.3 Fire hydrant laterals shall have a minimum diameter of 6 inches (150 mm) and shall be provided with a gate valve between the hydrant and the tee on the main. The depth of bury of hydrant laterals shall be 5 feet (1.5 m).
- 4.7.4 Hydrants shall be provided with adequate drains to prevent freezing.
- 4.7.5 If dead end mains are permitted by the Town Engineer then a hydrant or blow off is required to permit flushing of the distribution system.



- 4.7.6 Fire hydrants shall be dry barrel type, conforming to AWWA C502 and shall be two-piece with safety break-away flange and stem. The safety flange shall be installed above the ground but it shall be no higher than 6 inches (150 mm) above finished grade.
- 4.7.7 Hydrants shall have two (2) two and one-half (2.5) inch hose nozzles Nova Scotia thread and one standard pumper nozzle with a diameter of four inches. The Town Engineer shall consult with the fire department prior to approval. Clow "Brigadier" -67 is an acceptable product.

4.8 Insulation

- 4.8.1 Insulation shall be placed where, due to special circumstances, the depth of bury is less than 5 feet (1.5 m). Insulation shall conform to CAN/CGSB 51.20M, type 4, expanded polystyrene. Styrofoam HI40 is an acceptable product.
- 4.8.2 Insulation of a main shall consist of insulation over the top of the pipe, with clean dry sand filling the annular space between the pipe and insulation.

4.9 Pumping and Storage Facilities

- 4.9.1 Differences in ground elevations or distance from the source of supply may require that the water system pressure be boosted in certain areas to provide adequate pressure and flows to meet domestic and fire flow requirements.
- 4.9.2 To accomplish this, a pumping station may be required to service a specific and defined area of a water distribution system which is generally isolated from the remainder of the system. All pumps, pump houses and storage facilities shall be designed in consultation with and meet the requirements of the Town Engineer.



4.10 Inspections and Testing

Valve Operation

- 4.10.1 The operation of any valve not part of the new construction shall only be by the Town.

Operation Notice

- 4.10.2 The Town shall be notified forty-eight (48) hours in advance of all filling, flushing, or chlorination operations for new construction.

Requirements

- 4.10.3 Testing shall be carried out with the following additional requirements:
- (a) all services, hydrants, mains, and other appurtenances shall be included in the system test; and
 - (b) testing shall be performed in presence of the Town Engineer or his representative. Test results shall be verified and submitted to the Town Engineer by a Professional Engineer registered to practice in Nova Scotia; and
 - (c) all water used for pipe testing shall be the contractor's responsibility and shall be chlorinated potable water.

Hydrostatic Pressure Test

- 4.10.4 Water lines shall be flushed before testing. The duration of each hydrostatic pressure test shall be at least (2) hours, and the pressure shall be maintained at a minimum of 200 psi (1380 kPa) throughout the test period.
- 4.10.5 Pressure gauges shall be liquid filled type, minimum 4 inch (100 mm) face diameter, graduated in psi, accuracy 3% at maximum reading.
- 4.10.6 There shall be no leakage or drop in pressure for the duration of the test.
- 4.10.7 The test must be conducted with all service laterals installed to the property line.
- 4.10.8 Should any section of the pipe leak the contractor shall, at their own expense, locate and repair the defects, and re-test the section that failed the pressure test.



Disinfection

- 4.10.9 Chlorination of any water system may proceed only after the system has been successfully pressure tested, with the test witnessed by the Town Engineer or their representative.
- 4.10.10 All water mains shall be chlorinated in accordance with AWWA C651.
- 4.10.11 All water mains shall be flushed before and after chlorination. Dechlorination of the water mains shall be the responsibility of the contractor. Dechlorination procedures shall satisfy the requirements of the Nova Scotia Department of Environment and Climate Change and the Town.
- 4.10.12 After chlorination and dechlorination are complete, water samples shall be delivered to a facility approved by the Nova Scotia Department of Environment and Climate Change for bacteriological testing. Chlorination shall be repeated if necessary.
- 4.10.13 Bacteriological test results shall be forwarded to the Town Engineer.



5 Storm Drainage System Specifications

5.1 General

- 5.1.1 This Part specifies the requirements for a storm drainage system. A storm drainage system is a system which receives, carries and controls discharges from rain and snow which includes overland flow, sub-surface flow, groundwater flow and snow melt. A storm drainage system may consist of ditches, culverts, swales, subsurface interceptor drains, roadways, curb and gutters, catch basins, manholes, pipes or conduits, retention ponds, lateral lines, to the lots from pipes or conduits to street lines, watercourses, floodplains, canals, ravines, gullies, springs and creeks.
- 5.1.2 The design criteria contained in this Part are included to illustrate the more common aspects encountered in the design of storm drainage systems. Any storm drainage system within the Town shall be designed to achieve all of the following objectives:
- (a) prevent loss of life and to protect structures and property from damage due to a major storm event; and
 - (b) provide safe and convenient use of streets, lots and other land during and following storm events; and
 - (c) to adequately convey stormwater flow from upstream sources; and
 - (d) to mitigate the adverse effects of stormwater flow, such as flooding and erosion, on downstream properties; and
 - (e) to preserve natural water courses and other natural features; and
 - (f) to minimize the long term effect of development on receiving watercourses and on groundwater.

Nova Scotia Environment and Climate Change Requirements

- 5.1.3 Storm drainage systems shall conform to any requirements established by Nova Scotia Department of Environment and Climate Change. No system shall be constructed until the design has been approved by the Town Engineer and by Nova Scotia Environment and Climate Change.



5.2 Design Approach

Minor Drainage System

- 5.2.1 The minor drainage system is the system which is used for initial stormwater flows. The minor drainage system shall be designed to provide safe and convenient use of streets and properties, and reduce street maintenance costs. All pipes within the system shall be designed to carry runoff from a minor storm without surcharge.

Major Drainage System

- 5.2.2 The major drainage system is the path which stormwater will follow during a major storm, when the capacity of the minor drainage system is exceeded. The minor and major drainage systems together shall be capable of carrying the runoff from the major storm. The designed flow of stormwater in a major storm shall prevent basement flooding and damage to property, streets and structures. Easements may be required for the identification and protection of certain elements of the major drainage system.

Downstream Drainage Systems

- 5.2.3 All downstream drainage systems must have adequate capacity to receive and carry discharge from the proposed storm drainage system in addition to its natural rate of discharge. An investigation of the downstream system shall be carried out from the outfall location of the proposed storm drainage system to a point sufficiently downstream that will demonstrate no adverse impacts on downstream lands, such as erosion or flooding.
- 5.2.4 The effect on downstream development will be assessed by the Town Engineer based on design engineer's investigation. Mitigative measures may be required to alleviate any adverse downstream impacts.

Design Storm Frequencies

- 5.2.5 Piped systems and other minor drainage systems shall be designed based on a design storm frequency of 1 in 10 years.
- 5.2.6 Roadways, road cross culverts and other major drainage systems shall be designed for the combined capacity of the major drainage system and minor drainage system and shall be based on a design storm frequency of 1 in 100 years. The design capacity of a natural watercourse, including a floodplain, or any drainage system where a minor drainage system is not provided, shall be based on a design storm frequency of 1 in 100 years.



5.3 Meteorological Data

- 5.3.1 Acceptable rainfall data to calculate runoff flows is to be based on the following intensity-duration-frequency data:
- (a) most current information from the Atmospheric Environment Service for area closest to project; and
 - (b) Rainfall Frequency Atlas for Canada; and
 - (c) Meteorological Services of Canada (MSC).

5.4 Runoff Methodology

- 5.4.1 The design engineer shall determine the best runoff calculation method to be used. The design engineer shall also calibrate and verify for local conditions. The designer shall provide for future reference the reason why a certain method is selected. The Town Engineer may request that a second method be used as verification or for checking the results.
- 5.4.2 The Rational Method may be used for drainage areas less than 50 acres (20 hectares) and for the preliminary design of storm drainage systems servicing larger areas.
- 5.4.3 Generally, the Rational Method shall not be used for the design of storage facilities, except that the modified Rational Method may be used for the design of storage facilities for highly impervious areas, and shall use the graphical hydrograph method.

5.5 Storm Drainage Report

- 5.5.1 A storm drainage report shall be prepared and included as part of the submission for any land development to deal with storm water and drainage issues related to the development. The report shall include site engineering analysis to a level consistent with the size of the development, its location within the drainage basin, and the sensitivity of the area's drainage system. The report shall include details of the safety implications of the proposed system, and an examination of the potential for erosion in the downstream receiving streams due to increased peak and total flows and flow velocities as a result of the development.



- 5.5.2 The storm drainage report shall also include drainage plans and detailed runoff calculations. The calculations shall include input information showing sub-watersheds, rainfall abstraction, antecedent moisture conditions and schematization of the system for pre and post development and all stormwater management alternatives, and output information which shows the main step of the calculations and the peak discharge at key points in the system.
- 5.5.3 The drainage plans shall show the location of the proposed development within the topographic drainage area, the area tributary to the proposed and existing storm drainage system(s), boundaries of all drainage sub-areas, contours at intervals not exceeding 6.5 feet (2 m), site layout including proposed streets and lots, locations of proposed storm drainage system(s) and stormwater management facilities, location of outfalls or connections into existing systems, hydrologic and hydraulic data table and any other information required by the Town Engineer.

5.6 Recommended Coefficient of Runoff Values for Various Selected Land Uses

Description of Area	Runoff Coefficients
Business, Downtown	0.75 to 0.95
Business, Neighbourhood	0.50 to 0.70
Residential, Single Unit	0.30 to 0.50
Residential, Multi-unit Detached	0.40 to 0.60
Residential, Multi-unit Attached	0.60 to 0.75
Residential, Suburban	0.25 to 0.40
Residential, ½ Acre Lots or More	0.25 to 0.40
Apartment Dwelling Areas	0.50 to 0.70
Industrial, Light	0.50 to 0.80
Industrial, Heavy	0.60 to 0.90
Parks and Cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.40
Rail Yards	0.20 to 0.40
Unimproved	0.10 to 0.30

- 5.6.1 It is often desirable to develop a composite runoff coefficient based on the percentage of different types of surfaces in the drainage area. This procedure is often applied to typical "sample" blocks as a guide to selection of reasonable values of the coefficient for an entire area. Coefficients with respect to surface type, currently in use are:

Character of Surface	Runoff Coefficients
Street, Asphalt	0.70 to 0.95
Street, Concrete	0.80 to 0.95
Drives and Walks	0.75 to 0.85
Roofs	0.75 to 0.95
Lawns, Sandy Soil – Flat, 2%	0.05 to 0.10
Lawns, Sandy Soil – Average, 2% to 7%	0.10 to 0.15
Lawns, Sandy Soil – Steep, 7%	0.15 to 0.20
Lawns, Heavy Soil – Flat, 2%	0.13 to 0.17
Lawns, Heavy Soil – Average, 2% to 7%	0.18 to 0.22
Lawns, Heavy Soil – Steep, 7%	0.25 to 0.35

- 5.6.2 The coefficients in these two tabulations are applicable to storms of 5 to 10 year frequencies. Less frequent, higher intensity storms will require the use of higher coefficients because infiltration and other losses have proportionally smaller effect on runoff.
- 5.6.3 Winter Runoff Coefficient is recommended to be 0.80 for all areas and surfaces with summer coefficients less than or equal to 0.80.
- 5.6.4 Source: Hydrology, Federal Highway Administration, HEC No. 19, 1984.

5.7 Easements Within Future Development

General

- 5.7.1 All storm drainage shall be carried by either an unconfined natural watercourse, an excavated ditch or a storm sewer.
- 5.7.2 All excavated ditches and storm sewers within a subdivision shall be located either within a street right-of-way or on an easement in favor of the Town. The minimum width of an easement shall be 20 feet (6.1 m).
- 5.7.3 Where subdivision storm drainage flows onto abutting land other than through a natural watercourse or a right-of-way then an easement in favor of the Town shall be provided.
- 5.7.4 Where a need is identified by the Town Engineer to accommodate future upstream development, and where no future street reserve is available, a drainage right-of-way or an easement in favor of the Town shall be provided.
- 5.7.5 Natural watercourses shall not be carried in roadside ditches or piped roadside storm drainage systems.



Discharge to Adjacent Properties

- 5.7.6 All storm drainage shall be self-contained within the subdivision boundaries, except natural run-off from undeveloped areas.
- 5.7.7 All run-off from the developed limits of a subdivision must be directed to either a natural watercourse or storm drainage system owned by the Town.
- 5.7.8 Discharge of run-off to adjacent properties other than in a natural watercourse shall be prohibited unless the developer obtains consent in writing from the adjacent property owner(s) and drainage easements over this property are provided in favor of the Town.

5.8 Piped Storm Drainage System Components

Pipe Materials

- 5.8.1 All storm pipe 15" (375 mm) in diameter or smaller shall be PVC DR35. All storm pipe 18" (450 mm) in diameter or larger shall be concrete to CSA A 257 .2 65 D.

Velocity in Storm Sewer

- 5.8.2 The minimum design velocity for storm sewers shall be 2 fps (0.6 m/s). Consideration shall be given to initial minimum cleansing velocity for phased development.
- 5.8.3 The maximum design velocity for storm sewers shall be 15 fps (4.5 m/s) for pipes up to and including 30" (750 mm) in diameter. The maximum design velocity for storm sewer pipes greater than 30" (750 mm) in diameter shall be 20 fps (6 m/s).
- 5.8.4 The Manning Formula shall be used for pipe design.

Pipe Size

- 5.8.5 The minimum diameter for a storm sewer main shall be 12" (300 mm).
- 5.8.6 The minimum diameter for a catch basin lead shall be 10" (250 mm).
- 5.8.7 Pipe sizes shall not decrease in the downstream direction unless approved by the Town Engineer.

Depth of Sewers and Laterals

- 5.8.8 The minimum depth for a storm sewer main and laterals located within the street right-of-way shall be 5 feet (1.5 m).



Manholes

- 5.8.9 Manholes shall be installed at all changes in grade or alignment, at all intersections and at intervals not exceeding 400 feet (120 meters).
The minimum internal diameter of a manhole shall be 42 inches (1050 mm).

Service Laterals

- 5.8.10 All laterals from the storm sewer main to the property line shall be provided by the developer or owner and shall have a minimum grade of 2.0 percent.
- 5.8.11 Storm sewer laterals of 6 inch (150 mm) diameter or less shall be PVC DR 35 (green) from main to property line.

Catch Basins

- 5.8.12 Catch basins shall be installed at the curb of the street and shall be adequately spaced to prevent ponding on the street and to prevent water from entering on or flowing in the travel lanes during storm events corresponding to the design of the Minor Drainage System. In no case shall the spacing of the catch basins exceed 330 feet (100 meters).
Catch basin leads shall be connected to a storm drainage main at a manhole.

Inlets

- 5.8.13 Vertical grates shall be installed at inlets.

Outfalls

- 5.8.14 The design of outfalls shall take into consideration such factors as public safety, erosion control, and appearance. Horizontal grates shall be installed at outfalls.

Ditches/Open Channel Drainage System

- 5.8.15 Ditches /open channels shall have adequate capacity for the 1 in 100 years storm.

Velocity in Channels

- 5.8.16 To prevent erosion, the maximum velocity during a 1 in 100 year storm event in ditches or open channels shall not exceed the following values:



Channel	Mean Channel Velocity FPS (m/s)
Fine Sand	1.5 (0.46)
Coarse Sand	2.5 (0.76)
Fine Gravel	6.0 (1.83)
Earth, Sandy Silt	2.0 (0.61)
Earth, Silt Clay	3.5 (1.07)
Earth, Clay	4.0 (1.22)
Grass-lined Earth, Bermuda Grass, Sandy Silt	6.0 (1.83)
Grass-lined Earth, Bermuda Grass, Silt Clay	8.0 (2.44)
Grass-lined Earth, Kentucky Blue Grass, Sandy Silt	5.0 (1.52)
Grass-lined Earth, Kentucky Blue Grass, Silt Clay	7.0 (2.13)
Poor Rock (Usually Sedimentary)	10.0 (3.05)
Soft Sandstone	8.0 (2.44)
Soft Shale	3.5 (1.07)
Good Rock (Usually Igneous or Metamorphic)	20.0 (6.10)

Culverts

- 5.8.17 The size of culverts shall be as shown on the engineering drawings with a minimum 20" (500 mm) depth of bury for any culvert. The minimum size for any culvert shall be 10" (250 mm).
- 5.8.18 Culverts other than driveway culverts shall be designed for the 1 in 100 year peak flow with a headwater depth not greater than the diameter of the pipe.
- 5.8.19 Storm sewer outfalls and culverts greater than 50 feet (15 m) in length require inlet and outlet grating.
- 5.8.20 All culverts shall be reinforced concrete pipe to ASTM C76-M or CAN/CSA A257.2.

