Municipal Planning Strategy

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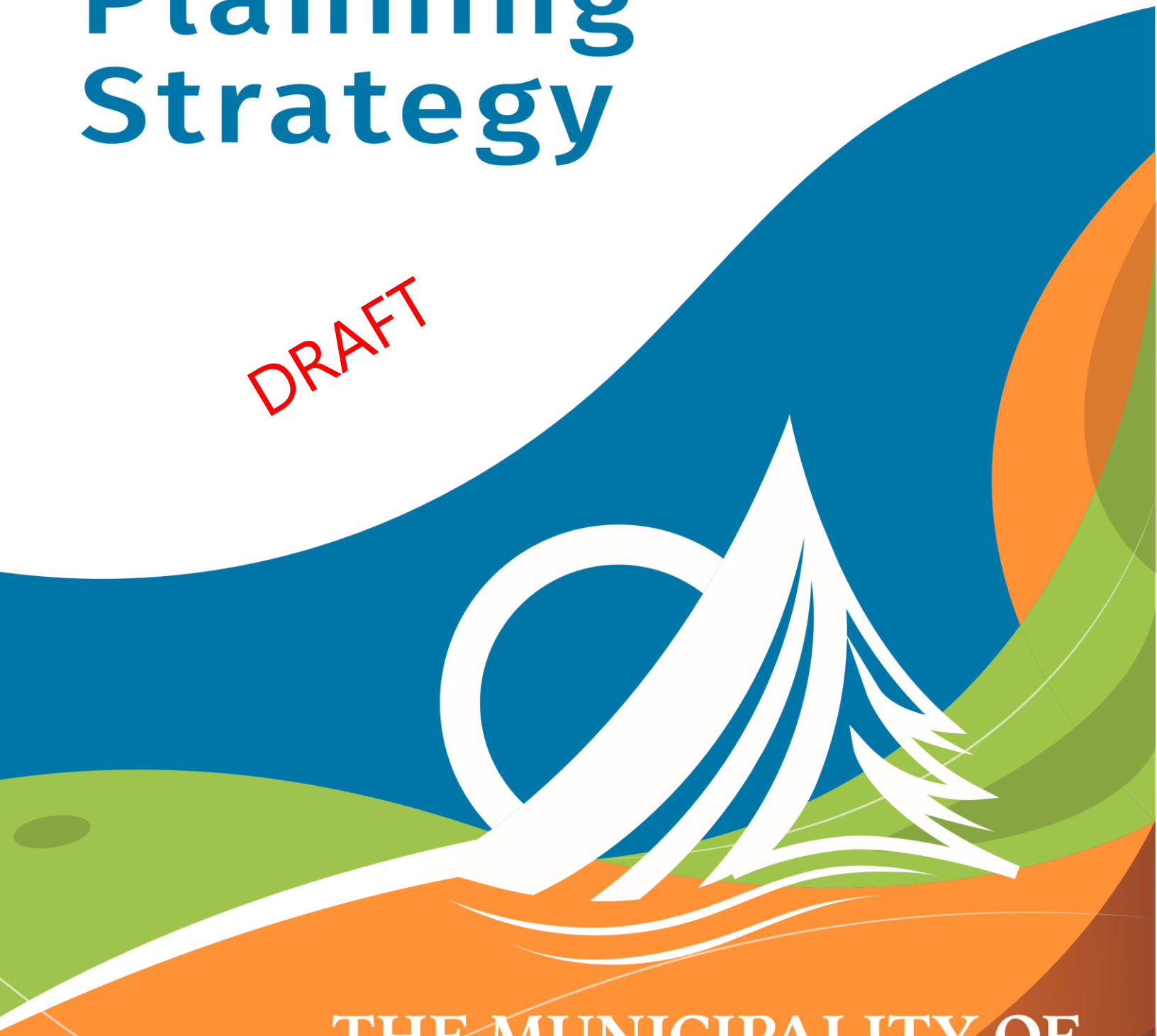

THE MUNICIPALITY OF

CHESTER

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Municipality of the District of Chester

Municipal Planning Strategy

Original Documents Approved by Council on

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SECTION 1: INTRODUCTION

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1.0 TITLE, PURPOSE, AND SCOPE

The Municipality of the District of Chester (the Municipality) covers a large, rural area in Lunenburg County, Nova Scotia. Our region is defined by its rugged coastline, settlements and strong traditions. Over 10,000 people currently live here.

"Our location is stunning. With hard work and dedication, we will build strong communities and a prosperous local economy."

Our coastal communities are among the oldest in Nova Scotia. Our inland communities are built on agriculture and forestry. This land is the traditional territory of the Mi'kmaq, who have called the area home for thousands of years. Today, First Nations communities are found in both the northern and coastal areas of the Municipality. Our collective heritage is long and diverse.

Traditionally, our economy was based on fishing, farming and forestry. Communities produced food, clothing and other necessities locally. As roads improved and travelling became easier, our connections to other south shore communities, Halifax and the Annapolis Valley increased.

Our location between Bridgewater, Halifax and the Annapolis Valley is stunning. With hard work and dedication, we will build strong communities and a prosperous local economy. We will encourage sustainable economic development. In so doing, we will facilitate opportunities for more jobs and services for our residents, enhance community character, and safeguard our beautiful natural areas. This Municipal Planning Strategy will help the Municipality reach these goals.

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1.1 Purpose

This Planning Strategy sets out a vision for the Municipality, and provides policies that guide and direct growth and development over the long term. It recognizes the established character of communities found within its borders, and reflects how residents would like to see their communities evolve and improve in ways that facilitate growth, development and change where needed, while preserving and enhancing the unique character of our communities.

This Planning Strategy serves as a reference for all citizens: those residing in the Municipality and managing their property; and those engaged in residential, commercial, industrial or institutional development. It includes policies for land use and development control, which are implemented by regulations in the Subdivision By-law and Land Use By-law.

This Planning Strategy is one component of the Municipality's portfolio of long range plans, including the **Active Living Strategy** (2008), the **Integrated Community Sustainability Plan** (2009), the **Municipal Climate Change Action Plan** (2013), **the Economic Development Strategy** (2013), and Council's ongoing strategic planning activity.

Planning policy, and subsequent regulation, is only one part of community planning. The Municipality, other governments, businesses, community groups and residents all play a role in building a strong community. Many parts of this Planning Strategy build on prior studies, like the **Highway 3 Streetscape Study** (2011) **and the Age Friendly Housing Study** (2016). In addition to policies and regulation, this Municipal Planning Strategy lists actions and programs needed to build a strong community.

1.2 Vision and Goals

This Planning Strategy is based on public meetings and public engagement held periodically since 2015. The ideas, input and feedback have led to clear, strong planning policies for our communities.

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.*

Feedback during our public engagement events built on and validated this vision. Residents spoke often about the need for strong, unique, complete and healthy communities. They spoke about the need to balance growth and development with the preservation of community character and the natural environment.

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

Safeguards its natural environment by

- Protecting infrastructure from sea level rise and storm surges
- 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 waste water
- Reducing the impact of development on the natural environment

Celebrates its character and heritage by

- Recognizing and enhancing the unique character of each community
- Encouraging suitable rural and village settlement patterns

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- Encouraging community 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

Offers appropriate housing choices by

- Allowing and encouraging a range of housing to meet the needs of all residents of the Municipality
- Encouraging a range of housing and care options for seniors to remain in the community
- Encouraging affordable housing

Enjoys good social and physical health by

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

1.3 Character and Land Use

This Planning Strategy builds on the physical and social character of our Municipality – on our illustrious history as well as on our natural and human resources – to encourage responsible growth. It also addresses certain challenges such as climate change, sea level rise and our aging population. The Planning Strategy is a response to the circumstances of today, but also expresses our vision and goals for the future.

The vision and goals of the Planning Strategy are intended to foster the creation of healthy, liveable communities. Different communities, however, have different needs, and no single approach is right for all. Thus, the Planning Strategy contains sets of policies uniquely created to serve different parts of the Municipality. The different parts of the Municipality are defined by community character. This character, defined in the planning strategy in a range from rural (least dense) to village (most dense) – is its basic organizing structure.

Close-knit rural communities are part of the Municipality's fabric, as are communities' heritage and traditions. Rural areas, however, are changing. In the past, rural communities were supported by farming, fishing, forestry and mining. These activities are still important, but they are gradually being supplemented by opportunities in the tourism, culture and technology sectors. Meanwhile, seasonal homes, cottages and outdoor recreation are commonplace, and many residents now travel to nearby towns, or to the Halifax Regional Municipality, for work.

These changes have brought about different expectations of a 'rural' lifestyle. While the rural hinterland, especially inland waterways and the coast, is attractive to residential users, it also supports a resource economy where farming, forestry, fishing and industry have co-existed for decades. Such activities sometimes involve heavy equipment, truck traffic and noise – a reality in a rural setting. The Planning Strategy recognizes that business and industrial use can be as much a part of the rural character as low-density residential and recreational use. Accordingly, the Strategy encourages new opportunities that build on that character while ensuring

compatibility of neighbouring land uses and the safeguarding of the natural environment.

The following principles are adopted to help define rural character:

- Rural communities have a low population density.
- Small rural centres – hamlets – provide a focal point for shopping and services.
- Agriculture, forestry and fishing are critical to rural character.
- Much of the rural area should remain available for resource industries.
- Development should have a low impact on the natural environment, to ensure clean air and clean water.

Each community has a unique history and context. Some areas have a long-standing mix of land uses, large undeveloped areas and strong resource industries. Others may be faced with more development pressure because of local assets or proximity to larger centres. To account for their distinct needs, this Planning Strategy assigns each community with a Community Character Area.

The Community Character Areas are land use designations that accommodate degrees of density, as follows:

- **Rural Area**
- **Settlement Area**
- **Hamlet Area**
- **Village Area**

Community Character Areas express how different communities exist today, and how they will grow and change. Rural and settlement areas will continue to have low population densities. They will continue to have a wide mix of land uses, development patterns and large resource sectors. The Village (Chester) and Hamlets will continue to have higher population densities. To respond to development pressure and conflict, these denser Planning Areas will have stricter regulations.

There are two special land use designations:

- **Industrial and Business Area**
- **Environmental Protection Area**

The purpose of the Industrial and Business Area is to direct heavy industry and business uses – those developments that require large tracts of land or have the potential to impact their surroundings – to specific areas. The purpose of the Environmental Protection Area is to safeguard key sensitive natural resources: watersheds for safe drinking water, and specific islands dedicated to conservation.

Therefore, Council adopts the following policies:

Policy V-1

Land and communities in the Municipality shall be designated with a Community Character Area that expresses that community's desired character.

Policy V-2

Land in the Municipality shall be designated as an Industrial and Business Area where heavy industrial and intensive business uses shall be directed.

Policy V-3

Land in the Municipality shall be designated as an Environmental Protection Area where natural resources shall be safeguarded.

Policy V-4

The Municipal Planning Strategy shall identify the desired land uses allowed in each Community Character Area, Industrial and Business Area, and Environmental Protection Area.

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Policy V-5

The Municipal Planning Strategy shall contain policies and approaches to allow and encourage traditional rural land uses, including forestry, fishing and agriculture, while accommodating economic diversification.

Policy V-6

The Municipal Planning Strategy shall create rural zoning that permits a broad range of land uses, in recognition of the mix of uses traditionally found in rural areas.

1.4 Policy Approach

Council's longstanding policy has been to impose minimal planning regulations, unless a community asks for more regulation. This Planning Strategy takes a different approach by providing guidance on how all communities should grow and develop. Under this Planning Strategy, basic planning regulations are in place across the Municipality to protect water quality and other critical common resources. Additionally, it establishes basic environmental protections in all zones, as well as regulations that will limit the impact of very large or disruptive developments.

