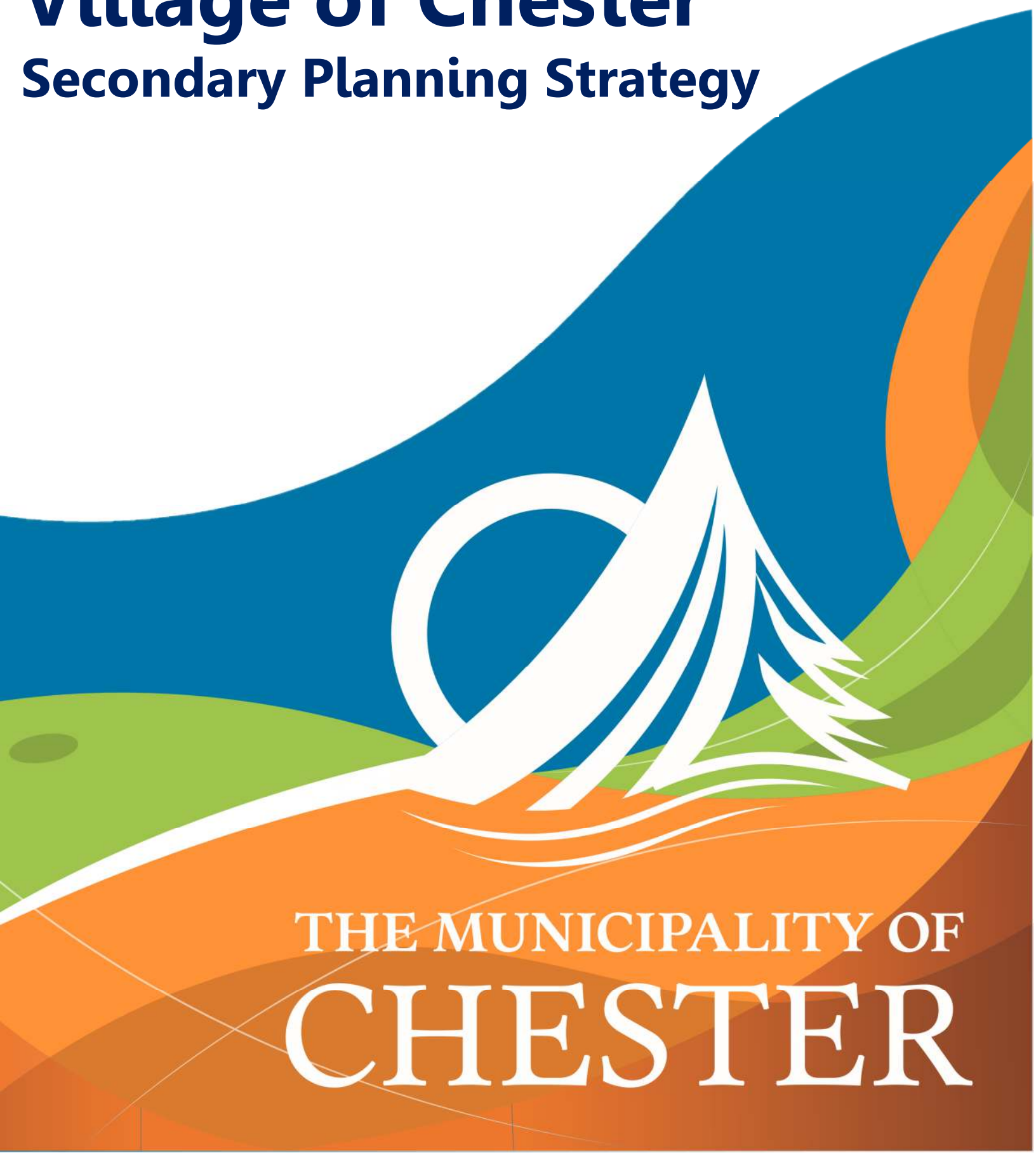
PUBLIC DRAFT #1 – JULY 2023

Village of Chester
Secondary Planning Strategy



PUBLIC DRAFT #1 – JULY 2023

THE MUNICIPALITY OF CHESTER

Municipality of the District of Chester

Secondary Planning Strategy

Original Documents Approved by Council on DD/MM/YYYY

Approved by the Minister of Municipal Affairs on DD/MM/YYYY

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

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SECTION 1: INTRODUCTION

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TITLE, PURPOSE, AND SCOPE

The Village of Chester is centrally located within the Municipality and serves as the sub-regional service centre for surrounding areas. Laid out in the 1760's as the Township of Shoreham, the name was later changed to Chester. The Village of Chester has evolved since this time, becoming a destination for tourism, culture, and recreation. The close ties and historic connection to the ocean, sailing and marine services remain an important part of the Village character. The most prominent example being the annual Chester Race Week regatta. With the first documented regatta, in 1856, drawing approximately 3000 spectators, this important cultural tradition has continued and today is promoted as the largest fixed keel regatta in Eastern Canada.

The Village is comprised of a mix of permanent and seasonal residents, many of whom reside in other parts of Canada, the United States or abroad. This eclectic populace contributes to a vibrant and diverse community, evidenced by the unique opportunities, culture and built form character within the Village.

Planning and development controls were first introduced to the Village of Chester in 1976. Reviews of the planning documents in 1992 and 1997 resulted in changes, including expansion of regulations to the entire Municipality. This led to the creation of a Municipal Planning Strategy and Land Use By-law to regulate rural parts of the Municipality while a Secondary Planning Strategy and Land Use By-law were created to govern the Village of Chester and the immediate surrounding area.

In January 2020, Municipal Council adopted a new Municipal Planning Strategy and Land Use By-law, prior to beginning a review of the Village of Chester Secondary Planning Strategy and Land Use By-law. Included with the adoption of the new Municipal documents, the area governed by the Village of Chester Secondary Planning Strategy and Land Use By-law was reduced to align precisely with the Village of Chester Municipal Boundary.

This revised Secondary Planning Strategy includes policies to guide growth and development within the Village of Chester. The plan supports the goals and objectives of the Municipal Planning Strategy which are carried forward through regulations within the Land Use By-law. The Village of Chester planning documents seek to preserve the cherished character of the Village of Chester, often described as the "Chester Look".

1.1 Purpose

The Village of Chester Secondary Planning Strategy exists to provide direction and guidance for growth and development within the Village of Chester. Residents of the Village of Chester have consistently supported comprehensive planning and development controls which have not traditionally been desired at the same level by residents of more rural parts of the Municipality.

1.2 Vision and Goals

This Secondary Planning Strategy fits within the framework of the recently adopted Municipal Planning Strategy. The review and revision of the Municipal Planning Strategy resulted in the creation of a Vision and set of shared Goals and Objectives.

This Secondary Planning Strategy shares the Vision, Goals and Objectives established in the Municipal Plan. However, the implementation and outcomes realized will be unique to the Village of Chester.

Council adopted this Municipal vision:

The Municipality of the District of Chester will be a self-sufficient and resilient Municipality, built on the foundation of the character of each of our unique communities. Our communities will work together to provide economic opportunities and a balanced lifestyle for all.

Our **Shared Goals** and accompanying objectives are intended to realize a Municipality that:

Safeguards its natural environment by

- Recognizing potential threats caused by sea level rise, storm surge and their effects on the coastline and infrastructure
- Reducing the rate of erosion and sedimentation in rivers and lakes
- Encouraging the protection of water quality
- Ensuring that identified, potential public drinking water supplies are protected

- Treating and managing stormwater and wastewater
- Reducing the impact of development on the natural environment

Celebrates its character and heritage by

- Recognizing and enhancing the unique character of various parts of the Municipality
- Encouraging suitable rural and village settlement patterns
- Encouraging design that is traditional in scale and form
- Facilitating access for all to the coast, to lakes and to rivers
- Promoting the preservation of historic places
- Providing a mix of places to live, work, play and learn

Builds a strong economy by

- Adopting clear regulations and timely approvals
- Providing specific areas for commercial and industrial development
- Providing cost effective and efficient services to support growth
- Fostering an economic environment that supports good jobs

Enjoys good social and physical health by

- Creating places for outdoor recreation across the Municipality
- Designing and promoting accessible spaces
- Encouraging and supporting transportation options beyond the private automobile
- Connecting residents and visitors with safe cycling and walking routes

In addition to the common Shared Goals and Objectives originating from the Municipal Planning Strategy, the Secondary Planning Strategy also contains specific objectives for the Village of Chester:

- That the existing character of the Village of Chester is viewed as the primary point of reference and model for future development. This character is expressed through a primarily residential environment which respects traditional architectural styles and form.
- That the character of the Village Area shall be maintained and protected by requiring that new development respect and enhance 2surrounding structures and streetscapes.
- That land use and development be controlled in a manner that will minimize conflicts between land uses and that is compatible with Municipal services.

1.3 Character and Land Use

Laid out in the 1760's as the central town for the Township of Shoreham, later changed to Chester, the Village of Chester has evolved over two and a half centuries as a small service centre for surrounding communities. Situated between the Regional hub of Bridgewater and the Provincial Capitol, Halifax, the Village remains an important destination for commercial, recreational, medical, and educational services.

The physical character of the Village of Chester is representative of its proximity to the ocean with the landscape dominated by contoured drumlins providing intermittent views of the islands and waters of Mahone Bay.

The Village is compact but maintains diverse neighbourhoods of quiet, tree-lined streets populated with modest to large homes in a variety of architectural styles. Commercial clusters along Pleasant and Duke Streets are differentiated through the creation of a street wall, with buildings being located close to the street with small or non-existent front yards. Other well established residential neighbourhoods, including part of Back Harbour and Freda's Peninsula are characterized by traditionally larger lot sizes, greater yard setbacks, lower density, and larger homes in a variety of architectural styles and ages.

The outer area of the Village, served by North Street, has traditionally experienced service oriented commercial uses. This is mixed with existing housing stock and several institutional uses. Previous Secondary Planning strategies have attempted to implement detailed design guidelines to create a "gateway" to the Village. These efforts have achieved moderate success. This plan aims to simplify design requirements in this area by focusing on the most meaningful and important criteria, without overly burdening new development with unnecessary cost and regulation.

As established in the Municipal Planning Strategy, the Municipality is divided into Community Character Areas. The Municipal Planning Strategy describes the Village Character Area and this Secondary Planning Strategy further describes three unique Community Character Areas within the Village of Chester: Village Boundary Area, North Street Area and Village Core and Peninsula Area.

The purpose behind the Community Character Areas is to express how different parts of the Municipality, and Village of Chester exist today and how they will grow and change. To respond to development pressure and to meet community desires, the Village of Chester is governed by this Secondary Plan and Land Use By-law which include more extensive and stringent planning regulations.

Policy V-1

In conformance with the Chester Municipal Planning Strategy, the Village of Chester which is governed by this Secondary Planning Strategy, shall be divided in the following character areas: Village Boundary Area, North Street Area and Village Core and Peninsula Area.

Policy V-2

The Secondary Planning Strategy recognizes the unique circumstances, history, opportunities, and concerns within the Village of Chester.

Policy V-3

The Secondary Planning Strategy and Land Use By-law shall identify the desired land uses allowed within the Village of Chester.

Policy V-4

The Secondary Planning Strategy and Land Use By-law shall create zoning that may limit or restrict certain land uses deemed inappropriate and which detract from the character of Community Character Areas within the Village of Chester.

1.4 Policy Approach

Within the Village of Chester, Council has an established record of implementing detailed land use controls. These policies and regulations have adapted since first introduced in 1976, however, the longstanding approach within the Village of Chester focused on maintaining, preserving, and enhancing the existing community character and charm.

Previous plans have aspired to capture and maintain the "Chester Look" through yard setbacks, limiting the number of dwellings permitted on a lot, architectural controls, and fencing regulations on the waterfront. These policies and corresponding regulations have varied in their success but have established an expectation within the community that traditional form, height, and the exterior appearance of structures is tightly controlled.

This revised Secondary Planning Strategy aims to maintain many of the policy objectives outlined in previous plans, while revising and adding updated policies in a variety of areas. The regulations created to carry-out these policies will be informed by past successes and failures and have been developed through the lens of being clear, straightforward, and enforceable.

Policy V-5

The entirety of the Village of Chester shall be subject to land use regulations as specified in the Village of Chester Land Use By-law.

Policy V-6

Council intends to control land use and development in a manner that will lessen conflicts between land uses and which is compatible and respectful of the traditional form and style of the Village of Chester.

1.5 Authority and Scope

This Village of Chester Secondary Planning Strategy supersedes the Secondary Planning Strategy approved by the Minister of Service Nova Scotia and Municipal Relations which became effective on January 28, 2004 and thereafter amended. This plan is a product of a public review process which began in earnest in 2020 and which was carried out in accordance with the *Municipal Government Act*, 1998 c.18 s.1.

This Secondary Planning Strategy provides the policy framework for land use and development control with the Village of Chester. The plan works within the overarching Municipal Planning Strategy which became effective on January 9, 2020. The *Municipal Government Act* enables Council to make statements of policy with respect to a broad range of activities including future development, land use, public lands, transportation, municipal services, municipal development, coordination of public programs, and any other matters related to the physical, social or economic development of the Municipality.

The Village of Chester Land Use By-law and the Municipal Subdivision By-law are companion documents and carry out the intent of this Secondary Planning Strategy.