Roof Drains

- 5.8.21 Roof drains shall discharge on the ground surface and shall not be connected to a storm drainage system.

Foundation Drains

- 5.8.22 Where a buried storm drainage system exists, foundation drains will normally be connected to the storm sewer by laterals. The invert of the lateral at the property line must be at least 2 feet (610 mm) above the top of the main at the point of connection.
- 5.8.23 Where a buried storm drainage system does not exist, Section 9.14 of the National Building Code of Canada, latest revision, shall apply.



- 5.8.24 Under no circumstance shall foundation drains direct stormwater to the street surface, sidewalk or adjacent property.

5.9 Erosion and Sediment Control

- 5.9.1 An Erosion and Sediment Control Plan shall be provided in compliance with Provincial regulations, and a copy of the plan must be submitted to the Town Engineer. The plan shall address measures during construction of streets, services, and houses, as well as long term measures after the completion of development.
- 5.9.2 The Erosion and Sediment Control Plan including control measures, shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared by the Nova Scotia Department of the Environment.
- 5.9.3 During construction, surface water flows across the construction site must be minimized. Exposed soils within ditches and on cut and fill slopes shall be permanently stabilized by hydroseeding or equivalent within two weeks after final grading is complete. Temporary stabilization measures shall be used to prevent erosion of exposed soils during construction and prior to reaching finished grades. These measures are required to prevent downstream sedimentation of watercourses and storm damage systems.
- 5.9.4 Long term environmental protection measures to be addressed in the subdivision design may include but are not limited to:
- (a) minimization of erosion and sediment transport; and
 - (b) protection of outfall areas; and
 - (c) utilization of wetland areas for filtration of stormwater run-off; and
 - (d) minimization of disruption to natural watercourses.

5.10 Inspections and Testing

General

- 5.10.1 Sewers and forcemains shall be tested in accordance with the requirements of the Standard Specification for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association. The Town Engineer shall be notified at least forty-eight (48) hours in advance of all proposed tests. Tests shall be performed in the presence of the Town Engineer, or their representative.



Manholes and Catch Basins

- 5.10.2 Manholes and catch basins shall be inspected by the Town upon completion of construction and again prior to the end of the maintenance period.
- 5.10.3 All manholes and valve chambers shall be tested for leakage using either a hydrostatic or air vacuum method.
- 5.10.4 Any part of the system failing the above tests or found deficient shall be repaired, retested and inspected to the satisfaction of the Town Engineer at the expense of the subdivider.

Deflection

- 5.10.5 Sewers shall be tested for deflection after trenches are backfilled and compacted.

Testing Leakage

- 5.10.6 Leakage test shall be in accordance with the requirement of the Standard Specifications for Municipal Services prepared by the Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineers Association.

Testing Video Inspection

- 5.10.7 Closed circuit video inspections shall be carried out at the following times:
 - (a) at completion of construction and prior to subdivision endorsement of acceptance of the work by the Town; and
 - (b) two months prior to the end of the maintenance period.
- 5.10.8 A colour camera shall be used for video inspections. Color digital video files and written reports shall be provided in forms acceptable to the Town Engineer.



6 Public Streets

General

- 6.1.1 This Part specifies the requirements for all public streets in the Town of Lunenburg.
- 6.1.2 A street shall consist of the wearing surface, road bed and all slopes, ditches, channels, waterways and structures necessary for proper drainage and protection.
- 6.1.3 The design and location of all streets, sewers, water mains, electrical, telephone and such utilities located within the right-of-way of the public street shall be in accordance with the appropriate specification(s) and must be approved by the Town Engineer prior to their construction.
- 6.1.4 With the exception of street cross sections, the Town Engineer may consider variances to these specifications.

6.2 Street Classification and Characteristics

- 6.2.1 Schedule A provides three classes of public streets applicable to development within the Town of Lunenburg.
- 6.2.2 The Subdivision By-law regulates the minimum lot sizes and development character. The lot size and the development character may dictate the appropriate street classification and characteristics. The following criteria shall be considered in determining which design and construction standard will apply to a particular development:
 - (a) where practicable, the Lower Volume class shall be preferred over the Local class, which shall be preferred over the Minor Collector class;
 - (b) a design brief prepared by the developer's consultant shall be submitted addressing the design intent including rationalization of the selected street type and length. The design brief shall address issues such as capacity, parking and maintenance; and
 - (c) the final decision on the street classification and characteristic and parking allowances shall be made by the Town Engineer.



6.3 Design Criteria

General

- 6.3.1 This section covers the more common aspects for design and construction of public streets within the Town of Lunenburg. In cases where this section needs to be expanded or additional specifications are required, the "Geometric Design Guide for Canadian Roads and Streets", the "Manual of Uniform Traffic Control Devices for Canada" in the latest edition as published by Transportation Association of Canada (TAC), and the Standard Specifications for municipal services as prepared by the- Nova Scotia Road Builders Association and the Nova Scotia Consulting Engineer's Association shall be used. Specific design criteria are listed throughout these Specifications.

Design Speed

- 6.3.2 Design speed shall be in accordance with Schedule A.
- 6.3.3 A design speed of 30 to 50 km/hr will be used for all public streets unless the intended use of the street requires a higher design speed as determined by the Town Engineer.

Connections to Adjacent Lands

- 6.3.4 Streets must be laid out where reasonably possible in prolongations of other streets either in the same subdivision or in adjacent subdivisions.
- 6.3.5 In all subdivision designs, an acceptable right-of-way access to adjacent vacant properties and to watercourses must be provided and deeded to the Town. The access street right-of-ways should be located to maximize development potential of adjacent lands but in no case shall be more than 200 metres (657 feet) apart.
- 6.3.6 Where a subdivision is being designed adjacent to a subdivision with previously deeded access right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective road layout for the subdivision under design.
- 6.3.7 Where a roadway can be extended to service adjacent or future development, a right-of-way shall be provided and approved by the Town Engineer.



Maximum Block Length and Pedestrian Connections

- 6.3.8 Block lengths shall not exceed the “Maximum distance between intersections” in Schedule ‘A’.
- 6.3.9 Where any street exceeds a length of 150 metres (500 feet) between intersections, acceptable pedestrian right-of-ways to adjacent vacant properties, streets, and watercourses must be provided and deeded to the Town.
- 6.3.10 The pedestrian right-of-ways shall be a minimum of 3 metres (10 feet) in width and shall either be located approximately at the mid-point of the length of the road or at a location that would connect to pedestrian right-of-ways on adjacent lands, if any.
- 6.3.11 Where a subdivision is being designed adjacent to a subdivision with previously deeded pedestrian right-of-ways, the subdivision design shall utilize this right-of-way to connect the two subdivisions unless, in the opinion of the Town Engineer, such connection would prejudice an effective layout for the subdivision under design.

Right-of-Way

- 6.3.12 The minimum street right-of-way width shall be in accordance with Schedule A or as determined by the Town Engineer.
- 6.3.13 Any property susceptible to damage as a result of construction must be within the right-of-way. All cut or fill slopes which will not be eliminated by changes in lot elevations must be included within the right-of-way.

Street Layout

- 6.3.14 Unless there are unique circumstances, the minimum length of a street considered for acceptance as a public street shall be 500 feet (152 m).
- 6.3.15 Cul-de-sacs shall not be used when the subdivision can be effectively serviced by other street layouts. All cul-de-sacs must end in a permanent or temporary turn around area as approved by the Town Engineer. The grade of the turning area shall not exceed 4%. Cul-de-sacs shall be graded to drain from the centre of the cul-de-sac to the curb.



- 6.3.16 The maximum permanent cul-de-sac length where a walkway is located at the end of the cul-de-sac and connects to another street shall be 500 feet (152 m). Otherwise the maximum length shall be 330 feet (100 m) measured from the intersection of the cul-de-sac's centreline between the street-line of the intersecting street to the centre of the cul-de-sac.
- 6.3.17 Boulevards will not be permitted in residential subdivisions.
- 6.3.18 Guardrails are required on fills 10 feet (3 m) or greater (unless a slope of 6: 1 can be provided) and in other hazardous areas. Details of guardrail construction and location are to be provided to the Town Engineer for approval.
- 6.3.19 Sign installation including stop signs, street signs and all other required signs shall be the responsibility of the developer and shall be installed in accordance with the approved street design prior to conveyance of the street to the Town.

Intersections

- 6.3.20 Intersection location and minimum curb radius for streets shall be in accordance with Schedule A.
- 6.3.21 Where public streets meet existing provincial highways, the intersection must be approved by the Provincial Department of Transportation and Active Transit.
- 6.3.22 All intersecting streets must intersect at an angle of 70 to 90 degrees for a minimum distance of 100 feet (30 m) from the intersection measured from the respective center lines.
- 6.3.23 Offset intersections will not be permitted. A maximum of four streets will be permitted at an intersection.

Driveways

- 6.3.24 Driveway widths shall be in accordance with the following table:

	Minimum Driveway Width*	Maximum Driveway Width*	Curve Radius
Residential	10 ft (3 m)	16 ft (5 m)	0 ft (0 m)
Commercial	23 ft (7 m)	33 ft (10 m)	0 ft (0 m)
Industrial	33 ft (10 m)	40 ft (12 m)	20 ft (6 m)

*Residential and commercial driveway widths are measured at curb or edge of pavement. Industrial driveway widths are measured at street line.



Sidewalks

- 6.3.25 Sidewalks, constructed in accordance with the "Typical Sidewalk Section", are required as identified in Schedule 'A'.

Horizontal Alignment

- 6.3.26 Horizontal alignment shall be in accordance with Schedule A.
- 6.3.27 Tangent distances between horizontal reverse curves shall not be less than 20 m.
- 6.3.28 Tangent distances between horizontal curves turning the same way shall not be less than 40 m.

Vertical Alignment

- 6.3.29 Vertical alignment shall be in accordance with Schedule A.
- 6.3.30 The grade of a street at an intersection shall not exceed 4% for at least 66 feet (20 m) measured from the shoulder of the intersecting street.
- 6.3.31 Local streets shall not be superelevated unless there are safety or drainage concerns.
- 6.3.32 Curb elevations at intersections, critical grade locations and bulbs of cul-de-sac's shall be shown on the drawings at a minimum 10 ft (3 m) spacing.

Design Limits

- 6.3.33 Where streets are required to service future or adjacent property the design shall include sufficient detail to illustrate that the extension is compatible with adjacent topography and can be constructed in accordance with this specification.

Construction Limits

- 6.3.34 All street accesses to adjacent property must be constructed to the property lines.

Access

- 6.3.35 A maximum of 25 lots may receive final approval prior to a second access being provided.



Stopping Sight Distance

- 6.3.36 Stopping sight distance shall be in accordance with Schedule A Minimum stopping and turning sight distances shall be as defined by the TAC Geometric Design Guide.

Bridges

- 6.3.37 Bridges shall be designed and constructed to Canadian Standards Association (CSA) specification "S6 Design of Highway Bridges".

Extension of Existing Street

- 6.3.38 Where a proposed extension to an existing street increases traffic volumes to a degree that a traffic study requested by the Town Engineer and carried out at the Town's expense warrants improvements be made to an existing street then the developer shall pay for these improvements.

6.4 Inspection and Testing

Notification

- 6.4.1 A preconstruction meeting shall be required before construction work begins on any public streets. Inspections may be carried out at any time, however, inspection reports by the developer's engineer shall be provided at the following stages:
- (a) after clearing and grubbing prior to earthwork; and
 - (b) after installation of piped systems including services prior to subgrade work; and
 - (c) after compaction of the subgrade prior to placing gravels; and
 - (d) after compaction of each type of gravel prior to paving; and
 - (e) after compaction of each type of asphalt; and
 - (f) prior to the Town taking over the streets.

Reporting

- 6.4.2 All results of laboratory and field density tests shall be submitted to the Town Engineer.



Subgrade

- 6.4.3 Subgrade material shall be placed and compacted to the specified minimum density attained using the "Control Strip" method. Additional guidance on the Control Strip method may be found in the DOT Standard Specification for Highway Construction and Maintenance (April 1996), Division 2, Earthworks.
- 6.4.4 At least one field density test shall be taken for every 300 feet (90 m) of street subgrade. Testing frequency is subject to the direction and approval of the Town Engineer and may be altered based on street conditions.

Soft Spots

- 6.4.5 All "soft spots" in the subgrade shall be removed to full depth and replaced with approved backfill.

Trenches

- 6.4.6 Pipe bedding, cover and backfill in trenches shall be to the depth and width indicated in the details. Field density tests shall be taken within a section of trench to determine the level of effort required to achieve the specified compaction for each of the following:
- (a) pipe bedding; and
 - (b) pipe cover material; and
 - (c) trench backfill excluding final 12 inches (300 mm) to subgrade; and
 - (d) final 12 inches (300 mm).
- 6.4.7 Compaction within trenches may proceed using the compactive effort determined for each of the above provided there is no change in materials, equipment or site conditions. Such a change will require re-determination of the compactive effort. Quality control testing of compaction within trenches shall be as required for site soil conditions or as directed by the Town Engineer.

Gravels

- 6.4.8 At least one field density test shall be taken for every 100 feet (30 m) of roadway gravels for each gravel lift.



Moisture Content

- 6.4.9 Moisture content of gravels, subgrade and trench backfill materials must be controlled to obtain the specified compaction.
Asphalt Concrete
- 6.4.10 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregates(s) and asphalt cement has been sampled and tested, and that the asphalt concrete mix design meets the specification.
- 6.4.11 A minimum of one series of tests per day or for each 500 tonnes of asphalt concrete shall be performed. The series of tests shall include all of the following:
- (a) Marshall Stability, kN; and
 - (b) Marshall Flow, x 0.25 mm; and
 - (c) Voids in Mineral Aggregate (VMA), %; and
 - (d) Air Voids, %; and
 - (e) Asphalt Cement Content, %; and
 - (f) Gradation of Extracted Aggregate.
- 6.4.12 There shall be at least one field density test per day for each 550 tons (500 tonnes) of asphalt concrete placed. Each lift for every individual street shall have at least one field density test taken.
- 6.4.13 Tests shall conform to the NS Department of Transportation Active Transit specifications. All test results shall be forwarded to the Town Engineer prior to paving.

Curbing

- 6.4.14 At least one set of concrete test cylinders (3 cylinders - 6 inch x 12 inch) shall be taken for every 328 feet (100 m) of curbing and tested for compressive strength at 7 days and 28 days.



6.5 Street Construction

- 6.5.1 Contract specifications shall be developed in conjunction with "Standard Specifications for Municipal Services" as published by the Nova Scotia Road Builders Association & Consulting Engineers of Nova Scotia Joint Committee on Contract Documents. The following specification shall take precedence where there is a conflict with the Standard Specification for Municipal Services:
- 6.5.2 Streets shall be constructed including pavements in accordance with this section. Cost of paving is borne by the Town of Lunenburg.

Clearing and Grubbing

- 6.5.3 All brush, trees and cuttings shall be removed. In no case shall cleared materials be buried in the street right of way.
- 6.5.4 All grubbed materials under the street right of way shall be removed. In no case shall grubbed material be buried in the street right of way.

Right of Way

- 6.5.5 The right-of-way shall be left properly drained and should the work, as performed, create pockets of isolated water holes, this drainage condition shall be rectified by the subdivider at their expense.

