Current Planning Documents

Background Report #2
Plan Review



reVISION Plan Review

Some Community Assembly Required

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As outlined in the Municipal Planning Primer (Background Report #1), there are several plans that regulate land use and development in the Municipality. This report provides an overview of what staff consider to be the primary issues with these plans. One major goal of the plan review is to address these issues in a way that meets the needs and goals of the community.

Chester Village Secondary Planning Strategy

The existing Secondary Planning Strategy (the Plan) is the main policy for land use and development in the Village. The first Plan for Chester was created in 1976. It was revised in 1983, 1992 and again in 2004.

Through each review, the clear goal was to maintain the Villages's distinct, historic character.





The major objective of the current Plan is stated in **Policy 2.2.1:**

The existing character of Chester – regarded as a high quality, predominantly residential living environment of traditional architectural character and urban form with small enclaves of modern residential, commercial, institutional and light industrial development – is regarded as the point of reference and model for future development.

Similarly in **Policy 2.2.2:**

It is the intention of Council to protect the character of Chester from inappropriate development and to require that new development shall fit in with and enhance the existing character.

Enhancing community character and protecting heritage are strong planning goals. Communities where the public supports these goals and where good regulations are in place develop as unique and beautiful places. Ensuring Chester remains Chester should be one goal of any good Plan.

Gaps and Omissions

There are, however, three major problems with the current Plan's objectives:

1) Their scope is very limited. There are no objectives related to transportation or public space, for example.

2) The regulations in the Land Use By-law, which implements the Plan, could allow some buildings that are not in keeping with Chester's character. In some cases the Land Use By-law (zoning by-law) would allow uses that are not compatible with Chester's character. An example would be that automobile sales and repairs are allowed in the Central Commercial (C) Zone that is in place for Pleasant Street and Queen Street. More specific issues with the Land Use By-law are addressed in a separate section.

3) The Plan does not define or demonstrate, explicitly, what is unique and special about Chester.

Problem three is the biggest. The Plan does not provide clear examples of what design features make Chester look and feel like Chester. Traditional architectural character is a reference, but there are many potential interpretations. Do we mean everyone has to build in a set historical style? Do we mean that only traditional materials and techniques will be allowed? Traditional architecture has many design concerns, such as: building size, massing and height; roof pitches; window patterns; porch and entrance arrangements; materials; details and decoration; architectural style; etc. Similarly, there are many components to urban form: lot sizes; building setbacks; street trees; parks and public space; parking and driveways; building height and size; street widths and patterns; etc.

A 'Chester' building, one that fits in, has certain architectural features. A 'Chester' street has certain built form features. A key goal of the Plan Review is to identify – using pictures, descriptions and diagrams - those features that are critical to the look and feel of Chester. Once these features are identified, they could be used as the basis for a new Plan that leads to buildings, streets and neighbourhoods that fit in Chester.

Ease of Use

The current Plan is entirely text. There are no pictures to show examples and help explain key principles. There are no diagrams. Text alone cannot explain what type of place Chester is or should become.

The document assumes a deep understanding of planning and a good knowledge of Chester. In addition, the text is difficult to read. Sentences are long. Many words are technical. The Plan is written at a grade level above 25, meaning it is best understood by people with graduate degrees. Some parts of the Plan have negative readability scores. (Higher scores indicate text that is easy to read. Most scores fall between 0 and 100). For comparison, this paragraph has a grade level of 7.1 and a readability score of 68.3. Articles in the Harvard Law Review tend to have readability scores in the 30s. Every section of our Plan is much harder to read than a scholarly legal journal.







Chester Village Land Use By-law

The Plan's objectives must be implemented by the Land Use By-law. There are two big gaps between the Plan objectives and the Land Use By-law. Those are:

1) The Land Use By-law regulations do not encourage or require physical development that matches the special character of Chester.

2) The Land Use By-law allows some land uses that are not compatible with the Village character.

Problem one stems from not clearly defining the features that make Chester special. Also, the Land Use By-law is a typical zoning by-law. It divides the Village into different zones based on land use; the major goal of a zoning by-law is to separate land uses. Commercial uses go in one zone, residential uses go in another zone, institutions in a third, etc. The physical design of buildings, yards, streets and public spaces are not the main concern of a zoning by-law. Many buildings that do not fit Chester's character could be built. For example, the zoning by-law does not regulate how the ground floor of buildings look from the street. A building with a wide garage as the only part visible from the street could be built under the existing zoning by-law.



