



**Region of Queens Municipality**

# MUNICIPAL PLANNING STRATEGY

**July 20<sup>th</sup>, 2009**



## **Acknowledgements**

Council would like to acknowledge the considerable time and effort put into the preparation of this Regional *Municipal Planning Strategy* and *Land Use Bylaw* by the many volunteer members of the six Area Advisory Committees as well as members of the Planning Advisory Committee. The input of these Committee members was a critical component of this planning process, without which, the successful completion of this project would not have been possible. Your efforts to develop a plan for the sustainable growth of our communities are to be commended.

Council would also like to thank the many members of the public who seized the opportunity to participate in the various public information sessions held throughout the project. The questions, comments and concerns expressed during these meetings have contributed greatly to the preparation of a set of planning documents which will meet the future development needs of the people of Queens.

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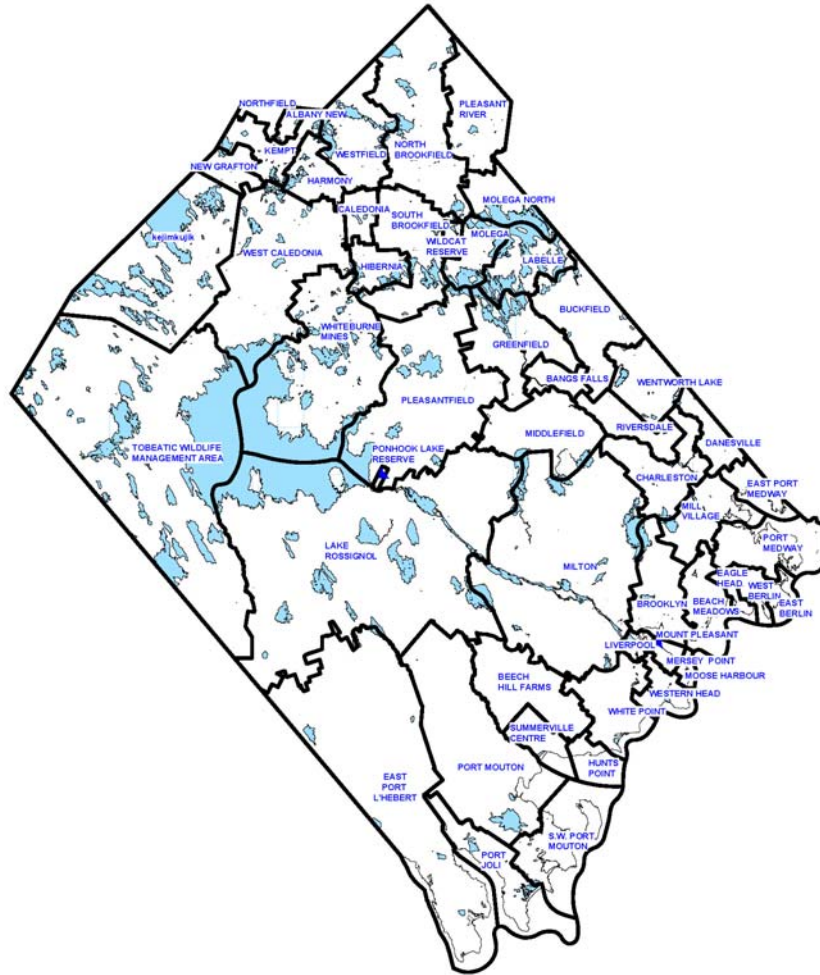
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## SECTION 1 INTRODUCTION

### 1.1 The Region of Queens Municipality – A Brief History



**Map 1 – Region of Queens Municipality**

For thousands of years the Mi'kmaq have hunted, travelled, foraged and helped shape the Region as we know it today. Their settlement patterns reveal a detailed understanding of their environment and the true potential of the land. The warmer months of the year were spent along the coast, where a rich diversity of estuaries and salt marshes offered an abundance of food. With the arrival of winter, the Mi'kmaq would return to the interior to hunt moose and other animals in the deep snow.

European settlement in Nova Scotia had a significant effect on the Mi'kmaq. Conflict, disease and starvation led to a loss of population and a loss of traditional encampment

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sites. Despite these difficult early years, the Mi'kmaq and their rich history remain with us today. It is still evident along the shores of the Region's coastline, rivers and lakes and in the Mi'kmaq place names that are still used today.

The first Europeans known to have visited this area in numbers were the French in 1604, who were drawn to the Region's coastline by the fur trade, plentiful fishing and good harbours. They failed to establish a permanent settlement here; however. It was not until 1759 that New Englanders of British origin established the first European settlement in Queens County; Liverpool.

With the founding of Liverpool, new settlements began to spread along the Region's coastline. The American Revolution, immigration of Loyalists and the War of 1812, were three significant events that directly contributed to a period of growth and wealth for the Port of Liverpool and surrounding communities. It was also during this period, that European settlement began to move inland from coastal areas. By the end of the 1800's, communities like Greenfield, Caledonia, South Brookfield and Pleasant River, were well established. The move into the interior of the Region was supported by the emergence of forestry industry, agriculture and gold mining. Although the gold mines have long since disappeared, the gold rush that began in 1884 fuelled rapid growth in the North of the Region. Communities such as Caledonia, Molega and Whiteburn Mines grew up almost over night, attracting people from far and wide.

By the beginning of the 20<sup>th</sup> century, tourism had also emerged as a key industry, as the Region's coastline, rivers and lakes attracted the attention of visitors from across Canada and the United States. Albert Bigelow Paine, an American author who wrote the now famous "Tent Dwellers" in 1908, beautifully recorded the early history of tourism and sport fishing in the Region. This story gives a first hand account of a guided fishing and canoeing trip in the back woods of the Region at the beginning of the 20<sup>th</sup> century, and provides an understanding of why so many people continue to enjoy these wilderness activities today.

The Region's abundance of natural assets has played a big part in the growth of seasonal residential developments throughout the Municipality. Primarily located on lakeshores and the coastline, this form of development has accounted for much of the development that has occurred during the last few decades. As large urban areas like Halifax continue to grow, the demand for scenic natural environments and recreational opportunities will also increase.

Servicing the communities within the Region are approximately 755 kilometres of public roads (Provincial and Municipal), and approximately 275 kilometres privately owned roads. The roads owned and maintained by the Region are located in Liverpool, while much of the private road construction is concentrated in the Molega, Labelle and Greenfield areas, or what is commonly known as "cottage country".

With a relatively small population and large geographical area, the Region of Queens

Municipality is primarily rural in nature, and the variety of resource based industries play a large role in defining the character of this rural landscape. The growth of these industries has been instrumental in supporting the development of the 49 communities in the Region. Liverpool, Milton and Brooklyn make up the Region's most urbanized area. These communities play an important role as a centre of service for the entire Region and beyond.

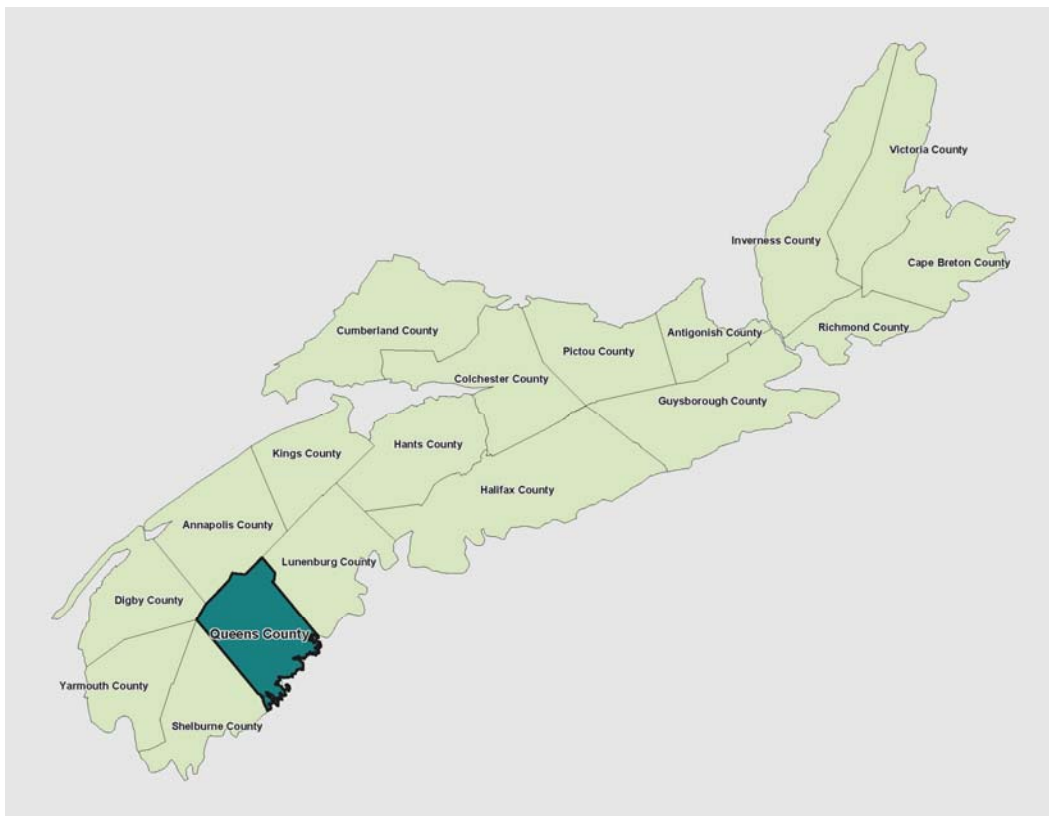
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In 1996 the former Municipality of the County of Queens and the Town of Liverpool went through a voluntary amalgamation process which resulted in the creation of the Region of Queens Municipality; a process which proved to be a very positive step for the people of Queens County. Prior to amalgamation, the municipal units were duplicating many services and competing against each other for new development. Amalgamation has resulted in significant cost savings, more efficient provision of services and generally a more positive attitude toward new development in the Region.