Many residents are strongly connected to their land, and want few restrictions on how they use it. Other residents desire regulations that would protect their communities and neighbourhoods. Such regulations include land use policy and policy on community design and physical character.

In recognition of the above, Council adopts the following policies:

Policy V-7

All land in the Municipality shall be subject to, at a minimum, basic land use regulations that:

a) control very large or disruptive land uses;
b) safeguard the natural environment.

Policy V-8

Council shall consider more restrictive planning regulations when a community has shown that it wishes to consider such regulations. Council shall undertake a public engagement program to understand the wishes of the community before creating or approving any amendments.

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Policy V-9

Notwithstanding Policy V-8, Council, on its own initiative, may consider more restrictive provisions of the Planning Strategy and the Land Use By-law where Council deems that such land use control is in the best interests of the community and of the Municipality.

Policy V-10

Council intends to control land use and development in a manner that will lessen conflicts between land uses and in a manner that is compatible with the existing pattern of land use in the Municipality.

Policy V-11

Land use policies and regulations shall reflect each community's:

a) rural or village context;
b) existing land uses;
c) community character;
d) desire for regulation;
e) community vision.

1.5 Authority and Scope

This Municipal Planning Strategy supersedes the Municipal Planning Strategy approved by the Minister of Housing and Municipal Affairs on July 17, 1997 and thereafter amended. This Plan is the product of a public review process begun in 2014, in accordance with the *Municipal Government Act*, 1998, c. 18, s. 1.

This Planning Strategy provides the policy framework for land use and development control. 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 Land Use By-law and the Subdivision By-law are the companion documents to this Municipal Planning Strategy. These By-laws are the documents that will carry out its intent, as set out in the *Municipal Government Act*.

This Planning Strategy is a policy statement of Council. Council shall have regard to the policies contained within the Municipal Planning Strategy. Council is not required to undertake any action within the Planning Strategy. However, no development would typically proceed unless Council is satisfied that such development meets the intent of the Planning Strategy.

Although a Municipal Planning Strategy may state policies that are carried out through resolutions of Council or through by-laws other than the Land Use By-law, the Land Use By-law has a special relationship with the Municipal Planning Strategy. The *Municipal Government Act* forbids Council from adopting or amending a Land Use By-law contrary to the policies stated in the Municipal Planning Strategy.

Where there is a Land Use By-law in effect, the *Act* says that a development permit must be obtained for any development, but also allows the By-law to specifically exempt some developments from this requirement.

Council adopts the following policies:

Policy V-12

This Municipal Planning Strategy applies to the whole of the Municipality of Chester, which is an area of land shown specifically on the Generalized Future Land Use Map.

Policy V-13

The Chester Municipal Land Use By-law applies to the whole of the Municipality of Chester, except for the Village of Chester Planning Area, as shown on the Generalized Future Land Use Map, as detailed in Schedule "A".

1.5.1 Working with other Governments and Local Partners

As in most rural areas, public services and public utilities in the Municipality of Chester are provided by a network of federal, provincial, municipal, corporate, and volunteer operations. Council has varying levels of responsibility for these services, and will work with other levels of government to support and encourage the delivery of these services.

Policy V-14

Council will notify and engage with First Nations neighbours in matters of planning and development that may be of interest to, or affect, indigenous communities.

Policy V-15

Council will work with federal, provincial, and municipal partners to deliver services such as recreation, transportation, national defense, housing, policing, and education.

Policy V-16

Council will work with federal, provincial, and municipal partners to support programs and infrastructure related to fishing, forestry, agriculture, tourism, and other industries.

Policy V-17

Council will continue to cooperate with fire commissions, fire departments, and the Village of Chester Commission to ensure the provision of adequate fire protection and emergency services.

Policy V-18

Council will continue to encourage and support volunteer groups in providing a range of services.



SECTION 2: LIVEABLE COMMUNITIES

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2.0 LIVEABLE COMMUNITIES

All members of society desire a high quality of life, regardless of their age, income, or ability. Residents should be able to maintain personal independence, and engage in civic and social life. How we build communities affects peoples' lifestyles and health. This Planning Strategy contains policies designed to support and promote the mental, physical and social well-being of residents.

A 'liveable' community is one in which:

- Open space and the natural environment are safeguarded and may be experienced by all
- Healthy transportation options allow people to move freely and safely around their community
- Affordable, adequate, and suitable housing is available, allowing people to engage in community life
- There is easy access to facilities and services, such as health care, recreation, community meeting places, and retail
- Neighbourhood design facilitates opportunities to connect with friends, family, and community

Pursuing the goals of this Planning Strategy will help build healthy, connected, liveable communities. This chapter contains policies specifically intended to improve the liveability of communities by addressing parks and open space, active transportation, housing and heritage.

Council adopts the following general policies on liveable communities:

> **Policy L-1**
>
> Council shall work to foster a healthy built environment within connected, liveable communities that promotes wellness, and builds a sense of belonging and community pride.

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Policy L-2

Council shall foster liveable communities by encouraging well-being, creativity, entrepreneurship, community action, and recreation.

2.1 Parks and Open Space

The policies in this section respond to the following objectives:

- Creating passive and active recreation opportunities across the Municipality
- Designing public spaces that attract people and activity
- Designing and promoting accessible community spaces
- Facilitating access for all to the coast, to lakes and to rivers

2.1.1 General Policies

Every community needs good public open spaces. Parks, trails, beaches and playgrounds provide places to meet neighbours, to play and to exercise. Good public spaces are where all residents and visitors can feel welcome and safe. They are an 'anchor' for the community and play a key role in maintaining healthy and vital neighbourhoods.

One strength of our communities is their proximity to nature and to the wilderness. These areas provide natural resources to support personal livelihoods, species habitat, and outdoor recreation for residents. The Municipality plays a central role in providing access to public lands for active and passive outdoor recreation. Public space, however, is about more than green space, especially in the more built-up areas of the Municipality. Streets, sidewalks and small parks are often owned and shared by the public. Street, trail and sidewalk design is particularly important to promote active transportation and healthy lifestyles. The Municipality partners with many groups to make sure these places are safe and accessible.

The Municipality works to match recreation projects with the character and needs of each community. In rural areas, the focus is on providing access to protected areas, trails, rivers and other public lands. In small centres and the Village of Chester, the focus is on more formal parks and playgrounds. These types of spaces should be in a central, visible place, and attract a mix of users throughout the year. The Municipality encourages design for public places in such a way that they can be used by all age groups and abilities.

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The Municipality has several ways to dedicate land for parks and public space. It can purchase land or acquire it by donation. During the subdivision process, it can acquire land for parks or public open space, or accept cash in lieu of land. To build great parks and good public spaces, it is necessary to first acquire the right land, and second, to design and program it to serve local needs and be part of a network of parks and public spaces throughout the municipality. The Municipality will focus on obtaining resources to develop parks or acquire high-quality land that will support its goals, and will prepare an open space master plan that will outline future recreation needs.

Residents have said repeatedly that they desire more access to our coasts, to our lakes and to our rivers. Council will work towards providing more access to the water. Where appropriate, in addition to acquiring more land with water access, the Municipality will acquire land that can be turned into useable, inviting spaces.

Council adopts the following general policies on parks and open spaces:

Policy L-3

A parks and open space plan shall be undertaken to guide the acquisition and development of parks and open spaces across the Municipality.

Policy L-4

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

Policy L-5

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

Policy L-6

Council shall work to advance the goals found within the Municipal Active Living Strategy.

Policy L-7

Council shall explore opportunities to obtain properties that have water access and are suitable for recreation.

Policy L-8

Council shall explore opportunities and partnerships to provide the public with better waterfront access.

2.1.2 Land adjacent to inland waterways and coastal shores

Within the Municipality, parks may be developed by provincial, federal or municipal governments, whether individually or in partnership. However, parks and other places intended for public use can be developed by other public or private organizations, or by individuals. Of special interest is development that provides public access to inland waterways and to coastal shores through the development of parks, open space, or other recreational lands.

When no other formal agreement has been established, Council believes that the development of land by interests other than the Municipality of Chester or the Crown, and which provides public access to inland waterways and coastal shores, should be subject to a process that ensures adequate measures are taken to protect the environment, reduce potential land use conflicts and engage the public in the process.

Council therefore adopts the following policies:

Policy L-9

Council shall consider the development of land that provides public access to waterways and coastal shores identified the Generalized Future Land Use Map, which are not owned by the Crown or the Municipality of Chester, or in which the Municipality is not a partner, only by development agreement subject to the policies in sections **9.7.1** and **9.7.4** of this Planning Strategy. For the purpose of this policy, access to inland waterways comprises activities such as, but not limited to, boat launches, beaches, picnic areas, parking areas and associated public amenities.

Policy L-10

Prior to a development agreement for a development subject to **Policy L-9** being considered by Council or any committee of Council, the developer must hold at least one public information meeting in the community in which the development is proposed to receive feedback and input from the community on the design, layout, and use of the development.

2.2 Transportation

The policies in this section respond to the following objectives:

- Encouraging and supporting transportation options beyond the private automobile
- Connecting communities with safe cycling and walking routes

Our transportation systems connect people to jobs, events, and services in their communities. In the modern era, our Municipality has been built around the private automobile as the primary mode of transportation. But residents are now looking for healthier, more environmentally friendly means of transportation, including walking, cycling, and public transit. Additionally, as our population ages, a higher proportion may be unable to drive or have access to a private vehicle. Without alternative forms of transportation, some residents can become isolated from friends and family, important services, and employment opportunities.

Encouraging active transportation, such as walking and cycling, will require rethinking how we design our communities. It is a long process that will involve continual work, budgeting, and strategic planning. Building sidewalks, paved shoulders, and trails is vital, especially in areas where walking and biking is currently unappealing, or even dangerous. Cycling and walking routes are most critical in places where services are clustered, to help people easily reach services like health care, banks, grocery stores and schools. Additionally, walking and cycling provide opportunities for recreation and active living. New development can support multi-modal access in its design.

Providing public transit that is of high enough quality to compete with cars is beyond the means of a rural municipality. The Municipality can, however, focus on supporting alternatives to the car, like "dial-a-ride" transit service. Community Wheels already operates such a service for residents, which offers pre-booked door-to-door service to residents. This type of service provides critical coverage to many people wishing to access shopping, medical appointments and other errands.

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Through this Planning Strategy's policies, Council will give priority to creating more travel options for residents. By supporting walking, cycling and community transit, residents will have more opportunities for recreation and community engagement. When paired with good community design, people will have better access to the support and services they need to stay healthy and connected.

Council adopts the following policies for transportation:

Policy L-11

Council shall give priority to sustainable transportation choices that provide better travel options for residents.

Policy L-12

Council shall give priority to cycling and walking improvements that both support long term recreation plans and support practical trips for residents.

Policy L-13

Council shall continue to support dial-a-ride transit and other community transit services, through in kind support, partnerships and other means.

Policy L-14

Within the framework of the Active Transportation Policy, Council shall continue to work with the Province to create safe roads, highways, sidewalks, trails, paved shoulders and active transportation routes for all users.

Policy L-15

Council shall encourage new development that provides attractive cycling and walking options.

2.3 Housing

The policies in this section respond to the following objectives:

- Facilitate development of a range of housing types to meet the needs of all residents of the Municipality
- Encourage a range of housing and care options for seniors to remain in the community
- Encourage affordable housing

For decades, there has been a standard approach to building housing in the Municipality. Houses are often built in rural or suburban subdivisions, just off main roads. In many cases, houses are separated from other uses like stores or workplaces. In some cases, housing itself is sorted by type: single-unit housing in one area; two-unit or multi-unit housing in other areas.