Subgrade

- 6.5.6 Topsoil, peat and other unsuitable materials under the roadbed must be removed prior to placing embankment material. Rock cuts shall be excavated to at least 1 foot (300 mm) below the subgrade and backfilled with material satisfactory to the Town Engineer. Water pockets shall not be left in the bottom of rock cuts. All cuts or embankment must be backfilled with graded material approved by the Town Engineer. The top 12 inches (300 mm) of subgrade must be free of rocks larger than 6 inches (150 mm) in any dimension.
- 6.5.7 The subgrade must be well drained and compacted using the method described in Subsection 6.4.3. Any unsuitable material including soft or yielding clay material shall be removed, replaced with suitable material and compacted.



Sub-base and Base Gravels

- 6.5.8 The sub-base course shall conform to Gravel Type 2, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The sub-base course must be applied to compacted thickness of not less than 12 inches (300 mm).
- 6.5.9 The base course shall conform to Gravel Type 1, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. The base course must be applied to a compacted thickness of not less than 6 inches (150 mm).
- 6.5.10 Compaction of sub-base and base gravels shall be via the control strip method and field density test described in Subsections 6.4.4 and 6.4.8 respectively.

Shoulder Gravels

- 6.5.11 Shoulder gravels shall conform to Gravel Type 1 S, Division 3, Section 7 of the Nova Scotia Department of Transportation and Active Transit Standard Specifications. Shoulder gravels must be applied to compacted thickness of 6 inches (150 mm).

Asphalt Paving

- 6.5.12 Cost of paving is borne by the Town of Lunenburg.
- 6.5.13 Prior to paving, the developer shall provide the Town Engineer with a letter signed by a Professional Engineer which states that the aggregate(s) and asphalt concrete have been duly sampled and tested, and that the asphalt concrete to be manufactured from these ingredients has been duly designed to achieve the specified properties. The letter will list the test results for aggregate and asphalt. The Town Engineer may also require the letter to state that the hot mix asphalt concrete plant conforms to the Nova Scotia Department of Transportation and Active Transit Standard Specifications.
- 6.5.14 The asphalt concrete shall conform to Division 4, Section 4, of the Nova Scotia Department of Transportation and Active Transit Standard Specifications and be placed in two lifts. The lower course of Class "B" asphalt must be applied to a compacted thickness of not less than 2.0" (50 mm). The upper course of Class "C" asphalt must be applied to a compacted thickness of not less than 1.5" (40 mm).



7 Road Signage

7.1 Road Signage Standards

- 7.1.1 All road signage, signals and markings shall be in accordance with the Manual of Uniform Traffic Control Devices for Canada manual and the Nova Scotia Traffic Signs Regulations.
- 7.1.2 All road signage shall be placed in the right-of-way, subject to approval by the Town Engineer. Signage shall not be placed in the municipal right-of-way without the prior approval of the Town Engineer.

7.2 Stop Signs

- 7.2.1 Stop signs shall be placed within 5 metres of all intersections, at the minor leg approaches, at the developer's cost. Intersections with equal traffic for all approaches may be designated as a four way stop, subject to approval by the Town Engineer.

7.3 Traffic Signals

- 7.3.1 If traffic volumes indicate electrified traffic signals are necessary, a traffic signal warrant shall be submitted for approval by the Town Engineer.

7.4 Road Names

- 7.4.1 All road names shall be subject to approval by the Civic Address Coordinator prior to final approval being given by the Development Officer.

7.5 Road Name Signage

- 7.5.1 All roads are required to have road name signage placed on each road intersection, at the developer's cost.

7.6 Other Road Signage

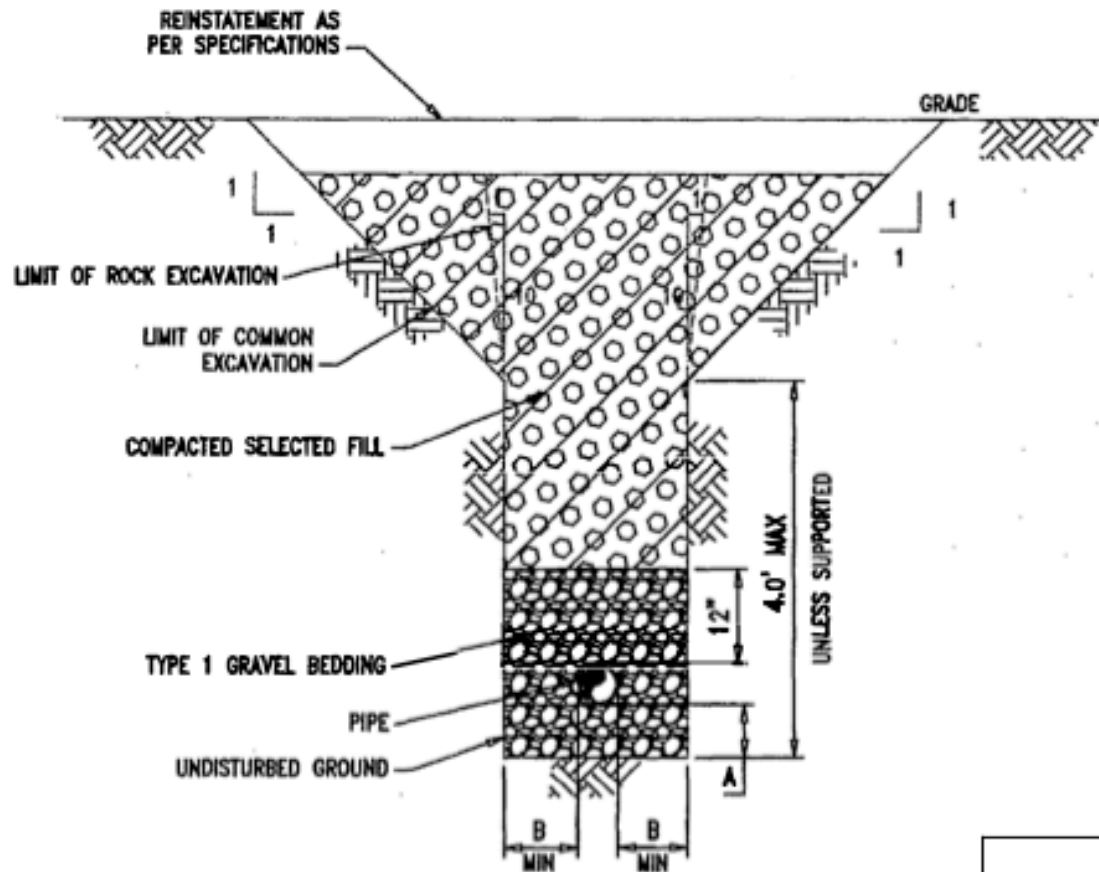
- 7.6.1 Other directional, speed rating and cautionary signage shall be placed in the right-of-way, as warranted, in the sole discretion of the Town Engineer and at the developer's cost.

Schedule 'A'

Characteristic	Minor Collector	Local – 50 km/h	Low Volume – 30 km/h
Traffic services & function	Traffic movement of equal importance with land access	Land access first consideration, traffic access second consideration	Aesthetics first, land access second, traffic third
Maximum number of lots or dwelling units	n/a	n/a	n/a
Maximum distance between intersections	365 m	200 m	120 m
Maximum street length	n/a	n/a	n/a
Parking	Permitted on both sides	Permitted on one side	Permitted on one side
Sidewalks	Required on both sides	Required on one side	Required on one side
Bicycle lane	Required	Not required	Not required
Average daily volume	Up to 3,000	Less than 1,000	Less than 300
Average running speed	30 – 50 km/h	30 – 50 km/h	15 – 30 km/h
Vehicle types	All types with truck limits	Passenger and service vehicles, with limits on large vehicles	Passenger and service vehicles
Design speed (km/h)	50	50	30
Right-of-way width	20 m to 25 m	16 m to 20 m	13 m to 16 m
Minimum travel lane width	4.5 m	3.0 m	3.0 m
Minimum grade	1%	1%	1%
Maximum grade	8%	10% *	10% *
Minimum centreline radius	See TAC	100 m	30 m
Minimum sight distance	85 m	65 m	45 m
Typical road cross section	Cross-section 1	Cross-section 2	Cross-section 3
Minimum centreline distance between intersections • Same side of street • Opposite side of street	150 m 60 m	75 m 45 m	60 m 45 m
Minimum K factors • Crest • Sag	See TAC See TAC	7 12	2 4
Minimum curb radius	10 m	7.5 m	7.5 m

* A 12% grade may be permitted by the Town Engineer under exceptional circumstances.

TAC = Transportation Association of Canada Geometric Design Guidelines



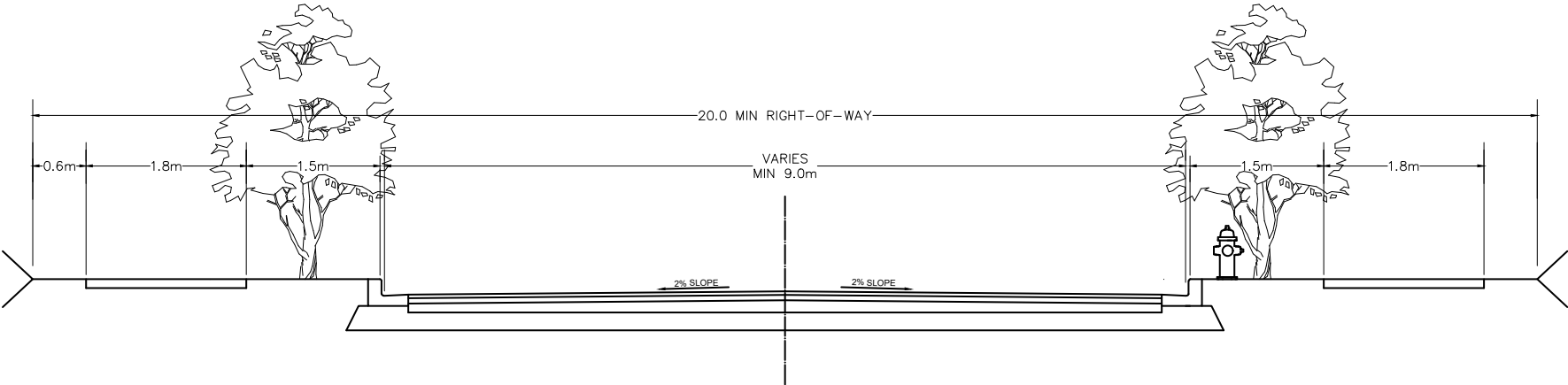
NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS
2. LETTERED DIMENSIONS BASED ON STANDARD SPECIFICATIONS FOR MUNICIPAL SERVICES