The Secondary Planning Strategy contains policy statements of Council. Council shall have regard to the policies contained within but is not required to undertake any action within the Secondary Planning Strategy. However, developments are required to conform with the intent of the Secondary Planning Strategy and may not proceed unless the intent of the Secondary Planning Strategy is met.

Where there is a Land Use By-law in effect, the *Municipal Government Act* states that a development permit must be obtained

for any development, however, the Land Use By-law may specifically exempt some developments from requiring a permit.

Council adopts the following policies:

Policy V-12

This Secondary Planning Strategy applies to the Village of Chester as shown on the Generalized Future Land Use Map, detailed in Schedule "A".

Policy V-13

Where this Secondary Planning Strategy conflicts with the Municipal Planning Strategy, this Secondary Planning Strategy shall take priority.

Policy V-14

Notwithstanding Policy V-13, where this Secondary Planning Strategy does not contain policies on a particular matter, relevant policies contained in the Municipal Planning Strategy shall apply.

Policy V-15

The Village of Chester Land Use By-law applies to the Village of Chester as shown on the Generalized Future Land Use Map, detailed in Schedule "A".



SECTION 2: PUBLIC AMENITIES

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PUBLIC AMENITIES

In the interest of creating and maintaining a prosperous, diverse and liveable community, Municipal Council administers and supervises a wide range of services for residents and visitors.

Some of these services are not direct Municipal responsibilities such as education, while others such as policing and fire protection are contributed to, but not directly administered by the Municipality.

The policies contained in this plan seek to foster the growth and development of a healthy community, as it relates to the mental, physical and social health of community members.

Council adopts the following general policies on Public Services and Amenities:

Policy P-1

Council intends to maintain, improve, and expand municipal services where reasonable and subject to financial constraints.

Policy P-2

Council shall work to foster a healthy built environment within connected, liveable communities that promotes wellness, and builds a sense of belonging and pride.

Policy P-3

Council shall foster a healthy community by encouraging well-being, creativity, entrepreneurship, grass-roots engagement, and recreation opportunities.

2.1 Parks and Institutions

The policies in this section respond to the following objectives:

- Creating places for outdoor recreation across the Municipality

- Designing and promoting accessible spaces

Council is committed to providing access to high quality open spaces for residents and visitors. Parks, trails, beaches, and playgrounds provide opportunities to exercise, play, gather and socialize with other members of the community. These spaces are intended for the use of all residents and visitors and should be inviting, welcoming and accessible to a diverse population comprised of a mix of ages and abilities.

The Village of Chester is benefitted by its proximity to the ocean, inland waterways, and woodlands which provide opportunities for outdoor recreation. However, it is vital that the Municipality continue to play a role in ensuring access to rivers, lakes, and the ocean. Public Space in the Village of Chester also includes streets, sidewalks, and small parks. The Municipality partners with community groups to maintain these spaces and ensure they are accessible and welcoming.

There are several Municipally owned parks and amenities within the Village of Chester, including the bandstand, war memorial and flower gardens at the intersection of Victoria and South Streets. Freda's beach and the Back Harbour Wharf provide public access to the ocean, while the Zoe Valley Library and Park located on Regent Street, provide educational opportunities and a quiet natural setting within the interior of the Village. Along North Street (Highway 3), the Municipality owns and maintains a 14,500 square foot Skatepark adjacent to the Chester Area Middle School. Completed in 2009, this facility is popular with both community members and visitors to the Village.

In addition to these Municipal amenities, there are several community groups, including the Chester Garden Club, Church Memorial Park and Chester Municipal Heritage Society which own and operate various recreation and leisure facilities and spaces within the Village. Council regularly partners with and contributes toward the ongoing success of these organizations in the interest of maintaining and promoting these public amenities which are not owned directly by the Municipality.

Finally, more substantial recreation facilities, including a hockey and curling rink are located in Pew Memorial Area and sports fields and facilities associated with the Elementary and Middle Schools.

Council adopts the following general policies on Parks and Open Space:

Policy P-2

To permit the use and development of lands in the Village of Chester for passive and active outdoor recreation by permitting Public Parks and those on Municipally owned land in all zones within the Land Use By-law.

Policy P-3

Council shall promote and encourage the design of parks and open space which facilitates use by users of all age groups and abilities.

Policy P-4

Council shall continue to work and partner with other governments and community groups to provide public parks and open space for residents.

Policy P-5

Council shall protect existing parks devoted to passive and active outdoor leisure activities by establishing a corresponding Parks and Open Space Zone in the Village Land Use By-law which shall restrict land uses to those deemed appropriate in public parks.

Policy P-6

Council shall recognize existing recreational facilities, schools, churches, cemeteries, senior citizen facilities and government service buildings as institutional areas through a corresponding Institutional Zone in the Village of Chester Land Use By-law. The Institutional Zone shall permit a wide range of institutional activities and related uses, with limitations on Commercial Uses that do not have an obvious institutional value or approach. Private member clubs and fraternal organizations provide an institutional value by offering differing opportunities and services to the community and are therefore permitted in the zone.

Policy P-7

Council shall consider acquiring properties that are unique due to environmental sensitivity, historical significance or those that present an opportunity for recreation, in particular those properties which could be developed into public access points to the ocean or inland waterways and waterbodies.

Policy P-8

Council shall pursue opportunities to partner with community groups and other levels of government to provide additional access to waterfront property. This includes but is not limited to pursuing the creation of public access points on undeveloped portions of public streets in the Village.

Policy P-9

Council shall continue to provide recreation services through the Chester Recreation Committee, subject to financial constraints.

Policy P-10

Council shall continue to cooperate with and encourage the efforts of institutions to improve and extend their facilities, services, and programs within the Village of Chester.

2.2 Housing

The policies in this section respond to the following objectives:

- Supporting a mix of housing options, densities and price points
- Providing cost effective and efficient services to support well regulated growth
- Encouraging suitable village settlement patterns that compliment existing structures
- Encouraging design that is traditional in scale and form

The single unit dwelling is the dominate form of existing housing stock in the Village of Chester. This Secondary Planning Strategy introduces policies in support of accessory dwelling units and secondary suites for all residential zones. These policies are in keeping with a desire for more diverse and affordable housing options within the Village. Accessory dwelling units and secondary suites provide "gentle density" by allowing more housing units to be created without altering the look of the structure from the street.

Within the core of the Village, larger multi-unit dwellings are typically incompatible with the well-established character, style, and density. The lack of a central water system coupled with uncertainty about ground water supply has led to a prudent approach to densification. Council has recently determined that providing central water to part or all of the Village of Chester would be prohibitively expensive, meaning that future development in the near to medium term can be expected to be served by on-site wells.

Council has identified Affordable Housing as a Strategic Priority and is working toward creating an *Affordable Housing Strategy*. Additionally, Council commissioned an *Age Friendly Housing Plan* in

2016. To support both initiatives, policies contained in this Strategy support a gradual and limited increase in housing units within the Village Core with more density expected on the periphery of the Village and especially along North Street.

The North Street Area, previously known as the Highway 3 Development Area, is one area within the Village where multi-unit dwellings of more than two dwelling units can be appropriately sited. This area is also within walking distance of shops and services and has seen expanded sidewalks and paved road shoulders in keeping with the Highway 3 Streetscape Plan and supporting a walkable and accessible community.

Council adopts the following general policies for Housing:

Policy P-13

Council shall encourage a range of appropriate housing types to respond to the needs of a diverse range of persons, household makeups, income levels and physical ability.

Policy P-14

The Village of Chester Land Use By-law shall outline and specify the types of housing appropriate within each zone and by which approval process the development is permitted.

Policy P-16

Council shall encourage new housing developments, including multi-unit dwellings containing more than two-units, in areas which are adjacent to existing amenities and services.

Policy P-17

Council shall continue to support the initiatives and findings of the *Age Friendly Housing Plan* adopted in 2016. Additionally, Council will support the *Affordable Housing Strategy* once developed and adopted.

Policy P-18

The Municipality does not intend to become a provider of affordable housing in a direct manner, however, Council will continue to work with developers, organizations, non-profit groups and other advocacy organizations to encourage and support innovative housing approaches in the interest of increasing availability and affordability of housing options.

2.3 Heritage

The policies in this section respond to the following objectives:

- Promoting the preservation of historic places and structures
- Ensuring protection of the character and charm that attracts residents and visitors to the Village
- Ensuring that new development does not detract from or conflict with existing styles and forms of development
- Recognizing and enhancing the unique character of various buildings, landscapes and features within the Village of Chester

Preservation of heritage structures within the Village of Chester currently follows the process outlined in the Municipal Planning Strategy. While a majority of Municipally registered Heritage Properties are located within the Village of Chester, the regulations and restrictions on alterations and demolition are identical.

Comments made during public engagement with community members in preparation for drafting the Secondary Planning Strategy and Land Use By-law, suggested that the Village of Chester would be well served by the creation and implementation of and expanded heritage registration program or possibly even a Heritage Conservation District. A Heritage Conservation District is a specialized regulatory tool authorized by the *Heritage Property Act*.

Council was not prepared to immediately move to create a Heritage Conservation District but referred the issue to staff for further study

which may result in a "future project". Alternatively, an increased and renewed Heritage Property Registration Program has also been proposed. This would attempt to add properties to the existing registry and potentially create a second tier of properties that are not officially protected but have demonstrated significant heritage value.

Council adopts the following general policies for Heritage:

Policy P-20

Council shall continue the administration of the Municipal Heritage Registry program.

Policy P-21

Council may consider an expanded Heritage Property Registration Program to increase the number of registered properties and provide information and guidance to owners of non-registered properties that demonstrate significant heritage value.

Policy P-22

The Village of Chester Land Use By-law shall include specific regulations applicable to development within a defined distance of the Old Stone Bridge on Victoria Street. These regulations will ensure the protection and continued existence of the bridge.

Policy P-23

Council may study the potential benefits of defining and implementing a Heritage Conservation District for portion(s) or the entirety of the Village of Chester.

2.4 Public Art

The policies in this section respond to the following objectives:

- Providing support and seeking opportunities to promote the display of public art in appropriate locations

- To enhance and create a vibrant, interesting, and inclusive streetscape and Village core

The creation and display of public art is a simple yet often overlooked component of helping to create, maintain and establish unique and special places. Public art provides a snapshot of local culture while also humanizing the built environment and invigorating (or reinvigorating) public spaces, streetscapes and parks.

In the interest of fiscal responsibility, Council will not generally provide direct financing for the production or acquisition of public art. However, Council will encourage and support the creation and placement of public art pieces in appropriate public spaces in the Village of Chester. Consideration will be given to which locations on public lands may be suitable for installation of public art.

Council adopts the following general policies for Public Art:

Policy P-22

Council will encourage and support the creation and placement of public art in appropriate locations in the Village of Chester. This may include placement on both private and public property.

Policy P-23

Council may develop specific policies, procedures, or practices to determine the appropriateness of potential locations as well as the type, style and content of public art that is appropriate for public display.

2.5 Village of Chester Commission

The policies in this section respond to the following objectives:

- Continue to work collaboratively with the Village Commission
- Seek opportunities to collaborate on projects and initiatives that benefit the Village and are of mutual interest

The Village of Chester is represented by an elected Village Commission. The Commission has mandated authority under the Nova Scotia Municipal Government Act, which diverges from the authority placed with the Municipality. This relationship involves collaboration and communication between Municipal Council and the Village Commission.

Council has a well-established working history with the Village of Chester Commission. Many Committees of Council which impact the Village have reserved positions for a Village Commission representative.

Council adopts the following general policies relating to the the Village of Chester Commission:

Policy P-24

Council shall continue to seek input from the Village of Chester Commission on planning matters that impact the Village of Chester.

Policy P-25

Council may create positions on Municipal Committees reserved for representatives from the Village of Chester Commission.



SECTION 3: GENERAL LAND USE POLICIES

GENERAL LAND USE POLICIES

Council intends to minimize conflicts between land uses while encouraging developments which preserve or enhance the built heritage, natural and living environment for residents and visitors. The policies and regulations contained in this Secondary Planning Strategy and corresponding Land Use By-law will assist Council in achieving these goals. Unless specified otherwise in this section or in the Land Use By-law, the following matters apply across the Village of Chester and impact all zones.

Council adopts the following general land use policies:

Access and Public Safety

Policy G-1

Council shall establish, in appropriate zones, minimum yard requirements, for adequate fire separation, emergency vehicle access, on-site parking, maintenance of buildings and lands, private outdoor space, solar exposure, air circulation, separation from watercourses or water bodies, and separation of land uses to reduce land use conflicts.

Policy G-2

Council shall establish use-specific parking standards as appropriate in the Land Use By-law. Developments that are permitted by development agreement or site plan approval, shall ensure that the agreement or approval makes provision for adequate parking and access to serve the proposed development.

Accessory and Ancillary Uses

Policy G-3

Council shall permit an accessory use, building, or structure, that is incidental or essential to the permitted use for each Zone, subject to the requirements contained in the Land Use By-law.

Policy G-4

Unless otherwise permitted, Council shall prohibit the use of an accessory structure for human habitation.

Policy G-5

Council shall permit parks, playgrounds and other non-commercial recreation uses throughout the Village Character Area and in all zones.