While this model may have had merits in the past, our communities are changing. Our households are becoming smaller, family units are more diverse, and our senior population is continually growing. Furthermore, economic forces are making homes less affordable. Census (Statistics Canada, 2016) data reveal that 18.5% of households in the Municipality are spending 30% or more of their income towards housing costs. Additionally, many households report housing that needs major repair, or is not suitable for the size of their household. Thus, our housing stock is not always well-suited to the needs of residents. A liveable community means one where everyone, regardless of age, income, or ability, can access housing that is in a state of good repair, is suitable for the size of their household, and is affordable.

While *providing* housing assistance is the Province's mandate, municipalities must take on a *supporting* role by ensuring there are no barriers to creating new affordable housing as well as special needs housing. This includes assessing the need and supply of these housing types and developing solutions appropriate to the area. The Municipality can support affordable housing by allowing for more density where appropriate, whether in the form of two-unit or multi-unit developments, manufactured homes, or other compact housing options. Council has also directed that central sewer service, where it

exists, is to be used efficiently. This means allowing more housing in areas with services, which lowers servicing cost. Additionally, the municipality can work with community groups and developers to encourage the design and development of innovative housing solutions and neighbourhoods to meet the diverse housing needs of our communities.

Council adopts the following policies to address housing in the Municipality:

Policy L-16

Council shall encourage a range of housing types and densities that respond to the needs and physical character of each community, including but not limited to: housing for varied household sizes, housing for seniors and others with special housing needs, and affordable housing.

Policy L-17

The Land Use By-law shall provide for a range of development approaches, including but not limited to development agreements, mixed-use zoning, varied residential types and densities, two-unit and multi-unit developments, manufactured housing and alternative development standards, to encourage the development of innovative housing concepts.

Policy L-18

Council may work with community organizations, with non-profit and cooperative groups and with developers to encourage innovative neighbourhood design and housing approaches, including affordable housing, in the Municipality.

2.3.1 Manufactured homes and land lease communities

Manufactured homes, constructed off-site for placement and final assembly on a lot, are an affordable alternative to traditional single and multiple-unit housing types. Whether developed as one unit per lot or as multiple units on a lot to form a land lease community, they are permitted in most Rural and Settlement planning areas. It is important for land lease communities to be designed to ensure a high standard of living for residents, including having roads sufficient for emergency vehicle access and waste collection, and adequate storm drainage. For this reason, larger land lease community developments shall be approved by development agreement.

Council adopts the following policies for manufactured homes and land lease communities:

Policy L-19

Manufactured homes shall be permitted in all zones, unless otherwise stated in the Land Use By-law.

Policy L-20

Where permitted, land lease communities shall only be approved by Development Agreement.

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2.4 Heritage

The policies in this section respond to the following objectives:

- Recognizing and enhancing the unique character of each community
- Preserving and celebrating historic places

The Municipality of Chester is rich in heritage resources. These are expressed in three ways:

- Customs, values and traditions, including those belonging to Indigenous peoples, those inherited from early settlers, and those brought here by new arrivals;
- Buildings of architectural or historical importance, as well as neighbourhoods and streetscapes that contribute to the character of communities;
- Landscapes shaped by human activity (known as cultural landscapes), and special places that may hold significant archaeological artifacts.

The preservation and celebration of a community's heritage is important because it contributes to a sense of place and identity for residents. At the same time, local customs, values and traditions, as well as places with a distinct, historic character, are of interest to visitors from near and far.

In Nova Scotia, heritage properties are protected under the *Heritage Property Act*. At the time of this Plan's adoption by Council, Chester Municipality contained forty-five registered Municipal Heritage Properties. Significant alteration or demolition of any registered heritage property requires Council approval. The *Act* also enables the designation of heritage conservation districts and cultural landscapes.

Important archaeological or paleontological sites are recognized and protected under the *Special Places Protection Act.* One site, Oak Island, is protected under the *Oak Island Treasure Act*.

When feasible, the Province of Nova Scotia assists owners of registered heritage properties with grants for repair, restoration and

technical advice. Additionally, the Province has adopted national standards and guidelines for the conservation of heritage resources.

Council recognizes that preserving a community's heritage is important to its social and economic well-being, and that promoting heritage can benefit the local economy. There should, therefore, be standard approaches to stewardship of heritage buildings, landscapes and special places.

Council adopts the following policies for the recognition, preservation and celebration of heritage:

Policy L-21

Council shall maintain a Register of Municipal Heritage Properties, and shall encourage the continued registration of properties pursuant to the *Heritage Property Act.*

Policy L-22

Council shall adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* in evaluating substantial alterations to Registered Heritage Properties.

Policy L-23

Council shall work with property owners and heritage organizations to designate buildings, districts and cultural landscapes of historical and/or architectural importance to communities.

Policy L-24

Council shall cooperate with the Province of Nova Scotia in raising awareness of heritage programs that affect residents and property owners in the Municipality.

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Policy L-25

Council shall cooperate with the Province of Nova Scotia in matters pertaining to the protection of places of potential archeological significance.

Policy L-26

Council shall continue to work with community groups as they promote and celebrate the cultural heritage of their communities including, but not limited to, interpretation, distinctive civic signs, and promotion of places and events.



SECTION 3: GENERAL LAND USE POLICIES

3.0 GENERAL LAND USE POLICIES

It is the intention of Council, in implementing the key goals and policies of this Planning Strategy, to control land use and development in a manner that will minimize conflicts between land uses, and to encourage development that preserves and enhances both the natural and living environments in the Municipality. Certain matters listed in this section apply to all Community Character Areas, the Industrial and Business Area, and the Environmental Protection Area.

Council adopts the following general land use policies:

Permitted Uses

Policy G-1

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-2

Notwithstanding **Policy G-1**, agriculture in accordance with normal farm practices as defined in the *Farm Practices Act*, and forestry in accordance with Nova Scotia's forest management guidelines, shall be permitted in any Community Character Area zone.

Policy G-3

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

a) all lots created prior to the effective date of this 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 subdivision approval is not required.

Habitation of Motor Vehicles

Policy G-4

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

Temporary and Special Uses

Policy G-5

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-6

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-7

Council shall consider yard sales or auctions of personal property on a lot to be a temporary use not requiring a development permit.

Policy G-8

Council shall place limits on the length of time that any temporary or special use may remain in place.

Accessory and Ancillary Uses

Policy G-9

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 of the Land Use By-law.

Policy G-10

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

Policy G-11

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

Policy G-12

Unless otherwise prohibited in the Zone, Council shall permit places of worship and cemeteries in all Community Character Area zones.

Access and Public Safety

Policy G-13

Council shall establish, in the zones where they are appropriate, minimum yard requirements for separation between adjacent buildings as well as between buildings and lot lines, for adequate fire separation, emergency vehicle access, on-site parking, maintenance of buildings and land, 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-14

Council shall establish use-specific parking standards as appropriate in the Land Use By-law, and where developments are permitted by development agreement, the agreement shall make provision for adequate parking to serve the development proposal.

Signs

Policy G-15

Council shall regulate all signs, through appropriate provisions in the Land Use By-law.

Home-based Business

Policy G-16

Council shall permit home-based businesses in all Community Character Area zones, 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-17

Council may regulate signs, open storage, and outdoor display of home-based businesses in order to minimize impacts on adjacent residential 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-18

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.



SECTION 4: COMMUNITY CHARACTER

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4.0 COMMUNITY CHARACTER

The policies in this section respond to the following objectives:

- Recognizing and enhancing the unique character of each community
- Encouraging suitable rural and village settlement patterns
- Reducing the impact of development on the natural environment
- Providing specific areas for commercial and industrial development
- Providing cost effective and efficient services to support growth

The Municipality is made up of many communities. Some communities are very rural, while others are small hamlets or villages. Recognizing and enhancing each community's unique character is the key principle behind this plan's organizing structure. As communities are defined by their physical and cultural characteristics, they belong within specific Community Character Areas.

The Community Character Areas are:

- **Rural Area**
- **Settlement Area**
- **Hamlet Area**
- **Village Area**

Character Areas are descriptive, in that they explain how each community is physically laid out. They are also visionary, as they describe the desired outcome for each community. Each Area has policies that describe the developments and land uses allowed in that designation. Each Area also has policies describing what level of regulation is appropriate. For example, some rural communities will have few regulations under the Land Use By-law. Different zones may be applied to different land within each Area.

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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 in the Municipality.

Policy CC-2

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

Policy CC-3

The Municipal Planning Strategy policies shall describe:

a) the desired character of each Community Character Area;
b) the types of land use appropriate in each Community Character Area;
c) the appropriate zones and regulations that may apply in each Community Character Area.

4.1 Rural Area

The Rural Area provides land for economic activity and adds to the beauty of the Municipality. A mix of wilderness, resource lands and rural communities make up the Area. A low population density with mostly single unit homes is part of this Area's character. Resource industries are a key part of the rural economy, including forestry, fishing and natural resource processing. Agriculture, the raising of farm animals, and food production are also part of the rural fabric. Supporting a rural lifestyle, with access to open space, nature and traditional industries, is an important principle. The Rural Area therefore allows a broad range of land uses and buildings.

Environmental regulations – especially for water quality – are now in place to safeguard communal resources. During the Plan Review process, the importance of sound environmental stewardship was made clear from public feedback. At the same time, many rural residents expressed a desire for a low level of regulation. To balance these aspirations, this Planning Strategy only applies environmental standards to larger projects, and to projects that may have a sizeable impact on water quality.

The General Basic Area permits all land uses and developments with the exception of heavy industrial use. Heavy industry includes uses that create emissions like excessive noise, odour, ash, dust or heavy vibrations. It also includes dangerous uses that should be separated from other uses. These include bulk storage of petroleum, heavy metals, ore, caustic chemicals or dangerous goods. Council has decided that these uses should be allowed only within the Industrial and Business Area.

While stronger environmental standards for large developments in the Rural Area are stipulated, there remain few land use regulations for small developments. As in other Areas, regulations are stricter for larger or more intensive projects. Certain developments such as golf courses, abattoirs, and fur farming may have impacts on neighbouring uses – for example noise, dust and odour – such that they will require approval by site plan approval or development agreement.

Council adopts the following policies for the Rural Area:

Policy CC-4

A **Rural Area** designation shall be created which shall generally be placed on lands outside of the more densely developed regions of the Municipality. The extent of the Rural Area designation shall be identified on the Generalized Future Land Use Map.

Policy CC-5

The intent of the **Rural Area** designation is to:

a) encourage the continuation of a moderately changing and diverse rural landscape;
b) permit a broad range of land uses and structures;
c) provide land use regulations for larger and more intensive uses;
d) allow for a range of development options that are consistent with the types of development occurring in rural areas;
e) safeguard the natural environment.

4.1.1 General Basic Zone

POLICY GOALS:

- to exempt common low-impact uses from land use standards
- to identify a range of development standards that will be applied in order to minimize potential impacts of intensive uses

Council therefore adopts the following policies:

Policy CC-6

A **General Basic Zone** shall be created to carry out the intent of the Rural Area designation by:

a) permitting a broad range of land uses and structures;
b) regulating larger, more intensive uses that may impact rural character.

Policy CC-7

Notwithstanding **Policy G-1**, all land uses other than heavy industrial are permitted in the **General Basic Zone**, unless otherwise indicated in the Land Use By-Law.

Policy CC-8

The **General Basic Zone** shall regulate permitted uses and site standards depending on their size and their impact.

Policy CC-9

The **General Basic Zone** shall only be applied in the Rural Area.

Policy CC-10

In the **General Basic Zone**, site plan approval shall be utilized in accordance with the provisions of the *Municipal Government Act* to regulate:

a) moderate-density residential development;
b) small abattoirs;
c) commercial salvage yards not subject to Provincial licensing;
d) other moderately-sized light industrial developments.