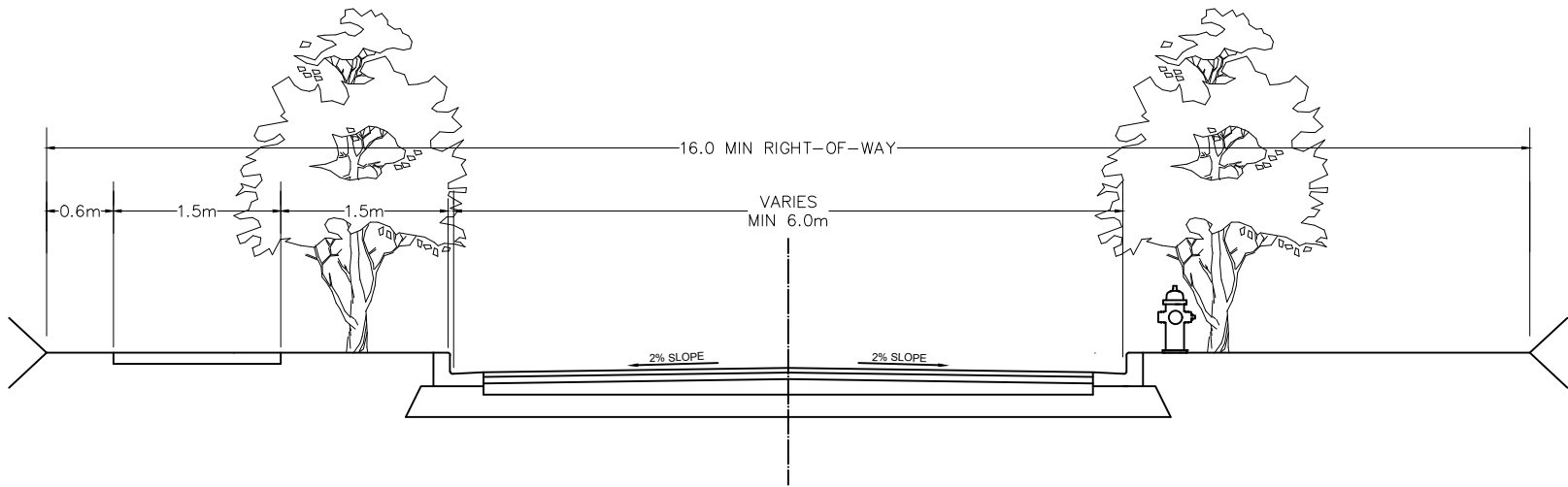
TOWN OF LUNENBURG

TYPICAL
TRENCH DETAIL

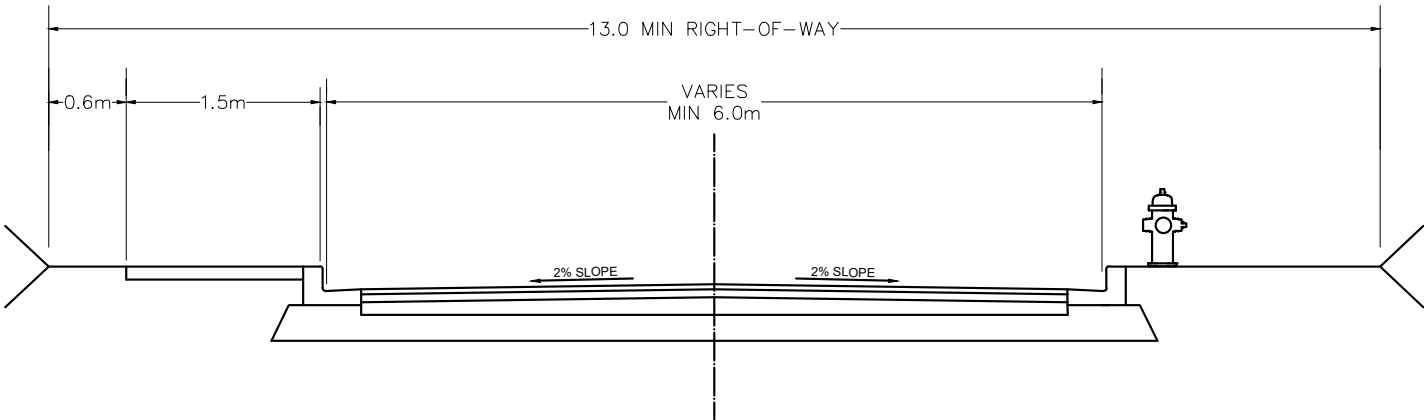
January 2007



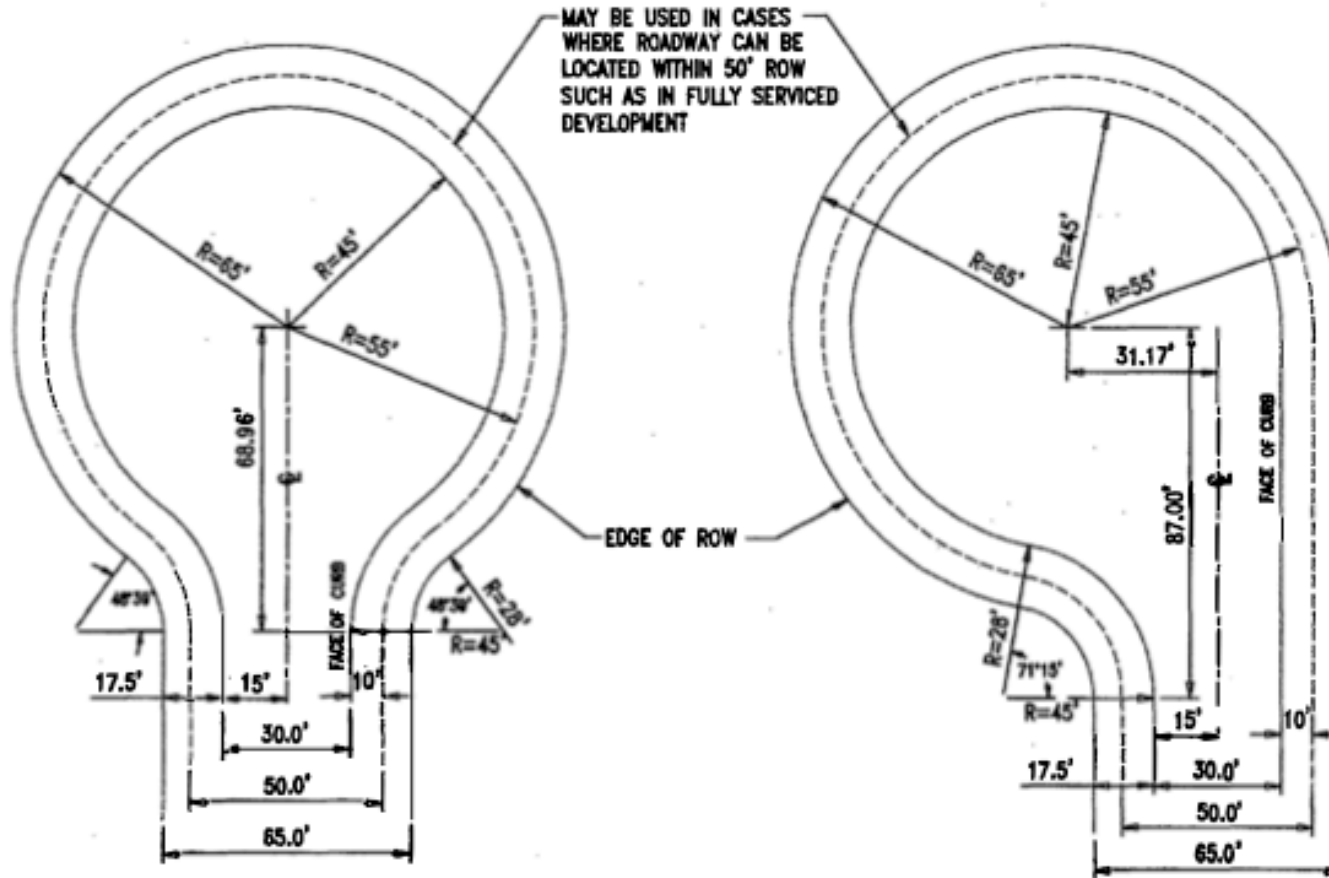
1 TYPICAL MINOR COLLECTOR CROSS SECTION
20m ROW, 9m PAVED TRAVEL LANE
Scale: NTS upto 3000 vehicles daily



2 TYPICAL LOCAL 50 km/hr CROSS SECTION
16m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 1000 vehicles daily



3 TYPICAL LOCAL LOW VOLUME CROSS SECTION
13m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 300 vehicles daily



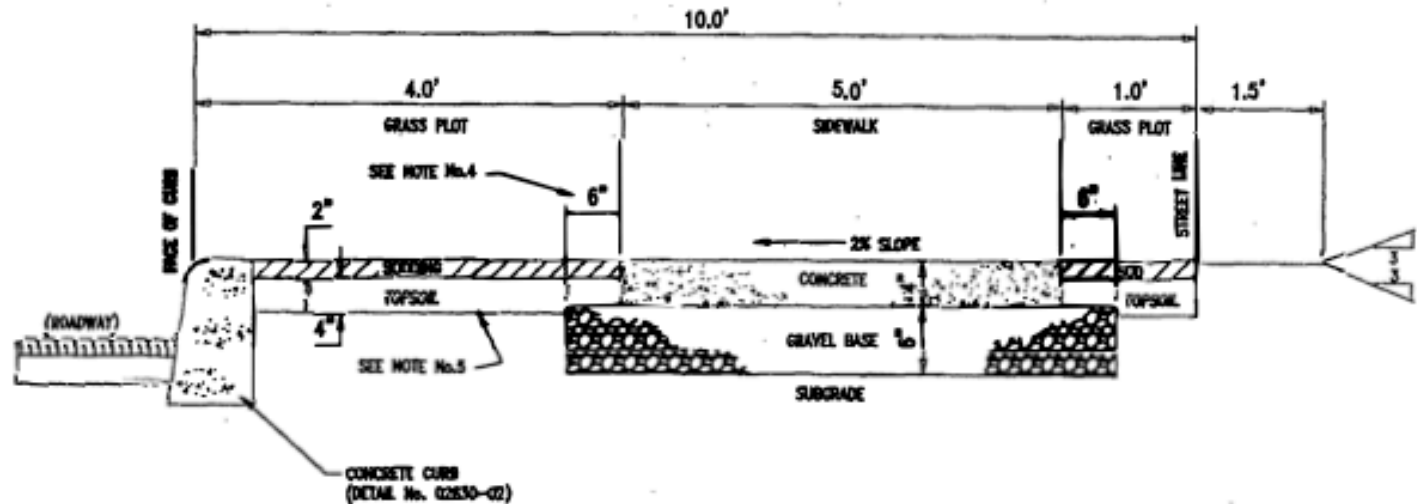
NOTES

1. ALL DIMENSIONS ARE IN IMPERIAL UNITS

TOWN OF LUNENBURG

STANDARD CUL-DE-SAC

January 2007



NOTES

1. NORMAL THICKNESS OF CONCRETE SIDEWALK TO BE 4.0"
2. THICKNESS OF CONCRETE SIDEWALK THROUGH DRIVEWAY AREA TO BE 6.0"
3. 152X152 MW 18.7 X MW 18.7 (WELDED WIRE FABRIC) TO BE USED IN ALL COMMERCIAL DRIVEWAYS
4. THE BASE COURSE SHALL EXTEND 6.0" MINIMUM ON EACH SIDE OF THE SIDEWALK STRUCTURE
5. TOPSOIL TO BE TREATED WITH FERTILIZER AND LIME
6. SIDEWALK ABUTTING COMMERCIAL AREAS SHALL HAVE FULL WIDTH AND BE 6.0" IN DEPTH
7. ALL DIMENSIONS ARE IN IMPERIAL UNITS
8. CONCRETE: 5000 PSI, 0.4 WATER TO CEMENT RATIO, 5% TO 8% ENTRAINED AIR

TOWN OF LUNENBURG

TYPICAL SIDEWALK SECTION

January 2017

Schedule C, Public Zoom Questions

PAC Public Information Meeting

June 2, 2021

Q&A Record**LM** **Letisha McFall** 06:08 PM

would you please let us know how many participants are involved.
Thank you

[Collapse all \(1\) ^](#)**IW** **Ian Watson (he / him)** 06:09 PM

Currently 13

[Type answer](#)**BC** **Blayne Collins** 06:14 PM

Hello - are attendees able to ask questions please after presentations?
Thanks

This question has been answered live

BC **Blayne Collins** 06:27 PM

Hello - at the PAC meeting on May 19th the recommendation for the hotel/condos/apartment development on Masons Beach Road was discussed with Option 3 to extend the development agreement by 24 months. Clause 9 of the Development Agreement makes provision for the Town Council to discharge the agreement any time after 60 months (5 yrs) from the date of the agreement. Why would the Town choose to undermine and put at risk the key objectives and vision set out in the emerging MPS/Project Lunenburg?

[Answer live](#)[Type answer](#)**TA** **Teresa and Duncan** 06:32 PM

what is meant by Workshops re: land use - commercial uses?

[Answer live](#)[Type answer](#)

BC **Blayne Collins** 06:35 PM ...

Housing 'affordability' - with the urgent response to Climate Change and the need to improve energy efficiency, increase renewables and reduce carbon, what energy standards are proposed for new housing developments and retrofits? Could Lunenburg take the lead in NS (like B.C.) and adopt the Passivhaus or 'fabric first' standards, which is increasingly being used in Social Housing to tackle fuel poverty and reduce energy bills for both short and long term tenants?

Answer live

Type answer

LM **Linda Mills** 06:44 PM

With the new plan, what could happen to the park on Blockhouse Hill and also the campground on that hill.

Answer live

Type answer

TH **Tina Hennigar** 06:54 PM

Is there a minimum size requirement
For the co-housing allowance? Are they able to be moveable?

Answer live

Type answer

TA **Teresa and Duncan** 07:06 PM

it would be better to have council ask this question - it is political

Answer live

Type answer

TA **Teresa and Duncan** 07:06 PM

rather - answer

Answer live

Type answer

LM **Letisha McFall** 07:08 PM

The Mason's Beach Development is 10 years late. Cannot the Council decide to wait until the new framework is in place before addressing an extension? Would that not make sense?

Answer live

Type answer

TA **Teresa and Duncan** 07:11 PM

please respond to the question submitted last week by email regarding mobile canteens

 Steffen Kaeubler would like to answer this question live.

Type answer

BC **Blayne Collins** 07:12 PM

Sorry - appreciate PL sits outside current MPS policies but was Project Lunenburg aware of the Masons Beach and any other development agreements?

Answer live

Type answer

Post-PIM

BC **Blayne Collins** 07:21 PM

...

Could we please have a reply and timeline from PAC on the next steps for taking their 'Option 3' recommendation for the Masons Beach development agreement extension to full council? Thank you.

Answer live

Type answer

Schedule D, Presentation with updates to June 2, 2021.

Project Lunenburg

Draft Planning Documents

Public Information Meeting

2021.06.02

Navigating the Future, Together

Comprehensive Community Plan

Project Lunenburg was born from the vision of a comprehensive community plan for the Town of Lunenburg. Over the course of 18 months, people in the community came together to define the community's goals and objectives. The plan provides guidance for most aspects of the community – including housing, transportation, the environment and many other concerns that affect the daily lives of residents and visitors in the town.

This plan was created by the community and its representatives will continue to be a shared effort, always evolving. As time and needs change, these vision statements will be more concrete to address the future. The plan provides guidance for most aspects of the community – including housing, transportation, the environment and many other concerns that affect the daily lives of residents and visitors in the town.

Key Implementation Facts

- Looking out over the next 10 years.
- Includes a three-year implementation plan for 20 priority actions.
- Evaluation metrics measure the actions against the goals.
- Annual review to assess and prioritize partnerships, projects and budgets.
- Five-year review will set fresh priorities and identify new actions.

Spatially Cohesive

The form of our land use creates strong physical links and a sense of uniformity.

Environmental Protection

We protect our local environment and minimize our broader environmental impacts.

Collaborative Relationships

We facilitate strong social connections and citizen engagement, locally and beyond.

Adaptive and Incremental Change

In the face of uncertainty we embrace what is of greatest value and pursue sustainable change.

Harbourfront Stewardship

Our iconic harbourfront will retain its heritage value and be safeguarded for marine activities.

Living Heritage

We interpret heritage with a history view, embracing its relevance and living within the community.

Place-making

We will nurture a public realm that is attractive, enjoyable, accessible, efficient and safe.

Inclusion

We work to ensure a sense of belonging, acceptance and value for all in our community.

Contemporary Excellence

With a history of innovation, we strive to keep achieving the best work we are able to create.

PROJECT LUNENBURG

www.projectlunenburg.ca

MUNICIPAL PLANNING STRATEGY DRAFT

MAY 8, 2021

PROJECT LUNENBURG

Navigating the Future, Together.

LAND USE BY-LAW DRAFT

MAY 8, 2021

PROJECT LUNENBURG

Navigating the Future, Together.

SUBDIVISION BYLAW DRAFT

MARCH 24, 2021

PROJECT LUNENBURG

Navigating the Future, Together.

PROJECT LUNENBURG

Navigating the Future, Together.

Key Issues

- ▶ Housing
- ▶ A Working Waterfront
- ▶ Sustainable Infrastructure
- ▶ A Changing Climate
- ▶ Living Heritage

Planning Structure

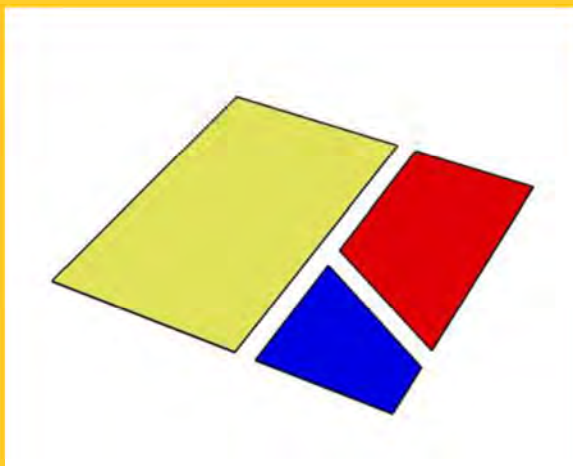
Traditional

- ▶ One type of zone
- ▶ Land use, building form, and lots all tied together
- ▶ Lots of “exceptions” and special conditions required

Planning Structure

Project Lunenburg

- ▶ Lot Zone, Use Zone, and Form Zone
- ▶ Clear document structure
- ▶ Fewer exceptions



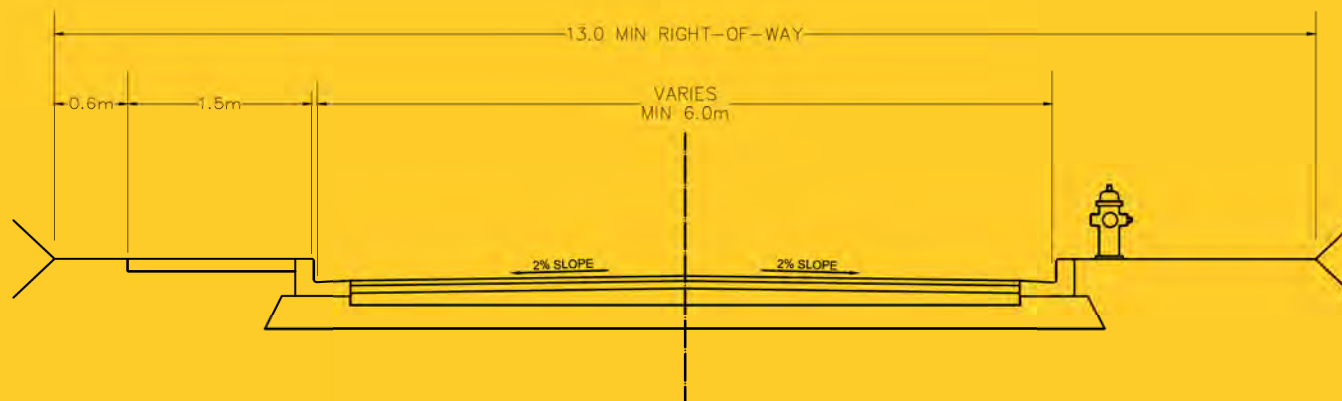
Lots

	LZ1	LZ2	LZ3	LZ4
Minimum Lot Area	110 m ²	370 m ²	330 m ²	37 m ²
Maximum Lot Area	465 m ²	-	-	-
Minimum Lot Frontage	6 m	12 m	12 m	6 m
Maximum Lot Frontage	40 m	-	-	-

Infrastructure

- ▶ Require development to connect to sewer (where available)
- ▶ Require development to connect to water (where available)
- ▶ Prohibit new private roads
- ▶ New road standards

Infrastructure



2 TYPICAL LOCAL 30 km/hr CROSS SECTION
13m ROW, 6m PAVED TRAVEL LANE
Scale: NTS upto 300 vehicles daily

Infrastructure



Parks and Open Space Dedication

- ▶ Require 10%
- ▶ Land providing access to the coast
- ▶ Cash when within 400-metre distance of an existing public park
- ▶ Usable land otherwise