Architectural Controls

Policy G-6

Council shall regulate the external appearance of structures through a series of architectural controls outlined in the Land Use By-law.

Cannabis Production Facilities

Policy G-7

While permitted and regulated under the Municipal Planning Strategy and Land Use By-law outside the Village of Chester, Cannabis Production shall be prohibited within the Village of Chester.

Electrical Generation Facilities

Policy G-8

Council shall regulate Electrical Generation Facilities based on the type of installation and the overall energy production rating in various zones, as specified in the Land Use By-law.

Policy G-9

Off-building solar collectors shall not be located within the Front Yard.

Policy G-10

Commercial scale Electrical Generation Facilities are prohibited within the Village of Chester as they are deemed incompatible with the established character, scale and proximity to residential development.

Farm Animals

Policy G-11

Council shall regulate the rearing, breeding, boarding, sheltering and keeping of Farm Animals as specified and detailed within the Land Use By-law.

Fences and Lighting

Policy G-12

Council may regulate, require or prohibit fences, walks, and outdoor lighting.

Habitation of Motor Vehicles

Policy G-13

The Village of Chester Land Use By-law shall prohibit cars, trucks and other motor vehicles from being used for permanent human habitation unless otherwise specified.

Heritage Protection

Policy G-14

Council shall maintain the existing program of registering and protecting identified heritage properties in compliance with the Municipal Heritage By-law.

Home-based Business

Policy G-15

Council shall permit home-based businesses as specified within the Land Use By-law and may set limits to the size and type of business to ensure that they remain small-scale and compatible with neighbouring uses.

Policy G-16

Council may regulate signage, open storage and outdoor display of home-based businesses in order to minimize impacts on adjacent residential uses.

Municipal Developments and Structures

Policy G-17

As outlined in the Land Use By-law, any Municipally owned building, structure, land use or park shall be permitted in all zones, without the need to obtain a development permit. In such cases Council will undertake appropriate engagement within the impacted community to ensure the development is in keeping with this Secondary Planning Strategy.

Outdoor Storage, Landscaping and Alteration of Land Levels

Policy G-18

In connection with a development, Council may regulate or prohibit the altering of land levels, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are regulated by another enactment of the Province.

Policy G-19

In connection with a development, Council may regulate or require the planting or retention of trees, and vegetation for the

purpose of landscaping, buffering, sedimentation, or erosion control.

Policy G-20

Council may regulate or prohibit the outdoor storage of goods, materials, waste materials, aggregates and other items and require outdoor storage sites to be screened by landscaping or structures.

Outdoor Wood Furnaces

Policy G-21

Due to the high likelihood of creating land use conflicts, pollution and nuisance, the installation and use of outdoor wood furnaces is not compatible with the Village of Chester character and shall be prohibited by the Land Use By-law.

Permitted Uses

Policy G-22

Unless otherwise indicated as a permitted use in a zone within the Land use By-law, the use shall be prohibited in the zone specified.

Policy G-23

Any lot of land may be used for a purpose permitted in the zone in which it is located, provided the zone standards can be satisfied including:

a) All lots created prior to the effective date of this Secondary Planning Strategy;

b) All lots created through subdivision approval under any provision of the Provincial Subdivision Regulations or the Subdivision By-law;

c) All lots created by any event for which municipal subdivision approval is not required.

Places of Worship & Cemeteries

Policy G-24

The Land Use By-law shall permit places of worship, considered as an institutional use compatible in residential areas, in all zones by development agreement.

Policy G-25

The Land Use By-law shall prohibit the creation of new, or expansion of existing cemeteries, within the Village of Chester. This shall not prevent the continued use of existing cemeteries but recognizes land in the Village is limited in supply and should be prioritized for housing and other uses.

Radio Communication Facilities

Council recognizes that the sole authority for issuing licenses for radiocommunications facilities lies with the Federal Government under the *Radiocommunications Act.* The Municipality is a participating Land Use Authority with the Canadian Radiocommunications Information and Notification Service (CRINS).

Policy G-26

Council shall authorize the Canadian Radiocommunications Information and Notification Service (CRINS) to conduct siting, review and public consultation processes in accordance with the CRINS *Antenna System Siting Review and Consultation Protocol, Reference Issue 3 [2014]* (as amended from time to time). The role of the Municipality shall be to provide input and comments as part of this Protocol.

Recreational Vehicles

Policy G-27

The Land Use By-law shall establish regulations for Recreational Vehicles varying by zone, including yard setbacks, requirement

for temporary Development Permit, placement on vacant lots and other regulations as specified.

Secondary Dwelling Units

Policy G-28

To encourage the creation of more affordable and rental housing, the Land Use By-law shall permit and regulate the use of secondary dwelling units shall in all Residential Zones.

Signs

Policy G-29

Council shall regulate or prohibit the type, number, size and location of signs, through appropriate provisions in the Land Use By-law.

Temporary and Special Uses

Policy G-30

Council shall permit, without a development permit, temporary structures incidental to construction, including but not limited to scaffolding and structures for storage of equipment and material.

Policy G-31

Council shall permit, without a development permit, the use of banners, display booths and similar structures in conjunction with an election festival, celebration or special event.

Policy G-32

Council shall permit, without a development permit, temporary structures incidental to a residential relocation or change of use where additional storage is required on-site.

Policy G-33

Council shall permit, without a development permit, yard sales or auctions of personal property on a lot.

Policy G-34

Council shall place limits on the length of time that any temporary or special use many remain in place within the Land Use By-law.

Trees

Policy G-35

The Land Use By-law may, in connection to a development, regulate, or require the planting or retention of, trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control.

Policy G-36

The appearance, size, placement, and species of trees are an important part of the cherished aesthetic of the central core of the Village. Council values the aesthetic, environmental and cultural benefits of trees within the Village and may implement regulations in the Land Use By-law around the retention of existing trees.

Wharves and Slipways

Policy G-40

Wharves and slipways shall be permitted and regulated by the Land Use By-law as specified.



SECTION 4: COMMUNITY CHARACTER

CONTENTS:

Village Core & Peninsula Area 4.1

Village Boundary Area 4.2

North Street Area 4.3

Zones Permitted in All Areas..... 4.4

COMMUNITY CHARACTER

The policies in this section respond to the following objectives:

- Reducing the impact of development on the natural environment
- Recognizing and enhancing the unique character of various parts of the Municipality
- Encouraging design that is appropriate in scale and form and which compliments existing form and style
- Adopting clear regulations and timely approvals
- Fostering an economic environment that supports good jobs

The concept of Community Character Areas, introduced in the Municipal Planning Strategy, is realized in this Secondary Planning Strategy through the implementation of the Village Core & Peninsula Area, the North Street Area and the Village Boundary Area.

The Community Character Areas governed under this Secondary Planning Strategy are:

- **Village Core & Peninsula Area**
- **Village Boundary Area**
- **North Street Area**

Character Areas are descriptive; in that they explain how each community is physically laid out in relation to their location and geography. They are also visionary, as they describe the desired outcome for each community. Each Area has policies that describe the development and land uses allowed in that designation. Each Area also has policies describing what level of regulation is appropriate. Different zones may be applied to different land within each Area.

In recognition of these considerations, Council adopts the following policies:

Policy CC-1

The Generalized Future Land Use Map shall depict the Community Character Areas covered by this Secondary Planning Strategy.

Policy CC-2

The Zoning Map contained within the Land Use By-law shall depict the extent of all zones.

Policy CC-3

The Secondary Planning Strategy policies shall describe:

a) The desired character of the Village Core & Peninsula Area, North Street Area and Village Boundary Area;
b) The types of land use appropriate in each Character Area;
c) The appropriate zones and regulations that may apply in each Character Area.

Policy CC-4

Council may regulate the external appearance of structures.

Policy CC-5

As outlined in the Municipal Planning Strategy, the Village of Chester Secondary Planning Strategy and Village of Chester Land Use By-law shall provide primary guidance for development and land use within the Village of Chester.

Policy CC-6

The Village of Chester Secondary Planning Strategy and Village of Chester Land Use By-law shall provide policies and regulations to enhance community character and protect heritage within the Village of Chester.

Policy CC-7

Where there is any conflict between the policies of this Secondary Planning Strategy and the policies of the Municipal Planning Strategy, this Secondary Planning Strategy shall prevail within the Village of Chester.

4.1 Village Core & Peninsula Area

The Village Core & Peninsula Area includes the historic centre of the Village of Chester, located south of North Street (Highway #3). In addition, The Village Core and Peninsula Area includes three peninsulas that surround the core. These are the peninsula leading to Freda's Point, the peninsula leading to Simon's Point and the peninsula leading to Nauss Point as generally shown on Schedule A Future Land Use Map.

The Village Core & Peninsula Area contain well-established residential neighbourhoods as well as the commercial main street of the Village along Pleasant, Duke, and Queen Streets. Many properties within the Village Core & Peninsula Area maintain a similar size and layout derived directly from the original grid pattern layout in the 1760's.

This plan includes new policies and provisions to guide development in this area, and without abandoning past principles regarding land use, will provide opportunities for a gradual and gentle increase in density through the provision of secondary suites, accessory dwelling units and two-unit buildings. Concerns around a lack of potable water and existing community character provide support for maintaining many traditional land use regulations in this area, while seeking new opportunities where deemed practicable.

Council adopts the following policies for the Village Core & Peninsula Area:

Policy CC-8

The policies of the Village Core & Peninsula Area shall be implemented by:

a) Creating the **Residential One (R1) Zone**
b) Creating the **Residential Two (R2) Zone**
c) Creating the **Core Commercial (CC) Zone**
d) Creating the **Marine Development (MD) Zone**
e) Creating the **Waterfront (WF) Zone**
f) Allowing for growth and gradual increased density by permitting secondary suites and accessory dwelling units as detailed in the Land Use By-law.
g) Applying basic architectural controls to promote and maintain existing character, without unduly burdening new development with unnecessary costs.
h) Outline appropriate standards and regulations for commercial areas, existing established residential neighbourhoods and to allow opportunities for unique developments in select waterfront areas.
i) Providing space for commercial growth and development with clear and concise regulations and approval processes

4.1.4 Residential One (R1) Zone

POLICY GOAL:

- To provide a variety of residential zones and therefore options for residents and builders to create a diverse and healthy housing stock.
- To provide more restrictive land use controls for residents seeking a quiet and relatively low-density residential neighbourhood where single unit dwellings, with the option of a secondary suite or accessory dwelling unit are the prominent form of housing.
- To reflect the existing character of areas of the Village of Chester where traditionally large lots with substantial setbacks and large homes were common, while incorporating modern

concepts of housing, density and equity into planning policy and regulations as outlined in the Land Use By-law.

Council adopts the following policies for the Residential One (R1) Zone:

Policy CC-9

The **Residential One (R1) Zone** shall be applied only in the Village Core & Peninsula Area as shown on the zoning map in the Land use By-law.

Policy CC-10

Within the **Residential One (R1) Zone** it shall be the intent of Council to:

a) permit single unit dwellings;
b) permit wharves and slipways;
c) permit accessory dwelling units and secondary suites as specified in the Land Use By-law
d) permit home based business and home office uses;
e) specify a maximum footprint and gross floor area for new main buildings;

4.1.5 Residential Two (R2) Zone

POLICY GOAL:

- To provide a variety of residential zones and therefore options for residents and builders to create a diverse and healthy housing stock.
- To maintain the traditional character of the central residential areas of the Village, through provisions that encourage traditional lot sizes, appearance of structures and landscaping.

Council adopts the following policies for the Residential Two (R2) Zone:

Policy CC-11

The **Residential Two (R2) Zone** shall be applied only in the Village Core & Peninsula Area as shown on the zoning map in the Land use By-law.

Policy CC-12

Within the **Residential Two (R2) Zone** it shall be the intent of Council to:

a) permit single unit dwellings;

b) permit two-unit dwellings, with provisions to maintain a façade that appears as a single unit as outlined in the Land Use By-law;

c) permit accessory dwelling units and secondary suites as specified in the Land Use By-law

d) permit home based business and home office uses;

e) specify a maximum footprint and gross floor area for new main buildings;

4.1.6 Core Commercial (CC) Zone

POLICY GOAL:

- To maintain and enhance the vibrant commercial centre in the Village of Chester
- To create an environment that is welcoming to residents, visitors and business owners and provides basic services, retail, and entertainment opportunities.
- To maintain and enhance the commercial "street wall" with buildings built close to the street, at a pedestrian scale, creating a welcoming, attractive, and easily accessible commercial area.
- To address challenges resulting from existing lot and building configurations, by providing relief from the standard parking and loading requirements as outlined in the Land Use By-law.

Council adopts the following policies for the Rural Zone:

Policy CC-13

The **Core Commercial (CC) Zone** shall be applied only in the Village Core & Peninsula Area as shown on the zoning map in the Land use By-law.

Policy CC-14

Within the **Core Commercial (CC) Zone** it shall be the intent of Council to:

a) permit a range of commercial uses that will contribute to a vibrant and walkable commercial area, without causing disruption to surrounding residential areas;
b) permit up to 4 dwelling units in a structure that also contains a commercial use;
c) permit, by Development Agreement, larger multi-unit residential developments;
d) permit tourist accommodations by right or development agreement, depending on the proposed number of units as outlined in the Land Use By-law

Policy CC-15

Within the **Core Commercial (CC) Zone**, a smaller minimum lot size, as specified in the Land Use By-law reflects the tight-knit and existing development pattern.