Policy CC-11

In the **General Basic Zone**, development agreements shall be utilized in accordance with the provisions of the *Municipal Government Act* to permit:

a) high density residential developments and land lease communities;
b) golf courses;
c) aquaculture;
d) contaminated soil facilities;
e) other large light industrial developments;
f) public waterfront parks not owned by the Municipality.

Policy CC-12

In the **General Basic Zone**, development agreements shall be utilized in accordance with the provisions on the *Municipal Government Act* to permit:

a) large abattoirs;
b) fur farming;
c) aggregate processing over six months duration;

where, in addition to relevant criteria in policies found in sections **9.7.1** and **9.7.2** of this Planning Strategy, and applicable Provincial standards, Council shall establish terms and conditions for setbacks from property lines and watercourses or water bodies, distances from existing residential, institutional and recreational buildings, screening, buffering, and protection from emissions including but not limited to noise, dust, smoke, odour and artificial light.

4.2 Settlement Area

The Settlement Area covers land near Highway 103 and Highway 3. While still having a rural feel, settlement patterns are more concentrated and steady growth is likely in this Area. The Settlement Area is created to encourage and prepare for development in a manner that is compatible with each community's environment and character. Emphasis shall be on encouraging well-designed communities that support future residential growth complemented by businesses, institutions, and light industry. It also regulates larger developments and some uses that have the potential to negatively impact neighbourhoods. Some parts of this Area were zoned General Basic under the previous Municipal Planning Strategy, but Council has created the Settlement Area to lessen land use conflicts in more built up areas.

The Settlement Area is unique in that some residents tend to relate more to suburban lifestyles than traditional rural ones. Thus, there is a need to create zones more tailored to these forms of development. There is also a need to create a comprehensive planning approach to safeguard the rural landscape that residents value so highly.

The zones created are:

- The **Single Unit Residential Zone** – carried over from the previous Municipal Planning Strategy for established residential neighbourhoods to ensure the continuity of a quiet residential character;
- The **Settlement Residential Zones** – carried over from the Rural Residential and Low Density Residential Zones near the Village of Chester and applied to several parts of the Settlement Area where a predominantly residential rural character is most evident;
- The **Mixed-Use Zone** – widely applied for areas requiring a low level of regulation, especially over small developments. Most regulations are in place to lessen conflicts which may occur when larger uses are proposed for the area;
- The **Coastal Island Zone** – respects the ecological integrity of islands by limiting intense development and is applied to all

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coastal islands which are not donated in trust or owned by the Municipality; and

- The **Gateway Zone** – for those areas close to hamlets and the Village of Chester, where tighter controls for large commercial, light industrial, institutional and multi-unit residential projects are applied.

Therefore, Council adopts the following policies for the Settlement Area:

Policy CC-13

A **Settlement Area** designation shall be created, which shall generally be placed on the more densely-populated areas primarily south of Highway 103 that have experienced modest development pressures. The extent of the Settlement Area shall be identified on the Generalized Future Land Use Map.

Policy CC-14

The intent of the **Settlement Area** designation is to:

a) permit a mix of uses that can foster cohesive communities of moderate density;
b) provide a varying level of regulation which recognizes the diversity of the different communities within the Settlement Area;
c) prepare for development, especially near major highways;
d) encourage development compatible with the Area's character;
e) ensure that commercial and light industrial development is well-designed and does not create highway strip development;
f) safeguard the natural environment, especially water quality.

Policy CC-15

The policies of the Settlement Area shall be implemented by:

a) creating the Single-Unit Residential Zone;
b) creating the Settlement Residential Zones;
c) creating the Mixed-Use Zone;
d) creating the Coastal Island Zone;
e) creating the Gateway Zone;
f) providing setbacks, yard sizes and site standards for rural uses, including the keeping of farm animals and the processing of natural resources;
g) prohibiting heavy industrial uses and fur farming.

4.2.1 Single-Unit Residential Zone

POLICY GOAL:

- To safeguard the character and foster the stability of established single-unit residential neighbourhoods, while limiting or prohibiting other land uses.

Council adopts the following policies for the Single-Unit Residential Zone:

Policy CC-16

The **Single-Unit Residential Zone** shall be applied only in the Settlement Area and shall generally be applied to existing residential neighbourhoods primarily consisting of single-unit dwellings. The extent of the **Single-Unit Residential Zone** shall be shown on the Zoning Map in the Land Use By-law.

Policy CC-17

The Single-Unit Residential Zone shall:

a) permit single unit dwellings as the primary land use;
b) permit limited types of home-based businesses;
c) prohibit all other uses including the keeping of farm animals.

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4.2.2 Settlement Residential Zones

POLICY GOALS:

- To safeguard the essential character of rural residential areas
- To permit a limited amount of commercial and light industrial uses, as well as farming and natural resource processing
- To prohibit intensive uses

Council adopts the following policies for the Settlement Residential Zones:

Policy CC-18

The **Settlement Residential One Zone** and the **Settlement Residential Two Zone** shall be created in the Land Use By-law and shall only be applied in the Settlement Area, the extent of which shall be shown on the Zoning map in the Land Use By-law.

Policy CC-19

In the **Settlement Residential Zones**, the permitted land uses, levels of land use intensity, and approval processes shall be tiered according to their assigned level, and shall:

a) permit single-unit and two-unit dwellings as the primary land uses;
b) permit small-scale commercial, institutional, and light industrial uses;
c) prohibit heavy industrial uses and a range of intensive commercial and institutional uses.

Policy CC-20

The Land Use By-law shall approve the following uses in the **Settlement Residential Zones** by development permit:

a) single unit and two unit dwellings on a lot;
b) home-based businesses;
c) small-scale commercial, institutional and light industrial uses;
d) forestry processing;
e) small livestock operations.

Policy CC-21

In the **Settlement Residential Zones**, site plan approval and development agreements shall be utilized in each zone according to levels of land use intensity to regulate:

a) moderate and high density residential developments;
b) moderately-sized commercial, institutional and light industrial uses;
c) land lease communities;
d) golf courses;
e) public waterfront parks not owned by the Municipality.

4.2.3 Mixed-Use Zone

POLICY GOALS:

- To encourage the continued development of the Municipality's traditional mix of rural land uses in populated areas
- To identify a range of development standards that will be applied to moderately intensive uses in order to minimize their impact on neighbourhoods, the environment and the community
- To prohibit highly intensive uses

Council therefore adopts the following policies for the Mixed-Use Zone:

Policy CC-22

A **Mixed-Use Zone** shall be applied only in the Settlement Area and the extent shall be shown on the zoning map in the Land Use By-law.

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Policy CC-23

Within the **Mixed-Use Zone**, it shall be the intent of Council to:

a) allow a range of residential, commercial, institutional and light industrial uses;
b) provide modest setbacks for certain rural uses, commercial and light industrial uses, forestry processing and livestock operations;
c) prohibit heavy industrial uses and fur farming.

Policy CC-24

In the **Mixed-Use Zone**, a development permit shall be required for:

a) low density residential developments;
b) small commercial, institutional and light industrial developments;
c) forestry processing;
d) home-based businesses;
e) livestock operations;
f) small campgrounds, RV Parks and tourist accommodations.

Policy CC-25

In the **Mixed-Use Zone**, site plan approval shall be utilized in accordance with the provisions of the *Municipal Government Act* to regulate the site design of:

a) moderate density residential developments;
b) large commercial, institutional and light industrial developments;
c) small salvage yards not requiring Provincial approval;
d) small abattoirs;
e) moderately-sized campgrounds, RV Parks and tourist accommodations;
f) aggregate processing up to six months duration.

Policy CC-26

In the **Mixed-Use Zone**, development agreements shall be utilized in accordance with the provisions of the *Municipal Government Act* to permit:

a) high density residential developments;
b) golf courses;
c) aquaculture;
d) large campgrounds and RV parks and tourist accommodation developments;
e) aggregate processing over six months duration;
f) public waterfront parks not owned by the Municipality

4.2.4 Coastal Island Zone

POLICY GOAL:

- To limit development on coastal islands not owned by the Municipality in order to safeguard their character as well as their ecological integrity.

Council adopts the following policies for the Coastal Island Zone:

Policy CC-27

A **Coastal Island Zone** shall be created in the Land Use By-law and shall be applied to all coastal islands not owned by the Municipality. The extent of the **Coastal Island Zone** shall be shown on the Zoning Map in the Land Use By-law.

Policy CC-28

The Coastal Island Zone shall:

a) permit single unit dwellings;
b) permit home-based businesses;
c) permit limited eco-tourism uses as well as small-scale commercial and institutional uses;
d) permit aquaculture and forestry processing uses;
e) permit livestock operations.

Policy CC-29

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

a) single unit dwellings;
b) home-based businesses;
c) aquaculture;
d) small-scale campgrounds and tourist accommodation;
e) small-scale commercial and institutional uses;
f) forestry processing.

4.2.5 Gateway Zone

POLICY GOALS:

- To accommodate high-growth potential expected at entry points to hamlets and the Village of Chester; and
- To ensure that residential, commercial, institutional and light industrial uses are designed to be mutually compatible.

Council adopts the following policies for the Gateway Zone:

Policy CC-30

A **Gateway Zone** shall be created in the Land Use By-law and shall be applied only in the Settlement Area. The extent of the **Gateway Zone** shall be shown on the Zoning Map in the Land Use By-law.

Policy CC-31

The **Gateway Zone** shall:

a) allow for a range of residential, institutional, commercial, and light industrial uses;
b) prohibit heavy industrial uses, fur farming and other industrial uses that are incompatible with the intent of the Settlement Area.

Policy CC-32

In the **Gateway Zone**, a development permit shall be required for:

a) single unit and low density residential developments;
b) home-based businesses;
c) commercial, institutional and light-industrial developments;
d) forestry processing.

Policy CC-33

In the **Gateway Zone**, site plan approval shall be utilized in accordance with the *Municipal Government Act* to regulate the site design of:

a) moderate density residential developments;
b) large commercial and light industrial developments;
c) small campgrounds, RV Parks and tourist accommodations.

Policy CC-34

In the **Gateway Zone**, development agreements shall be utilized in accordance with the *Municipal Government Act* to regulate:

a) high density residential developments and land lease communities;
b) golf courses;
c) large campgrounds and RV parks;
d) kennels;
e) large tourist accommodations;
f) public waterfront parks not owned by the Municipality.

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4.3 Hamlet Area

Hamlets are small communities with a distinct commercial area and a cluster of housing. They are denser and offer more services than either the Rural or Settlement Areas. They are hubs that provide services to the surrounding area, while their settings and landmarks are familiar to area residents and thus make a strong contribution to the Municipality's physical character. Churches, halls, volunteer fire departments, legions, clubs and societies generally locate in these areas and help to bind them together as communities. The purpose of the **Hamlet Area** is to preserve the character of community hubs.

Hamlets were zoned General Basic in the previous Municipal Planning Strategy. To preserve and enhance the area's character, the Hamlet designation provides regulations for large developments, and prohibits some incompatible developments.

The cores of Chester Basin, Western Shore, Hubbards and New Ross are the areas considered to be **Hamlet Areas**. Development will be regulated through the **Hamlet Zone**.

Council adopts the following policies for the Hamlet Areas:

Policy CC-35

The **Hamlet Area** designation shall be created and shall be generally placed in areas that have a mix of land uses in more densely built-up areas. The extent of the Hamlet Areas shall be identified on the Generalized Future Land Use Map.

Policy CC-36

The intent of the **Hamlet Area** designation is to:

a) encourage development compatible with the existing character of each hamlet;
b) permit a range of residential developments;
c) permit modest sized business and light industrial uses;
d) be a focus for investment in community infrastructure.