Land Use

Use Zone Name	Use Zone Symbol
Lower Density Residential Use Zone	RL
Medium Density Residential Use Zone	RM
Higher Density Residential Use Zone	RH
Commercial Mixed Use Zone	CM
General Commercial Use Zone	CG
Waterfront Use Zone	W
Industrial Use Zone	M
Marine Industrial Use Zone	MM
Rural Use Zone	RUR
Institutional Use Zone	INS
Parks and Recreation Use Zone	PR



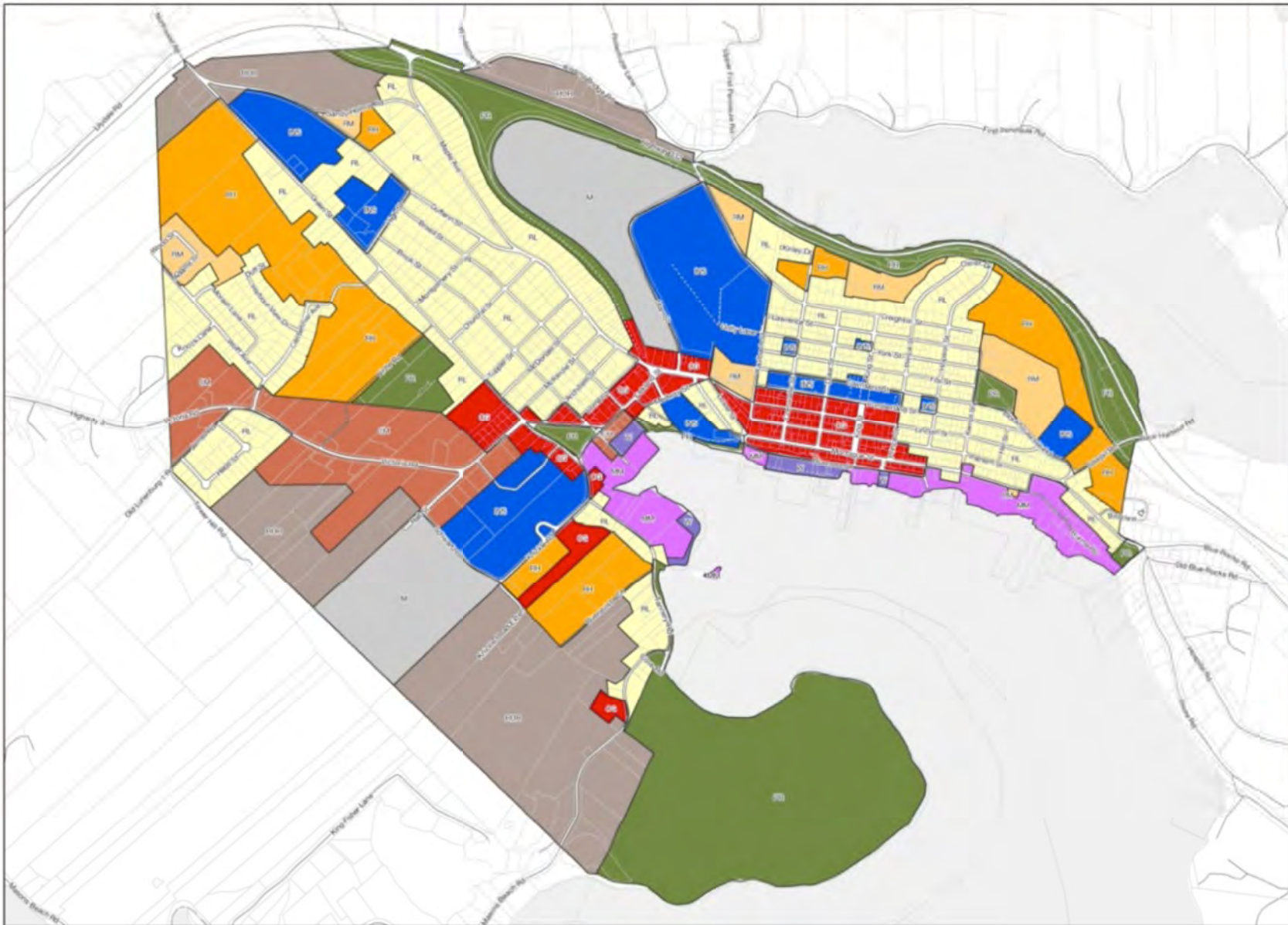
MAP
Use Zoning Map

COORDINATE: LAST UPDATED:
C 6/1/2021

NORTH SCALE:
1:10,000

LEGEND:

- RL Lower Density Residential
- RM Medium Density Residential
- RH Higher Density Residential
- CM Mixed Use
- CG General Commercial
- W Waterfront
- M Industrial
- MM Marine Industrial
- RUR Rural
- INS Institutional
- PR Parks and Recreation



Land Use – Residential Uses



	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accessory Dwelling	P	P	P	-	P	-	-	-	P	-	-
Bed & Breakfast	P	P	P	-	P	-	-	-	P	-	-
Dwelling	2	4	P	P	P	-	-	-	P	-	-
Nursing Homes	-	-	P	P	-	-	-	-	-	P	-
Residential Care Facility	-	P	P	P	P	-	-	-	-	P	-
Rooming Houses	-	P	P	P	P	-	-	-	-	-	-
Small Options Home	P	P	P	-	P	-	-	-	P	-	-

Land Use – Institutional Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Assembly Uses	-	-	-	P	P	-	-	-	-	P	P
Cultural Facilities	-	-	-	P	P	P	-	-	-	P	-
Emergency Services	-	-	-	P	-	-	P	P	-	P	-
Government Uses	-	-	-	P	P	P	P	P	-	P	P
Interpretive Centres	-	-	-	P	P	P	-	-	-	P	P
Hospitals	-	-	-	-	-	-	-	-	-	P	-
Medical Clinics	-	-	-	P	P	-	-	-	-	P	-
Schools – Academic	-	-	-	P	P	-	-	-	-	P	-
Schools – Post-secondary	-	-	-	P	P	-	-	-	-	P	-
Religious Institutions	-	-	-	P	P	-	-	-	-	P	-

Land Use – Commercial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Accommodations	-	-	-	P	P	-	-	-	-	-	-
Adult Entertainment	-	-	-	-	-	-	P	-	-	-	-
Animal Care	-	-	-	P	P	-	-	-	P	-	-
Automobile Body Shop	-	-	-	-	-	-	P	-	-	-	-
Automobile Fueling and Washing	-	-	-	P	-	-	P	-	-	-	-
Automobile Repair	-	-	-	P	-	-	P	-	-	-	-
Automobile Sales	-	-	-	P	-	-	P	-	-	-	-
Banks and Financial Institutions	-	-	-	P	P	-	-	-	-	-	-
Commercial Clubs	-	-	-	P	P	-	-	-	-	-	-
Commercial Recreation – Outdoor	-	-	-	-	-	-	-	-	P	-	P
Commercial Recreation – Indoor	-	-	-	P	P	-	P	-	-	-	-
Craft Food and Beverage Productions	-	-	-	P	P	P	P	P	P	-	-
Electric Vehicle Charging – Commercial	-	-	-	P	-	-	P	-	-	-	-
Farmers' Markets	-	-	-	P	P	P	-	-	-	P	-
Funeral Homes	-	-	-	P	P	-	-	-	-	-	-
Home-based Business	P	P	P	P	P	-	-	-	P	-	-
Kennel	-	-	-	-	-	-	P	-	P	-	-
Licensed Liquor Establishments	-	-	-	P	P	P	-	-	-	-	-
Marinas	-	-	-	-	-	P	-	P	-	-	-
Marine Recreation Providers	-	-	-	-	-	P	-	P	-	-	P
Offices	-	-	-	P	P	P	P	P	-	P	-
Personal Service Shops	-	-	-	P	P	-	-	-	-	-	-
Private Clubs	-	-	-	P	P	-	-	-	-	P	-
Restaurants – Eat-in	-	-	-	P	P	P	P	-	-	P	-
Restaurants – Take-out	-	-	-	P	P	P	P	-	-	P	P
Retail Stores	-	-	-	P	P	P	-	P	-	-	-
Schools – Commercial	-	-	-	P	P	-	-	-	-	P	-
Self-storage Facilities	-	-	-	-	-	-	P	-	-	-	-
Short-term Rental	P	P	P	P	P	-	-	-	P	-	-
Workshops	-	-	-	P	P	P	P	P	-	P	-

Land Use – Industrial Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Building Supply and Equipment Depots	-	-	-	-	-	-	P	-	-	-	-
Heavy Industrial	-	-	-	-	-	-	DA	DA	-	-	-
Light Industrial	-	-	-	P	P	P	P	P	-	-	-
Marine Industrial	-	-	-	-	-	P	P	P	-	-	-
Recycling Depots	-	-	-	-	-	-	P	-	-	-	-
Scrap Yards	-	-	-	-	-	-	P	-	-	-	-
Transportation and Logistics	-	-	-	-	-	-	P	P	-	-	-
Warehousing	-	-	-	-	-	-	P	P	-	-	-

Land Use – Other Uses

	RL	RM	RH	CM	CG	W	M	MM	RUR	INS	PR
Agricultural Uses	-	-	-	-	-	-	-	-	P	-	-
Cemeteries	-	-	-	-	-	-	-	-	P	P	P
Daycare Centres	-	-	P	P	P	-	-	-	P	P	-
Forestry Uses	-	-	-	-	-	-	-	-	P	-	-
Parking Structures & Surface Parking Lots	-	-	-	P	-	-	P	P	-	P	-
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P
Public Recreation	-	-	-	P	-	P	-	-	P	P	P
Public Transportation	-	-	-	P	P	-	P	-	-	P	-
Solar Collector Systems – Large-scale	-	-	-	-	-	-	P	-	P	-	-
Trails and Conservation	P	P	P	P	P	P	P	P	P	P	P
Urban Agriculture	P	P	P	P	P	-	-	-	P	P	P
Water Access	P	P	P	P	P	P	P	P	P	P	P

Land Use – Accessory Uses

- ▶ EV charging
- ▶ Accessory solar
- ▶ Accessory wind turbines
- ▶ Residential storage buildings

Land Use – Parking Requirements

► No minimum automobile parking requirements

Use	Bicycle Parking Spaces Required
Accommodations	Two (2) spaces
Assembly Uses	One (1) space per 200 m ² GFA
Cultural Facilities and Interpretive Centres	Two (2) spaces
Dwellings with More than Two (2) Units	0.5 spaces per dwelling unit
Office	One (1) space
Personal Service Shop	One (1) space
Retail Store	One (1) space

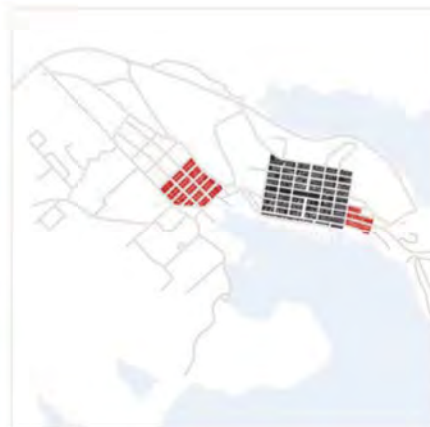
Land Use – Nonconforming Uses

- ▶ Time period expanded to 12 months
- ▶ Expansion or conversion to another nonconforming use by development agreement

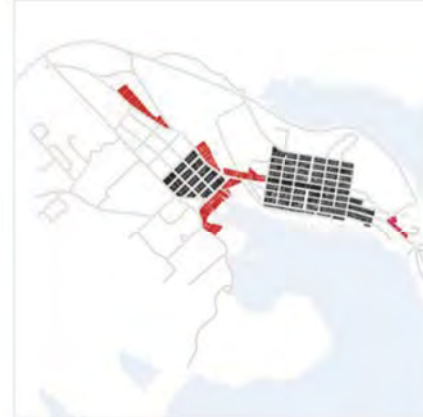
Form



Old Town - established 1753



New Town: subdivided from Common in 1862 & 1878



Other Areas: subdivided from Common in the late 19th century



Areas developed 1920s-1940s



Areas developed 1950s-1980s



Lunenburg today

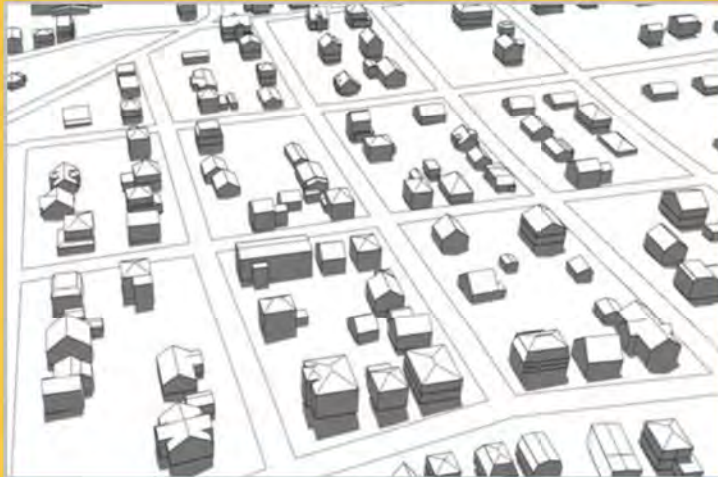
Form



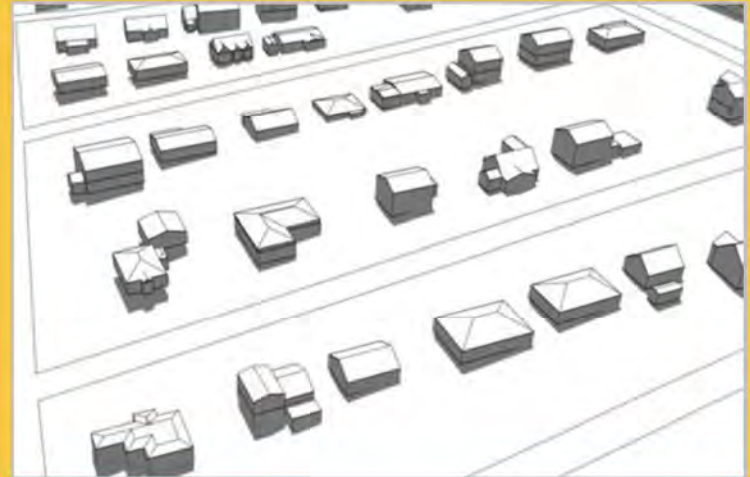
Old Town 1



Old Town 2



Old Town/New Town 1



Old Town/New Town 2

Form

Form Zone Name	Form Zone Symbol
Old Town 1 Form Zone	OT1
Old Town 2 Form Zone	OT2
Old Town/New Town 1 Form Zone	ONT1
Old Town/New Town 2 Form Zone	ONT2
New Town 1 From Zone	NT1
Main Street Form Zone	MST
Marine Form Zone	MA
Community Form Zone	CTY
Industry Form Zone	IN
Rural Form Zone	RF
Shoreline Form Zone	S



MAP Form Zoning Map

NUMBER: D LAST UPDATED: 6/1/2021

SCALE: 1:10,000

- LEGEND
- OT1 Old Town 1
 - OT2 Old Town 2
 - ONT1 Old Town/ New Town 1
 - ONT2 Old Town/ New Town 2
 - NT1 New Town 1
 - MST Main Street
 - MA Marine
 - CTY Community
 - IN Industry
 - RF Rural
 - S Shoreline



Form – Main Building Placement

Form Zone	Min. Front / Flankage Setback	Max. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	4 m	0 m	1.5 m
Old Town 2	0 m	4 m	1.2 m	3.5 m
Old Town/New Town 1	0 m	6 m	2.4 m	6 m
Old Town/New Town 2	6 m	10 m	2.4 m	6 m
New Town 1	6 m	10 m	2.4 m	4 m
Main Street	1.5 m	4 m	2.4 m	6 m
Marine	0 m	-	0 m	0 m
Community	6 m	-	4.5 m	7.5 m
Industry	12 m	-	6 m	12 m
Rural	6 m	-	2.4 m	6 m
Shoreline	0 m	-	1.2 m	0 m