Although rural areas across Canada face many challenges, it is clear the Region of Queens Municipality has many qualities and assets that will enable it to continue to thrive.

### 1.2 Geographic Setting

- Located on the South Shore of Nova Scotia, the Region of Queens Municipality is centrally located between the provincial capitol of Halifax in the east and Yarmouth in the west.
- The Region encompasses approximately 2,760 km<sup>2</sup> or 681,700 acres.
- Approximately 220 kilometres of shoreline on the Atlantic Ocean.
- Approximately 13% of the Region is covered by freshwater bodies.
- Vast wilderness areas and pristine shorelines.
- Accessed along Highway 103, the Lighthouse Route (Trunk 3) and Kejimkujik Scenic Drive (Trunk 8).

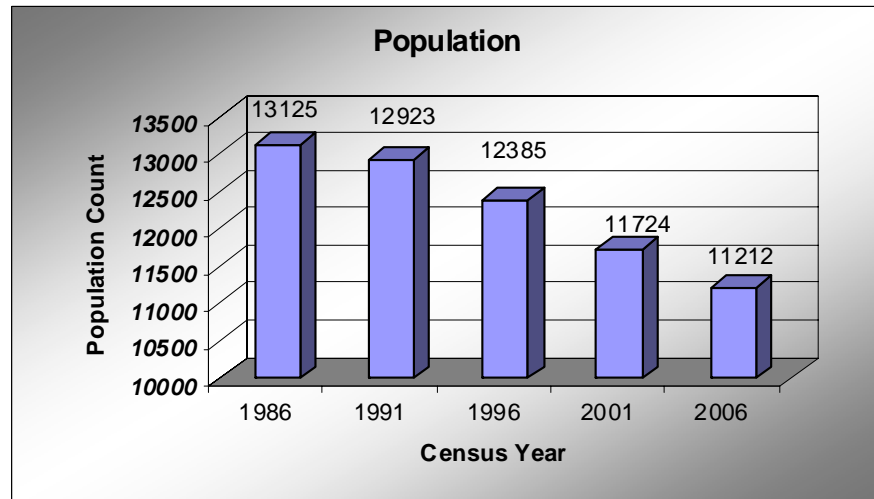


**Map 2 – Geographic Setting**

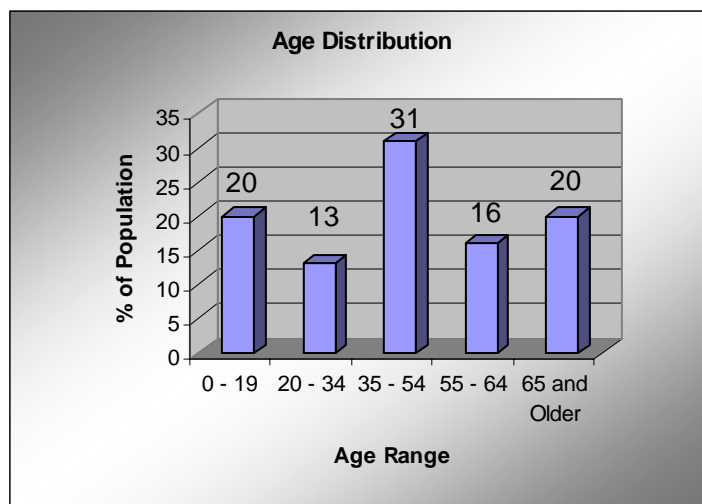
### 1.3 Population and Demographics

#### Population

The Region of Queens Municipality has a population of 11,212 people, based upon the 2006 Statistics Canada Census data. The data reveals several population trends in the Region, including percentage of the population by age. These statistics show that the Region has an aging population with approximately 19.5% of the population over the age of 65. The average for the Province is 15.1%.



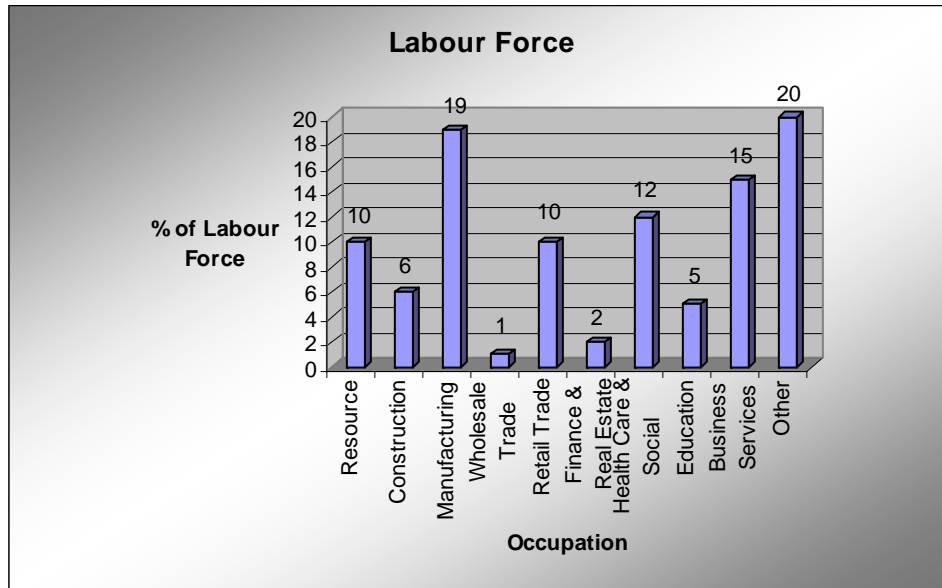
**Table 1** (Source - Statistics Canada)



**Table 2** (Source - Statistics Canada – 2006 Census)

## Employment

There are approximately 4,920 people in the labour force in the Region of Queens Municipality. The key areas of employment in the Region are tourism, resourced-based industries, manufacturing, health care and social services and retail.



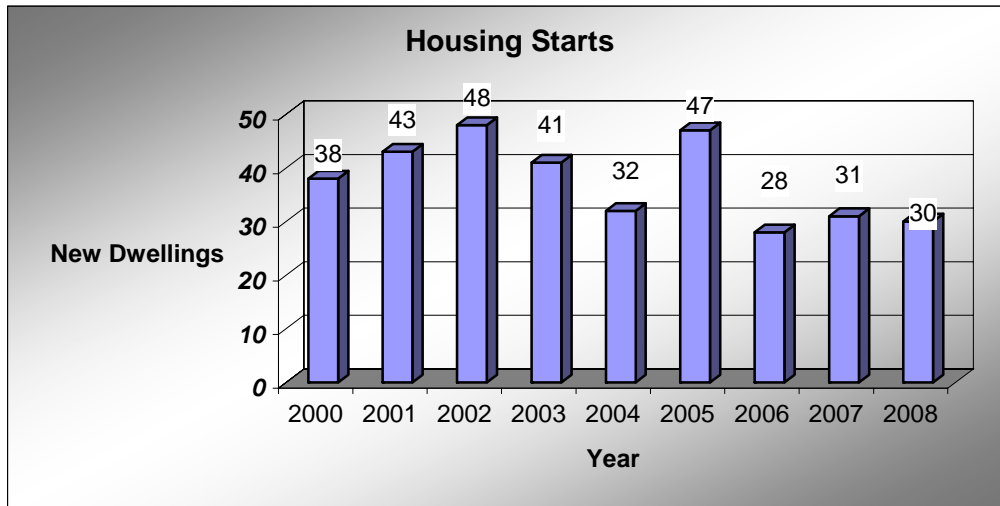
**Table 3 (Source - Statistics Canada – 2006 Census)**

## Housing

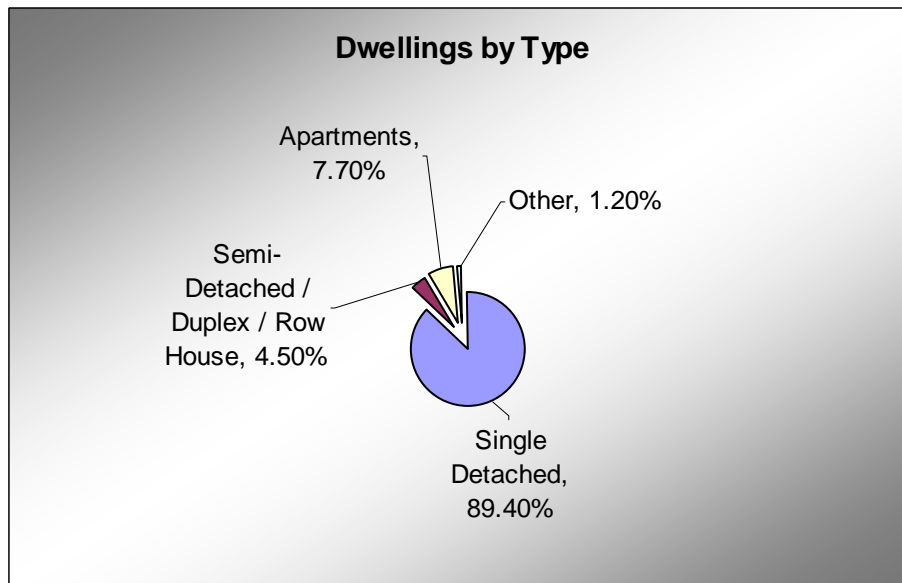
Factors affecting the local housing market are numerous and varied. Changes in the local population and a high quality of life are two of the most notable forces shaping current housing trends. With an aging population and dwindling number of young people in the Region, the average household size continues to decline.