Policy CC-37

The policies of the **Hamlet Area** shall be implemented by creating the **Hamlet Zone.**

4.3.1 Hamlet Zone

POLICY GOALS:

- To recognize, preserve and enhance the unique character of the communities of New Ross, Hubbards, Chester Basin and Western Shore by applying regulations for residential, commercial, institutional and light industrial developments that will minimize conflict with the existing character of these communities
- To be a focus for investment in services and public amenities

Council therefore adopts the following policies for the Hamlet Zone:

Policy CC-38

A **Hamlet Zone** shall be created in the Land Use By-law and shall be applied only in the Hamlet Area. The extent of the **Hamlet Zone** shall be shown on the Zoning Map in the Land Use By-law.

Policy CC-39

The **Hamlet Zone** shall:

a) permit a range of residential, commercial, institutional and light industrial uses;
b) prohibit heavy industrial uses, fur farming and other industrial uses that are incompatible with the Hamlet Area.

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Policy CC-40

In the **Hamlet Zone**, a development permit shall be required for:

a) single-unit and low density residential developments;
b) home-based businesses;
c) small commercial, institutional and light-industrial developments;
d) small campgrounds, RV parks and tourist accommodations;
e) marinas.

Policy CC-41

In the **Hamlet Zone**, site plan approval shall be utilized in accordance with the *Municipal Government Act* to regulate the site design of:

a) moderate density residential developments;
b) moderate commercial, institutional and light industrial developments.

Policy CC-42

In the **Hamlet Zone**, development agreements shall be utilized in accordance with the *Municipal Government Act* to permit:

a) high density residential developments;
b) land lease communities;
c) public waterfront parks not owned by the Municipality.

4.4 Village Area

Chester Village is the most developed and dense area of the Municipality. The unique needs of the Village are considered in a Secondary Planning Strategy. The Strategy provides policies for community character, for heritage, and for development control in the Village.

Council therefore adopts the following policies for the Village Area:

Policy CC-43

A Secondary Planning Strategy and Land Use By-law shall be created for the Chester Village Planning Area, as shown on the Generalized Future Land Use Map.

Policy CC-44

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

Policy CC-45

General Land Use policies from this Municipal Planning Strategy shall apply in the Village of Chester Planning Area, unless otherwise stated in the Secondary Planning Strategy.

Policy CC-46

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



SECTION 5: ECONOMIC DEVELOPMENT

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5.0 ECONOMIC DEVELOPMENT

The policies in this section respond to the following objectives:

- 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

The Municipality is designating specific areas for industrial and business development, in order to help grow the economy. Resilient communities need to build strong economies, to give residents meaningful, year-round work, provide resources to pay for Municipal services, and help attract and retain residents.

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5.1 Industrial and Business Area

The Industrial and Business Area Designation is a special planning designation. Its purpose is to provide a place exclusively for industrial and commercial development. Business and industry look for many things when building or expanding. One of these is the ready availability of appropriate land in the right location.

Providing areas that are pre-zoned for industry and business is a new approach for the Municipality. Apart from the land owned by the Municipality at Kaizer Meadow, land to be designated Industrial and Business Area was zoned General Basic under the previous Municipal Planning Strategy. This new Area is created to provide developers with certainty that their projects will be quickly approved. Specific zoning will also ensure that incompatible uses, such as homes or schools, will not locate there and create potential conflict because of noise, dust or odour from some industrial uses.

Industrial and commercial buildings often have large parking areas, yards and outdoor storage, which have the potential to increase runoff and harm water quality. Therefore, like other uses, they will be subject to stormwater management provisions in the Land Use By-law. In addition, regulations for outdoor storage, screening and commercial access may be included. A **Business Park Zone** exists to identify land for a business park and to accommodate these needs.

The **Kaizer Meadow zones** apply to municipally owned properties on Highway 14, which together make up the site of the Kaizer Meadow Solid Waste Centre. Restricting disruptive industries to a remote area, near an already established use such as a landfill, is a suitable way to limit their impact on neighbouring rural uses.

Therefore, Council adopts the following policies for the Industrial and Business Area designation:

Policy EC-1

An **Industrial and Business Area** designation shall be created at the discretion of Council and the extent of the area shall be identified on the Generalized Future Land Use Map.

Policy EC-2

The intent of the **Industrial and Business Area** designation is to:

a) enable the zoning of land specifically for industrial and commercial uses;
b) provide suitable locations for new businesses and expanding businesses to locate with a clear approval process;
c) encourage development compatible with industrial and commercial uses;
d) prohibit residential development in this Area.

Policy EC-3

The policies of the **Industrial and Business Area** designation shall be implemented by:

a) creating the Business Park Zone;
b) creating the Kaizer Meadow Industrial Zone;
c) creating the Kaizer Meadow Zone;
d) providing appropriate environmental standards through regulations in the Land Use By-law.

Policy EC-4

Heavy industrial uses shall be permitted in the **Kaizer Meadow Industrial Zone** and Council may consider amendments to this Municipal Planning Strategy that would allow heavy industrial uses outside the **Kaizer Meadow Industrial Zone**.

5.1.1 Business Park Zone

POLICY GOALS

- to accommodate high-growth commercial and light industrial uses in key strategic areas of the municipality by providing places for development as of right
- to ensure that commercial and light industrial uses are designed to be compatible with surrounding land uses

Council adopts the following policies for the Business Park Zone:

Policy EC-6

A **Business Park Zone** shall be created in the Land Use By-law at the discretion of Council and the extent of the zone shall be shown on the Zoning Map of the Land Use By-law.

Policy EC-7

The Business Park Zone shall:

a) contain land exclusively for uses commonly found in business parks, such as commercial and light industrial uses;
b) provide yard and setback standards.

Policy EC-8

The **Business Park Zone** shall allow the approval of permitted uses by development permit.

5.1.2 Kaizer Meadow Industrial Zone

POLICY GOALS

- to accommodate the development of industrial, distribution, and manufacturing uses that, by nature of their intensity, may be incompatible with other types of land use activities
- to ensure that such uses meet provincial environmental standards

Council adopts the following policies for the Kaizer Meadow Industrial Zone:

Policy EC-9

A **Kaizer Meadow Industrial Zone** shall be created in the Land Use By-law and the extent of the Zone shall be shown on the Zoning map of the Land Use By-law.

Policy EC-10

The Kaizer Meadow Industrial Zone shall:

a) provide only for industrial uses, including heavy industry
b) require setbacks from property lines when not shared with other properties zoned Kaizer Meadow or Kaizer Meadow Industrial.

Policy EC-11

The **Kaizer Meadow Industrial Zone** shall list permitted developments, which shall be approved by development permit.

Policy EC-12

The **Kaizer Meadow Industrial Zone** shall permit developments requiring environmental assessment pursuant to the Nova Scotia Environmental Assessment Regulations by development agreement.

5.1.3 Kaizer Meadow Zone

POLICY GOALS

- To accommodate the potential expansion to the Kaizer Meadow Solid Waste Centre
- To ensure adequate separation through buffering between industrial uses in the Kaizer Meadow Industrial Zone and neighbouring properties

Council adopts the following policies for the Kaizer Meadow Zone:

Policy EC-13

A **Kaizer Meadow Zone** shall be created in the Municipal Land Use By-law and the extent of the Zone shall be shown on the Zoning map of the Land Use By-law.

Policy EC-14

The **Kaizer Meadow Zone** shall:

a) enable the potential expansion to the Solid Waste Centre;
b) provide a buffer between potentially disruptive uses and nearby properties;
c) require setbacks from property lines when not shared with other properties zoned Kaizer Meadow or Kaizer Meadow Industrial.

Policy EC-15

The **Kaizer Meadow Zone** shall list permitted developments, which shall be approved by development permit, and shall prohibit heavy industrial uses.

Policy EC-16

The **Kaizer Meadow Zone** shall provide a buffer (which shall consist of natural vegetation, bio-swales or other means), such that development between Highway 14 and where this zone meets the Kaizer Meadow Industrial Zone shall be restricted to recreation and outdoor activities.



SECTION 6: ENVIRONMENTAL SAFEGUARDS

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6.0 ENVIRONMENTAL SAFEGUARDS

The policies in this section respond to the following objectives:

- Protecting infrastructure from sea level rise and storm surges
- Reducing the rate of erosion and sedimentation in rivers and lakes
- Encouraging the protection of water quality
- Treating and managing storm water and waste water

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6.1 Stormwater Management

Development changes the pattern of water runoff. Development replaces natural surfaces with hard surfaces like asphalt, roofs, decks and concrete. These hard surfaces do not absorb or hold water. Water flows off them quickly, instead of being slowed down by plants or soils. Heavily developed land, with lots of hard surfaces, can create much more surface runoff than a natural landscape. This additional surface runoff is known as stormwater.

Stormwater causes three major issues. First, large quantities of stormwater can erode stream banks and cause flooding. Second, dirt and pollutants, such as oil and phosphorous, are carried by stormwater into water bodies. Third, stormwater does not pass through hard surfaces and absorb into the ground, which can reduce aquifer recharge. Aquifers provide fresh well-water for many residents. Policies in this Planning Strategy are in place to control the quantity and quality of stormwater, to protect freshwater streams, lakes and wetlands. Many progressive stormwater techniques keep water on site and let it soak into the ground, thus helping recharge aquifers. Managing stormwater is increasingly important when considering the impacts of climate change, which includes extreme precipitation as a potential hazard.

This Planning Strategy makes provision for tiered stormwater standards in the Land Use By-law, thus enabling different regulations for developments based on their size and intensity. Large residential, commercial, institutional, and industrial developments will be subject to stormwater management requirements.

Council adopts the following policies for stormwater regulations:

Policy E-1

The Land Use By-law may contain a range of stormwater regulations for developments of different size and intensity. Large residential, commercial, institutional and industrial developments shall have the strictest regulations.

Policy E-2

Stormwater standards shall be developed and shall have regard for the anticipated impacts of climate change. They may include quantitative, performance standards for:

a) sediment concentrations (total suspended solids)
b) chemical concentrations, such as phosphorous or nitrogen;
c) peak flow rates and total stormwater volumes.

Policy E-3

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

Protecting our lakes, rivers and wetlands requires the Municipality to work with other governments and with community groups. The Municipality may look at how to encourage groups and residents to implement stormwater management practices. In particular, the Municipality may work with the Province to encourage infrastructure design that protects water quality.

Council adopts the following policies for stormwater management:

Policy E-4

The Municipality may work with the Province to ensure that roads, ditches, culverts and other infrastructure are designed to protect water quality.

Policy E-5

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

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Policy E-6

Council may work with developers and other community partners to implement ongoing water quality monitoring projects, where deemed necessary.

Policy E-7

Council may develop and implement a stormwater management education program, including guidelines to provide the public with information regarding flood risk, stormwater flows, aquifer recharge, water quality and protection of natural habitat.

6.2 Watercourse, Water Body, and Wetland Setbacks and Vegetated Buffers

Vegetated buffers are areas next to a watercourse that are left undisturbed. Their function is to slow down water runoff and to filter out sediment and chemicals. The roots of plants in the buffer also hold together the soil in stream banks and lake shores, protecting these areas from erosion. The purpose of a vegetated buffer is to encourage protection of water quality, control sedimentation and erosion, and maintain stable stream banks.

Vegetated buffers around watercourses, water bodies and wetlands are one of the most effective tools to protect water quality. Developments that have buildings and paved areas produce more runoff and dirtier runoff, both of which lower water quality. Vegetated buffers reduce the impact of development by filtering stormwater, so that clean, fresh water remains available for wildlife habitat, for drinking water and for recreation.