Form – Accessory Building Placement

Form Zone	Min. Front / Flankage Setback	Min. Side Setback	Min. Rear Setback
Old Town 1	0 m	1.2 m	1.2 m
Old Town 2	0 m	1.2 m	1.2 m
Old Town/New Town 1	0 m	1.2 m	1.2 m
Old Town/New Town 2	6 m	1.2 m	1.2 m
New Town 1	6 m	1.2 m	1.2 m
Main Street	0 m	1.2 m	1.2 m
Marine	0 m	0 m	0 m
Community	6 m	1.2 m	1.2 m
Industry	12 m	6 m	6 m
Rural	6 m	1.2 m	1.2 m
Shoreline	0 m	1.2 m	0 m

Form – Site Design

Form Zone	Maximum Lot Coverage	Outdoor Storage Permitted	Outdoor Display Permitted
Old Town 1	100%	Yes	Yes
Old Town 2	50%	No	No
Old Town/New Town 1	40%	No	No
Old Town/New Town 2	40%	No	No
New Town 1	40%	No	No
Main Street	100%	Yes	Yes
Marine	100%	Yes	Yes
Community	-	Yes	Yes
Industry	100%	Yes	Yes
Rural	40%	Yes	Yes
Shoreline	-	Yes	Yes

Form – Main Building Massing

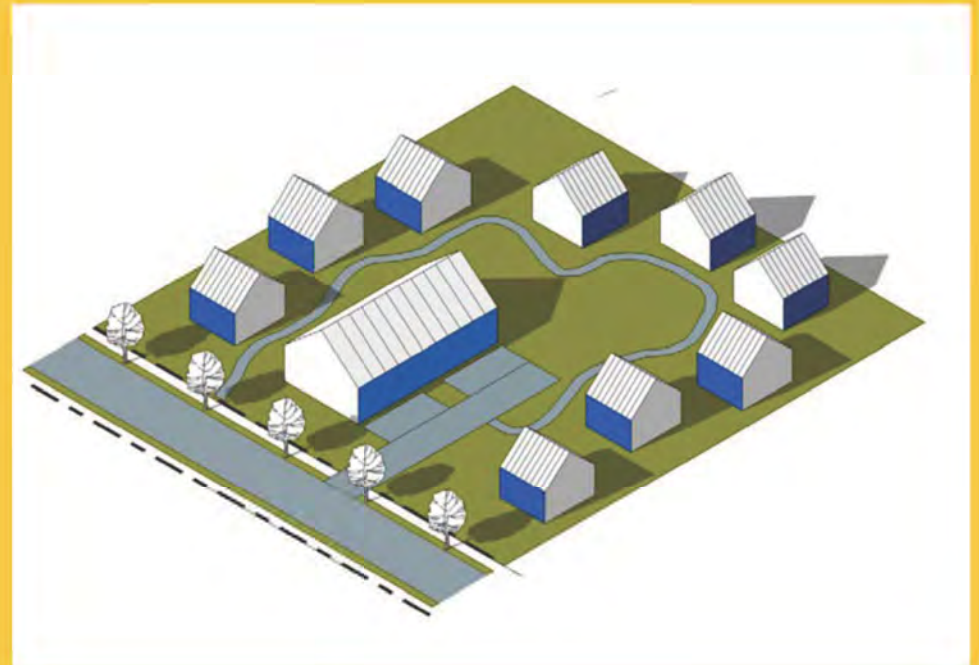
Form Zone	Max. Height	Min. Height	Min. Ground Floor Height	Min. Streetwall Height	Max. Streetwall Height	Min. Stepback Above Streetwall	Max Building Footprint
Old Town 1	10.5 m	6 m	-	-	-	-	-
Old Town 2	10.5 m	-	-	-	-	-	-
Old Town/New Town 1	10.5 m	-	-	-	-	-	-
Old Town/New Town 2	10.5 m	-	-	-	-	-	-
New Town 1	19.5 m	-	-	-	-	-	1,500 m ²
Main Street	20.5 m	10 m	4 m	10 m	16 m	3 m	3,000 m ²
Marine	19.5 m	-	-	-	-	-	-
Community	10.5 m	-	-	-	-	-	-
Industry	13.5 m	-	-	-	-	-	-
Rural	10.5 m	-	-	-	-	-	-
Shoreline	8 m	-	-	-	-	-	47 m ²

Form – Accessory Building Massing

Form Zone	Maximum Height
Old Town 1	8 m
Old Town 2	8 m
Old Town/New Town 1	8 m
Old Town/New Town 2	8 m
New Town 1	8 m
Main Street	8 m
Marine	8 m
Community	8 m
Industry	8 m
Rural	8 m
Shoreline	8 m

Form – Grouped Dwellings

- ▶ Grouped dwellings may be permitted on a lot in Old Town/New Town 2, New Town 1, and Main Street Form Zones.
- ▶ Site requirements



Flood Risk

- ▶ New development within the Flood Risk Areas as shown on Schedule 'E', the Flood Risk Area Map, are required to sign a "Flood Risk Area Development Undertaking Form" acknowledging recognition of risks and responsibility for damages in the event of a flood and confirming that:
 - (a) The finished floor elevation of habitable areas is no lower than 3.2 metres CGVD2013.
 - (b) Storage areas for hazardous materials and potential water pollutants, such as fuel oil, are located at an elevation no lower than 3.2 metres CGVD2013 or are designed by a Professional Engineer for safety and containment in the event of a flooding event.
 - (c) Consideration has given to the placement of flood-vulnerable mechanical and electrical equipment.



Flood Risk Area Map

DATE: 6/1/2021

SCALE: 1:10,000

- Flood Risk Area
- Town of Lunenburg

Form - Signage

- ▶ Reduced minimum height of projecting signs
- ▶ Simplified language
- ▶ Menu board signs and digital signs

Form - Parking

- ▶ Parking lots larger than 18 spaces broken down into “bays”
- ▶ Only three parking spaces in the front or flankage yard
- ▶ EV charging for structured parking

Form – Non-conforming Structures

- ▶ Allow expansions that do not increase the non-conformity

Form – Heritage & Architectural Control

- ▶ No change -> Heritage By-law project

Definitions

- ▶ Updated as necessary
- ▶ Supporting illustrations



Changes Since May 26th Draft

- ▶ Correct typos and errors
- ▶ Finished adding imperial conversions
- ▶ Updated definitions of lot lines and craft food and beverage production
- ▶ Corrected image for Lunenburg Bump

Changes Since May 26th Draft

- ▶ Added definition for wind turbine
- ▶ Added additional “existing uses”
- ▶ Tweaked wording for HBB
- ▶ Added maximum building footprint to Shoreline Form Zone
- ▶ Added impacts to harbour as consideration criteria for DA and LUB amendments

Changes Since May 26th Draft

- ▶ Added chapter to Specifications related to street signage

Next Steps

- ▶ PAC Recommendation: June 2nd
- ▶ First Reading: June 22nd
- ▶ Public Hearing and Second Reading:
July 27th
- ▶ Provincial review

AUDIT COMMITTEE MEETING MINUTES

THURSDAY, JUNE 10, 2021 AT 12:00 P.M.

(VIA AUDIO/VIDEO CONFERENCE DURING COVID-19 PANDEMIC)

PRESENT: Councillor Ed Halverson, Chair
Mayor Matt Risser
Deputy Mayor Peter Mosher
Councillor Jenni Birtles
Councillor Melissa Duggan
Councillor Stephen Ernst
Councillor Ed Halverson
Councillor Susan Sanford

ALSO PRESENT: Paul Belliveau, FCPA, FCA, Belliveau Veinotte Inc., Chartered Professional Accountants
Michael Belliveau, CPA, CA, Belliveau Veinotte Inc., Chartered Professional Accountants
Lisa Dagley, CPA, CGA, Finance Director
Heather McCallum, Assistant Municipal Clerk
Kathleen Rafuse, Accountant
Bea Renton, Chief Administrative Officer

ABSENT: Jamie Green, Citizen Appointment

1. Call to Order

The Chair called the meeting to order at 12:02 p.m. and welcomed everyone.

2. Acknowledgement of Mi'kma'ki the ancestral and unceded territory of the Mi'kmaq People

The Chair gave introductory remarks respecting the unceded territory of the Mi'kmaq People on which Lunenburg is situated.

3. Agenda

Motion: moved and seconded to approve the agenda. Motion carried.

4. Approval of September 17, 2020 Audit Committee Meeting Minutes

For information only due to change in Committee membership since the last meeting.

5. Business Arising from the Minutes/Unfinished Business

6. New Business

- a. 2020/21 Municipal Audit Process - Belliveau Veinotte Inc. Chartered Accountants/Town Auditors overview presentation

Michael Belliveau presented an overview of the Audit process and the Audit Committee's role (Schedule "A").

- Audit approach overview
- Extent, timing and completion of the Audit including level of materiality
- Management, Audit Committee/Council and Auditors' responsibilities
- Identification of any potential areas of risk by the Committee for the Auditors' consideration
- Internal controls
- Estimated and final Audit fee
- Review of 2019/20 Audit letter

b. Review of Department of Municipal Affairs 2019/20 Financial Condition Indicators (FCI); November 27, 2020 presentation by Kathy Cox-Brown

The Finance Director noted that the November 27, 2020 presentation to Council is attached for information only (Schedule "B"). A recording of the presentation is available for Committee members to review should they wish.

7. Next Meeting Date – September 23, 2021 (TBC)

8. Adjournment – Chair

Motion: moved and seconded to adjourn the meeting. Motion carried.

The meeting was adjourned at 12:23 p.m.

Bea Renton, CAO

Audit Committee - June 10, 2021

Town of Lunenburg

Audit timing and fee

- Weeks of July 12 and July 19
- Michael Belliveau, CPA, CA and Luke Richardson CPA
- \$20,000 audit fee same as prior year
- September 30, 2021, deadline for approval and submission to the Province

Materiality

- Operating - \$105,000
- Electric - \$100,000
- Water - \$22,900
- Cemetery - \$3,000

Management and Council responsibilities

- Management
 - Preparation of the accounting records
 - Preparation of supporting documents
 - Preparation of the financial statements
- Audit Committee/Council
 - Reviewing the financial statements
 - Reviewing internal control and management letters
 - Overall responsibilities

Auditors responsibilities

- Procedures
 - Confirmation, analytics, substantive testing
- Financial statements
 - Agrees to PSAB accounting standards
- Internal controls
 - Identify internal control weaknesses

Areas of interest

- COVID-19 limitations
 - New internal controls
- Note 8 March 31, 2020 Consolidated Financial Statements

Financial Condition Indicators

For 2019-2020 Draft

Town of Lunenburg – Nov 2020

Development



Collaborative Development (Continues)

- Federation of Nova Scotia Municipalities
- Nova Scotia Association of Municipal Administrators
- Province
- Dalhousie University

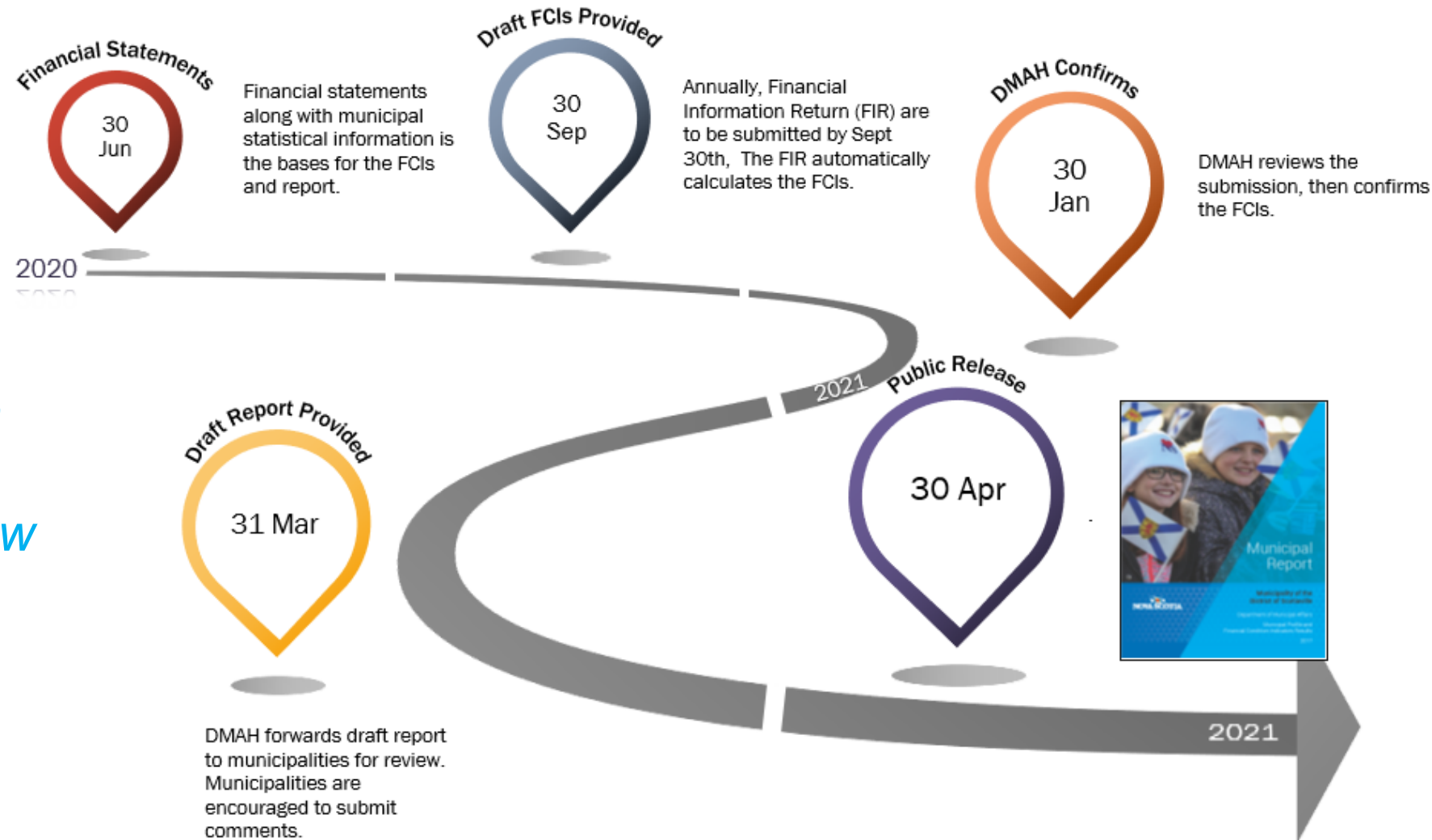
Approach

- Other Jurisdictions
- Best Practices
- Data Modelling



Reporting Timing

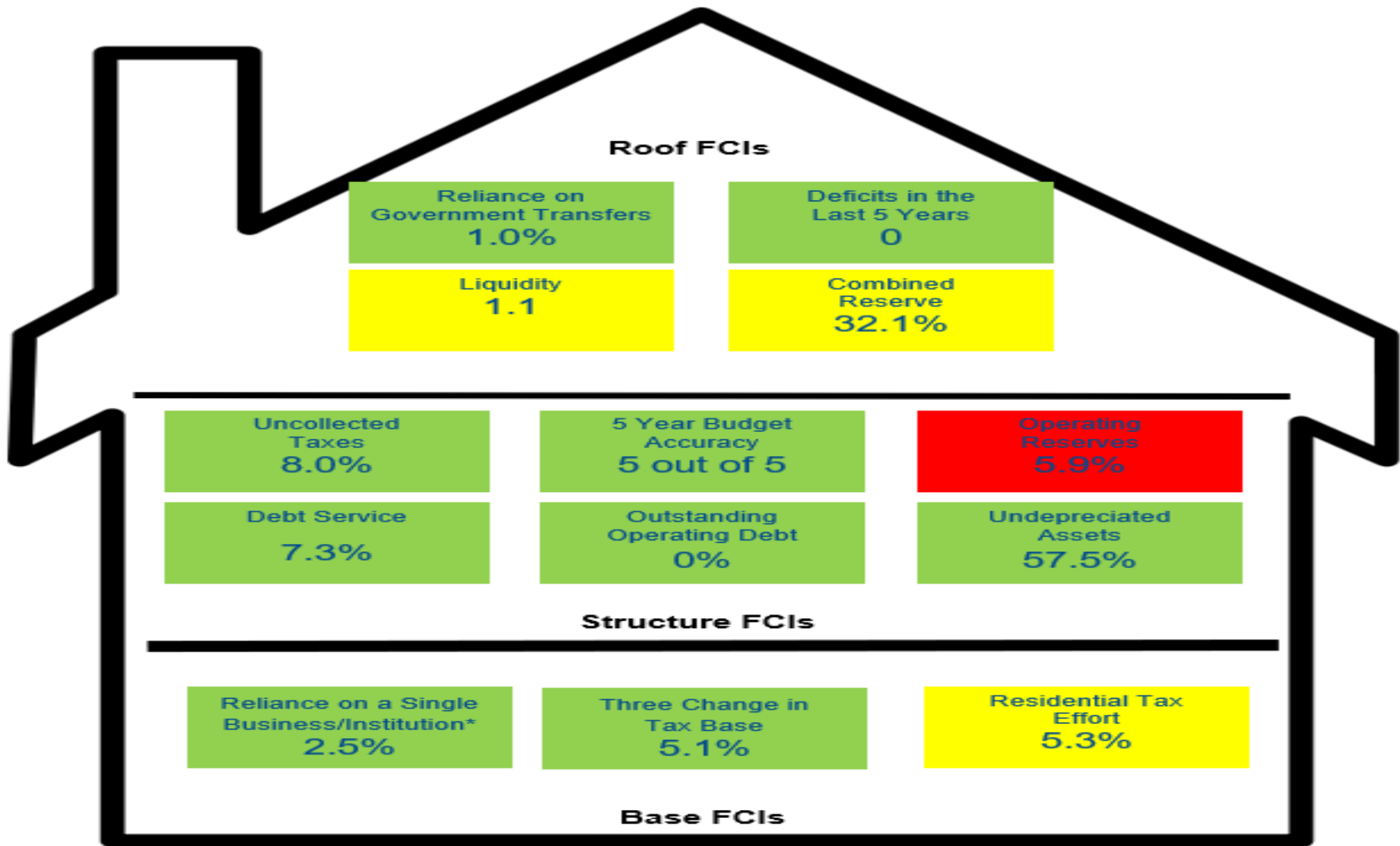
*Audit Committee
Members are
required to review
FCIs*