The Region understands that an aging population will likely result in a shift towards smaller, more energy efficient housing closer to important services. With these trends in mind, the Region has worked to establish land use planning that makes more compact forms of development, including multiple unit dwellings, a real possibility throughout much of the Region.

The opening of a new call centre in 2004 has created an increased demand for new rental accommodation in and around the Liverpool area.



**Table 4 (Source - Region of Queens Municipality Building Permit Data)**



**Table 5 (Source - Statistics Canada – 2006 Census)**

#### 1.4 Regional Planning Program

In early 2003, Council initiated a project that would see the creation and implementation of a comprehensive set of land use planning documents for the Region of Queens Municipality. The goal of this project was to establish a *Municipal Planning Strategy* and *Land Use Bylaw*, which would encompass all lands within the Municipality. Achieving this goal involved developing a planning process that would integrate communities that had existing planning documents; Liverpool, Milton and Brooklyn; with those that did not.

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In order to facilitate this process, two simultaneous planning exercises were carried out, with the information gathered eventually being consolidated to produce a single Region-wide *Municipal Planning Strategy* and *Land Use Bylaw*.

The *Municipal Planning Strategy (MPS)* for the Region of Queens Municipality has been prepared according to the provisions of the *Municipal Government Act*, being Chapter 18 of the Statutes of Nova Scotia, 1998. The *MPS* covers the area within the official boundaries of the Region of Queens Municipality (Queens County) as indicated on Map 1 – Region of Queens Municipality.

The *MPS* was prepared with the support of Council, through the Planning Advisory Committee and Area Advisory Committees, in accordance with the *Municipal Government Act*. In adopting this *MPS*, Council does not commit itself to undertake any of the projects described herein but is prevented from undertaking any development which would be inconsistent or at variance with this *MPS (Municipal Government Act - Section 217)*.

This *MPS* and its implementing *Land Use By-law (LUB)* replace:

- Liverpool's *MPS* and *LUB*, which were approved by the Minister of Service Nova Scotia & Municipal Relations on November 22, 2000;
- Brooklyn's *MPS* and *LUB*, which was adopted by the Minister of Housing and Municipal Affairs on April 2, 1998; and
- Milton's *MPS* and *LUB*, which was adopted by the Minister of Housing and Municipal Affairs on March 29, 1996.

## **1.5 Public Participation**

The *Municipal Government Act* requires Council to adopt a public participation program for the preparation of planning documents (POLICY 31 – Public Participation Program). The purpose of this Policy is to provide the public with an opportunity to receive and discuss information on any proposed municipal planning strategy, land use bylaw, subdivision bylaw or formal review thereof. Members of the public may express their views in writing or verbally, in order to provide all interested persons an opportunity to have their views heard.

The participation of the public in this process is essential to its success. A decision was made at the beginning of this project to go beyond the Policy and have members of the public directly involved in the preparation of the documents.

To facilitate this participation, the Region was divided into 6 geographic areas, with an advisory committee established for each.

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**Area Advisory Committee 1 -**

- East Port L'Hebert
- Port Joli
- Port Mouton
- Southwest Port Mouton
- Beech Hill
- Broad River
- Hunts Point
- Summerville Centre
- White Point

**Area Advisory Committee 2 -**

- Western Head
- Moose Harbour
- Mersey Point
- Mount Pleasant

**Area Advisory Committee 3 -**

- Beach Meadows
- Eagle Head
- West Berlin
- East Berlin
- Port Medway
- Mill Village
- Charleston
- Riversdale
- Danesville
- East Port Medway

**Area Advisory Committee 4 -**

- Middlefield
- Pleasantfield
- Greenfield
- Bangs Falls
- Buckfield
- Lake Rossignol
- Molega
- LaBelle

**Area Advisory Committee 5 -**

- Pleasant River
- North Brookfield
- South Brookfield
- Westfield
- Caledonia
- Hibernia
- West Caledonia
- Whiteburn Mines
- Harmony
- New Grafton
- Kempt
- Albany New
- Northfield

**Area Advisory Committee 6 -**

- Liverpool
- Milton
- Brooklyn

The Area Advisory Committees (AAC) were structured so that each community would have representation on at least one committee. The role of these Committees was to provide advice on local issues as they related to the development of the Region-wide *Municipal Planning Strategy* and *Land Use Bylaw*.

Area Advisory Committees 1 to 5 represent the more rural areas of the Region that had no municipal planning strategy or land use bylaw. These Committees were basically starting from scratch in the planning implementation process. The absence of municipal land use planning in the majority of the Region made it necessary to spend some time with AAC 1 to 5 developing an understanding of what these committees valued and what they understood the key land use issues to be.

Area Advisory Committee 6 represents the urban communities of Liverpool, Milton and Brooklyn, all of which had existing municipal planning strategies and land use bylaws, and have each gone through several formal reviews since their adoption. One of the primary challenges facing Area Advisory Committee 6 was that each of the communities had separate planning documents that were written independently of each other. Although much of the information contained in the documents was similar, there were also many differences and could not easily be merged without a complete review. With planning already in place, Area Advisory Committee 6 had a fairly good understanding of what the communities valued and what the key land use issues were.

Throughout the planning process, the Region of Queens Municipality hosted many rounds of public information sessions to provide the public an opportunity to ask questions and comment on the proposed documents and to keep the public informed as to the progress of the project. To aid in keeping the public informed, draft documents

and other project related information were placed on the Region's website. As well, progress updates were included in *Municipal Matters*, the Region's quarterly news letter which is sent out to all households in Queens.

## **1.6 Community Sustainability**

The sustainability of our communities depends on our ability to find a balance between quality of life, maintaining a healthy natural environment and achieving economic prosperity, which form the cornerstones or pillars of sustainable development. We want to encourage development which will meet today's needs without placing undue hardship on future generations to meet their own needs. The process for determining where we want to be 25 years down the road involves several key steps:

- Identification of issues affecting communities;
- Establishing a vision; and
- Setting goals for sustainability.

### **1.6.1 Issue Identification**

A major component of this planning process was to identify issues and concerns that were affecting communities in Queens. The Area Advisory Committees spent a great deal of time trying to flush out these issues, which were then presented to the public for comment. The issues identified and agreed upon can be generally grouped into three categories and are as follows:

#### **Natural Environment**

- Establish responsible development practices that protect people and property from environmental hazards, such as flooding and erosion;
- Establish responsible development practices that protect the natural environment from development;
- Establish development setbacks along certain waterways and the coastline;
- Protect the natural beauty / assets of the Region.

#### **Economy**

- Identify development potential for vacant lands and be proactive in trying to attract all scales of industry and business.
- Establish policy which is supportive of existing service areas throughout the Region.
- Identify and promote key areas of high recreational value which have tourism potential.
- Encourage the establishment or expansion of resource-based industries.
- Promote environmentally friendly and sustainable businesses and industries throughout the Region.
- Capture the economic spin offs from uses such as Kejimikujik National Park, which is a major tourist draw to our area.

#### **Social / Cultural**

- Protect the mix of land uses found in rural communities.
- Protect existing large and small-scale farms and encourage new operations.

- Establish clear guidelines for new development within the Municipality.
- Plan for an aging population by identifying where in the Region multi-unit senior dwellings should be encouraged.
- Maintain Liverpool as a working harbour while encouraging other industries such as tourism.
- Make communities in Queens more of a destination through the development of green spaces, trail systems and highlighting key natural assets and services.
- Plan for development in a way that works to secure access to key natural areas and areas of recreational significance.
- Promote the wealth of heritage assets in our communities.

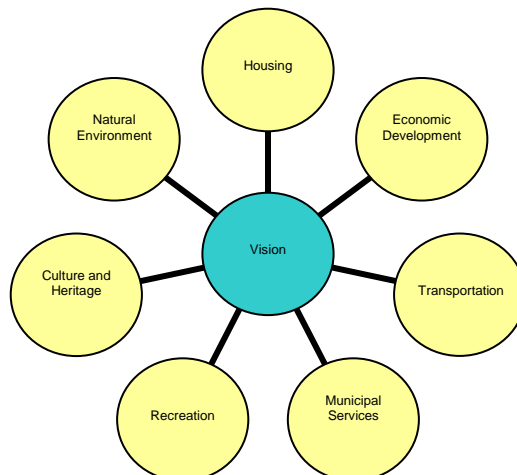
### **1.6.2 A Vision for the Region**

The way in which our communities develop today can have a significant impact on the environment, the economy and our quality of life in the future. In an effort to ensure that development occurs in a healthy, orderly and sustainable manner, good land use planning principles must be established and implemented to meet both the short term and long-term community development needs.

Planning for the future of our communities involves articulating a vision of how we would like to see development occur. This vision statement establishes a general development framework upon which are built a series of land use priorities that Council and the public deem important to the future growth of communities within the Region of Queens Municipality over the next ten to fifteen years.

***The Region of Queens Municipality will be a place where communities respect the natural environment, possess strong character, enjoy access to a variety of recreational opportunities and continue to develop an economy that builds on the assets of the Region as a whole.***

In establishing a vision for the sustainable development of our communities, a number of key factors were taken into consideration, which forms the backbone of this MPS.



### 1.6.3 General Goals for a Sustainable Future

Achieving the desired vision for sustainable future growth requires the establishment of a clear set of goals to address the economic, environmental social and cultural opportunities and challenges within the Region of Queens Municipality. The goals provide a framework for the formulation of policy that will guide future sustainable development. To this end, Council and the Area Advisory Committees were asked to articulate a single list of goal statements, which they felt reflected the desired direction of future development within the Region of Queens Municipality.