Many factors impact the effectiveness of buffers. Wider buffers protect water quality better than narrow buffers. Buffers along the entire watercourse length protect water quality better than buffers along just a portion of a stream or shoreline. Finally, buffers with a dense mix of trees, shrubs, small plants and grasses are more effective than thin buffers with only grass or small plants. Land use planning can help retain intact buffers to ensure water quality does not decrease. Council requires that larger projects keep or replant vegetated buffers. Larger projects are regulated since they have the largest potential impacts on buffers and water quality.

Although repairing buffers is important, land use regulations are not the only way to achieve this goal. Working with property owners, communities and environmental groups can help repair buffers and improve water quality. To track success, water monitoring programs may also be explored, as needed.

Council adopts the following policies on watercourse/water body setbacks and vegetated buffers:

Policy E-8

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-9

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

Policy E-10

Notwithstanding **Policy E-9**, small accessory structures shall be permitted in the watercourse setback, subject to a development permit.

Policy E-11

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

Policy E-12

Where 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-13

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

Policy E-14

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

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6.3 Lakefront Overlay

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

This 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. Vegetated buffers are required; they are a simple and effective approach, but they must also allow views, docks and access to the water. Restricting the amount of hard surfaces (gravel, concrete, roofs, and asphalt) also reduces the amount of runoff entering lakes. Quantitative standards to limit sediment and chemicals in runoff may be adopted through the Land Use By-law. 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 lakefronts:

Policy E-15

The **Lakefront Overlay** shall be created which may be applied to all zones, and shall be applied to land surrounding all lakes that appear on Provincial 1:10,000 topographic database, as shown in the Land Use By-law.

Policy E-16

The intent of the **Lakefront Overlay** shall be to protect lakes from overdevelopment and from poor development practices.

Policy E-17

Lakes shall 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-18

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 shall require a development permit.

Policy E-19

Vegetated buffers shall apply to all developments in the Lakefront Overlay.

Policy E-20

Vegetated buffers in the Lakefront Overlay shall allow for limited thinning, so residents can enjoy access to and views of the lake.

Policy E-21

Small accessory structures shall be permitted in the vegetated buffer, subject to a development permit.

Policy E-22

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

Policy E-23

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

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Policy E-24

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 many coastal communities are especially vulnerable to these effects. The average sea level is expected to rise between 1.5 metres and 2 metres in Nova Scotia by the year 2100. Storm surges, which push water and waves to abnormal heights during extreme storms, could reach 5 metres 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.

Different parts of the shoreline react differently to sea level rise. Coastal marshes and dunes are forced inland by rising sea levels. Coastal cliffs made of hard bedrock resist erosion, but coastlines made of soft sandstones or loose till may erode quickly. Coastline exposed directly to ocean waves will erode more quickly than sheltered bays or harbours. The different combinations of waves, tides and coastline mean that no two parts of the coastline will erode at precisely the same rate, year after year. For these reasons, continual monitoring and study of the coastline is needed to ensure public safety and to protect property.

Properties within the coastal area may be threatened by sea level rise in three ways: rising sea levels; eroding coastlines; and storm surges. The Municipality has the responsibility to raise awareness of the inherent risk associated with development on or near the coast, particularly in low-lying areas or areas prone to erosion.

Council adopts the following policies for the coast:

Policy E-25

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-26

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-27

The Municipality shall continually update its infrastructure planning and maintenance to respond to evolving sea level rise threats.

Policy E-28

Council shall consider adopting a Coastal Hazard Risk Map to identify areas in proximity to low-lying and sensitive areas such as beaches, dune systems and coastal wetlands in order to protect communities from storm surge and coastal erosion.

Policy E-29

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 two specific land types requiring protection:

- Potential drinking water sources;
- Lands placed in trust or donated to the Municipality for the purpose of conservation.

Drinking water is a crucial issue, especially in Chester Village. Several conceptual plans and studies have been conducted on a central water system for the Village using Spectacle Lake as a water source. To protect a future water supply, Spectacle Lake was designated a Protected Watershed under the former Chester Village Secondary Planning Strategy.

To preserve the potential of Spectacle Lake as a water source, land uses will be strictly controlled to minimize the possibility of contaminating the lake water. Engineering studies have also identified the feasibility of diverting the water flow from the northern watershed of Mill Brook into Spectacle Lake. To ensure an adequate supply of clean water, the same land use controls extend to this watershed. In the event that other lake-water sources are deemed to be viable options, this Area designation may be applied to any area within the Municipality.

Over the years, a number of islands in Mahone Bay and St. Margaret's Bay have been placed in trust or donated to the Municipality 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.

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

Policy E-30

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

Policy E-31

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-32

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

a) Creating the Protected Watershed Zone;
b) Creating the Conservation Zone;
c) Strictly limiting or prohibiting land use in the interests of environmental protection.

6.5.1 Protected Watershed Zone

POLICY GOAL:

- To prevent the contamination of identified potential drinking water sources and their associated watersheds by limiting development

Council adopts the following policies for the Protected Watershed Zone:

Policy E-33

A **Protected Watershed Zone** shall be created to carry out the intent of the Protected Watershed Policy Goal and its extent shall be shown in the Zoning Map in the Land Use By-law.

Policy E-34

The **Protected Watershed Zone** may only be applied to an Environmental Designation, at the discretion of Council.

Policy E-35

The Protected Watershed Zone shall:

a) permit single unit dwellings on large lots;
b) permit water supply treatment and distribution uses;
c) prohibit commercial and industrial uses;
d) prohibit livestock operations;
e) prohibit new public roads and subdivision on private roads;
f) contain special requirements for new structures associated with permitted land uses including measures to protect water quality such as watercourse buffers;
g) require a large minimum lot size and a large minimum lot frontage.

Policy E-36

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

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6.5.2 Conservation Zone

POLICY GOAL

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

Council adopts the following policies for the Conservation Zone:

Policy E-37

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-38

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.

Policy E-39

The **Conservation Zone** shall allow only research, education and passive recreation uses.

Policy E-40

The Land Use By-law shall not allow for the construction of any permanent structures, including wharves and docks, in the **Conservation Zone**.

Policy E-41

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



SECTION 7: SERVICES AND INFRASTRUCTURE

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7.0 SERVICES AND INFRASTRUCTURE

The policies in this Section respond to the following objectives:

- Reducing the impact of development on the natural environment
- Providing cost effective and efficient services to support growth
- Ensuring drinking water supplies and aquifers are protected
- Treating and managing stormwater and waste water

The Municipality raises money through taxes and grants from the Province. Money is spent on services, including providing basic services like central sewage and Municipal roads. Ensuring that quality services are delivered cost-effectively is critical to the well-being of the Municipality.

Council adopts the following policies for services and infrastructure:

Policy SI-1

Where financially sustainable, Council shall maintain, improve, and expand municipal services, facilities, and programs.

Policy SI-2

Council shall maintain and improve the system of solid waste collection and disposal, including programs for recycling material and reducing the volume of waste.

Policy SI-3

Council shall ensure that all major development is designed to allow emergency vehicle access and includes adequate water supply for fire fighting.

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Policy SI-4

Council shall retain the services of a Municipal Engineer, who shall be responsible for the review and approval of all engineering drawings and proposals for all municipal services, including central sewer systems, central water systems and public roads.

6.1 Sewage Treatment

Treating sewage is critical to protecting human health and water quality. Sewage treatment decisions have a large effect on the cost of development and development options. Policies on sewage services are needed to grow our communities responsibly.

The Municipality has a mix of public sewer systems and private on-site systems. The public central systems have pipes and pumping stations, which collect sewage from many homes and send it to a central treatment location. Public systems are operated and funded by the Municipality, through a sewer rate. In more rural areas, people have on-site septic systems. Approval to build on-site systems is under Provincial jurisdiction, but the Municipality has a clear interest in ensuring proper treatment.

6.1.1 Central Sewer Systems

As of 2018, the Municipality operates six central systems:

- **Mill Cove**'s treatment plant was built in 1967 and serves just over 60 connections.
- **Otter Point**'s system was built in 1976 and serves just over 20 connections. Sewage is treated by a sand filter bed system.
- **Chester Basin**'s system serves 5 connections, with a sand filter bed system.
- **Western Shore**'s treatment plant was built in 1975 and serves over 330 connections.
- **Chester Village**'s treatment plant was built in 1974 and serves about 800 connections.
- **New Ross**'s sand filter bed system was built in 2011 and serves almost 20 connections.

In general, central services are not appropriate for few units or areas of very low density. Some of these systems, however, were built to fix small, localized pollution problems caused by failing on-site septic systems. The result is that several of our systems serve a small number of residents at a high cost per connection.

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Sewer options have improved dramatically since many systems were built. In addition, there is less money available from other levels of government to build and maintain these systems. The Municipality no longer has the ability to greatly expand central services. While more units on each system would make them more financially efficient, there is little extra capacity in any system. Increasing capacity is expensive, as is extending pipes.

In recognition of the above, Council adopts the following policies for sewer systems:

Policy SI-5

Council shall consider requests to extend or develop central services to permit new developments, or to connect existing structures or properties to central services.

Policy SI-6

Council may require new developments adjacent to existing central services to connect to those services where capacity exists.

Policy SI-7

Council may consider some or all of the following before approving extensions to the collection system:

a) the environmental appropriateness of any new, extended or adopted systems;
b) the appropriateness and cost-effectiveness of alternative on-site systems;
c) the Municipality's ability to pay for capital costs and long term maintenance of extending the collection system;
d) the ability to access funding from other levels of government;
e) the developer or property owner's ability and willingness to contribute to the costs of any extension;
f) the increased revenue from an increase in sewer connections; and
f) the existence or potential for establishment of a Wastewater Management District in order to allow wastewater treatment alternatives.

6.1.2 Wastewater Management Districts

A Wastewater Management District (WMD) is a technique used to provide appropriate, cost-effective wastewater service in rural areas. WMDs allow municipalities to manage privately owned, on-site septic systems. WMDs ensure that on-site systems have regular upkeep and maintenance, which helps prevent failures. The Municipality can access outside funding and provide subsidies for private systems. Finally, WMDs provide more opportunities to use innovative approaches, like cluster systems.

The Municipality will create several WMDs as a means to help implement this Planning Strategy. WMDs will allow more growth in denser areas – like Hamlets and the Village – while protecting water quality. Council may also put WMDs in place near lakes and other sensitive areas.

WMDs are structured to provide residents with flexibility and choice. Existing properties may join the WMD voluntarily, but new

development must join the WMD. This approach will accomplish several objectives:

- Providing support to residents with on-site services;
- Ensuring proper sewage disposal;
- Encouraging innovative sewage treatment;
- Supporting denser development;
- Providing residents with choice.

To support appropriate, cost-effective wastewater disposal, Council adopts the following policies on Wastewater Management Districts:

Policy SI-8

When establishing Wastewater Management Districts, Council shall adopt a By-law that specifies:

a) the boundaries of all Wastewater Management Districts;
b) the properties or on-site systems that must become part of a District;
c) the properties or on-site systems that may voluntarily become part of a District;
d) the criteria to accept properties into a District;
e) the responsibility of the Municipality with regard to designing, building, maintaining, upgrading and replacing on-site systems within a District;
f) the responsibility of property owners with regard to designing, building, maintaining, upgrading and replacing on-site systems within a District;
g) the charges or rates, if any, that are applied to properties within the District;
h) the financial support, if any, that is available to property owners in the District.

Policy SI-9

Council may prioritize creating Wastewater Management Districts in and around the Hamlets, Villages, lakefronts or environmentally sensitive areas as a means of promoting growth in an environmentally and fiscally responsible fashion.