Financial Condition Indicators



- › 13 Indicators
- › Organized into 3 dimensions
- › Graphically presented in 'House' format
- › To interpret the Indicators we use a risk threshold range:
 - › **Low risk - green**
 - › **Moderate risk- yellow**
 - › **High risk- red**



Financial Condition Indicators (The Base Indicators)



Financial Condition Indicators

BASE DIMENSION

Reliance on a Single Business or Institution

- This indicator speaks to municipality's reliance on one employer for significant portion of their tax base.
- Over reliance on any source of revenue can represent a vulnerability

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 Yr Trend
Reliance on Single Business or Institution	2.5%	Below 10%	No vulnerability noted	↓ -0.1%	



Financial Condition Indicators

BASE DIMENSION

3-year Change in Tax Base

- This indicator speaks if the municipality has a stable or growing tax base
- Growth in a municipality’s tax base must keep pace with inflation for a municipality to maintain current level of services and taxes.

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 Yr Trend
Three Year Change in Tax Base	5.1%	equal or above CPI	No vulnerability noted	↓ -0.8%	

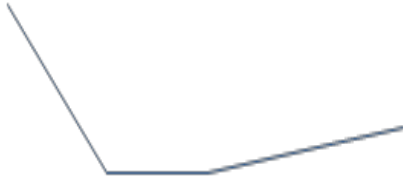


Financial Condition Indicators

BASE DIMENSION

Residential Tax Effort

- This indicator speaks to what is the average property tax burden per household in the municipality.

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 yr Trend
Residential Tax Effort	5.3%	Below 4%	Risk to flexibility ↑	0.2%	

Financial Condition Indicators (Structure Indicators)





Financial Condition Indicators

STRUCTURE DIMENSION

Uncollected Taxes

- This indicator speaks to if the municipality is able to collect revenues owed.
- Cash flow and management are critical elements for any organization sustainability

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 Yr Trend
Uncollected Taxes	8.0%	Below 10%	No vulnerability noted	↑ 0.5%	



Financial Condition Indicators

STRUCTURE DIMENSION

Budget Accuracy

- This indicator speaks to municipality’s success at projecting the revenue required to maintain a balanced operating budget.

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 yr Trend
Budget Expenditures Accuracy	5	5	No risk noted	➔ 0	

Financial Condition Indicators

STRUCTURE DIMENSION

Operating Reserves

- This indicator speaks to if the municipality is setting aside funds to address unforeseen circumstances.

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 yr Trend
Operating Reserves	5.9%	Above 20%	Vulnerability noted ↓	-0.9%	



Financial Condition Indicators

STRUCTURE DIMENSION

Debt Service

- This indicator speaks to how much of municipal revenue goes towards paying off debt.

FCI	2020 Results	Low-risk (green thresholds)	Risks	Change from Prior Yr	5 Yr Trend
Debt Service	7.3%	below 10%	No risk noted	↑ 1.3%	



Financial Condition Indicators

STRUCTURE DIMENSION

Outstanding Operating Debt

- This indicator speaks to how leverages is a municipality or how much operating debt does it hold relative to its revenue. MGA has restrictions.

FCI	2020 Results	Low-risk (green thresholds)	Risks	Change from Prior Yr
Outstanding Operating Debt	0.0%	below 25%	No risk noted	➡ 0.0%

Financial Condition Indicators

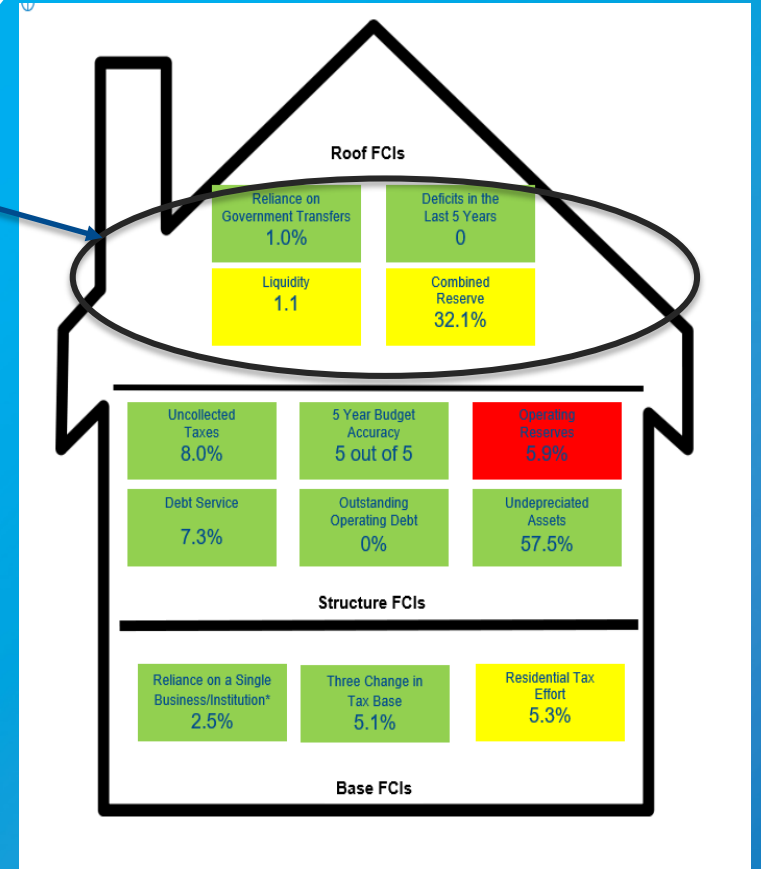
STRUCTURE DIMENSION

Undepreciated Assets

- This indicator speaks to how old the municipality's existing capital assets are.

FCI	2020 Results	Low-risk (green thresholds)	Risks	Change from Prior Yr	5 Yr Trend
Undepreciated Assets	57.5%	above 50%	No risk noted	↓ -1.1%	

Financial Condition Indicators (KPI Indicators)





Financial Condition Indicators

KPI DIMENSION

Reliance on Government Transfers

- This indicator speaks to municipality’s reliance on transfer from other government and self-sufficiency.
- Over reliance on any source of revenue can represent a vulnerability

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 Yr Trend
Reliance on Gov Transfers	1.0%	Below 15%	No vulnerability noted	0.0%	

Financial Condition Indicators

KPI DIMENSION

Liquidity

- This indicator speaks to if the municipality has enough cash to pay bills as they come due.
- This indicator can highlight any cash flow problem or indication of concerns in other areas such as potential revenue collection concerns

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr	5 yr Trend
Liquidity	1.1	Above 1.5	Risks to sustainability ➡	0.0	



Financial Condition Indicators

KPI DIMENSION

Deficits in the Last 5-years

- This indicator speaks to municipality's success in maintaining a balanced operating budget.
- A high number of deficits may indicate a municipality is struggling to meet services. If there is a deficit, further investigation would be required to determine the size and the cause of the deficit

FCI	2020 Results	Low-risk (green) Thresholds	Risks	Change from Prior Yr
Deficits in the Last 5 years	0	0	No vulnerability noted ➡	0



Financial Condition Indicators

KPI DIMENSION

Combined Reserves

- This indicator speaks to if the municipality is investing enough to keep pace with aging assets and unforeseen events.

FCI	2020 Results	Low-risk (green thresholds)	Risks	Change from Prior Yr	5 Yr Trend
Combined Reserve	32.1%	above 40%	Vulnerability noted	↑ 7.5%	

Financial Condition Indicators

Key Points

- The Town's tax base continues to grow.
- Indicators on deficits and budget show a purposefully shrewd approach to managing revenues and cost estimates.
- Low uncollected tax and debt indicators show prudent cash and financing management
- Residential effort reflects lower flexibility, common pressure with Towns
- Combined reserves although a vulnerability the trend indicate an effort to build the reserve.
- Operating reserves indicate a higher vulnerability to unforeseen events.
- Liquidity levels are sufficient but could be strengthen.

Financial Condition Indicators

What are the next steps?



- Recognize your strengths
- Analysis risks (spreadsheet)
- Were appropriate implement activities to reduce or eliminate risks

Financial Condition Indicators



Additional support and training available

Questions



Kelly Jardine

From: Jeff Merrill <Jeff.Merrill@modl.ca>

Date: June 8, 2021 at 4:43:05 PM ADT

To: Bea Renton <brenton@explorelunenburg.ca>, Dylan Heide <Dylan.Heide@townofmahonebay.ca>, Tara Maguire <tmaguire@chester.ca>

Cc: Chad Haughn <chaughn@chester.ca>

Subject: Appointment of Building Official

CAUTION: EXTERNAL MAIL. DO NOT CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Please find attached Ryan Whynot's residential qualification from the NS Building Officials Association.

Can you please have your Council appoint Ryan Whynot as a building official in your municipality and advise once the appointment has been made?

Regards,

Jeff

~~~

PLEASE NOTE: WE MOVED! Our new location is 10 Allée Champlain Drive, Cookville.

~~~

Jeff Merrill, MCIP, LPP (he/him)

Director

Planning & Development Services

Municipality of the District of Lunenburg

10 Allée Champlain Drive | Cookville NS | B4V 9E4

Office: (902) 541-1340 | Cell: (902) 521-0925

My office hours are Tuesday-Friday, 8:00am – 5:15pm



NOVA SCOTIA BUILDING CODE TRAINING &
CERTIFICATION BOARD
PO BOX 8102 | HALIFAX, NS | B3K 5L8
902.850.6726

April 14, 2021

Ryan Whynot
10 Allee Champlain Drive
Cookville, NS B4V 9E4

Dear Ryan,

Your application for Residential Qualification has been approved by the Nova Scotia Building Code Training & Certification Board today, April 14, 2021.

Congratulations!

You can only administer and enforce the provisions of the *Nova Scotia Building Code Act* and regulations within the scope that you hold a valid Diploma of Qualification from the NSBCTCB in Nova Scotia.

Your scope of practice includes field inspections of 1- & 2-unit Group C Buildings, their accessory buildings, and decks covered under the *Nova Scotia Building Code Act* Part 9.

Regards,

A handwritten signature in blue ink, appearing to be "AD", with a large loop at the end.

Amanda Deschamps
Registrar | NSBCTCB
director@nsboa.ca

This AGREEMENT dated the 22nd day of October, 2018

Between **MUNICIPALITY OF THE DISTRICT OF CHESTER**

(hereinafter referred to as "MODC")

-AND -

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

(hereinafter referred to as "MODL")

-AND-

TOWN OF MAHONE BAY

(hereinafter referred to as "TOMB")

-AND-

TOWN OF LUNENBURG

(hereinafter referred to as "TOL")

WHEREAS the Parties are each responsible for the provision of municipal services and wish to pursue the joint delivery of Building Inspection Services, Fire Inspection Services, and Dangerous and Unightly Inspection Services. The goals of which are to improve service delivery, provide a sustainable service, improve training opportunities, capacity, and ensure continuity in service delivery in the region;

AND WHEREAS the Parties have identified a two-phased approach to the delivery of said services;

AND WHEREAS the Parties wish to participate in Phase 1 of the two-phased approach being the planning and implementation phase, and then assess the interest in proceeding with Phase 2 of the project;

AND WHEREAS Section 5(3) of the Building Code Act allows the Parties to enter into an Agreement with another council, councils or regional organization to provide Building Inspection Services to properly cover the administration and enforcement of the Building Code Act within their respective jurisdiction;

AND WHEREAS Section 60 of the Municipal Government Act enables a municipality to enter into an Agreement with one or more municipalities to provide or administer municipal services; and

AND WHEREAS the Parties are prepared to share resources required to provide the required services for Phase 1 on the terms and conditions hereinafter set forth.

NOW THIS MEMORANDUM OF UNDERSTANDING WITNESSETH that in consideration of the foregoing recitals, the Parties hereto agree as follows:

Definitions

1. (a) "Building Code Act" means and *An Act to Adopt and Implement a Building Code for the Province*, Chapter 46 of the Revised Statutes, 1989, as amended;
- (b) "Committee" means a Joint Planning and Implementation Steering Committee;
- (c) Fire Safety Act means *An Act to Promote and Encourage Fire Safety*, Chapter 6 of the Acts of 2002, as amended;
- (d) "Fiscal Year" means a 12-month period from April 1 through to March 31;
- (e) "Parties" means collectively the Municipality of the District of Chester, Municipality of the District of Lunenburg, Town of Mahone Bay, and the Town of Lunenburg;
- (f) "Services" means

1. Fire Inspection Services including administration and enforcement of the Nova Scotia Fire Safety Act, National Fire Code and each municipality's policy respecting a System of Fire Inspections
2. Building Inspection Services including administration and enforcement of the National Building Code, Nova Scotia Building Code Act, Nova Scotia Building Code Regulations
3. Dangerous and Unsightly Premises Services including administration of each Municipality's Dangerous and Unsightly Premises Policy pursuant to the Municipal Government Act and all relevant dangerous and unsightly premises policies, with duties as assigned by the CAO for each jurisdiction.
4. Reviewing plans as related to the Provincial Building Code and the National Fire Code.
5. Issuing building permits, demolition permits and occupancy permits as appropriate.
6. Conducting Inspections based on the relevant by-laws, policies and procedures and completing all related documentation and reporting.
7. Providing advice and assistance to contractors, developers, public, By-Law enforcement personnel, Municipal Council, other Departments and senior administration.
8. Administrative duties related to the provision of Fire, Building and Dangerous and Unsightly Premises Services including:
 - a. Intake and processing applications and compliant forms
 - b. Scheduling inspections and site visits;
 - c. Maintaining an accurate record of inspections.
 - d. Documenting appropriate case file information while conducting site assessment and maintain detailed records;
 - e. Advising customers on the process and procedures for obtaining building permits.
9. Preparing and presenting statistical reports, requests for direction/decision, and annual reports.
10. Enforcement Services include but are not limited to:
 - a. Issuing various orders; stop work, cease occupancy, etc. as required under by-law provisions;
 - b. Adhering to municipal enforcement policies and procedures in investigating and remedying non-compliance.
 - c. Delivering Orders and Summary Offence or long form summary information when required.
11. Promote the establishment of uniform code enforcement across municipalities

(g) "Staff" means the inspection and administrative staff for Building Inspection, Fire Inspection and Dangerous and Unsightly Inspection services of the parties

Phase One

2. That Phase One shall be a planning and implementation phase and include the following:
 - (a) The Parties staff shall be collectively coordinated and shared, with each party retaining their current employer status or status of party engaging independent contractor for their respective staff;
 - (b) The review of Position Descriptions and respective salary ranges to ensure equity in duties and compensation amongst the Parties' staff as it applies to the services shared;
 - (c) The development and implementation of uniform regional policies/procedures and processes pertaining to the Parties "services";
 - (d) The development of proposed associated budgets and service levels for Phase One;
 - (e) The development of a plan for the development and implementation of a Phase Two, as described in Clause 18; and
 - (f) Immediately following the execution of the Agreement, the Parties shall unanimously agree on a Host Unit, who shall ensure the development and implementation of the Phase One,

including providing any notice required under this Agreement and providing support to the Joint Planning and Implementation Steering Committee. Upon unanimous agreement of the Parties, the Parties may change the Host Unit.