1. ***promote a wide range of housing options throughout the Region to meet the needs of all residents of Queens, including new affordable housing units, high-end condominium development and senior's housing;***
2. ***encourage economic development by building on the Region's strengths, recognising the importance of improved infrastructure and identifying the potential of undeveloped lands for new, or expansion of, commercial and industrial related operations;***
3. ***encourage land development within the Region of Queens Municipality that protects the quality of the natural environment and the safety of all residents, through such means as sewage collection and treatment, maintaining safe drinking water supplies, establishing development setbacks from water courses, and recognition and protection of environmentally sensitive areas;***
4. ***promote recreational opportunities of both an active and passive nature within the Region as a major contributor to a high quality of life for both residents and visitors alike;***
5. ***recognize institutional uses such as churches , schools and hospitals as integral parts of our communities that contribute greatly toward a higher quality of life;***
6. ***recognize the importance of the Region's culture and heritage and encourage the protection of historically significant properties and promoting the historic character of all communities;***
7. ***utilize and properly manage the Region's transportation infrastructure, which includes alternate modes such as active transportation;***
8. ***grow our communities through new road, sewer and water infrastructure thereby enabling new economic growth and improving the health and welfare of our residents, while at the same time achieving a balance in maintaining existing infrastructure assets and seizing every opportunity to repair or replace deteriorating systems;***
9. ***establish clear rules for implementing a Region wide strategy, which reflects community concerns and is acceptable to the people of the Region.***

## **1.7 What is Planning?**

Planning provides a framework for the orderly, healthy, and sustainable development of our communities. It entails identifying the types and intensity of land uses a community feels are appropriate within a planned area, provides direction on sustainable development practices, and reduces conflicts between competing land uses.

## **1.8 What is a Municipal Planning Strategy and Land Use Bylaw?**

A Municipal Planning Strategy (MPS) is a legal document, adopted by Council, which sets out strategic policy direction for the Region of Queens Municipality to achieve its vision for a sustainable future. The MPS provides a framework towards achieving the economic, social and environmental goals of our communities, while at the same time maintaining and enhancing existing development, community assets and quality of life. The document identifies specific land use issues affecting communities and sets out goals, objectives, and policies to address them over the next five, ten, or fifteen years. A MPS containing policy regulating land use and development must be accompanied by a Land Use Bylaw (LUB). The LUB is a regulatory document, which sets out specific planning and development requirements in order to meet future development goals. This document sets out such things as boundaries of particular zones, types of uses permitted in the zones and minimum lot size and setback requirements.

## **1.9 Statutory Authority**

The statutory authority for the establishment of municipal planning is provided for under the *Municipal Government Act* (MGA), being Chapter 18 of the Statutes of Nova Scotia 1998, as amended. The MGA enables municipalities to assume the primary authority for planning within their respective jurisdictions, through the adoption of municipal planning strategies and land use bylaws. (s. 190 (b))

## **1.10 Statements of Policy in a Municipal Planning Strategy**

As set out in the *Municipal Government Act* (s. 214), the content of a municipal planning strategy may include statements of policy with respect to any or all of the following:

- the goals and objectives of the municipality for its future;
- the physical, economic and social environment of the municipality;
- the protection, use and development of lands within the municipality, including the identification, protection, use and development of lands subject to flooding, steep slopes, lands susceptible to subsidence, erosion or other geological hazards, swamps, marshes or other environmentally sensitive areas;
- stormwater management and erosion control;
- in connection with a development, the excavation or filling in of land, the placement of fill or the removal of soil, unless these matters are subject to another enactment of the Province;
- in connection with a development, retention of trees and vegetation for the purposes of landscaping, buffering, sedimentation or erosion control;

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- studies to be carried out prior to undertaking specified developments or developments in specified areas;
- the staging of development;
- the provision of municipal services and facilities;
- municipal investment for public and private development and the coordination of public programs relating to the economic, social and physical development of the municipality;
- non-conforming uses and structures;
- the subdivision of land;
- the use and conservation of energy, including the height and siting of developments;
- measures for informing, or securing, the views of the public regarding contemplated planning policies and actions or Bylaws arising from such policies;
- policies governing
  - land-use Bylaw matters,
  - amendment of the land-use Bylaw,
  - the acceptance and use of cash-in-lieu of required parking,
  - the use of development agreements,
  - the establishment of comprehensive development districts,
  - the use of site-plan approval areas, including whether notice must be given to owners and tenants of property that is thirty metres or more from the applicant's property,
  - the establishment of transportation reserves,
  - the use of infrastructure charges;
- the regulation or prohibition of development and the use of land in order to carry out an agreement pursuant to the Aeronautics Act (Canada);
- any other matter relating to the physical, social or economic environment of the municipality.

### **1.11 Terminology**

Council has tried very hard to draft a set of planning documents using plain language terminology to enable ease of reading by the majority of the population who have had little experience with planning. Although the *MPS* and *LUB* are legal documents which must stand up to the scrutiny of the Courts and the N.S. Utility and Review Board, Council also wanted them to be understood by the general public.

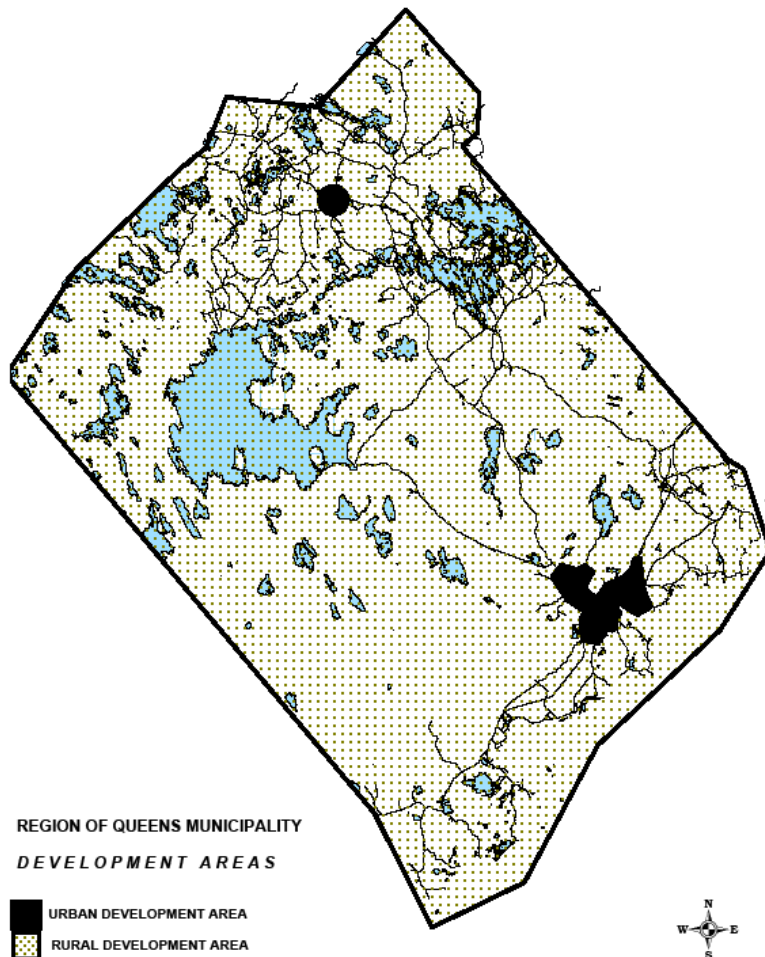
There are three frequently used terms found in various sections throughout this *MPS* - "shall", "should" and "may". The word "shall" denotes a mandatory action, the word "should" denotes a discretionary action and "may" denotes a permissive action. The majority of policy statements set out in the *MPS* use the term "It shall be the intention of Council". This term denotes the mandatory consideration of policy concepts, but does not commit Council to the eventual adoption of policy in the *MPS*.

## SECTION 2 GENERAL DEVELOPMENT AREAS

### 2.1 Introduction

The Region of Queens Municipality has a history rich in shipbuilding, fishing, farming and forestry, which creates a very diverse community makeup. Planning for this diversity involves identifying the unique qualities that define individual communities and the Region as a whole.

In an effort to address this community diversity in a suitable manner, the Region of Queens has been divided into two development areas; **Urban Development Area** and **Rural Development Area**, as shown on **Map 3** below. Each of these development areas highlight a particular set of characteristics and development patterns.



*Map 3 – Development Areas*

## **2.2 Urban Development Area**

The **Urban Development Area** is primarily located around the area where the Mersey River enters Liverpool Bay, encompasses the entire Community of Liverpool, Milton along Route 8 and West Street up to Potanoc Street, the Community of Brooklyn south of Highway 103. As well, the nature and density of development in the core area of Caledonia along Highway 8 from Westfield Road to Rogers Road creates a more urban setting within the rural landscape. Home to approximately 4,846 residents or 43% of the Region's population, the Urban Development Area has the highest concentration of residential, commercial, industrial and institutional development in the Region.

The density of this development lends itself to a number of opportunities and challenges, which may not be encountered in other areas of the Region. An example of this is the provision of municipal sewer and water services for much of this area. These services are attractive to new developers, as they allow for smaller lot sizes and eliminate the expense of installing on-site sewage disposal systems. However, as communities continue to expand on the peripheries of existing services, the pressures to extend municipal services to accommodate this new development also increase.

Another example of opportunities and challenges in the urban area is the close proximity of varying land uses. This can lead to a more pedestrian oriented community and less reliance on vehicular modes of transportation, while at the same time the potential for land use conflicts increases with different abutting uses.

In order to facilitate orderly and sustainable development in the urban area, comprehensive land use policies and regulations are required to capitalize on the development opportunities and overcome challenges.

## **2.3 Rural Development Area**

The **Rural Development Area** encompasses stretches of coastline and large tracts of wilderness and resource land. Throughout this area, resource based industries such as forestry, fishing and agriculture define both the landscape and the local economies. Although the level of planning required in rural areas is generally less comprehensive than in the urban areas, there is still a need for regulations in order to minimize potential conflicts from competing land uses.