Policy SI-10

Council may create additional Wastewater Management Districts to deal with existing or anticipated pollution problems. Where a District is created to deal with an existing pollution problem, Council may mandate that property owners become part of the District.



SECTION 8: SUBDIVISION

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8.0 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 Planning Strategy provides policy direction for the creation of a Subdivision By-law.

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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 this Municipal Planning Strategy and shall apply to the whole Municipality, including the Chester Village 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

It is the intention of Council to control the subdivision and consolidation of land in an orderly manner so as to:

a) protect public health by promoting proper sewage disposal;
b) promote public safety and cost-efficiency in the construction and use of new roads;
c) ensure that new municipal services are constructed and maintained at minimum cost to the municipality;
d) provide essential information about land ownership within the Municipality.

Policy S-5

Council shall be guided by any interpretation by the Department of Municipal Affairs of all provisions of the Provincial Subdivision Regulations which are directly incorporated into the Subdivision By-law.

Policy S-6

Council shall require subdividers to submit concept plans for early evaluation when new public roads, Municipal sewer systems or Municipal water services are proposed.

Policy S-7

Council shall require that any subdivision of land conform to all of the applicable Land Use By-law requirements.

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Policy S-8

It is the intention of Council to adopt a Subdivision By-law that regulates the division and consolidation of lands within the Municipal boundaries so as to ensure:

a) that such subdivisions of land conform with any applicable requirements of any applicable Land Use By-law for minimum lot area, lot frontage, setbacks and access;
b) where there is no central sewer system, that such subdivisions of land intended for development are tested to determine whether the lots are suitable for on-site sewage disposal;
c) where there is no Secondary Planning Strategy, but lots are served by a central sewer system, that such subdivisions of land provide an adequate lot size for ordinary residential purposes;
d) that such subdivisions of land provide for safe adequate access from the Public Highway network to each approved lot;
e) that any central sewer systems and central water systems are properly designed and constructed, as well as connected to existing municipal systems where possible;
f) that provisions are made for dedicating land, or the contribution of equivalent value in lieu of land, for park, playground and similar public purposes;
g) that engineering drawings are prepared by qualified professionals and filed with the Municipal Clerk to show the construction details of any new central sewer or water services, and of any new Municipal Public Highways, as well as the engineering design of any new private roads;
h) that the applicable requirements of the Provincial Subdivision Regulations are in effect.

8.2 Lot Size

Minimum lot sizes for on-site sewage disposal by septic tank and disposal field are set by the Nova Scotia On-Site Sewage Disposal Systems Regulations. Because of slopes, soil conditions, topographic features, or development density, lots often have to be larger than the minimum size in order to qualify for on-site sewage disposal.

The Provincial Subdivision Regulations allow lots to be created at any size with comments from the Department of the Environment on their suitability for on-site sewage disposal. Where there is a central sewer system the minimum lot area will continue the standard established by Subdivision regulations in previous years in order to maintain the current community standard.

Because Council is concerned about the title problems caused by over-use of the provisions for Instruments of Subdivision, the Subdivision By-law will increase the minimum lot size created by Instrument from 100,000 sq. ft. to five acres.

In all other respects, including provisions for undersized lots and minimum frontage requirements, the Subdivision By-law follows the provisions of the Provincial Subdivision Regulations in accordance with Policy 14.1.1 above.

To carry out these intentions, Council adopts the following policies:

Policy S-9

To require a minimum lot area and lot width for all new lots served by a central sewage collection system, based on the current standards in the Municipality.

Policy S-10

To require any new lots created by instrument of subdivision (other than consolidation or additions) to have an area of at least 5 acres.

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8.3 Lot Access

The Provincial Subdivision Regulations require that lots must abut: a public highway; a right-of-way at least 20 metres wide; or an existing right-of-way which has been previously listed on a schedule in the Subdivision Regulations (Schedule `B'). There is also a provision for lots on an island and a provision for one division of any existing lot without any specific access requirement. Although **Policy S-11** expresses Council's acceptance of this general arrangement, there are two road issues of particular concern to Council: Municipal Public Highways and private roads.

Although Council does not wish to restrict the creation of Public Highways which are owned and maintained by the Municipality, Council has adopted, as a Schedule to the Subdivision By-law, design and construction standards for new Municipal Public Highways. Where there are older existing roads which pre-date the Subdivision By-law, Council will consider accepting such roads as Municipal Public Highways provided that the roadbed and road drainage system are adequate for the expected traffic loads, despite any minor deviations from the standards set out in the Subdivision By-Law.

Private roads are sometimes a problem to maintain. The greater the number of lots using the roadbed, the greater the problem, with increased traffic and increased numbers of people who must be persuaded to share the maintenance costs. These problems are sometimes solved through the Streets Improvement By-law. This allows the Municipality, upon petition by land owners, to build the road to the required standard and recover the costs from the landowners by means of an area rate.

In many cases, however, the original road constructed by the subdivider has proven to be inadequate for reasonable maintenance and for vehicle access, especially for emergency vehicles. In order to protect the interests of the lot owners, Council will require the subdivider to construct all private and public roads to the appropriate Municipal Standard.

Since the Provincial Subdivision Regulations (prior to the effective date of the Subdivision By-Law) allowed unlimited numbers of lots

on a right-of-way 20-metres wide with no consideration of road grades or the horizontal alignment of the road, Council's policy on requiring road design is going to cause difficulties for some subdividers who did not consider road design in laying out some existing subdivisions. Council will provide some relief for these situations by allowing subdivisions using these older rights-of-way provided the total number of lots using any such pre-existing 20-metre wide right-of-way is small.

Council is also aware of difficult situations in which large tracts of land cannot be subdivided under the Provincial Subdivision Regulations because of inadequate access, with no reasonably feasible way to provide a 20-metre-wide right-of-way, much less a designed road. Council is prepared to provide relief from the strict access requirements where a division of property would resolve problems of joint tenancy or tenancy-in-common.

To address these concerns, Council adopts the following policies:

Policy S-11

Where the Provincial Regulations enable lots to be approved with frontage on a right-of-way 20-metres wide, and where such rights-of-way give access to more than six (6) new lots created through Subdivision approval, Council shall require such rights-of way to be designed and constructed in accordance with the Municipal Specifications as adopted by Council, in order to facilitate construction of a Public Highway at any future time.

The Subdivision By-law may exempt such roads from the paving requirements of the Municipal Specifications.

Policy S-12

Council shall require standards for design and construction of Municipal Public Highways to be included in the Subdivision By-law.

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Policy S-13

Council shall provide relief from the general requirements for access by allowing the division of lots, which are owned and have been so owned prior to 1 January 2000 by joint tenants or by tenants-in-common, into as many lots as there are owners without regard to the access from the lots to the Public Highway network.

Policy S-14

Council shall provide relief from the requirements for a designed and constructed road set out in **Policy S-11** by allowing a maximum of six (6) lots to be approved under the Subdivision By-law after 1 January 2000 with frontage on a 20-metre-wide right-of-way which was created under the Provincial Subdivision Regulations prior to 1 January 2000.

Policy S-15

Council shall provide relief from the requirements for a designed and constructed road set out in policy **Policy S-11** by allowing the subdivision of land on an island which is not served either by a public street, provided each lot either has water frontage of 6 metres or more or has access to the water by means of a right-of-way of no less than 6 metres in width.

8.4 Sewer Services

Other than allowing the division of lots in serviced areas, the Provincial Subdivision Regulations are silent about central sewer systems. These services are the responsibility of Municipal Government, and Council has a number of concerns as a result of experience.

The Municipality owns and operates central sewer systems and sewage treatment plants in Chester Village, in Western Shore, in New Ross, in Chester Basin, in Mill Cove and in the Chester Acres Subdivision (Otter Point) at East Chester.

Past experience with privately-owned central sewer systems has convinced Council that these systems often cause big maintenance problems for lot owners, especially if the construction of the system is inadequate in the first place. Council will agree to the construction of new central sewer systems only if such systems are constructed to a standard suitable for maintenance by the Municipality. These systems will be conveyed to the Municipality before subdivision approval is granted for any lots serviced by the central sewer system. Alternatively, Council may enter into an agreement with the developer, which guarantees construction of the system, and subdivision approval may be granted before construction provided that the agreement is backed by an appropriate bond or other security.

A central system is any system accepting sewage from two or more lots.

To address these concerns, Council adopts the following policies:

Policy S-16

Council shall enable the subdivision of land into lots serviced by any central sewer system owned and operated by the Municipality.

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Policy S-17

Council shall require new sewer systems which accept sewage from four or more lots to be constructed to a standard suitable for maintenance by the Municipality and to be conveyed to the Municipality prior to subdivision approval for any lots served by such systems, except as explained in **Policy S-18** below.

Policy S-18

Council shall enable the subdivision of land into lots which are to be serviced by a central sewer system where:

a) the developer has entered into an agreement which is satisfactory to Council; and
b) the developer has posted a performance bond or other security as specified in the Subdivision By-law;
c) the agreement provides that the developer may receive subdivision approval for lots after posting the security, but prior to construction of the proposed sewer system;
d) the agreement provides for conveyance of the proposed system to the Municipality.

8.5 Water Services

As with sewer services, delivery of central water services is a Municipal responsibility. The Municipality does not own or operate any central water supply. Dug wells and drilled wells on individual lots are the normal sources of drinking water in the Municipality and this is likely to continue. Because of chronic water problems in the Chester Village Area, the Secondary Planning Strategy and the Land Use By-law for that area designate a water supply area around Spectacle Lake, for future use in a central water supply system.

If a private owner wishes to service new lots with a central water system, Municipal Council is not prepared to assume any immediate responsibility for maintenance, but will require the system to be built to a standard suitable for maintenance by the Municipality, in order to make municipal operation of the system possible at some future time.

Central water systems serving three (3) lots or fewer are regarded by Council as a purely private matter and Council will not set construction standards for such small arrangements.

In view of these possibilities, Council adopts the following policies:

Policy S-19

Council shall enable the subdivision of land into lots that are to be serviced by a water system which is not owned or operated by the Municipality, provided that any system serving four (4) or more lots is constructed to a standard suitable for maintenance by the Municipality, as specified in the Subdivision By-law.

Policy S-20

Council shall assume ownership, operation, and maintenance responsibility for any central water system only where the system has been constructed to the standard specified in the Subdivision By-law and an area rate has been set to cover the maintenance and operation costs.

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Policy S-21

Council shall permit the subdivision of land into lots which are to be serviced by on-site wells.

8.6 Open Space

When multiple properties are subdivided, land for public purposes is transferred to the Municipality for parks and public spaces. The Subdivision By-law sets out the standards for land and the process to acquire that land.

The need for a municipal fund to assist in the development of public recreation facilities and to acquire land for recreation purposes was first identified in the early 1990s. This need was particularly felt in conjunction with large subdivisions and in circumstances where access to waterways was desired.

As provided for by the *Municipal Government Act*, Council will therefore require a subdivider to contribute useable land, that is, land suitable for recreation purposes, for park, playground and similar public purposes to a maximum of 5% of the subdivided area. Council will accept a percentage of the assessed value of the new lots instead of the land.

Because Council is not prepared to impose this requirement on any division of land which does not create a new lot, Council will waive the Public Open Space contribution in the case of resubdivisions and consolidations which do not create any additional lots.

The *Municipal Government Act* gives the subdivider the choice of contributing cash or land. Where a subdivided area contains lands with special features which should be under Municipal ownership Council may wish to purchase those lands, and can use money from the accumulated Public Open Space fund for these purchases.

Council adopts the following policy for acquiring land for public purposes:

Policy S-22

The Subdivision By-law shall provide a process for acquiring land dedications or cash-in-lieu that specifically supports the Municipality's needs and goals for parkland and open space.