Policy CC-16

Within the **Core Commercial (CC) Zone**, in recognition of the small lot sizes and existing development pattern, to offer relief from off-street parking and loading requirements through implementation of the Commercial Parking Exemption Overlay as specified in the Land Use By-law

Policy CC-17

Within the **Core Commercial (CC) Zone**, in recognition of the small lot sizes and existing development pattern, to offer relief from off-street parking requirements for residential uses

through use of Offsite parking as detailed in the Land Use By-law.

Policy CC-18

Within the **Core Commercial (CC) Zone**, to require properties with frontage on Valley Road and Duke Street under commercial use to access the site directly from Valley Road or Duke Street.

4.1.7 Marine Development (MD) Zone

POLICY GOAL:

- To maintain connection with and opportunity for the historical working relationship with the ocean, including fishing, shipbuilding, and repair.
- To provide limited opportunities for commercial uses on the waterfront that will enhance and create a vibrant community by providing recreational and/or entertainment opportunities for residents and visitors.
- To designate portions of the waterfront as being appropriate for non-residential uses.

Policy CC-19

The **Marine Development (MD) Zone** shall be applied only in the Village Area as shown on the zoning map in the Land use By-law.

Policy CC-20

The **Marine Development (MD) Zone** shall permit a limited list of light industrial uses, including the manufacturing and repair of ships and boats. The Land Use By-law outlines the permitted light industrial uses and which PIDs within the MD Zone are appropriate for Light Industrial use.

Policy CC-21

The **Marine Development (MD) Zone** shall permit a range of marine related commercial uses including boat sales, boat tours and display and outlined in the Land Use By-law.

Policy CC-22

The **Marine Development (MD) Zone** shall permit more intensive and potentially disruptive commercial uses by Development Agreement, including Tourist accommodations, Restaurants and Marinas.

Policy CC-23

Within the **Marine Development (MD) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

Policy CC-24

Within the **Marine Development (MD) Zone**, the Land Use By-law shall provide additional criteria for screening and outside storage when abutting a lot zoned for residential use.

4.1.7 Waterfront (WF) Zone

POLICY GOAL:

- To recognise and regulate shallow lots located between a public street and the ocean, intended for, or currently in, residential use
- To apply regulations to prevent buildings, fencing or other structures from significantly blocking views of the ocean when viewed from a public street within the Village of Chester
- To protect new development from the impacts of coastal erosion, storm surge, flooding, and other impacts of climate change.

Council adopts the following policies for the Waterfront (WF) Zone:

Policy CC-25

The **Waterfront (WF) Zone** shall be applied only in the Village Core & Peninsula Area as shown on the zoning map in the Land use By-law.

Policy CC-26

Within the **Waterfront (WF) Zone** it shall be the intent of Council to:

a) Permit new single unit dwellings;
b) Require a 15 meter setback from the Ordinary High Water Mark for all new structures, with the exception of wharves and one accessory structure without plumbing or kitchen facilities built to the Ordinary High Water Mark.
c) Permit existing structures that do not comply with the Land Use By-law to be reconstructed, rebuilt, repaired or renovated only within the existing footprint of the structure, except where any expansion complies with all other requirements of the Land Use By-law.

Policy CC-27

The Land Use By-law shall outline provisions to maintain sightlines between structures by regulating the maximum width of all structures on the lot.

Policy CC-28

Within the **Waterfront (WF) Zone**, the Land Use By-law shall outline additional height limitations for structures, walls and fences to preserve views of the ocean from adjacent public streets.

Policy CC-29

Within the **Waterfront Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

Policy CC-30

Within the **Waterfront Zone**, the Land Use By-law shall specify a maximum main building footprint in keeping with existing development patterns and character.

4.2 Village Boundary Area

The Village Boundary Area applies to lands located outside of the historic centre of the Village of Chester. These lands occur in three clusters, covered by the Secondary Planning Strategy and Land Use By-law. The first being generally located in the northwest, between the outer Village Municipal Boundary and the Chester Connection Trail, the second cluster located between the Chester Connection Trail and Stanford Lake and finally, properties east of Duke Street but within the Village Municipal Boundary.

Lots within the Village Boundary Area have a history of supporting more rural land uses and, in some areas, include a mix of smaller commercial uses interspersed with the dominant residential character. The Chester Golf Club is also located in the Village Boundary Area, encompassing a significant area of land in the Southeast.

Policies for this area will support a mix of housing types and intensities through a variety of approval mechanisms, while permitting the keeping of Farm Animals subject to regulations. Commercial uses are limited to Home-based Businesses to maintain a primarily residential character. Architectural controls and other design criteria may apply to the Village Boundary Area, but generally will be less restrictive when compared to regulations for the Village Core and Peninsula Area.

Council therefore adopts the following policies for the Village Boundary Area:

Policy CC-31

The policies of the Village Boundary Area shall be implemented by:

a) Creating the **Residential Three (R3) Zone**

b) Applying appropriate controls and regulations to maintain a primarily residential living environment

c) Allowing growth and gradual increased density by permitting a variety of housing types.

d) Applying basic architectural controls to promote and maintain existing character, balanced against adding unnecessary cost to construction.

4.2.1 Residential Three (R3) Zone

POLICY GOAL:

- To provide a variety of residential zones and therefore options for residents and builders to create a diverse and healthy housing stock.
- To balance the protection of character with the potential for moderate growth and new housing options within the Village of Chester.
- Protect and maintain a primarily residential living environment.

Council adopts the following policies for the Residential Three (R3) Zone:

Policy CC-32

The **Residential Three (R3) Zone** shall be applied only in the Village Boundary Area and shall generally be applied to the existing residential neighbourhoods as shown on the zoning map in the Land Use By-law.

Policy CC-33

Within the **Residential Three (R3) Zone** it shall be the intent of Council to:

a) permit single unit dwellings;
b) permit two unit dwellings;
c) permit triplex dwellings;
d) permit multi-unit dwellings of more than 3 dwelling units by development agreement;
e) permit grouped dwellings by development agreement;
f) permit home-based businesses;

Policy CC-34

Within the **Residential Three (R3) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

4.3 North Street Area

The North Street Area applies to lands adjacent to and surrounding North Street (Highway #3). These lands form a contiguous area spanning from one end of the Village to the opposite and serve as the main entry and egress to the Village. This area is generally north of the traditional Village core.

North Street has traditionally been an area where a mix of commercial, residential and some institutional development has occurred.

This plan aims to provide more separation between existing residential areas and the existing commercial cluster between Duke Street and Pig Loop Road. Residential areas will be limited to Home Based Business use to protect from traffic noise, light and other nuisance issues often associated with commercial area. Residential zones in this area also permit small multi-unit buildings by right in order to promote the creation of new and more affordable housing.

Within the dedicated commercial zone, there are limited opportunities to develop residential uses, so long as the residential use is subservient to and does not create conflict with commercial uses deemed appropriate in the Land Use By-law.

The Land Use By-law will also permit the rezoning of land zoned for residential use that is adjacent to the Highway Commercial Zone to allow the future expansion and growth of commercial uses.

Council adopts the following policies for the North Street Area:

Policy CC-35

The policies of the North Boundary Area shall be implemented by:

a) Creating the **Residential Four (R4) Zone**

b) Creating the **Highway Commercial (HC) Zone**

c) Clearly distinguishing between zones intended for residential use and those that prioritize commercial use

d) Providing space for commercial growth and development with clear and concise regulations and approval processes

e) Providing dedicated space for residential use and increased density by way of small to medium multi-unit buildings being permitted by right.

4.3.1 Residential Four (R4) Zone

POLICY GOAL:

- To provide a variety of residential zones and therefore options for residents and builders to create a diverse and healthy housing stock.
- To designate lands adjacent to North Street as suitable for residential development up to and including small multi-unit buildings approved by development permit

- To provide opportunities for gradual increases in residential density to support efforts to create and maintain affordable housing stock within the Village
- To protect existing and new residential development from conflicts or a degraded living environment associated with larger commercial development

Council adopts the following policies for the Residential Four (R4) Zone:

Policy CC-36

The **Residential Four (R4) Zone** shall be applied only in the North Street Area and shall be applied to the existing residential neighbourhoods as shown on the zoning map in the Land Use By-law.

Policy CC-37

Within the **Residential Four (R4) Zone** it shall be the intent of Council to:

a) permit single unit dwellings;
b) permit two unit dwellings;
c) permit triplex dwellings;
d) permit multi-unit dwellings up to 8 dwelling units by development permit
e) permit multi-unit dwellings of 9+ units by development agreement;
f) permit grouped dwellings by development agreement;
g) permit home-based businesses;

Policy CC-38

Within the **Residential Four (R4) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

Policy CC-39

Structures in the Residential Four (R4) Zone that contain three or more dwelling units shall adhere to additional provisions on the following topics as outlined in the Land Use By-law:

a) a percentage of the lot that must contain landscaping;

b) Unless deemed impractical by the development officer, half of the landscaped area must be located between the building and North Street (Highway 3);

c) locating on-site parking at the side or rear of the lot, except bicycle and accessible parking spaces which may be located anywhere on the lot to best serve their users;

Policy CC-40

Lots zoned **Residential Four (R4) Zone** may be rezoned to **Highway Commercial (HC) Zone**, without amendments to this Secondary Planning Strategy subject to the following:

a) the lot must physically abut property that is already zoned **Highway Commercial (HC) Zone**, lots which would otherwise abut, but are separated by a public road shall be considered to abut for the purposes of this section;

b) an application to rezone a lot from **Residential Four (R4) Zone** to **Highway Commercial (HC) Zone** shall be supported by a commercial grade driveway approval issued by the authority with jurisdiction over the public street;

c) the lot shall have direct frontage on North Street (Highway 3);

4.3.2 Highway Commercial Zone

POLICY GOAL:

- To designate an area on North Street (Highway 3), where existing and new commercial uses will be encouraged

- To allow space for commercial growth, including uses that may not be compatible with the Core Commercial Zone due to their nature or desire for the use and display of illuminated signage and corporate logos
- To allow limited residential uses within this commercial area, with regulations designed to ensure residential uses are subservient to commercial uses and are developed in a manner that does not lead to future land use conflicts with commercial uses.

Council adopts the following policies for the Highway Commercial (HC) Zone:

Policy CC-41

The **Highway Commercial (HC) Zone** shall be applied only in the North Street Area as shown on the zoning map in the Land use By-law.

Policy CC-42

Within the **Highway Commercial (HC) Zone** it shall be the intent of Council to:

a) permit a wide variety of commercial uses by development permit as outlined in the Village of Chester Land Use By-law
b) permit specific commercial uses by development agreement as detailed in the Village of Chester Land Use By-law
c) Permit multi-unit dwellings by development agreement, also subject to policies contained in the Secondary Planning Strategy ensure the residential use does not create conflicts with existing and new commercial development.
d) Permit institutional uses by development agreement

Policy CC-43

Within the **Highway Commercial (HC) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

Policy CC-44

Within the **Highway Commercial (HC) Zone**, the Land Use By-law shall specify landscaping standards required for new development

Policy CC-45

Within the **Highway Commercial (HC) Zone**, the Land Use By-law shall outline special requirements when a Highway Commercial (HC) Zone lot abuts a lot zoned for institutional or residential use.

Policy CC-46

Within the **Highway Commercial (HC) Zone**, the Land Use By-law shall outline provisions for the use of shipping containers for non-residential storage, including placement on the lot, screening and similar requirements designed to prevent the container from disrupting the aesthetics of the street.

Policy CC-47

Within the **Highway Commercial (HC) Zone**, on-site parking spaces are to be located at the side or rear of the main building as specified in the Village of Chester Land Use By-law, except bicycle and accessible parking spaces may be located anywhere on the lot to best serve their users

Policy CC-48

The Land Use By-law will permit rezoning of land that is adjacent to the Highway Commercial Zone, to the Highway Commercia Zone, to allow the future expansion and growth of commercial

uses. Adjacent lands shall include those separated by a public road parcel.

4.4 Zones Permitted in all Character Areas

The Land Use By-law includes several zones that are not limited in their application to a particular character area. These zones are deemed appropriate to occur in all character areas, subject to the policy statements and regulations contained in this Secondary Planning Strategy and the Village of Chester Land Use By-law.

Council adopts the following policies for zones permitted in all character areas:

Policy CC-49

The policies for zones permitted in all character areas shall be implemented by:

a) Creating the **Institutional (I) Zone**

b) Creating the **Parks and Open Space (PO) Zone**

c) Creating the **Ocean Infill (OI) Zone**

d) Enabling zones appropriate for application in any character area within the Village of Chester

e) Ensuring appropriate provisions, approvals and regulations are enabled through the Land Use By-law to ensure that the application of a zone does not adversely impact the existing character or development pattern

4.4.1 Institutional (I) Zone

POLICY GOAL:

- To provide areas and opportunities for institutions and related uses, which provide services, entertainment, employment and similar opportunities to a community
- To recognize a diverse range of institutional uses and enable appropriate regulations to ensure they do not detract from or create conflict with surrounding land uses.

Council adopts the following policies for the Institutional (I) Zone:

Policy CC-50

The **Institutional (I) Zone** may be applied in any character area within the Village of Chester as shown on the zoning map in the Land Use By-law.