Above: These homes could be built in Chester. Photo: http://thetimelesshouse.com

Another way of looking at the zoning by-law is that it often sets out what not to build. The maximum height of buildings is set at 10 metres. Bigger buildings cannot be built, but this regulation does not give any guidance on a building's proportions, the height of each floor or the pitch of the roof. There are many possible buildings smaller than 10 metres, but only some of those buildings would fit perfectly in Chester. There are similar problems with minimum setbacks, minimum lot sizes and other common regulations. More information and regulations on what should be built or preserved would better protect Chester's character. The design guidelines for Highway 3 are an exception that provide diagrams and specific requirements for building design.

Currently, permitted uses in the Central Commercial Zone (Pleasant and Queen streets) include automobile sales, automobile repairs and wholesalers. These uses take up a lot of space, and would be incompatible with a traditional, small scale retail streetscape.

District of Chester Municipal Planning Strategy

The Municipal Planning Strategy (the Planning Strategy) for the District was created in 1997. The last major update was in 2008. The problems with the Planning Strategy are similar to the problems with the Village Plan, which are outlined above. Specifically, the current plan is too hard to read and does not have appropriate goals and objectives for the community.

Some important goals of the Planning Strategy, in **Section 6.1**, are as follows:

… to refrain from imposing detailed land use control through a Land Use By-law on any part of the District unless that part of the District specifically requests Council for land use control that is more restrictive than the general basic zoning in place throughout the District.

… to control land use and developments in a manner that will minimize conflicts between land uses and in a manner that is compatible with the existing pattern of land use in the District of Chester.

… to control land use and development to the minimum extent necessary to ensure that major developments are compatible with existing land use and with the intent of the Municipal Planning Strategy.

… to encourage land use and development in a manner that will preserve, enhance and protect the natural and the living environment of the District of Chester.

These are all appropriate goals, but limited in scope. Plans in Nova Scotia often have a wider range of goals (some examples are found to the right). In general, the District's Planning Strategy lacks clear goals on the natural environment, transportation, open space, recreation and heritage. The Planning Strategy is bureaucratic; there are 8 pages on permits and process, but only 2 paragraphs on the environment and only half a page on parks.

District of Chester Land Use By-law

The Land Use By-law is put in place to implement the policies of the Planning Strategy. There are 18 different zones in the District Land Use By-law. Seven of these zones are specific to Mill Cove, on the Aspotogan Peninsula.

Like most zoning by-laws, the Land Use By-law's primary function is separating land uses that are considered incompatible. The zones also have provisions for minimum lot sizes. In general, these zones encourage the development of standard subdivisions, with similar lot sizes and one use, usually single unit homes. One significant issue with this type of zoning is the form of development it permits (and often requires). Instead of creating compact, complete communities, zoning encourages spread out clumps of unconnected subdivisions. This pattern results in long walking distances, difficult navigation and also consumes large amounts of land. Because of these negative impacts, the ICSP and Council's Strategic Plan both encourage more compact land use.

Example Municipal Goals

- Enable the development of a full range of housing options (Bridgewater, NS)
- Develop a comprehensive parks and open space network (Bridgewater, NS)
- Retain the rural character of all areas other than the urban centres (Municipality of Kings)
- Make walking, cycling, and public transit transportation options viable alternatives to the car (Municipality of Kings)
- Encourage preservation of the architectural and cultural heritage of the Town (Town of Lunenburg)
- Promote the protection of the natural environment, watercourses and environmentally sensitive areas (District of West Hants)



General Basic Zone

The General Basic Zone is one of eighteen identified zones in the Land Use-By-Law for the Municipality. The Zone is only in the Municipality's rural areas; it is not found in the Land Use By-Law for the Village of Chester. Similar zones are found in some other municipal units with district or county responsibilities. For example, the "General Development Zone" exists in Annapolis and Shelburne County municipalities and permits all uses with few restrictions. Other titles include "Rural Development" or "Mixed Use Rural Residential".

Almost the entire 1,120 square kilometres of the District of Chester are designated "General Land Use" in the Municipal Planning Strategy (MPS), and assigned the "General Basic Zone" in the Land Use By-law (LUB). This is an area characterized by rural resource development in both coastal areas and wooded inland areas. It is crossed by four principal highways and a major trail, and contains three reserves affiliated with the Acadia and Shubenacadie First Nations. The area also hosts cottagers and rural residents who either commute to larger centres, work from home or travel to work locally. Settlement is generally sparse, but population is concentrated in the communities of New Ross/Forties, Western Shore/Gold River, and Blandford/Bayswater.

Council Policy

Council's policy is to not impose detailed land use controls in the "General Land Use" area, unless a community requests land use controls. Any controls applied are basic and no development standards (lot area, setback, height, etc.) exist in the General Basic Zone. In 2000, residents in Mill Cove asked Council to establish land use controls. Other areas where restrictive land use and zoning exists are in Chester Village, East Chester, Marriott's Cove, Shaw Island and Martin's Point.