Policy S-23

Council shall require subdividers to transfer to the Municipality either:

a) an area of useable land for trails, park, playground and similar public purposes, in the amount of not less than 5% of the area shown on the final plan of subdivision, not including streets, roads, or the residue of land owned by the subdivider; or
b) cash in the amount of not less than five percent of the assessed value of the new lots created; or
c) some combination of cash, land, services or other value in kind of equivalent value to the value of the land.

Policy S-24

If the land being subdivided has frontage on the ocean, a river or a lake, Council shall require that any land transferred under **Policy S-23** includes land with frontage on the ocean, river or lake or land to provide public access to the ocean, river or lake.

Policy S-25

Council shall waive the requirements of **Policy S-23** where:

a) no new vacant lots are created except the remainder lot; or
b) the approval is for the consolidation of lots; or
c) lot boundaries are being altered and no new vacant lots are being created.
d) the subdivision creates a maximum of three lots from any area of land as it existed on 1 June 2007, but this waiver shall not apply where the lots are part of a more extensive subdivision shown on an approved concept or tentative plan of subdivision.

Policy S-26

Council shall consider purchasing for Public Open Space within a subdivision, those lands which have unique and special value because of:

a) historical significance;
b) archaeological significance;
c) views;
d) access to coastal or inland waters; or
e) other outstanding attributes.

Policy S-27

Council shall define, in the Subdivision By-law, "useable land" by means of minimum requirements and evaluation procedures so as to ensure the conveyance under **Policy S-23** of land which is suited to community recreation purposes.

Policy S-28

Council shall consider accepting an area of useable land conforming to the requirement of **Policy S-23** and **Policy S 27** outside of the area being subdivided and within the boundaries of the Municipality.



SECTION 9: IMPLEMENTATION & ADMINISTRATION

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9.0 IMPLEMENTATION & ADMINISTRATION

This Municipal Planning Strategy is adopted under the *Municipal Government Act.* It applies to all areas of the Municipality and expresses the intentions and policies of Council. Council is not obligated to undertake any projects identified in it, but may not undertake actions that contradict its intent.

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-laws 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.

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9.1 Public Participation

Public input on planning issues is needed to create good plans and build community trust. 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*.

Policy A-2

The public participation processes shall focus on the following principles:

a) Providing **clear** information
b) Using a **variety** of formats
c) Giving **timely** notice
d) Gathering **meaningful** feedback

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9.2 Development Officer

The Land Use Bylaw and Subdivision Bylaw are the principal means to implement this Planning Strategy. A Development Officer is appointed by Council in order to administer these by-laws and process development applications. Depending on the type of application, the decisions of the Development Officer can be appealed either to Council or to the Nova Scotia Utility and Review Board (NSUARB), 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-3

Council shall appoint a Development Officer. The Development Officer shall be responsible for administering the Land Use By-law and Subdivision By-law, including issuing, refusing and revoking development permits.

Policy A-4

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 Municipality meets the regulations of the Land Use By-law. The Planning Strategy and Land Use By-law specify that certain types of development do not need a development permit. All other development in the Municipality 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-5

In accordance with Section 244 of the *Municipal Government Act*, a development permit shall be required for all development in the Municipality, except those specified in the Land Use By-law as not requiring a development permit.

Policy A-6

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

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9.4 Variances

A variance allows a relaxation or reduction of one or more of the 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 or the 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 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 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 lot 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 Office shall be satisfied that:

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

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9.5 Non-Conforming Uses and Structures

The term 'non-conforming' applies to land uses and structures that do not comply with current Land Use By-law regulations, but which were legally permitted under previous by-laws. 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 conform to the applicable by-laws to non-conforming structures and uses. The Municipality will deal with these 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 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.

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 community. The benefit of site plan approval is that it does not require a public hearing or a lengthy approval process.

Site plan approval is required for certain developments, as described in detail in Chapter 4 of this Planning Strategy, for each Planning Area and each zone. Typically, such approval is required for larger developments, particularly those that have specific standards for items such as setbacks, buffers, screening and parking.

Council adopts the following policies for site plan approval:

Policy A-13

For projects that require site plan approval, the 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 of 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.

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Policy A-14

For residential developments subject to Site Plan Approval, the Land Use By-law shall also require the following prior to issuance of a development permit:

a) an appropriate connection to a sewage disposal system, or an on-site system that meets Provincial requirements;
b) adequate on-site traffic circulation 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-15

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

9.7 Development Agreements

Development agreements are used in cases where proposals lie outside the limits of the Land Use By-law. For example, very large developments, alternate designs, or developments which may have a high environmental impact may be considered by development agreement. Section 3 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. development agreements are used as a way to give Council more control over proposed developments, and ultimately decide if the proposed development is in the community's best interest. While development agreements offer more flexibility in approving developments, they must meet the intent of this Planning Strategy.

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-16**
>
> 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.

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Policy A-17

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 or structures;
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-18

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 any relevant Secondary Planning Strategies;
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-19

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 community 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.

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Policy A-20

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

Policy A-21

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 20 metres 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 metre-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.

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-22

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 has been minimized;
c) for large-scale wind generation facilities:
    (i) the sound level generated by the installation shall not exceed the ambient sound level by more than 30dB(a) measured to the nearest property line, under any normal operating condition, and any application for a development agreement must include sufficient information to determine that the installation meets this standard;
    (ii) there shall be no illumination.
d) the development is separated from adjacent properties not in commercial or industrial use, and screening is used in order to minimize impact on the abutting uses;
e) all structures use durable building material so their appearance complements the community's character;
f) all necessary permits have been issued or Council is satisfied that the required permits will be issued;
g) development shall not increase traffic volume so as to have an undue negative effect on properties served by a residential street;
h) the applicant demonstrates that the development can be appropriately serviced in a cost-effective manner;
i) a satisfactory parking calculation has been stipulated;
j) 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

k) 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.

9.7.3 Residential Development Agreements

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

Policy A-23

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, the Community Character Area and with the 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.

9.7.4 Waterfront Public Access Development Agreements

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

Policy A-24

When considering a development agreement for uses that provide public access to inland waterways or coastal shores on property that is owned by interests other than the Municipality of Chester or the Crown, Council shall be satisfied that:

a) neighbouring properties will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, or lighting. Council may also consider the overall impact of the development on all properties which abut the lake;
b) the proposed development resolves any potential compatibility issues with nearby land uses resulting from lighting, signage, outdoor display, outdoor storage, traffic, vehicle headlights, and noise through appropriate site design, landscaping, buffering and fencing;
c) the development site is suitable in regards to grading, soils, geological conditions, and susceptibility to man-made or natural hazards;
d) areas used for the purpose of an off-leash dog park shall be fenced with chain link fencing or a suitable alternative, that is at least four feet high. Preferably, the fence should

be equipped with a double-gated entry to keep dogs from escaping and to facilitate wheelchair access;

e) sufficient, adequate parking areas are provided and that safe access to the parking areas has been provided for the public;
f) safe and adequate roadway access is provided;
g) where applicable, adequate measures have been taken to minimize increases in stormwater runoff from any development in order to diminish flooding, siltation, non-point source pollution and to minimize any impacts on water quality measures, and minimize erosion;
h) boat launches shall be limited to those that provide access to non-motorized water-craft;
i) any structures, such as boat launches, piers or wharves used for fishing or boat access, are located away from any areas designated as swimming areas;
j) consideration has been given to neighbourhood access and connection, particularly connectivity to existing park and trail systems;
k) the developer has reasonably addressed the concerns that were raised during the public participation program.

9.8 Amendments

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

- must respect the intent of this 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 intent of any relevant Secondary Planning Strategies;
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.

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9.8.1 Land Use By-law Amendments

In addition to the policies above, Council adopts the following policies for amending the 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 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 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 community 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 supports the intent of this strategy; and
p) the financial ability of the Municipality to absorb any costs relating to the amendment.

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9.8.2 Municipal Planning Strategy Amendments

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

Any Municipal 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 strong public engagement.

Council adopts the following policy on Municipal Planning Strategy amendments:

> **Policy A-29**
>
> A Municipal Planning Strategy amendment shall be required where:
>
> a) any policy intent is to be changed;
> b) an amendment to the Land Use By-law would conflict with any portion of the Municipal Planning Strategy;
> c) an amendment to the 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 Municipal Planning Strategy

This Planning Strategy is intended to be easy to use the while being a long-term planning framework designed to meet the needs of communities in the Municipality over the coming decades. Nevertheless, as the Municipality 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 community 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 occur 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 & FUTURE PROJECTS

10.0 ONGOING & FUTURE PROJECTS

Through the articulation of planning policies, this Planning Strategy expresses the will of Council following extensive consultation with communities. Council has thereby committed to adopting, where appropriate, a set of projects as part of this Planning Strategy which, when taken together, promote positive change in communities. Council's actions may be as simple as producing a promotional brochure, or as partnering with a community group or government agency on a multi-year program.

Pursuant to this Planning Strategy, the following future projects are recommended:

- Parks and Open Space Plan (Policy L-3)
- Waterfront access opportunities (Policy L-8)
- Safe roads for active transportation (collaboration with Province; Policy L-14)
- Innovative and affordable housing approaches (collaboration with community organizations; Policy L-18)
- Heritage designation and recognition (Policies L-24, L-26)
- Stormwater management information program (Policy E-7)
- Coastal Hazard Risk Map (Policy E-28)



SECTION 11: HISTORY OF MUNICIPAL PLANNING

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11.0 HISTORY OF MUNICIPAL PLANNING

11.1 Planning Strategies and Land Use By-laws

A Land Use By-law has controlled land use in the Village of Chester and the surrounding area since 1975. In 1988, a Land Use By-law came into effect for the Chester Downs and Islandview Subdivisions in East Chester. That By-law was repealed when the previous Municipal Planning Strategy came into effect in 1997. Both Islandview and Chester Downs were incorporated into this Strategy and the accompanying Land Use By-law.

Council had first considered the possibility of regional planning in the mid-1970s, but this was not pursued. Council rejected a proposal for land use control in the whole of the Municipality in 1994 after a contentious public debate.

Requests from various residential areas have led Council to reconsider ways to address land use control throughout the Municipality. In 1995 and 1996, Council received requests from five separate areas for municipal control over land use. Instead of adopting five separate By-laws, Council agreed to draft a By-law which would contain all the necessary elements, but would be applied only in those areas which requested land use planning.

In addition, in 2002, in response to a request from the Aspotogan Heritage Trust to establish land use control at Mill Cove Park, Council agreed to amend the Municipal Planning Strategy and Land Use By-law to incorporate specific policies and By-law provisions tailored to the development issues and opportunities at Mill Cove Park. Zoning in Mill Cove Park was further amended in 2014.

In 2003, in response to pressure throughout the Municipality, Council adopted basic land use controls (administered through the General Basic Zone) which apply to the whole Municipality. The General Basic Zone formed the basis of the previous Municipal Planning Strategy, which was in place until 2018. Council only applied more restrictive

zoning than was stipulated in the General Basic Zone if specifically requested by the community.

This Municipal Planning Strategy was adopted on Date XX 2018, after a multi-year Plan Review, which ran from 2014 to 2018. The entire process, including several rounds of public consultations and the formulation of goals, policies and regulations, was directed by a dedicated group of citizens who acted in a voluntary capacity.

Further information on the 2014-2018 Plan Review can be found in:

- engagement reports to the Citizens Planning Advisory Committee, prepared by the firm *Third Sector Enhancement Ltd.* and dated March, 2015, December 2015, and October 2016.
- background reports for Plan Review, which were completed in 2014 and 2015.
- meeting minutes and agenda packages from the Citizens Planning Advisory Committee, which directed the Plan Review process between November 2014 and Month/Year.

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.