Policy CC-51

Within the **Institutional (I) Zone** it shall be the intent of Council to:

a) permit subsidized or affordable housing projects owned by a not-for-profit organization or a non-municipal government body by development agreement;
b) permit golf courses and related uses and their expansion only on the PIDs listed in the Land Use By-law;
c) permit a range of institutional uses as specified in the Land Use By-law by development permit;

Policy CC-52

Within the **Institutional (I) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

Policy CC-53

Within the **Institutional (I) Zone**, the Land Use By-law shall specify abutting zone requirements where the institutional zone borders a lot zoned for residential use

Policy CC-54

Within the **Institutional (I) Zone**, the Land Use By-law shall permit occasional or temporary markets, bake sales and similar events within buildings or on lands zoned for institutional use.

Policy CC-55

Within the **Institutional (I) Zone**, the Land Use By-law shall permit institutional uses in the Highway Commercial Zone by development agreement.

4.4.2 Parks and Open Space (PO) Zone

POLICY GOAL:

- To identify and protect lands, normally under municipal ownership, that are currently used or are planned for use as a public park, trail, other passive recreation use, socialization space, and/or community event space.
- To regulate and control development of private parks, that may be wide ranging in scope and potential impact on surrounding communities and in particular residential areas.

Council adopts the following policies for the Parks and Open Space (PO) Zone:

Policy CC-56

The **Parks and Open Space (PO) Zone** may be applied in any character area within the Village of Chester as shown on the zoning map in the Land Use By-law.

Policy CC-57

Within the **Parks and Open Space (PO) Zone** it shall be the intent of Council to:

a) permit public parks owned or under the direct control of the Municipality
b) permit community gardens
c) Permit private parks only by development agreement

Policy CC-58

Within the **Parks and Open Space (PO) Zone**, the Land Use By-law shall specify a minimum lot size in keeping with existing development patterns and character.

4.4.2 Ocean Infill (OI) Zone

POLICY GOAL:

- to discourage the placement of fill, for a purpose other than protecting existing structures or land, beyond the Ordinary High Water Mark
- to strictly limit the use of land created through infill
- to ensure land created by infill is not significantly developed and does not prevent views of the ocean from a public street

Council adopts the following policies for the Ocean Infill (OI) Zone:

Policy CC-59

The **Ocean Infill (OI) Zone** may be applied in any character area within the Village of Chester as shown on the zoning map in the Land Use By-law.

Policy CC-60

Within the **Ocean Infill (OI) Zone** it shall be the intent of Council to:

a) permit wharves and slipways as outlined in the Land Use By-law

b) prohibit land uses and all structures other than wharves and slipways

Policy CC-61

The intent of the **Ocean Infill (OI) Zone** is to disincentivize the creation or extension of yards or land area by dumping, placing or otherwise artificially creating useable land beyond the Ordinary High Water Mark. When such infill does occur, any land area created shall automatically be deemed part of the **Ocean Infill (OI) Zone** without amendment to the Land Use By-law.

Policy CC-62
In support of Council's desire to discourage infill, without directly regulating an activity administered by the Province of Nova Scotia, no request to amend the Land Use By-law to rezone a lot or area of land zoned **Ocean Infill (OI) Zone** will be considered, unless the application also includes a request to amend this Secondary Planning Strategy.



SECTION 5: ECONOMIC DEVELOPMENT

CONTENTS:

Economic Development Policies . 5.1

ECONOMIC DEVELOPMENT

The policies in this section respond to the following objectives:

- Adopting clear regulations and timely approvals
- Fostering an economic environment that supports good jobs

5.1 Economic Development

Helping to support and create opportunities for new and existing businesses is one important reason why Municipalities undertake detailed planning and land use exercises. The business community has a unique perspective and is likely to view existing and proposed regulations through a different lens than residents. It is crucial that the planning process and subsequent policies and regulations account for this group and balance support for residential and business uses.

Within the Village of Chester both the Chester Merchants Association and the Village of Chester Tourism Development Association (VOCTDA) work to support the business community and attract visitors and tourists to the community.

Council adopts the following policies related to Economic Development:

Policy EC-1

Council shall continue to seek opportunities to collaborate with groups including the Chester Merchants Association and the Village of Chester Tourism Development Association to enhance and attract visitors and residents to the Village of Chester.

Policy EC-2

Council shall act in accordance with the approved *Economic Development Strategy* for the Municipality of Chester.

Policy EC-3

Council considers affordable, high speed internet a necessity for home and business use. Subject to financial constraints, Council shall consider opportunities to partner with organizations or participate in programs which improve, extend, or otherwise assist residents of the Municipality in accessing high speed internet.



SECTION 6: ENVIRONMENTAL SAFEGUARDS

CONTENTS:

Stormwater Management 6.1
Setbacks and Vegetated Buffers 6.2
Lakefront Overlay 6.3
The Coast and Sea Level Rise 6.4
Environmental Protection Area 6.5

ENVIRONMENTAL SAFEGUARDS

The policies in this section respond to the following objectives:

- Treatment and management of stormwater
- Reducing erosion, sedimentation and pollution of rivers, lakes and wetlands
- Promoting protection of water quality in developed areas
- Protecting public and private infrastructure and assets from impacts associated with sea level rise and storm surge

6.1 Stormwater Management

Anytime a development is undertaken, there are likely to be impacts and changes to the pattern of water runoff leaving the site. Development that replaces natural surfaces with hard surfaces like asphalt, roofs, decks and concrete will have the effect of increasing the speed and lessening absorption of runoff. Areas that are heavily developed, including large amounts of hard surfaces will result in significantly more surface runoff than the area would have experienced prior to development. This excess runoff is referred to as stormwater.

Stormwater, particularly when not managed appropriately can have negative impacts on stream and riverbanks due to erosion, in addition to worsening or creating flooding concerns. Stormwater also collects and transports excess sediment, pollutants, and nutrients from residential and agricultural fertilizer into watercourses and water bodies. Finally, if stormwater runoff leaves the site where it would have been absorbed, this can cause lead to decreased ground water as the naturally existing aquifers are prevented from being recharged.

Council adopts the following policies for stormwater regulations:

Policy E-1

The Village of Chester Land Use By-law may contain a range of stormwater regulations for developments of varying sizes and intensities. Smaller developments that are not subject to the

Stormwater Standard shall be encouraged to responsibly manage stormwater with the understanding that stormwater issues not regulated by the Land Use By-law shall constitute a civil matter between property owners.

Policy E-2

The Village of Chester Land Use By-law shall indicate which developments require a professional engineer to verify that stormwater infrastructure will meet stormwater standards.

Policy E-3

The Municipality may work with the Province to ensure that roads, ditches, culverts and other public road infrastructure is designed to enhance stormwater management and protect water quality.

Policy E-4

The Municipality may explore and enter into partnerships with other governments and local groups on stormwater management and water quality projects.

6.2 Watercourse, Water Body and Wetland Setbacks

The protection of water quality is vital to the overall health and wellbeing of the Municipality. Clean, fresh water is needed as a source of drinking water, to provide habitat for wildlife and opportunities for recreation. Surface water pollution has become a topic of increasing concern with residents and members of the public. In the past decade, these discussions have become increasingly urgent. Issues related to blue-green algal blooms and elevated nutrient levels have been detected in lakes and the outflow of streams, with evidence indicating human activity as the source.

As land use authority, the Municipality can play a role in helping to protect inland water bodies from pollutants related to

development. However, there is a limit to Municipal authority and regulation and testing of surface waters is the responsibility of the Provincial Nova Scotia Environment Department.

To assist in the protection of water quality from the impacts of development and to protect property and structures from erosion, flooding and storm surge, Council may require structures be setback from the ordinary high water mark of watercourses, waterbodies, wetlands and the ocean. This setback distance allows time for overland flow to be slowed, absorbed and filtered prior to making its way into waterways.

Council adopts the following policies for watercourse, water body and wetland setback regulations:

Policy E-5

Developments requiring a development permit shall set all buildings back from the edge of any watercourses, water bodies and wetlands as shown in the Provincial 1:10,000 topographic database.

Policy E-6

Exceptions to setback requirements in E-5 may be sought by the property owner through the submission of a professional assessment, confirming that the water feature either does not exist or its boundaries differ from what is shown on the 1:10,000 topographic database as outlined in the Land Use By-Law.

Policy E-7

As outlined in the Village of Chester Land Use By-law, a reduction in the setback distance required from watercourses, water bodies and wetlands may be considered, when:

a) the application for a Development Permit is accompanied by a detailed study, including a site sketch, prepared by a qualified professional, confirming that adequate mitigation measures will be undertaken as a condition of the permit. Such mitigation measures will ensure the reduced setback effectively achieves the same result as a

20m setback. The study must also confirm that the area proposed for development is not subject to seasonal flooding.

b) The Land Use By-law shall specify the amount by which the setback may be reduced

Policy E-8

A natural, vegetated buffer shall be maintained for larger developments that require a site plan approval or a development agreement.

Policy E-9

A natural vegetated buffer shall maintain mostly existing vegetation, as specified in the Land Use By-law.

Policy E-10

If required by elsewhere in this document or the Land Use By-law, when a natural vegetated buffer has been removed, or is not practical to be maintained, a suitable alternative shall be required. An environmental study completed by a qualified professional shall demonstrate that this alternative will provide a similar level of protection for water quality by minimizing sediment and chemicals in runoff.

Policy E-11

The Municipality shall explore programs and partnerships that encourage residents and businesses to repair or replant buffers where vegetation has been removed.

Policy E-12

The Municipality shall explore programs and partnerships to monitor and report on freshwater quality, as needed.

6.3 Lakefront Overlay

Lakefront and cottage developments add to the vibrancy and economy of rural and urban fringe areas. The enjoyment and attractiveness of lakes depends on clean water. Unregulated development practices near lakes can damage water quality. The Municipality wants to ensure development protects the water quality of our lakes.

This Secondary Planning Strategy balances the protection of lakes with the desire for lakefront development by creating a Lakefront Overlay in the Land Use By-law. The Lakefront Overlay's purpose is to protect water quality.

Several approaches are used in the Lakefront Overlay to protect water quality. Restricting the total area covered by hard surfaces (gravel, concrete, roofs, and asphalt) reduces the amount of runoff entering lakes. Maintaining setbacks for new structures provides time for runoff to be absorbed before reaching the lake. Finally, major new developments in the Lakefront Overlay may need to become part of a Wastewater Management District. These Districts will ensure septic systems work properly. Together, these approaches help protect our precious lakes.

Council adopts the following policies for the Lakefront Overlay:

Policy E-13

The **Lakefront Overlay** shall be created which may be applied to all zones and shall be applied to land surrounding lakes as indicated in the Land Use By-law.

Policy E-14

The intent of the **Lakefront Overlay** shall be to protect water quality.

Policy E-15

Lakefront development may require vegetated buffers, stormwater standards, limited paving surfaces and wastewater

management districts depending on the size of development, as specified in the Land Use By-law.

Policy E-16

The Land Use By-law shall allow for the same uses in the Lakefront Overlay as in the zone in which the designated lake is located, but all development on a lot which includes the Lakefront Overlay shall require a development permit.

Policy E-17

Small accessory structures, as defined in the Land Use By-law may be permitted in the vegetated buffer, subject to a development permit.

Policy E-18

The Land Use By-law may include additional stormwater standards, specific to the Lakefront Overlay, including provisions for stormwater management practices.

Policy E-19

The Land Use By-law shall include a limit on hard surfaces in the Lakefront Overlay.

Policy E-20

The Land Use By-law may specify the size of developments in the Lakefront Overlay that shall be part of a Wastewater Management District.

6.4 The Coast and Sea Level Rise

The **Municipal Climate Change Action Plan** (2013) identified sea level rise as one of thirteen potential hazards that could occur as a result of global warming and weather extremes. The Municipality's coastal settled areas, including the Village of Chester, are especially

vulnerable to these effects. The average sea level is expected to rise between 1.5 m and 2 m in Nova Scotia by the year 2100. Storm surges, which push water and waves to abnormal heights during extreme storms, could reach 5 m in height above the current high water mark by 2100. Sea level rise will also increase the speed of coastal erosion. These changes will have large impacts on our coastal areas, affecting marine habitats as well as the livelihoods of people who live and work there. Planning must anticipate and acknowledge threats to private property and public infrastructure.

Council has debated their role in regulating coastal development in the context of pending Provincial regulations. With the long-awaited Coastal Protection Act regulations seemingly close to implementation, Council has determined the best course of action is to play an advisory role in coastal development. This will allow the Coastal Protection Act to be applied equally to all coastlines in Nova Scotia, whose regulations have been developed based on current science and best practices. Council felt that Municipal regulations would be likely create confusion, the potential for duplication and increased cost without achieving the desired outcomes.

Council reserves the right to implement additional protections or regulations in coastal areas, with such consideration given following the implementation of the Coastal Protection Act. This will allow time to study the implementation, impacts and potential areas requiring additional regulation.

Council adopts the following policies for the coast:

Policy E-21

The Municipality shall, where possible, partner with other governments, with community groups and with institutions to continually monitor and predict the rate of erosion and along the coastline.

Policy E-22

The Municipality shall collect and analyse future information and data related to the impacts of climate change as it affects

coastal areas, including through mapping and scientific indicators.