The location and intensity of land uses largely depends on geography. In the southern portions of the Rural Development Area, the coastline has experienced a steady growth of low density residential development and tourist based industries. The location of several provincial, federal and municipal parks has made the coastline a prime recreational area. As well, the fishing industry has been of key importance in defining the way many of the communities in this area have developed, and will continue to play a significant role well into the future.

In the central regions of the Rural Development Area, forest resource industries have shaped much of this remote landscape. As well, large tracts of crown owned land, including several wilderness protected areas, help to preserve wildlife and provide recreational opportunities for residents and visitors alike.

In the northern regions of the Rural Development Area, a mixture of cottage developments, agricultural land and forestry creates a patchwork of development. Also,

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Kejimikujik National Park is a major tourist attraction and recreational asset for the entire Region.

While the rural areas throughout the Region of Queens Municipality lend themselves to many opportunities, there are also a number of challenges to be overcome. Like many other rural areas throughout Nova Scotia, and in fact throughout North America, the Region of Queens Municipality has seen a decline in its population, as people move to larger centres for reasons such as employment, post secondary education, and greater availability of services. It is important that Council develop policy which will encourage greater opportunities within the rural areas and stem the tide of out migration.

## **SECTION 3            RESIDENTIAL DEVELOPMENT**

### **3.1    Introduction**

The Region of Queens is a large and primarily rural municipality, made up of many unique and historic communities, which have experienced much change over the last few decades.

Within the Rural Development Area, new residential growth has been primarily concentrated in areas that possess natural assets of high scenic and recreational value. In the north Queens area, the greatest concentration of new single detached dwellings has been located in the communities of Molega, Labelle and Greenfield, accounting for approximately 25% of new home construction. In the other communities within the Rural Development Area, residential development is distributed more sparsely. This being said; however, statistics have shown that almost 30% of all new residential development in the Region between 2000 and 2007 has been occurring in or around our coastal communities.

As in the past, the communities of Liverpool, Milton, Brooklyn and Caledonia continue to provide important services and employment opportunities for the entire Region. New employment opportunities, in conjunction with a shift in the Region's demographics, have resulted in an increased demand for new housing.

With a broad mix of housing types and densities, the Urban Development Area is made up of many distinct residential neighbourhoods. A large percentage of these neighbourhoods are defined by tracts of older single detached dwellings and tree lined streets. These neighbourhoods have a distinct character, which sets them apart from other types of land uses and housing densities.

An aging population, shrinking family sizes and rising maintenance costs has resulted in many older homes in the Urban Development Area being converted to multiple unit dwellings. This shift in the housing stock provides an important source of housing for a large segment of society, including those employed at the Call Centre, which opened in 2004.

In an effort to help address this growing demand for housing, the Region will seek to identify areas for new residential development which incorporate a broad range of housing options. With the majority of properties in Liverpool serviced by municipal sewer and water, and with services being extended to parts of Milton and Brooklyn, there is an even greater opportunity to increase the number and type of housing options available to meet the need of residents.

### **3.2    Objectives**

1. Promote orderly and sustainable residential growth within the Region.
2. Protect the character and integrity of existing communities and residential areas.

3. Encourage residential infilling on serviced lands within the Urban Development Area.
4. Identify vacant lands which have the potential for future residential development through extension of municipal infrastructure.
5. Encourage a variety of housing alternatives.

### **3.3 Residential Policy**

#### **Policy 3.3.1**

In an effort to address the housing needs of residents, it shall be the intention of Council to support a broad range of housing options throughout the Region of Queens Municipality.

#### **Policy 3.3.2**

It shall be the intention of Council to identify areas which have good potential for new residential development within the Urban Development Area and implement a plan for future extension or upgrade of municipal sewer and water to service these sites.

#### **Policy 3.3.3**

It shall be the intention of Council, through the Region's Economic Development Department, to continue to actively pursue potential developers to invest in our community in an attempt to meet the varying housing needs of the residents of Queens.

#### **Policy 3.3.4**

It shall be the intention of Council to encourage infill housing on existing vacant, serviced lots within residentially designated areas and to include provisions in the *Land Use By-law* which permit the use of those lots which do not meet the area or frontage requirements of their zone but shall still be required to meet the minimum setback requirements of the zone.

#### **Policy 3.3.5**

It shall be the intention of Council to establish a **RESIDENTIAL (R)** land use designation as shown on the Generalized Future Land Use Maps. The intention of this designation is to protect and enhance the quality of existing residential housing in Queens and to encourage a variety of new housing options which will compliment existing developed areas.

#### **Policy 3.3.6**

It shall be the intention of Council to guide future residential development within the Region of Queens Municipality and meet the intent of **RESIDENTIAL (R)** Designation by establishing seven (7) zones as shown on the "Schedule A" Zoning Map in the Land Use Bylaw. These zones shall include:

1. **Restricted Residential (R1);**
2. **General Residential (R2);**

3. **Multiple Unit Residential (R3);**
4. **Land Lease Residential (R4);**
5. **Mixed Use Rural Residential (R5);**
6. **Mixed Use Coastal Residential (R6);** and
7. **Seasonal Residential (R7).**

The **Restricted Residential (R1) Zone** will apply to existing residential neighbourhoods that are primarily defined by single detached dwellings, and also to vacant lands where this type of use is desired. These neighbourhoods have a compact nature of development, which establishes a residential character that is largely incompatible with many other types of land uses.

**R1 Zone**

**Policy 3.3.7**

It shall be the intention of Council to limit the uses permitted in the **Restricted Residential (R1) Zone** in order to maintain a primarily one and two unit residential growth pattern.

**Policy 3.3.8**

It shall be the intention of Council to permit bed and breakfast establishments with up to three (3) rooms to let in the **Restricted Residential (R1) Zone**, subject to special provisions set out in the *Land Use Bylaw*.

Within the existing housing stock in the Region of Queens Municipality, there are many large older homes that are becoming increasingly difficult to maintain due to circumstances beyond the owners control; an aging population, shrinking family sizes, and increasing heating and maintenance costs to name a few. Council feels that there is an opportunity to meet some of the housing needs in the Region through conversion of these houses into multiple unit dwellings, while at the same time maintaining the character of the existing neighbourhood.

**Converted Dwellings**

**Policy 3.3.9**

It shall be the intention of Council to set out special requirements in the *Land Use Bylaw* for the conversion of a single detached dwelling into a multiple unit dwelling; up to three (3) units; in the **Restricted Residential (R1) Zone**.

The **General Residential (R2) Zone** will apply to neighbourhoods that possess a broader mixture of housing types, while still maintaining a relatively compact nature of development. In addition to single detached dwellings, other housing types including mini (mobile) homes and limited scale multiple unit dwellings will also be permitted in this Zone.

**R2 Zone**

**Policy 3.3.10**

It shall be the intention of Council to provide for primarily small to medium scale residential housing options; up to five (5) units; within the **General Residential (R2) Zone**.

The **Multiple Unit Residential (R3) Zone** addresses the demand for and issues surrounding the development of higher density residential housing options throughout the Region. Development permitted in this zone will include uses such as apartments, condominiums, group dwellings and row houses.

**R3 Zone**

**Policy 3.3.11**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* regarding amenity areas, outdoor storage, and screening of refuse areas within the **Multiple Unit Residential (R3) Zone**.

**Policy 3.3.12**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* regarding requirements for developing nursing homes and residential care facilities within the **Multiple Unit Residential (R3) Zone**.

**Policy 3.3.13**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* regarding requirements for the development of group dwellings within the **Multiple Unit Residential (R3) Zone**.

**Policy 3.3.14**

It shall be the intention of Council to consider new multiple unit dwellings in areas zoned **Restricted Residential (R1)** and **General Residential (R2)**, by amendment to the *Land Use Bylaw* (rezoning). In considering such amendments, Council shall have regard to Policy 12.5.2.

The **Land Lease Residential (R4) Zone** will be applied to those areas of the Region that have more than three mini (mobile) homes on a single parcel of land. Land lease communities allow for higher density development and are typically a more affordable form of housing. New land lease communities will be permitted in certain residential zones and by amendment to the *Land Use Bylaw* (rezoning).

**R4 Zone**

**Policy 3.3.15**

It shall be the intention of Council to consider new land lease communities in the areas zoned **General Residential (R2)**, **Multiple Unit Residential (R3)**, **Mixed Use Rural Residential (R5)**, and **Mixed Use Coastal Residential (R6)**, by amendment to the *Land Use Bylaw* (rezoning). In considering such amendments, Council shall have regard to Policy 12.5.2.

**Policy 3.3.16**

It shall be the intention of Council to require that all development in the **Land Lease Residential (R4) Zone** conform to the Region's Mobile Home Bylaw.

**Policy 3.3.17**

It shall be the intention of Council to prepare a new land leased communities bylaw; replacing the existing Mobile Home Bylaw; which will more adequately address the needs and issues surrounding this type of housing option.

The **Mixed Use Rural Residential (R5) Zone** will be applied to the vast majority of land in the Region and is defined by vast open space and relatively sparse development patterns. There has traditionally been a broad mix of land uses throughout our rural landscape and it is the desire of Council to try to maintain this diversity. The land uses permitted in this zone will be a relatively diverse, with special provisions set out to reduce impact of varying land uses.

**R5 Zone**

**Policy 3.3.18**

It shall be the intention of Council to encourage development that is compatible with the rural environment within the **Mixed Use Rural Residential (R5) Zone**, while at the same time protecting and enhancing the existing rural landscape.