Zone Standards

The Land Use By-law lists the developments permitted within the General Basic Zone. Essentially, development of all types and in all forms is permitted without a development permit with the following exceptions:

- Large developments requiring an environmental assessment are permitted by Development Agreement subject to criteria in the MPS. These are heavy commercial and industrial development listed in Schedule "C" of the Municipal Planning Strategy.
- Other large commercial and industrial developments are permitted by Development Agreement subject to criteria in the MPS, listed in Schedule "D" of the Municipal Planning Strategy.

For heavy industries or activities using large areas of land, it is in the public interest to ensure that such uses will not harm the environment or nearby rural land uses. For this reason, these uses must be approved by Development Agreement. A Development Agreement is a legal agreement between the Municipality and the developer that sets terms and conditions.



Additional exceptions are:

- The Atlantica Hotel and Spa, Western Shore. Residential development and commercial expansion of up to 35 units is allowed by development agreement;
- Residential developments with more than 12 units per structure, or with more than 12 units on any lot, are permitted by development agreement. No developments can be denser than 12 units per hectare; and
- Dwellings with more than four dwelling units, or developments with more than four dwellings on a lot, are permitted by site plan approval. Site plan approval is a mechanism providing for review by the Development Officer, in consultation with area residents, before a Development Permit is issued.

A building permit is required in all zones to ensure compliance with the National Building Code and well and septic regulations.

Key Issues

Development Potential

Despite the Municipality's slowly declining population, new uses and development are happening in rural areas, including:

- tourism, recreation and leisure activity;
- wind/solar/biomass energy production;
- home-based business development;
- specialty manufacturing or processing;
- "lifestyle communities" and related forms of development for retirees and for dormitory residents (those in the workforce commuting to the HRM); and
- development for seasonal residential use.

An absence of policies and controls directing development to specific areas like targeted growth centres will result in continued ribbon development along highways or within areas that might otherwise be valued for their natural or cultural importance.

Chester's Integrated Community Sustainability Plan 2010 directs staff to:

"Review the [MPS] that identifies development goals, growth centres, urban form and related items."

Further, Chester's Strategic Plan 2013 mandates staff to:

"Review MPS and LUB. Utilize business case results to identify the most ideal location of commercial and industrial zones (both rural and urban). Include new zones for industrial and employment park location and development, while at the same time limiting as-of-right industrial and commercial uses in General Rural (sic.) zoning."

The General Basic zone provides minimal regulations to restrict or direct land use, and no regulations to concentrate industrial or commercial growth. Exploring the interests of residents for these policies will be a part of the Plan Review.

Land Use and Development Conflicts

Land use and development in a largely unregulated environment can result in conflict between neighbours, and between neighbourhoods and developers. Typical examples include:

- New development that may negatively affect neighbouring properties and property values or the perception of property values;
- Buildings that block cherished views and vistas, notably water views;
- Uses considered incompatible, for example raising certain types of farm animals near residential neighbourhoods; and
- Structures that residents feel are too large, tall or bulky for the neighbourhood.

The General Basic Zone is ill-equipped to address these concerns. The unregulated areas do help those who desire fewer controls, but the lack of regulation can be an issue for residents expecting a rural lifestyle that is changed or destroyed.

Many businesses and individuals view locating in the General Basic Zone as a risk. The recent Economic Development Strategy found that this Zone does not provide property owners with enough certainty, as almost any land use could take place nearby. Clear, fair and predictable rules provide the certainty that investors look for. The General Basic Zone does not provide certainty.

Climate Change Impacts

In 2013, the Municipality completed its Municipal Climate Change Action Plan that identified and assessed the impacts of climate change. A recommended action is to:

"Review the Municipal Planning Strategy, Subdivision By-law, and Land Use By-law to develop policy and regulation on development near vulnerable areas, including forested areas."

The effects of climate change include sea level rise, coastal and inland flooding, crop changes and extreme weather events such as storm surge, drought, forest fires and heat waves. These changes will influence the pattern of settlement and building. Some impacts are decidedly negative, such as increased risk of forest fires/wildfires and extreme weather causing storm surge and flooding. Other impacts may be positive, such as a longer growing season, more diverse crop cultivation potential and more opportunities for outdoor recreation.

While the entire Municipality is affected, the General Basic Zone has limited land use control and no development standards. There are no standards to protect development from flooding, coastal erosion or storm surge. There are weak standards to protect natural areas from development. Potential standards to adresss climate change threats will be discussed through the Plan Review.