Policy E-23

The Municipality shall continually update its infrastructure planning and maintenance to respond to evolving coastal threats

Policy E-24

Council shall consider requiring waivers for any development in the coastal hazard area, which states that developers are aware of the risks posed by climate change and release the Municipality from all liability.

6.5 Environmental Protection Area

The Environmental Protection Area designation addresses lands placed in trust, donated to the Municipality or otherwise held for the purpose of conservation.

Beginning with a number of islands located in Mahone Bay and Saint Margret's Bay, the Municipality through a trust or direct donation is responsible for a number of properties that have been designated for the purpose of conservation. For the islands so designated, only research, education or passive recreation uses will be permitted. Council may further apply this designation to any land that has been specifically dedicated by the owners for the long-term conservation of natural habitat. The only permeant structures permitted within the Conservation Zone shall be those erected by or under the guidance of the Municipality.

Council adopts the following policies for the Environmental Protection Area designation:

Policy E-25

An **Environmental Protection Area** designation shall be created, the extent which shall be shown on the Generalized Future Land Use Map.

Policy E-26

The intent of the **Environmental Protection Area** designation is to:

a) limit development and strictly control land use in designated lands;
b) safeguard the ecological integrity of designated lands in order to protect drinking water and preserve natural habitat.

Policy E-27

The policies of the **Environmental Protection Area** designation shall be implemented by:

a) creating the Conservation Zone;
b) strictly limiting or prohibiting land use in the interests of environmental protection.

6.5.1 Conservation Zone

POLICY GOAL

- to safeguard the ecological integrity of lands placed in trust, donated to the Municipality or otherwise designated for the purpose of conservation

Council adopts the following policies for the Conservation Zone:

Policy E-28

A **Conservation Zone** shall be created in the Land Use By-law. Its extent shall be shown on the Zoning Map in the Land Use By-law.

Policy E-29

The **Conservation Zone** may only be applied to an Environmental Designation, on land dedicated by its owners for conservation by:

a) conveying the land to a conservation organization;
b) conveying the land to government; or
c) establishing conservation easements for lands owned by an Authorized Body.

Policy E-30

The **Conservation Zone** shall allow only research, education and passive recreation uses including structures owned or installed by the Municipality.

Policy E-31

The Land Use By-law shall not allow for the construction of any permanent structures, including wharves and docks, in the **Conservation Zone**, except those owned or installed by the Municipality of the District of Chester.

Policy E-32

The Land Use By-law shall allow for the approval of uses permitted in the **Conservation Zone** by development permit.



SECTION 7: VILLAGE INFRASTRUCTURE

CONTENTS:

Potable Water 7.1

Wastewater System 7.2

VILLAGE INFRASTRUCTURE

The policies in this Section respond to the following objectives:

- Maintaining and enhancing development patterns, while seeking opportunities for gradual increases in density in targeted areas
- Providing cost effective and efficient services to support growth in appropriate areas of the Village
- Reducing the impact of development on the natural environment
- Ensuring that identified, potential public drinking water supplies are protected

Services provided by the Municipality are funded through collection of property taxes and grants received from other levels of government. The Municipality operates a Central Wastewater system serving the Village of Chester.

Streets within the Village of Chester are primarily owned by the Province of Nova Scotia and maintained through cost-sharing arrangements between the Municipality and the Provincial Department of Public Works. Sidewalks are constructed and owned by the Municipality, yet are located within the Provincial Street Right-of-ways, requiring additional collaboration and communication.

Solid Waste Collection is provided through contracts with third parties who undertake collection and transfer of household waste to the Municipally owned and operated Kaizer Meadow Landfill.

The Municipality currently does not provide a Central Water Service to residents, however, financial assistance and borrowing programs are available to assist residents with the capital cost of well drilling. Council is committed to playing a role in the provision of water, but that role will be re-evaluated from time to time and may change with conditions, funding opportunities and as new information is revealed.

The Municipality strives to provide essential services in an efficient and cost-effective manner. This approach requires careful study, planning and consideration for any proposed expansion of existing systems and services.

Council adopts the following policies for services and infrastructure:

Policy SI-1
To maintain the provision of existing services and infrastructure to residents of the Village of Chester.

Policy SI-2
Subject to financial conditions and in compliance with the *Growth Strategy*, Council may consider the expansion of existing services or the provision of new services.

Policy SI-3
Council shall ensure that major developments are designed to allow access for emergency vehicles while also providing adequate water supply for fire fighting.

7.1 Potable Water

Efforts to investigate the feasibility of a central water system have been ongoing in the Village of Chester for over a half-century. A variety of engineering studies, beginning in 1967 have been undertaken to determine both an appropriate source and distribution system to serve the Village.

Initially, focus was directed to Spectacle Lake as the most likely water source. This led to the creation of special zoning regulations to protect the lake, while the Municipality also took steps to procure land bordering the lake.

As part of the adoption of the new Municipal Planning Strategy in 2019 and the realignment of the Village of Chester Planning Area Boundary, Spectacle Lake is now governed by the Municipal Planning

Strategy and Land Use By-law. Recent studies have indicated that the most feasible Central Water System would utilize a series of shared wells rather that surface water from Spectacle Lake. Discussions with Council will need to occur to determine the most appropriate use of lands around Spectacle Lake before zoning changes are undertaken.

Most recently in 2019, Council again considered the procurement of a Central Water System for the Village of Chester. Preliminary engineering work was undertaken to produce initial cost estimates, that were shared with the community through several public meetings. Ultimately, a community wide, non-binding, vote was held for all residents within the Village. The results, 43% in favour, 57% opposed to the creation of a Central Water System, coupled with the high estimated cost of the system, led Council to a decision that no action toward the creation of a Central Water System would be taken.

Given the history of similar repetitive cycles of study, debate, and cost barriers, it is prudent to move forward under the assumption that on-site wells will remain the primary water source in the Village of Chester in the near to medium future.

Until such time that significant funding from other levels of government becomes available or a significant change of circumstances that increases the viability of the project, there are no immediate plans to provide potable water to the Village of Chester.

Council adopts the following general policies for Potable Water:

Policy SI-4
Council may seek opportunities to investigate the quality and quantity of groundwater in the Village of Chester, subject to financial viability and outside funding sources.

Policy SI-5
Council shall continue a pragmatic approach to increasing density within the core of the Village of Chester. This approach is intended to protect the integrity of underground aquifers within the Village of Chester for which detailed information is currently unavailable.

Policy SI-6
Notwithstanding SI-5, should detailed aquifer information become available, which confirms a sufficient quality and quantity of groundwater supply for a given area, Council may consider allowing increased density subject to considerations on visual character and neighbourhood appropriateness.

7.2 Wastewater System

Most properties within the Village of Chester are served by a central wastewater system, owned, and operated by the Municipality. However, there are areas within the Village, including Freda's Peninsula, which currently do not have access to the central wastewater system. These properties are served by on-site systems, approved by the Nova Scotia Department of Environment. The Village of Chester Land Use By-law recognizes this distinction in areas without municipal wastewater, where lots sizes may be larger as required by Nova Scotia Environment.

Council adopts the following general policies for Wastewater:

Policy SI-7
Council shall maintain the existing wastewater collection and treatment system serving the Village of Chester. Expansion may be considered subject to financial constraints and development pressure.

Policy SI-8
All development that occurs near the central wastewater system shall comply with the provisions of the *Sewer By-law*.



SECTION 8: SUBDIVISION

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General Subdivision.....8.1

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SUBDIVISION

Subdivision means dividing a parcel of land into two or more lots, consolidating two or more lots, or undertaking boundary adjustments. Under the *Municipal Government Act*, Municipalities are required to administer subdivision approvals.

The Subdivision By-law, the Land Use By-law, and the Municipal Specifications work together to regulate the following aspects of development:

- Servicing and sewage disposal
- Design and construction of new roads
- Design and construction of municipal services
- Drainage and stormwater management
- Dedication of land for open space

This Secondary Planning Strategy provides support to the Municipal Planning Strategy which contains policy direction for the creation of a Subdivision By-law.

8.1 General Subdivision

The subdivision of land involves the orderly process of land division while providing for the creation of streets and services. The *Municipal Government Act* and the Provincial Subdivision Regulations set out the basic requirements for information that must be shown on plans of subdivision, as well as the procedures which must be followed in reviewing and in approving plans of subdivision. Through policy, the Municipality may set alternative criteria or requirements for subdivision. A Subdivision By-law typically addresses matters such as access to lots, the extension of sewer and water lines to any new lots, and the provision of open space. The Subdivision By-law must be closely linked to the Land Use By-law, especially in the matter of lot size and access to lots.

To carry out the intent of these subdivision policies, Council adopts the following policies:

Policy S-1

A Subdivision By-law shall be created to carry out the intent of the Municipal Planning Strategy and this Secondary Planning Strategy and shall apply to the whole Municipality, including the Village of Chester Planning Area. It provides the principal means to control the subdivision of land.

Policy S-2

The intent of the Subdivision By-law shall be to follow Provincial Subdivision Regulations unless otherwise stated by policy.

Policy S-3

It is the intention of Council to adopt a Subdivision By-law which is consistent with the Provincial Subdivision Regulations and further, to include in the Subdivision By-law any provisions of the Provincial Subdivision Regulations which are applicable to the Municipality.

Policy S-4

As the Subdivision By-law applies uniformly to the entire Municipality, including the Village of Chester, detailed policies regarding subdivision are found in the Municipal Planning Strategy and are not duplicated in this Secondary Planning Strategy.



SECTION 9: IMPLEMENTATION AND ADMINISTRATION

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IMPLEMENTATION AND ADMINISTRATION

This Secondary Planning Strategy is adopted under the *Municipal Government Act* (MGA). It applies only to the Village of Chester and expresses the intentions and policies of Council and community members. Council is not obligated to undertake any of the identified projects but may not take actions that contradict their intent and stated policy objectives.

This Secondary Planning Strategy exists as an important piece of the regulatory hierarchy within the Municipality of Chester. The Municipal Planning Strategy applies more broadly while the Secondary Planning Strategy addresses the differing regulatory needs and wishes of residents and Council for the Village of Chester.

The *Municipal Government Act* (MGA) identifies various types of development control techniques available to municipalities to regulate and plan for development. These include zoning, development agreements, and site plan approval. The Municipality relies upon these tools for the implementation of its planning policies.

This Planning Strategy controls the use of land and the design of development. The Land Use By-law and the Subdivision By-law are the companion documents that carry out the intent of the Planning Strategy. These By-laws contain the detailed standards for development.

9.1 Public Participation

Public input on planning issues is needed to create good plans and build trust between residents and government. A public engagement program will be implemented for all amendments to planning documents and to development agreements and their amendments. The Municipality's public participation program will, at a minimum, meet the requirements in the *Municipal Government Act*, and will be guided by the Municipality's *Public Participation Policy*. In all communications with the public, we will uphold the following principles:

- **Clarity** – We will advertise and communicate with the public in plain language, to ensure that the process is understood by all participants.
- **Variety** – To reach as many people as possible, we will use different formats, including newspapers, newsletters, the Municipal website and social media.
- **Timeliness** – Notices and information will be posted well in advance of meetings and events.
- **Meaning** – Residents will have the opportunity to comment on, question and discuss planning matters with meaningful results. Public feedback will be compiled in a clear format and presented to decision makers in a timely manner.

With respect to Public Participation, council adopts the following policies:

> **Policy A-1**
>
> All public participation processes shall follow the Municipality's *Public Participation Policy* and shall meet or exceed the requirements of the *Municipal Government Act*.

9.2 Development Officer

The Village of Chester Land Use By-law is the principle means to implement this Secondary Planning Strategy. The Development Officer(s) appointed by Council administer the Village of Chester Land Use By-law and Municipal Subdivision By-law and process

applications for development. Depending on the approval process, some decisions of the Development Officer can be appealed either to Council or the Nova Scotia Utility and Review Board (NSUARD), as specified in the *Municipal Government Act*.

In accordance with the provisions of the *Municipal Government Act*, the following statutory requirements shall be met:

> **Policy A-2**
>
> Council shall appoint a Development Officer(s). The Development Officer shall be responsible for administering the Village of Chester Land Use By-law and Municipal Subdivision By-law, including issuing, refusing and revoking development permits.

> **Policy A-3**
>
> Council may appoint others to act on the Development Officer's behalf.

9.3 Development Permits

A development permit is a way of ensuring that new development in the Village of Chester meets the regulations of the Land Use By-law. The Village of Chester Secondary Planning Strategy and Village of Chester Land Use By-law specify that certain types or intensities of development do not require a development permit. All other development in the Village of Chester will require a development permit prior to receiving permission to proceed with development.

Council adopts the following policies with respect to Development Permits:

> **Policy A-4**
>
> In accordance with Section 244 of the *Municipal Government Act*, a development permit shall be required for all development in the Village of Chester, except those specified in the Village of Chester Land Use by-law as not requiring a development permit.

Policy A-5

Development permits issued under the Village of Chester Land Use By-law shall describe the development and shall specify a period after which the permit shall expire.

Policy A-6

The Village of Chester Land Use By-law may identify specific uses for which Temporary of Conditional Development Permits may be issued and shall establish time periods for such permits .