The **Mixed Use Coastal Residential (R6) Zone** will be applied to rural areas along the Atlantic coast. The areas along, or in close proximity to, the Atlantic Coast have been experiencing increasing development pressures over the last decade or so. The natural beauty of our coastline has made the area extremely attractive to investors. As with the R5 Zone, this R6 Zone has traditionally seen great diversity in land uses and Council wishes to protect this diversity by taking into account the existing character of this area and the impacts which new development may have.

**R6 Zone**

**Policy 3.3.19**

It shall be the intention of Council to encourage development that is compatible with the rural environment within the **Mixed Use Coastal Residential (R6) Zone**, while at the same time protecting and enhancing the existing coastal landscape.

The **Seasonal Residential (R7) Zone** will be applied to those areas in the rural landscape that are experiencing a high concentration of seasonal residential development, generally in the vicinity of lake shores. Given the somewhat sensitive nature of these areas and the limited carrying capacity of the lakes to support new development, the types and intensities of land uses will be limited.

**R7 Zone**

**Policy 3.3.20**

It shall be the intention of Council to limit the types and intensities of land uses within the **Seasonal Residential (R7) Zone** to primarily low density residential development.

Within the Region of Queens Municipality, there is a recognized shortage of affordable housing units to meet the needs of a significant portion of our population. According to Statistics Canada's 2006 Census, approximately 13.1% of the Region's population found themselves in a low income situation. The Provincial average is 13.8%. The challenging economic times in which we find ourselves today; unemployment, high cost of living, interest rates, etc.; have had a significant impact on our overall quality of life. A limited financial capacity of many people in Queens equates to an increasing demand on the already short supply of affordable housing units.

**Affordable  
Housing**

**Policy 3.3.21**

It shall be the intention of Council to work with the provincial government and local developers to identify opportunities or programs available to meet our affordable housing needs.

**Policy 3.3.22**

It shall be the intention of Council to encourage the development of affordable housing units through such means as allowing for the conversion of larger single unit dwellings into multiple unit dwellings.

The Region has approximately 20% of its population 65 years old or older, and the demand for housing options to meet this demographic continues to increase. Many seniors are now living longer and healthier lives and wish to live in smaller, self-contained apartments instead of single-family homes. Senior citizen housing is able to provide the facilities and support systems that many seniors desire which other residential housing options are not able to provide. Recognition of the need for housing options that lend themselves to more independent living for our seniors is extremely important. It is Council view that centrally located seniors' housing, close to services and amenities, will benefit seniors already living in Queens, as well as those who may wish to relocate here.

**Seniors'  
Housing**

**Policy 3.3.23**

It shall be the intention of Council to facilitate new residential development aimed at the senior's component of the Region's population in an effort to get our seniors to remain in the community. The Region will assist potential developers in accessing federal and provincial seniors housing programs.

**Policy 3.3.24**

It shall be the intention of Council to encourage the development of seniors' housing options in areas of close proximity to services and amenities.

Council understands that cluster housing developments are a viable alternative to subdivision and offers developers an opportunity to increase density. Council also recognizes that higher density residential developments may require tighter development controls in order to protect the surrounding community character.

**Group  
Dwellings**

**Policy 3.3.25**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* group dwellings which are located in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**.

Home businesses provide a livelihood for many people throughout the Region and will likely continue to increase due to the dynamics of our local economy. Home businesses are generally service-oriented operations of a smaller scale and are found in many residential neighbourhoods throughout the Region. In recognizing the benefits of permitting these operations, Council also understands that sufficient controls will be required to reduce the impact on the surrounding residential areas. There is the possibility that these activities may become disruptive; therefore, the uses which will be

**Home  
Businesses**

considered as a home business and special development standards will be set out in the *Land Use Bylaw*.

**Policy 3.3.26**

It shall be the intention of Council to permit a home business in residential dwellings, or within an accessory building located on the same lot as the residential dwelling within a **RESIDENTIAL (R)** land use designation as shown on the Generalized Future Land Use Maps.

**Policy 3.3.27**

It shall be the intention of Council to identify the types of business operations that will be considered as a home business in the *Land Use Bylaw*.

**Policy 3.3.28**

It shall be the intention of Council to set out special requirements in the *Land Use Bylaw* regulating home businesses.

Bed and breakfast establishments are important and well established forms of accommodation for the travelling public. Often smaller in scale than a hotel or motel operations, Council considers bed and breakfasts to be an appropriate land use in most residential areas throughout the Region. It is also understood that bed and breakfast establishments have the potential to conflict with adjacent land uses. To prevent any potential conflicts, special requirements will be set out in the *Land Use Bylaw* regulating these uses.

**Bed and  
Breakfasts**

**Policy 3.3.29**

It shall be the intention of Council to consider bed and breakfast establishments with a maximum of 5 rooms to let in the **Restricted Residential (R1)** and **Seasonal Residential (R7) Zone** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

**Policy 3.3.30**

It shall be the intention of Council to allow bed and breakfast establishments with a maximum of 5 rooms to let in the **General Residential (R2), Multiple Unit Residential (R3), Mixed Use Rural Residential (R5), and Mixed Use Coastal Residential (R6) Zones** and to set out development standards in the *Land Use Bylaw* related to the location and screening of parking areas.

**Policy 3.3.31**

It shall be the intention of Council to consider bed and breakfast establishments with more than five rooms to let in the **General Residential (R2), Multiple Unit Residential (R3), Mixed Use Rural Residential (R5), and Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Although apartments and condominiums are supported in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**, Council

**Apartments  
and  
Condominiums**

understands that the density of this type of development needs to be controlled so as to protect the rural character.

**Policy 3.3.32**

It shall be the intention of Council to consider apartments and condominiums over 15 units in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to:

- a. Policy 12.6.1;
- b. Section 12.4 or 12.5 of the *Land Use Bylaw*, whichever is applicable.

Boarding houses provide an important form of housing for people, who for the most part are living in the Region for a limited period of time. It is for this reason that Council feels boarding houses should be permitted in designated residential areas. Recognizing the potential impact this form of housing may have on surrounding neighbourhoods, Council will establish regulations in the *Land Use Bylaw* to control this use.

**Boarding  
Houses**

**Policy 3.3.33**

It shall be the intention of Council to allow boarding houses to a maximum of five (5) rooms to let in the **General Residential (R2), Zones**.

**Policy 3.3.34**

It shall be the intention of Council to consider boarding houses to a maximum of five (5) rooms to let in the **Restricted Residential (R1) Zone** by development agreement, under Section 225 of the *Municipal Government Act* and, and subject to Policy 12.6.1.

**Policy 3.3.35**

It shall be the intention of Council to consider boarding houses with more than 5 rooms to let in the **General Residential (R2), Mixed Use Rural Residential (R5), and Mixed Use Coastal Residential (R6) Zone** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Mini (mobile) homes continue to be a popular housing option for many property owners. Due to the configuration and mobile nature of this housing type however, concern has often been expressed regarding their potential impact on traditional established neighbourhoods. Council feels it necessary to set out special provisions in the *Land Use Bylaw*

**Mini (Mobile)  
Homes**

**Policy 3.3.36**

It shall be the intention of Council to require individual mini (mobile) homes located in the **General Residential (R2) Zone** to be placed on a permanent concrete foundation and be oriented on the lot so that the long side of the structure faces the front lot line. Mini (mobile) homes shall also be subject to the Region's Mobile Home Bylaw.

**Policy 3.3.37**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* for the skirting of mini (mobile) homes which are located in the **Mixed Use Rural Residential (R5), Mixed Use Coastal Residential (R6) and Seasonal Residential (R7) Zones**.

There are several commercial and industrial operations that are located in residential areas, which are vital to the Region's economy and may need to expand or be reconstructed. In an effort to consider the needs of these businesses as well as the surrounding neighbourhoods, Council will consider the expansion of these operations, subject to a development agreement.

**Commercial  
and  
Industrial  
Uses**

**Policy 3.3.38**

It shall be the intention of Council to consider the extension, enlargement, alteration or reconstruction of existing non conforming commercial or industrial uses in a **RESIDENTIAL (R)** land use designation by Development Agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Development within the **Mixed Use Rural Residential (R5) and Mixed Use Coastal Residential (R6) Zones** tends to be more spread out than in some other areas of the Region. Council feels that new industrial development in these Zones would experience fewer potential land use conflicts than in some of the more densely developed areas. Council also recognizes that a degree of control is still required when considering industrial uses in these residential zones.

**Policy 3.3.39**

It shall be the intention of Council to consider **Heavy Industrial (M2) or Fishing and Marine (M3)** uses in an area zoned **Mixed Use Rural Residential (R5) and Mixed Use Coastal Residential (R6)**, by amendment to the *Land Use Bylaw* (rezoning), subject to Policy 12.5.2.

As economic conditions continue to change in the Region, Council wishes to provide for a degree of flexibility to consider new commercial and light industrial developments in certain residential areas that may not ordinarily allow for such uses, but may be beneficial to the local community and / or the Region as a whole. This being said; however, Council realizes that these new ventures have the potential for conflict with existing land uses and that regulations have to be established control the uses. Therefore, Council will consider new commercial development in the **Mixed Use Rural Residential (R5) Zone** and the **Mixed Use Coastal Residential (R6) Zone** by development agreement.

**Policy 3.3.40**

It shall be the intention of Council to consider **Highway Commercial (C2) and Light Industrial (M1)** uses in the **Mixed Use Rural Residential (R5) and Mixed Use Coastal Residential (R6) Zones** by development agreement under Section 225 of the *Municipal Government Act*, subject to Policy 12.6.1.

**Policy 3.3.41**

It shall be the intention of Council to allow funeral homes in the **General Residential (R2) Zone** by development agreement under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Dog kennels are a use frequently found in residential areas. Council recognizes the importance of these operations and does not want to discourage the use, but Council feels that there is a need to regulate where future operations will be considered in order to minimize potential land use conflict.