Statements of Provincial Interest

The Municipal Government Act has five Statements of Provincial Interest providing direction on local land use policies. These are:

Drinking Water Supplies – requiring municipalities to identify municipal water sheds and ensure that measures are in place to protect them;

Flood Risk Areas – requiring municipalities to identify flood risk areas (none presently identified in Chester Municipality);

Agricultural Land – requiring municipalities to identify agricultural land and put in place policies to protect it;

Infrastructure – requiring municipalities to make efficient use of water supply and wastewater disposal systems; and

Housing – requiring municipalities to include policies that encourage a range of housing types.

Municipal planning documents must be "reasonably consistent" with these Statements. In 2013, the Province considered amending the Statement on Agricultural Land. These amendments would involve directing development to lands with low agricultural value. The matter is under review.



Photo courtesy Jim Barkhouse, Chester.

An examination of the General Basic Zone and any proposed changes should consider the Provincial interest. Any amendments to a Statement of Provincial Interest, or any additional Statement, may impact the General Basic Zone.

General Basic Zone - Opportunities

Given the issues identified, reviewing the General Basic Zone would allow the Municipality to consider several opportunities, including to:

- Direct development – residential, commercial and industrial – to specific nodes, growth centres or clusters that make efficient use of resources and transportation infrastructure, and enable protection of agricultural land, water resources, coastlines and lakeshores.
- Recognize cultural resources – The ICSP directs that staff examine heritage resources, including tangible heritage such as buildings and cultural landscape. A heritage profile of the Municipality's General Basic Zone could result in policies to support recognition, protection and promotion.
- Introduce rural design standards or guidelines for the design of new developments. This would help to ensure that development and growth respect the principles of good rural design including placemaking, quality built form and environmental sustainability.

Recent Studies and Policy

Recent studies provide new information about the municipality. The findings from two studies, the Integrated Community Sustainability Plan (ICSP) and the Municipal Climate Change Action Plan (MCCAP) have to be put into planning documents. The Highway 3 streetscape study is already part of the Village Secondary Planning Strategy and Land Use By-law. This study uses newer tools to create development that complements Chester.

Highway 3 Streetscape Study

The streetscape study includes a long term vision for how Highway 3 in Chester should look. The vision was developed through public engagement. It states that Highway 3 should function more like a village street – North Street – and less like a highway solely for cars cutting through. As stated in the study, standard commercial development is not the goal: "The vision of the sprawling commercial strip malls and generic franchises was rejected by almost all resident participants". The vision and guidelines are now part of the Village Land Use By-law. One finished development has already followed the guildelines, and Our Health Centre will be the second development using the new approach.

The streetscape study presents designs for public areas along Highway 3, like roads, parks, trails and parking. It also provides rules to control the physical forms of buildings, to ensure they are built to create a unique and attractive place. The regulations will create a street that balances the needs of cars and pedestrians, with buildings that reinforce Chester's sense of place. The rules will prevent incompatible forms of development along the mixed-use corridor.

Two things are special about the Highway 3 vision and guidelines. They have clear instructions on how to make buildings that fit in Chester. Put another way, they are rules about the form buildings take. This approach is similar to Form Based Code. They also consider how streets should be designed. Most Land Use By-laws do not consider street design, considering it to be mostly an engineering topic. One issue with the regulations are how appropriate they are for outlying sections of Highway 3.

Integrated Community Sustainability Plan

The Integrated Community Sustainability Plan (ICSP) looked at the Municipality from an environmental, economic and social perspective. The largest issue highlighted by the Sustainability

Plan is the threat posed to coastal areas by sea level rise. In 2011, the projected increase in sea level was between 55cm and 95cm in the next 100 years. Protecting the coastline was identified as a priority.

Gaps in Municipal policy were also identified by the ICSP, including the need to identify environmentally sensitive areas and water supply areas. A team of Dalhousie University graduate students is now doing this work as part of the Plan Review. Another gap identified was the lack of programs and policies for affordable housing.

The following principles from the ICSP will be considered in the Plan Review:

- Encourage the development of a transportation system to support change;
- Initiate a community planning process with the objective of developing self-sufficient, mixed used communities;
- Encourage the development of a healthy community;
- Support the provision of affordable housing;
- Encourage and support heritage and the arts.

Municipal Climate Change Action Plan

The Municipal Climate Change Action Plan (MCCAP) looked specifically at how to prepare for the impacts of climate change. Like the ICSP, sea level rise was identified as a major threat. Sea levels could rise by as much as 1.85 metres by 2100. Storm surges could reach 5 metres above current mean high water. This poses major risks to roads, bridges and causeways, to sewage treatment plants, to wharves and boats and to coastal homes and businesses.

Inland flooding is another risk, in areas like New Ross, Martins Point and East River. The MCCAP suggests new rules should be put in place to protect development near vulnerable areas.









Photos are courtesy Jim Barkhouse, Chester.