9.4 Variances

A variance allows a relaxation or reduction of one or more of the Village of Chester Land Use By-law requirements. They are granted by the Development Officer when it may not be possible to meet the exact specifications of the Land Use By-law, often due to the peculiarities of the site of nature of the development. The *Municipal Government Act* allows Council to consider other circumstances where a variance may be considered, provided they are identified within this Secondary Planning Strategy and corresponding Land Use By-law regulations.

Council adopts the following policies on variances:

Policy A-7

As set out in Sections 235-237 of the *Municipal government Act*, the Development Officer may vary certain requirements of the Village of Chester Land Use By-law, or one or more terms of a development agreement, where provided for in the development agreement.

Policy A-8

The Development Officer may grant variances of up to 25% of the required minimum or maximum for:

a) The number of parking spaces;
b) The number of loading spaces;

c) Percentage of land that may be built upon;
d) Yard setbacks;
e) Lot frontage or land area;
f) The ground area and height of a structure;
g) The floor area occupied by a home-based business;
h) The height and area of a sign.

Policy A-9

When granting a variance, the Development Officer shall be satisfied that:

a) The variance carries out the intent of the Municipal Planning Strategy;
b) The variance is not due to a difficult that is general to the properties in the area;
c) The variance is not due to an intention disregard for the requirements of the Village of Chester Land Use By-law.

Policy A-10

a) When considering an application for a height variance, the development officer shall only grant a variance if it can be clearly demonstrated that the structure is under imminent threat caused by sustained coastal flooding, sea level rise, storm surge or similar threats influenced by climate change.

9.5 Non-conforming Uses and Structures

The term 'non-conforming' applies to land uses and structures that do not comply with current Village of Chester Land Use By-law regulations, but which were legally permitted under previous by-laws or those that predate planning regulations entirely. The *Municipal Government Act* addresses non-conforming structures, non-conforming structures used for residential purposes, non-conforming uses of land, and non-conforming uses of a structure. The *Act* contains provisions which recognize the legal status of these uses. The *Act* provides some of the development rights normally

reserved for uses and structures that confirm to the applicable by-laws to non-conforming uses and structures in accordance with the *Act*.

Council adopts the following policies on non-conforming uses and structures:

Policy A-10

The Municipality shall administer non-conforming uses as provided for in the *Municipal Government Act*.

Policy A-11

The Municipality shall permit an existing non-conforming structure to be enlarged, reconstructed, repaired or renovated provided that any change to the structure does not further reduce the minimum required yard or setback that do not conform with the Village of Chester Land Use By-law.

Policy A-12

The Municipality shall permit an existing structure or existing non-conforming structure situated on an existing lot to be occupied by a permitted use where the structure does not meet the lot area or other yard requirements as applicable to the proposed use in the zone.

Policy A-13

The Municipality shall permit a non-conforming use to continue to operate and to recommence the use, so long as the use has not been discontinued for a continuous period of twelve months.

9.6 Site Plan Approval

Site Plan Approval enables the Development Officer to evaluate and approve development proposals based on their compliance with a predetermined set of objectives that are written out in the planning

documents. The intent of site plan approval is to ensure that the proposed development takes measures to minimize negative impact on the built and natural environment and to maintain or enhance the overall character of the existing area.

Site plan approval is required for certain developments, as described in this Secondary Planning Strategy and the Village of Chester Land Use By-law. Typically, such approval is required for developments where the use is permitted, but special care and attention is needed to ensure the use is situated appropriately on the site and includes appropriate mitigation measures such as setbacks, buffers, screening and location of parking areas.

Council adopts the following policies for site plan approval:

Policy A-14

For projects that require site plan approval, the Village of Chester Land Use By-law standards may include:

a) The location of buildings and structures on a lot;
b) The location of on-site loading and parking;
c) The location and number and width of driveways;
d) The type, location and height of walls, fences, hedges and other landscaping elements;
e) The retention of existing vegetation;
f) The treatment of environmentally sensitive areas, including watercourses, water bodies, and wetlands;
g) The location and surfacing materials proposed for walkways;
h) The location and type of outdoor lighting;
i) The location of solid waste storage facilities;
j) The location of easements;
k) The grading or alteration of land levels, including stormwater management;
l) The type, location, number and size of signs;
m) Provisions for maintenance of any of the above standards.

Policy A-15

The Village of Chester Land Use By-law may also require the following prior to issuance of a development permit related to a Site Plan Approval:

a) An appropriate connection to a sewage disposal system, or an on-site system that meets {Provincial requirements;
b) Adequate on-site traffic circulation and access for emergency vehicles;
c) Road design satisfying the requirements of the Municipal Specifications adopted by Council;
d) Appropriate approval for access to any public street;
e) Adequate on-site water supply for domestic and firefighting purposes.

Policy A-16

The site plan notification, approval and appeal process shall follow the requirement of the *Municipal Government Act*, as well as the *Public Participation Policy*.

9.7 Development Agreements

Development agreements are a tool that allow Council to negotiate with a Developer, resulting in a specific project being developed on a particular piece of land. A development agreement provides increased flexibility for the Developer, beyond the As-of-Right Development outlined in the Land Use By-law. Development agreements allow Council to regulate aspects of development not otherwise possible through a Land Use By-law such as hours of operation, maintenance schedules, grading and contouring of the lot and security or performance bonding. The circumstances under which a development agreement can be applied for are outlined in the Village of Chester Land Use By-law and are used in situations where Council desires increased oversight or public engagement for a specific type, size, or style of development.

Section 4 of this Planning Strategy describes the zones and Planning Areas in which development agreements can be considered, and the types of development that would apply. While development

agreements offer more flexibility in approving developments, Council must ensure that all relevant policies outlined in this Secondary Planning Strategy are satisfied, and the intent is in keeping with policy, prior to approving a development agreement.

The Municipality will require applicants to submit a detailed proposal as part of any development agreement application. The proposal shall include any information or materials Council needs in order to evaluate the submission. The submission shall be accompanied by professionally prepared plans that illustrate the proposal.

9.7.1 General Development Agreement Policies

Council adopts the following policies for all Development Agreements:

Policy A-17

Developments approved by development agreement shall meet environmental standards required under site plan approval. Specifically, developments shall meet or exceed Stormwater Standards found in the Land Use By-law.

Policy A-18

Development agreement proposals shall include:

a) the location, area, and dimensions of the subject property based on a survey or location certificate prepared by a licensed surveyor;
b) elevation drawings of the proposed structure(s), including drawings showing the proposed structure(s) in the context of existing surrounding buildings, providing visual indication of how the proposed development will integrate into the existing neighbourhood;
c) the proposed location, dimensions, height, and proposed use of all buildings;
d) the means by which the site is to be serviced, including sewage disposal and drinking water supply;
e) the proposed location and nature of any outdoor storage or display;

f) the proposed location, design, and content of any signage;
g) the proposed location and dimensions of any parking spaces, stalls, driveways, and walkways;
h) the proposed location of any fencing, refuse containers, and snow storage;
i) the proposed location and type of any exterior lighting;
j) the proposed location of any outdoor amenity space;
k) landscaping elements including the type and location of any existing and proposed trees or other vegetation;
l) architectural features including type of materials;
m) the location of any watercourses, water bodies or wetlands on or near the site;
n) existing and proposed drainage patterns, including any stormwater management measures;
o) any proposed phasing of the development.

Policy A-19

When reviewing development agreements, Council shall be satisfied that:

a) the development agreement conforms to the intent of the Municipal Planning Strategy and to the intent of the Village of Chester Secondary Planning Strategy;
b) the development agreement conforms to relevant Municipal By-laws;
c) the applicable Public Participation Program has been followed and residents' opinions have been carefully considered; and
d) the development agreement is in the best interest of the Municipality.

Policy A-20

When considering development agreements, Council shall be confident the proposal is not premature or inappropriate due to:

a) the financial ability of the Municipality to absorb costs related to development;

b) the availability and capacity of Municipal services;
c) the adequacy of the site conditions for on-site services;
d) the adequacy of stormwater drainage and its effects on water quality;
e) inadequate access to schools, parks, emergency services, commercial properties and other local facilities;
f) a lack of street connections, sidewalks, paved shoulders, walkways or footpaths;
g) a poor supply of on-site water for domestic uses or for firefighting;
h) inadequate separations from watercourses, water bodies or wetlands from the ocean shoreline; or
i) proximity to places of known or potential archaeological significance as indicated by the Province.

Policy A-21

Council may require applicants to submit additional information to address issues that Council considers to be pertinent to the development process.

Policy A-22

Developments that require a development agreement shall:

a) maintain a vegetated setback between all main structures and any watercourses or water bodies; including
   (i) maintenance of a *vegetated buffer* of twenty (20) m in depth from the *mean high water mark* of a *watercourse* or *water body;*
   (ii) retention, replanting and maintenance of the *vegetated buffer*, in tree cover and understory vegetation to at least 75% of the linear *water body* frontage of the buffer, and not as a maintained, mowed lawn;
   (iii) allowance of a 3.5 m-wide opening in the *vegetated buffer* for access to *watercourses* and *water bodies* by means of docks, decks and pathways;

(iv) allowance of minor accessory structures shall be permitted within the *vegetative buffer* so identified.

b) include infrastructure designed to improve stormwater quality and reduce peak stormwater flows from the site;
c) meet or exceed the Land Use By-law's stormwater standards and watercourse buffers for comparable developments;
d) maintain all steep slopes, wetlands and areas prone to flooding in an undisturbed state, unless provided with a report from a qualified professional indicating how any impacts of development on the slope will be mitigated from both a safety and environmental perspective.

9.7.2 Commercial, Industrial, Institutional Development Agreements

In addition to the policies of Section 9.7.1., Council adopts the following policies:

Policy A-23

When considering commercial, industrial or institutional developments by development agreement, Council shall be satisfied that:

a) the development will not create undue traffic hazards, traffic congestion, or pedestrian hazards;
b) the development will not generate emissions that unduly reduce the development potential and value of properties in the vicinity;
c) the development is separated from adjacent properties not in commercial, institutional or industrial use, and screening is used in order to minimize impact on the abutting uses;
d) all structures use durable building material, so their appearance complements the established character;
e) all necessary permits have been issued or Council is satisfied that the required permits will be issued;
f) development shall not increase traffic volume so as to have an undue negative effect on properties served by a residential street;

g) the applicant demonstrates that the development can be appropriately serviced in a cost-effective manner;
h) a satisfactory parking calculation has been stipulated;
i) the applicant demonstrates that sewage disposal and any demands on the drinking water source will not negatively impact the quality and quantity of water resources; and
j) driveways, parking areas, and areas used for open storage shall be surfaced with stable materials to prevent erosion and to prevent dust from blowing onto adjacent properties.
k) the application includes the hours of operation for the proposed commercial use, including the hours when the business will be open to the public as well as the hours when staff will be present outside open hours.

9.7.3 Residential Development Agreements

In addition to the policies of 9.7.1, Council adopts the following policies:

Policy A-24

When considering residential developments, in addition to considering all general policies for development agreements, Council shall be satisfied that:

a) the development is not located on a site subject to undue nuisances or a degraded living environment caused by existing land use activities;
b) residential density and the building design are compatible with, but not necessarily the same as, surrounding neighbourhoods;
c) the development includes outdoor space suitable for playground equipment, walking trails, or other active or passive recreation use;
d) the development includes landscaping such as trees, shrubs, lawns, fences and walkways as necessary to create a residential character;
e) any exterior lighting is downcast with full horizontal cutoff;

f) sufficient parking is provided, and parking areas are safely accessible;
g) driveways and parking areas have a durable, dust free surface appropriate for all seasons;
h) development shall not increase traffic volume so as to have an undue negative effect on properties served by a residential street;
i) screening, setbacks and buffering are used in order to minimize impact on the abutting uses and the environment;
j) the development can be adequately serviced with sewer or on-site septic systems and water sufficient for domestic use and for fire suppression;
k) any wastewater disposal and any demands on the drinking water source will not negatively impact the quality and quantity of water resources of the area, based on a report by a qualified professional;
l) driveways, parking areas, and areas used for open storage shall be surfaced with stable materials to prevent erosion and to prevent dust from blowing onto adjacent properties.

9.8 Amendments

From time to time, changes to planning documents are needed, despite all efforts to ensure that it is comprehensive in their outlook. All such changes:

- must respect the intent of this Secondary Planning Strategy and the overarching Municipal Planning Strategy
- should be done in a thoughtful and transparent way following detailed study
- must be in the public interest
- must be carried out in accordance with the Public Participation policies set out in section 9.1

Council adopts the following policies for amending all planning documents:

Policy A-25

When considering amendments to a land use by-law or a subdivision by-law, Council shall consider the following:

a) that the amendment meets the intent of the Municipal Planning Strategy and the Village of Chester Secondary Planning Strategy;
b) that the amendment conforms to all relevant Municipal By-laws;
c) that the applicable public consultation program has been followed and residents' opinions have been carefully considered;
d) that the amendment is in the best interest of the Municipality.

9.8.1 Village of Chester Land Use By-law Amendments

In addition to the policies above, Council adopts the following policies for amending the Village of Chester Land Use By-law:

Policy A-26

When evaluating a rezoning application, Council shall consider other potential developments and uses that may be permitted as a result of a proposed zone change.