**Dog  
Kennels**

**Policy 3.3.42**

It shall be the intention of Council to consider proposals for the operation of dog kennels within the **General Residential (R2), Mixed Use Rural Residential (R5), and Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act*, subject to Policy 12.6.1;

Auto body shops can be found in many locations throughout the rural areas the Region. The very nature of these operations, with respect to things such as noise and odour, creates the potential for conflict with adjacent land uses. Council recognizes the value of these commercial uses, but also feels there is a need to regulate where future operations will be considered.

**Autobody  
Shops**

**Policy 3.3.43**

It shall be the intention of Council to allow auto body shops in the **General Residential (R2), Mixed Use Rural Residential (R5), and Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act*, subject to Policy 12.6.1

The Region of Queens Municipality has seen a slight resurgence in organized motor vehicle racing over the last few years, drag racing in particular. The South Shore Regional Airport is currently being utilized during the summer months for drag racing. The races draw competitors and spectators from all over the Maritimes, and interest appears to be growing every year. Although there are currently no proposals for new facilities of this nature, there are a number of important considerations to be taken into account when determining a location for such uses, particularly noise generation and traffic. Council feels that should such a proposal come in, there ought to be adequate controls in place to minimize impact on surrounding community.

**Motor  
Vehicle  
Racing  
Facilities**

**Policy 3.3.44**

It shall be the intention of Council to consider new motor vehicle racing facilities in the **Mixed Use Rural Residential (R5) and Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Intensive livestock operations provide a livelihood for a number of people in the Region. This type of operation; however, has the potential to conflict with adjacent residential land uses. In an effort to minimize these conflicts, Council will identify policy requiring minimum setbacks distances for new intensive livestock operations.

**Intensive  
Livestock  
Operations**

**Policy 3.3.45**

It shall be the intention of Council to recognize existing intensive livestock operations in the **Mixed Use Rural Residential (R5) Zone** and to allow these operations to expand, provided the provisions of the *Land Use Bylaw* area met.

**Policy 3.3.46**

It shall be the intention of Council to permit new intensive livestock operations in the **Mixed Use Rural Residential (R5) Zone**, subject to the special provisions as set out in the *Land Use Bylaw*.

**Policy 3.3.47**

It shall be the intention of Council to consider new intensive livestock operations in the **Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

Provision of reliable communications for residents, businesses and the travelling public, is central to ensuring a safe and economically viable Region. Telecommunication towers are necessary infrastructure required to achieve this goal. To ensure these towers do not present a danger or an unnecessary visual burden for adjacent landowners, Council shall consider the erection of new telecommunication towers by development agreement.

**Telecommunication  
Towers**

**Policy 3.3.48**

It shall be the intention of Council to consider new telecommunications towers in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to:

- a. Policy 12.6.1;
- b. The developer hosting a public information meeting prior to the public hearing stage, to hear comments from the public. The developer shall:
  - i. Serve personal notification of the meeting on all property owners within 305 metres (1,000 feet) of proposed site;
  - ii. Place a notice for the meeting in the local newspaper outlining the date, time and location of the meeting. Notification shall be placed in the newspaper at least two (2) weeks prior to the date of the meeting.

## **SECTION 4 ECONOMIC DEVELOPMENT**

### **4.1 Introduction**

Like so many rural municipalities across Canada, the Region of Queens Municipality is faced with a number of economic challenges. Yet with an abundance of natural resources, clean environment, skilled workforce and progressive infrastructure initiatives, many opportunities also exist. Council has been very proactive in pursuing economic development opportunities within the Region in an effort to increase its overall share in the global market.

### **4.2 Objectives**

1. Establish zoning which will allow for a variety of scales of business and industry within the Region.
2. Encourage new commercial and industrial growth to locate in areas which will not place undue strain on existing municipal facilities, infrastructure and financial resources.
3. Establish policy to reduce the impact of commercial businesses and industries on other land uses.
4. Build upon the strong connection between the Region's natural environment and a vibrant tourism industry.
5. Investigate new value-added opportunities which can build upon the Region's well established resource based industries.

### **4.3 Commercial Development**

Within the Region of Queens Municipality, the majority of commercial activity is concentrated in the Liverpool / Brooklyn area. Historically a centre of commerce and trade, several distinct commercial areas can be identified.

Much of the new commercial development which has taken place over the last few years has occurred from the Highway 103 interchange at Exit 19 to the intersection of Highway No. 8 and No. 3 in Liverpool and along Highway No. 3 to Elm Street in Brooklyn. The development of the Queens Place multi-use recreation complex has opened up a large tract of land (approximately 40 acres) that has great potential for future commercial development. In an effort to make this area more attractive to prospective developers, the Region has installed a new public road and municipal sewer and water infrastructure to service the site. Development in this area is more vehicle-oriented in nature, with larger scale commercial developments such as grocery stores, mini malls, fixed roof accommodations, and automotive retail operations. These operations generally require greater lot sizes that are not easily accommodated in a downtown setting.

The commercial area adjacent Liverpool's Main Street, between Court Street and Summer Street, is defined by its historic character, compact form of development and

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pedestrian focus. Surrounded by residential neighbourhoods, this distinct area permits a broad range of commercial development, as well as a limited amount of residential and institutional development. The development here consists primarily of smaller speciality shops, service oriented businesses and professional offices.

The Liverpool Waterfront allows for a broad mixture of commercial land uses, and also includes residential infill and pedestrian open space. Currently, there is little development on the Waterfront. However, the central location, proximity to public parking and the natural beauty of the area make this a prime location for future commercial development.

Liverpool's Waterfront and Main Street areas serve as an important focal point for residents and visitors to the Region of Queens Municipality. The connectivity of these two areas is important in creating a more cohesive and pedestrian oriented district.

In addition to the larger commercial areas, several smaller commercial operations exist throughout the Urban Development Area. Much of this development is limited to operations that service surrounding residential neighbourhoods.

In the Rural Development Area, much of the commercial development is spread out along major transportation routes. This development is sporadic and primarily limited to smaller scale operations such as gas stations, corner stores and restaurants, which cater to the travelling public and the local population. Driven largely by the natural beauty of the ocean, coastal areas of the Region have experienced an increased demand for land uses such as hotels, rental cottages and restaurants. Throughout rural Queens there are no clearly identifiable commercial core areas, as is found in an urban setting.

#### **4.4 Commercial Policy**

##### **Policy 4.4.1**

It shall be the intention of Council to work towards enhancing the commercial development potential of the Region through public / private partnerships.

##### **Policy 4.4.2**

It shall be the intention of Council to encourage new commercial development within the Urban Development Area to locate where they will be able to take advantage of existing road, sewer and water infrastructure.

##### **Policy 4.4.3**

It shall be the intention of Council to work with organizations such as the South Queens Chamber of Commerce, North Queens Board of Trade, Lunenburg / Queens Regional Development Agency and South Shore Opportunities to encourage new commercial development and to enhance existing commercial areas.

**Policy 4.4.4**

It shall be the intention of Council, through its Economic Development Department, to review the Strategic Economic Development Strategy which was prepared in 2002 and to prepare a revised strategy to meet the current and future economic needs of the Region.

**Policy 4.4.5**

It shall be the intention of Council to identify areas which have good potential for new commercial development within the Urban Development Area and implement a plan for future extension or upgrade of municipal sewer and water to service these sites.

**Policy 4.4.6**

It shall be the intention of Council, through the Region's Economic Development Department and the Lunenburg / Queens Regional Development Agency, to continue to actively pursue potential commercial developers to invest in our communities.

**Policy 4.4.7**

It shall be the intention of Council, through the Region's Economic Development Department, to actively promote the Region of Queens Municipality as a first class tourist destination. Promotion of Queens could take place through such means as advertisements in provincial tourism publications, maintain an active presence in organizations such as Tourism Industry Association of Nova Scotia and Destination Southwest Nova and participation in the various trade / travel shows.

**Policy 4.4.8**

It shall be the intention of Council to work with community organizations, members of the tourism industry and other government agencies to define any gaps in the tourism sector in Queens and to use this information as an opportunity for growth.

**Policy 4.4.9**

It shall be the intention of Council to establish a **COMMERCIAL (C)** land use designation on the Generalized Future Land Use Map for the Region. The intent of this designation is to maintain existing commercial businesses in Queens and to encourage and promote the establishment of new commercial development.

**Policy 4.4.10**

It shall be the intention of Council to guide future commercial development within the Region of Queens Municipality and meet the intent of **COMMERCIAL (C)** Designation by establishing five (5) zones as shown on the "Schedule A" Zoning Map in the Land Use Bylaw. These zones shall include:

1. **Downtown Commercial (C1);**
2. **Highway Commercial (C2);**
3. **Neighbourhood Commercial (C3);**
4. **Liverpool Waterfront (C4);** and
5. **Coastal Commercial (C5)**

The **Downtown Commercial (C1) Zone** will be applied to the area located along Liverpool's Main Street, generally between Court Street and Summer Street. This commercial district permits a broad mix of uses and is a central component of the Urban Development Area's commercial sector. The amount of land available for future development within this area is extremely limited. In an effort to encourage new development, Council will reduce or waive requirements relating to lot size, frontage, setbacks and parking.

**C1 Zone**

**Policy 4.4.11**

It shall be the intention of Council to set out a special exemption provision in the *Land Use Bylaw* regarding the requirement for off-street parking in a **Downtown Commercial (C1) Zone**.

**Policy 4.4.12**

In an effort to revitalize Liverpool's downtown area, it shall be the intention of Council to investigate opportunities to work with businesses in the **Downtown Commercial (C1) Zone** to make the area more visually appealing.