3. During Phase One the Parties shall provide those services which may be necessary for the administration and enforcement of the Building Code Act, Fire Safety Act and the Dangerous and Unightly Premises By-laws/Policies within the regional boundaries of the Parties. In providing these services the Parties shall be responsible for ensuring their respective individuals carrying out the services are qualified to do so and shall provide to each respective party a copy of the Diploma of Qualifications, as issued by the Nova Scotia Building Code Training Certification Board and the Fire Inspectors Association, as applicable, for those individuals providing said services.
4. The Parties agree that the provisions of services, pursuant to this Agreement, shall not constitute an employment contract between any individuals carrying out the necessary services and the party receiving the services, unless that party should also be the Employer. The recipient party shall not become or deem to become an Employer by virtue of this Agreement. The respective party shall remain responsible for all wages, benefits, remittances and the like either required by federal or provincial law or as a term of any contract between the individuals providing the services and the respective party contracting for the same. If an inspector is an independent contractor engaged by a municipal unit that municipal unit shall continue to be responsible for all wages and associated costs of that independent contractor. This agreement shall not be deemed an assignment of that contract.

Joint Planning and Implementation Steering Committee

5. Upon the execution of this Agreement, a Joint Planning and Implementation Steering Committee (Committee) is hereby established which shall have the mandate to:
 - a. Facilitate the development of uniform regional policies/procedures and processes by recommending to Municipal Councils changes to Municipal Policies / By-laws and procedures as it pertains to Building and Fire Inspection and Dangerous and Unightly Properties;
 - b. Oversee the implementation of Phase One and recommend to Councils matters respecting budgets;
 - c. Develop, for consideration by the respective Parties Councils, an Inter-Municipal Agreement that establishes a funding scheme, governance structure and organizational structure for Phase Two, of which Phase Two is described in Clause 18; and
 - d. Develop, for consideration by the respective Parties Councils, a Strategy and Implementation Plan for Phase Two.
6. Within 30 days of executing this Agreement, each party to this Agreement shall appoint two elected representatives as members of the Committee, whose term shall be specified by the appointing party. Each party may appoint an "alternate member". An Alternate Member shall vote in place of a Member appointed by the same party during any absence of a Member.
7. Each party to this Agreement is responsible for remuneration (such as meeting fees) and meeting expenses (travel, meals, etc.), if any, to be paid to all Members appointed by that party serving on the Committee.
8. A majority of the Members appointed to the Committee constitutes a quorum.
9. Any decision requiring the agreement of the members of the Committee shall be decided by a majority vote of those members present at the meeting.
10. The Committee shall establish Rules of Procedure, as deemed necessary and appropriate. In lieu of Rules of Procedure respecting a procedural matter, Roberts Rules of Order shall be followed.

Costs for Phase 1

11. The Committee shall present to the Parties an Operating and Capital Budget that addresses common costs amongst the Parties, for each fiscal year of Phase One, no later than Feb 28, in the preceding fiscal year. Common costs are those new, additional costs incurred for items

associated with Phase One which are used in common by the Parties, including, but not limited to, software, data and records management, consulting services, but for Phase One excludes salaries, and general operating expenses.

- 12. An annual Operating and Capital Budget recommended for approval by the Committee shall be approved by all Parties to this Agreement prior to being effective. If the annual budget is not approved by the start of the fiscal year, following the first year of this Agreement, the Parties agree to continue with the approved operating budget of the previous fiscal year, until an annual Operating and Capital Budget is approved.
- 13. The Host Municipal Unit shall be responsible for the payment of the “common costs” portion of the Operating and Capital Budget. The municipal units will fund the common costs as identified in the budget and in accordance with Clause 14.
- 14. The Parties agree to fund the approved Operating and Capital Budget (IT and software) based upon the following funding formula.

2017-18 Party Y’s Operating Budget for Services

X 100 = % of total budget

2017-18 Total budgets of all Parties combined Operating Budget for Services

Example for illustration

\$350,000 (MODC)

X 100 = 38.8% (MODC’s share of total budget)

\$900,000 (combined total)

- 15. Phase One shall have a term ending March 31, 2020, unless otherwise unanimously agreed to by the Parties.
- 16. Each Party to this Agreement shall be notified 90 days prior to the expiry of Phase One, as noted in Clause 15 above, upon which each Party to this Agreement, within 30 days of being notified, shall determine if they wish to proceed to Phase Two, described in Clause 18. Within the 30-day period, each Party shall provide to the others, notification in writing, of their decision to proceed or not to proceed to Phase Two. A Party that does not provide notification of its decision within the 30 days is deemed to have decided not to proceed to Phase 2. A Party that provides notification that they do not wish to proceed to Phase Two or who are deemed to have decided to not proceed to Phase 2, shall not be liable for any costs beyond the end of Phase One.
- 17. Where the interest is sufficient among two or more Parties to make Phase Two feasible, the Parties wishing to proceed shall enter into a subsequent Inter-Municipal Agreement that outlines the terms and conditions of Phase Two and as developed by the Joint Committee and approved by the Parties. Any Parties not wishing to proceed to Phase Two, shall be deemed to have withdrawn and paragraphs 20 and 21 shall apply.
- 18. Phase Two shall be the implementation of a Regional Model for the delivery of the services, in which all resources will be combined and cost shared. The governance model, operational model and funding formula shall be developed by the Joint Committee and approved by the Parties that wish to proceed to Phase Two as per Clause 16.

Withdrawal by Party

- 19. Any party that wishes to withdraw from this Agreement, other than the Parties who have previously withdrawn under the provisions of Clause 16 shall give notice of withdrawal to the other Parties not less than six months prior to the intended withdrawal date.

20. Any party which withdraws from the Agreement ceases to have any interest in any assets created or acquired in Phase One.
21. Any party who withdraws from the Agreement according to the provisions of Clause 16, shall not bear any liability beyond the initial contribution to Phase One costs

Termination of Agreement

22. The Agreement may be dissolved upon unanimous consent of the Parties.

Insurance and Indemnity

23. In the event of any litigation arising from the actions of a party's inspectors in the conduct of their duties on behalf of another party, the party receiving the service shall remain responsible for any costs arising from those inspectors' necessary involvement in the litigation process, including any damage awards against the receiving municipal unit, except gross negligence on the part of the inspector providing the service.
24. Each party shall be responsible for carrying and maintaining adequate commercial general liability insurance coverage with respects to its responsibilities under this Agreement. This insurance shall cover bodily harm, property damage, and other loss occasioned or incurred as a result of a party's role in carrying out the terms of this Agreement. A minimum limit per occurrence of \$15,000,000.00 shall be maintained. The Parties agree to add each party as an additional insured under their respective insurance policy.

The Policy shall further be endorsed to include:

- (a) Cross- Liability and severability of interest;
- (b) Contractual Liability;
- (c) Personal Injury; and
- (d) Non-owned Automobile Coverage
- (e) Waiver of subrogation

Each Party shall carry and maintain an Automobile Liability Policy covering third party property damage and bodily injury liability and all statutory coverages as may be required by Applicable Laws arising out of any licensed vehicle operated in connection the with the Agreement with limits not less than \$15,000,000. The policy shall further provide All Perils Loss or Damage coverage with respect to any vehicle used to provide the services to this Agreement.

Each party shall take out and keep in force Errors and Omissions Insurance in the amount of \$15,000,000.00 per claim with no aggregate, providing coverage for acts, errors and omissions arising from the inspection services performed under this Agreement

25. Each party in receipt of services pursuant to this Agreement shall indemnify and save harmless each Employing Party or party engaging independent contractor, its Inspectors, Agents, Employees and Councillors from all actions, negligence (excluding gross negligence) or any other legal consequence (including damages) arising as a result of the provision of services pursuant to this Agreement.
26. Each party shall provide to the other Parties thirty (30) days written notice of the cancellation, material change or expiry of any insurance policy as required under Section 24 of this Agreement.

IN WITNESS WHEREOF the parties have hereunto site their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
In the presence of

) MUNICIPALITY OF THE DISTRICT OF CHESTER
)

Cindy Hanna Ford
Witness
Cindy Hanna Ford
Witness

) Per: Allen B. Webber
ALLEN B. WEBBER, Warden
) Pamela M. Myra
PAMELA M. MYRA, Municipal Clerk
)

) MUNICIPALITY OF THE DISTRICT OF LUNENBURG
)

Joanne Pevens
Witness
Joanne Pevens
Witness

) Per: Carolyn Bolivar-Getson
CAROLYN BOLIVAR-GETSON, Mayor
) Sherry Conrad
SHERRY CONRAD, Municipal Clerk
)

) TOWN OF MAHONE BAY
)

David Devenne
Witness
David Devenne
Witness

) Per: David Devenne
DAVID DEVENNE, Mayor
) Dylan Heide
DYLAN HEIDE, Chief Administrative Officer
)

) TOWN OF LUNENBURG
)

Chris Duffey
Witness
" "
Witness

) Per: Rachel Bailey
RACHEL BAILEY, Mayor
) Bea Renton Oct. 16/18 RS.
BEA RENTON, Chief Administrative Officer
)



Circulated: _____

Document No:

Meeting: Council June 22, 2021

Circulate To: Council, LD, KR

File: Budget 2021/22

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA - FINANCE DIRECTOR

DATE: JUNE 8, 2021

RE: ELECTRIC UTILITY TEMPORARY BORROWING RESOLUTION

1. FACTS

In 2006 the Electric Utility undertook a 20-year debenture in the amount of \$2,000,000 for substation upgrades. The debenture now requires refinancing balloon payment for the remaining five-year term. To facilitate this a TBR (Temporary Borrowing Resolution) needs to be forwarded to the Minister of Municipal Affairs for approval.

2. ISSUES AND OPTIONS

When this debenture was originally secured the interest rate was 4.4%. The most recent Municipal Finance Debenture issue secured loans at a rate of 1.24% for 5-year loans.

The interest cost for the remaining 5-year term would be \$65,700 if the interest rate remained at 4.4%. Assuming an interest rate of 1.24% the interest cost will be approximately \$18,600, a savings of \$47,100 over the 5-year term.

The alternative to refinancing would be to pay out the loan but that would result in the Electric Utility having a one-time unanticipated expenditure of \$500,000 in the current fiscal year and would negatively impact the Utility's cash position and therefore is not recommended.

A debenture will be secured in the next Municipal Finance debenture issue (Fall 2021).

3. FINANCIAL IMPACT

As note above.

4. STRATEGIC PLAN RELEVANCE

Servicing and Facilities: Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

A Temporary Borrowing Resolution is approved in the amount of \$500,000 as outlined in Schedule 1.

Acknowledged only by:

Bea Renton
CAO

Attachments – Schedule 1 – Temporary Borrowing Resolution

MUNICIPAL COUNCIL OF THE
Town of Lunenburg
TEMPORARY BORROWING RESOLUTION

Amount: \$ 500,000.00

Refinancing Project: Electric Utility Substation Upgrades

WHEREAS Section 66 of the Municipal Government Act provides that the Council of the
Town of Lunenburg subject to the approval of the Minister of Municipal
 Affairs, may borrow to expend funds for a capital purpose as authorized by statute; and,

WHEREAS clause 66 (4)(b) of the Municipal Government Act authorizes the Municipality to
 expend funds for the purpose of paying or retiring debentures;

BE IT THEREFORE RESOLVED

THAT under the authority of Section 66 of the Municipal Government Act, the Council of the
Town of Lunenburg borrow a sum or sums not exceeding
Five hundred thousand Dollars (\$ 500,000.00)
 for the purpose set out above, subject to the approval of the Minister of Municipal Affairs;

THAT the sum be borrowed by the issue and sale of debentures of the Council of the
Town of Lunenburg to such an amount as the Council deems necessary;

THAT the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act
 and that the Town borrow from time to time a sum or sums not exceeding
Five hundred thousand Dollars (\$ 500,000.00)
 in total from any chartered bank or trust company doing business in Nova Scotia;

THAT the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval
 of the Minister of Municipal Affairs of this resolution;

THAT the interest payable on the borrowing be paid at a rate to be agreed upon; and

THAT the amount borrowed be repaid from the proceeds of the debentures when sold.

THIS IS TO CERTIFY that the foregoing is a true copy of a resolution read
 and duly passed at a meeting of the Council of the
Town of Lunenburg held on the 22 day
 of June, 2021.

GIVEN under the hands of the Clerk and under the seal of the Council of
 the Town of Lunenburg this 22 day of
June, 2021.

 Clerk

M E M O R A N D U M

TO: TOWN COUNCIL

FROM: LISA DAGLEY, FINANCE DIRECTOR

DATE: JUNE 8, 2021

RE: PROVINCIAL CAPITAL ASSISTANCE PROGRAM (PCAP)

1. FACTS

Municipalities can now apply for the Provincial Capital Assistance Program (PCAP). The deadline for applications is June 29, 2021.

2. ISSUES AND OPTIONS ANALYSIS

PCAP is available to help municipalities invest in high priority infrastructure projects and prioritizes projects that will eliminate actual or potential environmental and health problems. The program will fund up to 50% of eligible project costs. Eligible projects typically are related to water, wastewater, stormwater, and solid waste management.

Of the Town's approved 21-22 capital projects the **Salt Water Intrusion – Check Valve Installation** seems to be the ideal project for this funding program.

The Salt Water Intrusion – Check Valve Installation project includes:

- a. Fisherman's Wharf lift station overflow check valve in a 450mm pipe.
- b. Back Harbour lift station overflow check valve in a 600mm pipe.
- c. Bluenose Drive lift station overflow check valve in a 900mm pipe.

Applications require a supporting motion from Council.

3. FINANCIAL IMPACT

The 21-22 Salt Water Intrusion – Check Valve Installation project has an approved budget of \$105,000 funded from Deed Transfer Taxes. PCAP funding applications do not delay the start of capital projects because the approval, if received, is retro-active to the application date. The Deed Transfer Taxes would still be used to cover the Town's 50% contribution to this project should PCAP funding be received. If PCAP funding is received in the amount of \$52,500 then that amount of Deed Transfer Taxes not

expended on this project will be reallocated to other 21-22 capital projects that have a borrowing component, to reduce the Town's borrowing requirements for the year.

4. STRATEGIC PLAN RELEVANCE

Servicing and Facilities: Direction to ensure efficient infrastructure, and that municipal facilities are properly managed and maintained for future use.

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve an application to the Provincial Capital Assistance Program for the Town's 21-22 Salt Water Intrusion – Check Valve Installation project in the amount of \$105,000.

Draft Motion:

Moved and seconded that staff apply to the Provincial Capital Assistance Program for the Town's 21-22 Salt Water Intrusion – Check Valve Installation project in the amount of \$105,000.

Acknowledged only by:

Bea Renton
CAO