Policy A-27

Applications for a Village of Chester Land Use By-law amendment shall show:

a) the location, area, and dimensions of the subject property;
b) the proposed location, dimensions, height, and proposed use of all buildings;
c) the means by which the site is to be serviced by sanitary and storm sewers, water, electrical service and other utilities;
d) the location of any parking stalls, driveways, walkways, lighting, fencing, refuse containers, and snow storage;
e) landscaping elements including existing and proposed shrubs and trees;

f) architectural features where such features are regulated by the planning document;
g) additional reports or environmental studies as requested by the Municipality.

Policy A-28

When considering amendments to the Village of Chester Land Use By-law, Council shall be satisfied that the proposal is appropriate with respect to:

a) compatibility of the proposed land uses permitted within the proposed zone;
b) compatibility of the development, and potential developments, with adjacent properties in terms of size, lot coverage and density;
c) potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display and storage, traffic, vehicle headlights, and noise;
d) the adequacy of sewer services, water services, waste management services and stormwater management practices;
e) efficient use of existing and new municipal infrastructure;
f) proximity to and impact on heritage sites and archaeological sites;
g) the proximity and capacity of schools;
h) the adequacy and proximity of recreation and facilities;
i) the adequacy of the road network in, adjacent to, or leading to the development;
j) the potential for erosion or for the contamination or sedimentation of watercourses;
k) environmental impacts such as air and water pollution and soil contamination;
l) previous uses of the site which may have caused soil or groundwater contamination;
m) suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, water bodies or wetlands;
n) the ability of emergency services to respond to an emergency at the location of the proposed development;

o) the proposal and the proposed zone support the intent of this strategy; and
p) the financial ability of the Municipality to absorb any costs relating to the amendment.

9.8.2 Secondary Planning Strategy Amendments

This Secondary Planning Strategy is the document through which the growth and development of the Village of Chester shall be guided and coordinated. The policies of the Secondary Planning Strategy will be implemented through the powers provided to Council in the *Municipal Government Act*, the Chester Municipal Planning Strategy and other relevant statutes.

Any Secondary Planning Strategy amendments shall be considered using the appropriate sections of the *Municipal Government Act*. These amendments should not be entered into lightly, and they require thorough and thoughtful public engagement.

Council adopts the following policy on Municipal Planning Strategy amendments:

Policy A-29

A Village of Chester Secondary Planning Strategy amendment shall be required where:

a) any policy intent is to be changed;
b) an amendment to the Village of Chester Land Use By-law would conflict with any portion of the Municipal Planning Strategy;
c) an amendment to the Municipal Subdivision By-law would conflict with any portion of the Municipal Planning Strategy;
d) the boundaries of a Planning Area are changed.

9.9 Reviewing the Village of Chester Secondary Planning Strategy

This Secondary Planning Strategy is intended to be easy to understand, while dealing with sometimes complicated and potentially conflicting land use issues. The Secondary Planning Strategy provides a long-term planning framework designed to meet the needs of residents and property owners in the Village of Chester for the next decade and beyond. Nevertheless, as the Village continues to grow and change, it will be necessary to regularly review this document to ensure that it continues to reflect the values and goals of the residents, property owners and Council.

Council adopts the following policies on review of the Municipal Planning Strategy:

Policy A-30

A brief "housekeeping" review of this Plan and accompanying Land Use By-law shall be considered one to two years after implementation to ensure that these documents reflect the intent of the Planning Strategy.

Policy A-31

Council shall require regular reviews of this plan and subsequent amendments, such that the Planning Strategy is reviewed as required by the *Municipal Government Act*, and otherwise when so requested by Council.



SECTION 10: ONGOING AND FUTURE PROJECTS

ONGOING AND FUTURE PROJECTS

Throughout this review of the Village planning documents, a number of related projects, initiatives and studies have been proposed, requested, and discussed. These initiatives, while related to community development and planning, have been deemed as being best addressed separately from the completion of the Village Review process. The following list, in no particular order, reflects the proposed ideas, studies, regulations and initiatives resulting from staff discussion, Village Planning Advisory Committee meetings, public engagement, discussions with Council and suggestions from members of the public. The policy references at the end of each Future Project are intended for information and to directly link the proposed projects to this Secondary Planning Strategy.

While Council is not obligated to undertake the following, the listed projects and initiatives are recommended as potential follow-up work that would further support the purpose and intent of this Secondary Planning Strategy:

- Study and consider a Tree Protection By-law and Program (Policies: G-19, G-35, G-36)
- Consider authorizing an expanded Heritage Registration and Acknowledgement Program (Policies: P-21, P-22)
- Investigate the possibility of establishing a Heritage Conservation District (Policy P-23)
- Pursue acquisition of unmaintained streets as areas for recreation and to increase public access to the ocean (Policies P-7, P-8)



SECTION 11: HISTORY OF PLANNING IN THE VILLAGE OF CHESTER

CONTENTS:

Planning Strategies and
Land Use By-laws 11.1
Subdivision Control 11.2

HISTORY OF PLANNING IN THE VILLAGE OF CHESTER

11.1 Planning Strategies and Land Use By-laws

Lands within the Village of Chester and surrounding area have been subject to land use controls since the mid 1970's when Council adopted regulations for the first time. In 1988 a Land Use By-law came into effect for Chester Downs and Islandview Subdivisions.

This led to the creation of a Municipal Planning Strategy and Land Use By-law to regulate rural parts of the Municipality while a Secondary Planning Strategy and Land Use By-law were created to govern the village of Chester and the immediate surrounding area.
In January 2020, Municipal Council adopted a new Municipal Planning Strategy and Land Use By-law, prior to beginning the review of the Village of Chester Secondary Planning Strategy and Land Use By-law. Included with the adoption of the new Municipal documents, the area governed by the Village of Chester Secondary Planning Strategy and Land Use By-law was reduced to align precisely with the Village of Chester Municipal Boundary.

Prior to the adoption of land use regulations, the Village of Chester developed subject to market conditions, the type and availability of local employment (ie. Ship building, forestry, fishing) and generally adhered to the original grid laid out in the 1760's when during the founding of the Village, previously known as Shoreham.

The first Village of Chester Secondary Planning Strategy was created in 1997. At this time, planning regulations were expanded beyond the Village to rural parts of the Municipality. Since this time, the Secondary Planning Strategy and Land Use By-law have been the guiding documents for growth, development, and conservation within the Village of Chester.

Through subsequent plans and by-laws, the Village of Chester has an established history of land use controls to preserve and enhance the existing character and charm. Each iteration of the planning

documents generally builds upon the previous plan, while addressing issues and emerging trends that require thought, attention and possible regulation.

11.2 Subdivision Control

The Minister of Municipal Affairs first prescribed Subdivision Regulations for Chester Municipality on 5 March 1975. From that time onward, the 1969 Planning Act allowed any parcel of land to be divided into three without approval, but the fourth and subsequent division had to satisfy the Subdivision Regulations.

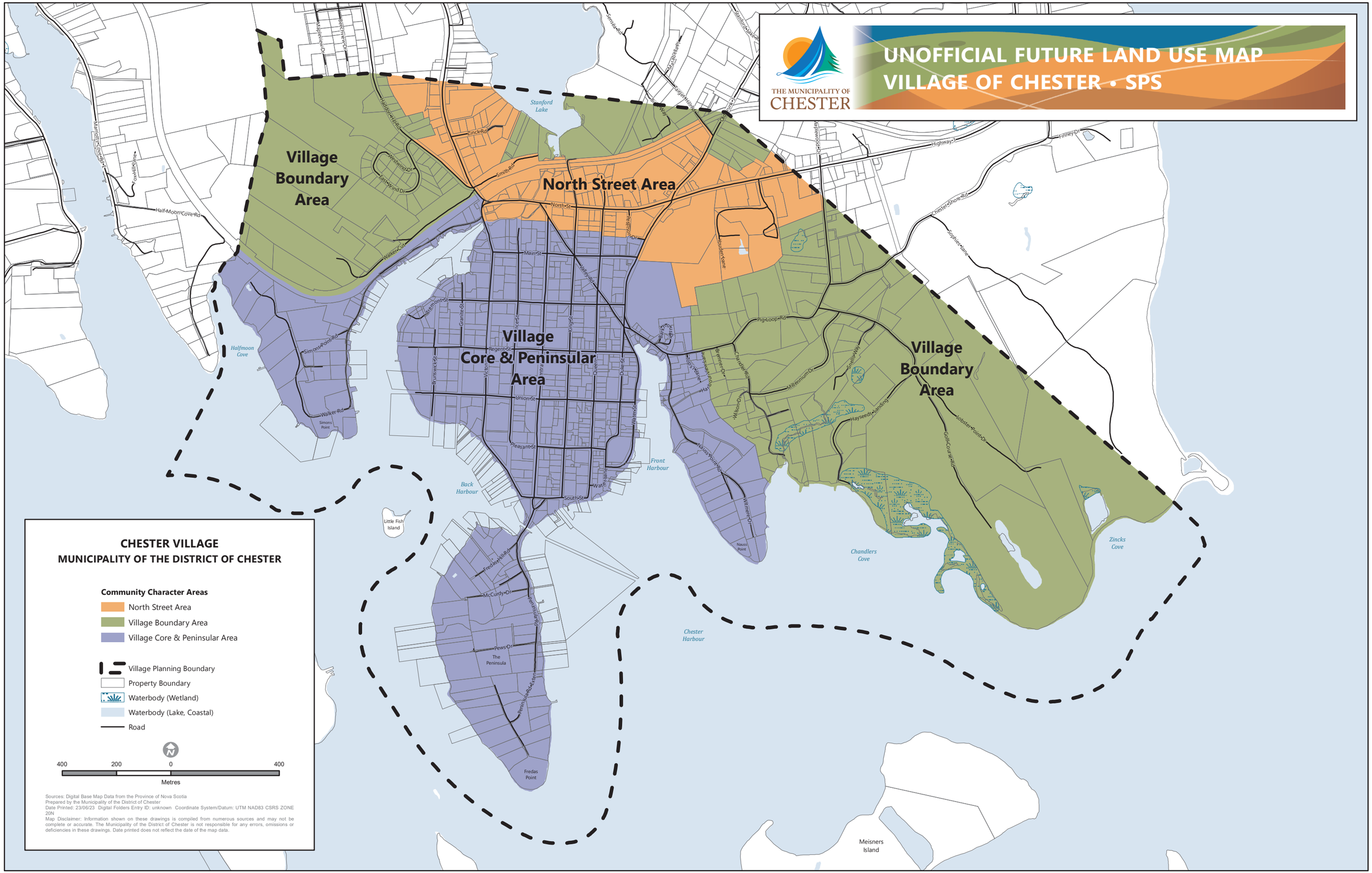
These regulations were repealed, and new Provincial Subdivision Regulations were prescribed on 6 August 1984 under the Planning Act of 1983. In August of 1987, new Provincial Subdivision Regulations were prescribed under the 1987 amendments to the Planning Act which required every division of land to satisfy the regulations. Work on a Subdivision By-law for Chester Municipality went very slowly, and when a draft was submitted to Department of Municipal Affairs staff in 1988, it was rejected because it conflicted with provincial standards on lot sizes and access to lots.

Since Provincial Subdivision Regulations do not address the provision of Municipal services such as sewers, water supply, and recreation facilities, nor do they address matters of concern to Municipal Council such as private road construction standards, Council in 1989 again requested Lunenburg County District Planning Commission staff to draft a Municipal Subdivision By-law to deal with these issues. This project did not get a high priority and the drafts were set aside in favour of other work.

As part of the Provincial-Municipal Services Exchange, the Provincial Subdivision Regulations were extensively amended in 1995. Council gave a high priority to the drafting of a Municipal Subdivision By-law, because of a new municipal responsibility for municipal public highways. Because of the re-organization of the Planning Commission resulting from the Services Exchange, this project

proceeded slowly. A Subdivision By-law was adopted in 2000.

A review of the current Municipal Subdivision By-law, Municipal Specifications and Sewer By-law is planned to follow this Secondary Plan Review. This effort will ensure that the Planning Strategy, Land Use By-law, Subdivision By-law and Municipal Specifications work together as intended without conflict or confusion resulting from inconsistent language, terminology or date of publication.


THE MUNICIPALITY OF CHESTER
UNOFFICIAL FUTURE LAND USE MAP
VILLAGE OF CHESTER • SPS
Village Boundary Area
North Street Area
Village Core & Peninsular Area
Village Boundary Area
Stanford Lake
Halfmoon Cove
Back Harbour
Front Harbour
Chandlers Cove
Zincks Cove
Chester Harbour
Little Fish Island
Meisners Island
The Peninsula
Fredas Point
Simons Point
Nauss Point
CHESTER VILLAGE
MUNICIPALITY OF THE DISTRICT OF CHESTER
Community Character Areas
North Street Area
Village Boundary Area
Village Core & Peninsular Area
Village Planning Boundary
Property Boundary
Waterbody (Wetland)
Waterbody (Lake, Coastal)
Road
400 200 0 400
Metres
Sources: Digital Base Map Data from the Province of Nova Scotia
Prepared by the Municipality of the District of Chester
Date Printed: 23/06/23 Digital Folders Entry ID: unknown Coordinate System/Datum: UTM NAD83 CSRS ZONE 20N
Map Disclaimer: Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Municipality of the District of Chester is not responsible for any errors, omissions or deficiencies in these drawings. Date printed does not reflect the date of the map data.