**Policy 4.4.13**

It shall be the intention of Council to set out special requirements in the *Land Use Bylaw* for the erection of awnings and canopies in the **Downtown Commercial (C1) Zone**

The **Highway Commercial (C2) Zone** will be applied to areas of the Region that have high concentrations of commercial operations that service the travelling public.

**C2 Zone**

**Policy 4.4.14**

It shall be the intention of Council to consider proposals for auto body shops within the **Highway Commercial (C2) Zone** by Development Agreement under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

**Policy 4.4.15**

It shall be the intention of Council to consider **Light Industrial (M1)** uses in the **Highway Commercial (C2) Zone** by Development Agreement under Section 225 of the *Municipal Government Act*, subject to Policy 12.6.1.

**Policy 4.4.16**

It shall be the intention of Council to set out special requirements in the *Land Use Bylaw* for Automobile Washing Establishments in the **Highway Commercial (C2) Zone**.

**Policy 4.4.17**

It shall be the intention of Council to, for traffic and pedestrian safety reasons, set out provisions in the *Land Use Bylaw* regulating the minimum required lot frontage, location, size and number of driveway accesses and the location of pump islands for automobile service stations in the **Highway Commercial (C2) Zone**.

The **Neighbourhood Commercial (C3) Zone** will be applied to small-scale commercial operations that are intended to service the basic needs of the local neighbourhood. The types of uses permitted in this zone will be limited to reduce impact on surrounding residential area.

**C3 Zone**

**Policy 4.4.18**

It shall be the intention of Council to zone all existing **Neighbourhood Commercial (C3)** uses in the areas zoned **Restricted Residential (R1)**, **General Residential (R2)**, **Multiple Unit Residential (R3)** and **Land Lease Residential (R4)**, as **Neighbourhood Commercial (C3)**.

**Policy 4.4.19**

It shall be the intention of Council to consider proposals for new **Neighbourhood Commercial (C3)** uses in areas zoned **Restricted Residential (R1)**, **General Residential (R2)**, **Multiple Unit Residential (R3)**, and **Land Lease Residential (R4)** by amendment to the *Land Use Bylaw* (re-zoning) and in considering such developments Council shall have regard to the following criteria:

- a. Policy 12.5.2;
- b. that the proposed use is located so as to avoid undue concentration of local commercial uses, with consideration being given to such things as the overall volume of traffic being generated, parking provisions, headlight glare from vehicles, and hours of operation;
- c. the impact of the proposed development with respect to its bulk and scale in relation to the existing surrounding development;
- d. the proposal is for a local commercial use intended to serve a local neighbourhood;
- e. the conflict with adjacent residential uses will be kept to a minimum through buffering or landscaping;
- f. on-site parking is provided according to standards in the *Land Use Bylaw*.

**Policy 4.4.20**

It shall be the intention of Council to set out special requirements in the *Land Use Bylaw* regulating the maximum floor area for uses permitted in the **Neighbourhood Commercial (C3) Zone**.

The **Liverpool Waterfront (C4) Zone** will be applied to Liverpool's waterfront along Henry Hensley Drive between Market Street and Main Street. The waterfront is primarily made up of municipal parks and open space areas, as well as several vacant privately owned parcels. The **C4 Zone** will permit a mix of uses with an emphasis on shoreline access and visibility.

**C4 Zone**

**Policy 4.4.21**

It shall be the intention of Council to investigate a reconfiguration of Henry Hensey Drive and the public parking area which would maximize developable land on the Waterfront, while at the same time maintaining adequate public parking.

**Policy 4.4.22**

It shall be the intention of Council to enhance the existing pedestrian walkways along the shoreline of Liverpool's Waterfront and to consider partnerships to extend walkways over private-owned lands.

The **Coastal Commercial (C5) Zone** will be applied to large tracts of land which due to their size and ownership characteristics, present some unique development opportunities. Two of these areas in particular are the White Point Beach Resort / Estates area and Port Mouton Island. Both cover a fairly significant geographical area and are primarily owned or operated as a single unit.

**C5 Zone**

The lands around White Point Beach Resort, including White Point Estates and the Liverpool Golf & Country Club, comprise an area of approximately 230 hectares, and have a number of developmental characteristics which set it apart from much of the surrounding coastal community. The uses that currently exist within this area include the resort itself, a golf course, and single unit residential estate development. The area is essentially operated as a unit, and creates special development circumstances within rural Queens in relation to the type of development and scale of operation. The zoning for the surrounding coastal area sets out a relatively broad range of permitted uses. Due to the nature of the existing development around White Point Beach Resort, in conjunction with the future plans of the landowners, it was felt that a separate zone classification is warranted from that of the surrounding area.

Port Mouton Island is the largest privately owned island off the coast of Queens County, comprising an area of approximately 380 hectares. Over the years, there have been a number of uses proposed, including private residential development, commercial resorts, and golf courses. To date; however, the Island remains undeveloped. The owners have indicated; however, that they would like to leave their options open for potential development and felt that a separate land use classification should apply to the Island.

**Policy 4.4.23**

It shall be the intention of Council to utilize an exclusionary zoning format for the **Coastal Commercial (C5) Zone**, wherein the *Land Use Bylaw* will set out the types of uses which will not be permitted.

Although the White Point Resort / Estates and Port Mouton Island are currently the only areas pre-zoned as **Coastal Commercial (C5)**, should similar circumstances arise in the future, in other coastal areas of the Region of Queens Municipality, Council shall consider rezoning to **C5**.

**Policy 4.4.24**

It shall be the intention of Council to consider creating a new **Coastal Commercial (C5) Zone** within an area currently zoned **Mixed Use Coastal Residential (R6)** through an amendment to the *Land Use Bylaw* (rezoning). In considering such amendments, Council shall have regard to Policy 12.5.2.

**Special Provisions:**

Shopping centres are important to the Region of Queens Municipality for many reasons, some of which are employment, significant contributor to the local tax base and they help to enhance the Region's competitive position on the South Shore. In recognizing the benefits of this type of development, Council also understands that careful consideration will be needed when determining the location of future shopping centres in the Region. Shopping centres generally require large tracts of land and can have significant impact on the surrounding area as a result of things such as increased traffic generation, site access / egress and storm water management.

**Shopping  
Centres**

**Policy 4.4.25**

It shall be the intention of Council to consider the development, redevelopment, or expansion of shopping centres in areas zoned **Downtown Commercial (C1)** and **Highway Commercial (C2)** by Development Agreement under Section 225 of the *Municipal Government Act* and subject to the following criteria:

- a. Policy 12.6.1;
- b. The developer hosting a public information meeting prior to the public hearing stage, to hear comments from the public. The developer shall:
  - i. Serve personal notification of the meeting on all property owners within 305 metres (1,000 feet) of proposed site;
  - ii. Place a notice for the meeting in the local newspaper outlining the date, time and location of the meeting. Notification shall be placed in the newspaper at least two (2) weeks prior to the date of the meeting.
- c. Preparation of a traffic impact study;
- d. Preparation of a storm water management plan.

Council feels that it is important to have existing residential uses, which are located within commercial zones, recognized and to allow for new residential uses. In allowing for new residential uses, Council understands that careful consideration is needed to avoid potential land use conflicts.

**Residential  
Development**

**Policy 4.4.26**

It shall be the intention of Council to recognize existing residential dwellings within the **Downtown Commercial (C1)** and **Highway Commercial (C2) Zones** as conforming uses that may be replaced or expanded, provided all applicable zone requirements are met.

**Policy 4.4.27**

It shall be the intention of Council to permit new residential dwelling units within the **Downtown Commercial (C1)** and **Highway Commercial (C2) Zones**, provided the dwelling units are accessory to a permitted commercial use and are not located on the ground floor level.

**Policy 4.4.28**

Notwithstanding any other provisions in this *MPS*, it shall be the intention of Council to consider proposals for new residential dwelling units, which are located at ground floor level, in the areas zoned **Downtown Commercial (C1)** and **Highway Commercial (C2)**, by Development Agreement under Section 225 of the *Municipal Government Act*. In considering future proposals, Council shall have regard to the following:

- a. Policy 12.6.1;
- b. the suitability of other sites zoned for the proposed residential uses, so as to not unnecessarily take away from the potential for future commercial development;
- c. that the proposed lot is large enough to accommodate a minimum of one off-street parking space for each dwelling unit in the building;
- d. the glare from the lighting of proposed parking areas be directed away from abutting properties;
- e. that proposed garbage areas are screened from view; and
- f. the exterior design of new residential buildings in the **Downtown Commercial (C1) Zone** shall be compatible with those of surrounding commercial buildings.

Council recognizes that there is a need to minimize the adverse impact of commercial uses when they abut other less intensive uses permitted in adjacent zones.

**Abutting  
Yard  
Requirements**

**Policy 4.4.29**

Where a commercial zone abuts an area designated **RESIDENTIAL (R)**, it shall be the intention of Council to set out special requirements in the *Land Use Bylaw* concerning the minimum required abutting yards, the location, number, type and size of signs in abutting yards and the location of parking areas in abutting yards with or without a fence.

**Policy 4.4.30**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* requiring screening for refuse storage areas.

**Policy 4.4.31**

It shall be the intention of Council to include general provisions in the *Land Use Bylaw* to deal with the location and lot coverage of outdoor storage and displays in areas designated **COMMERCIAL (C)**.

## **4.5 Industrial Development**

Industrial development throughout the Region is diverse and includes everything from resource-based industries to small-scale manufacturing. The Urban Development Area contains the greatest concentration of industrial uses. AbitibiBowater Inc. in Brooklyn and Mersey Seafoods Ltd. in Liverpool are the largest industrial operations in the Municipality.

In the Rural Development Area, resource based industries such as forestry, fishing and agriculture dominate much of the land landscape. The forestry sector involves two key stages of production, the harvesting of trees and the processing of wood products. The harvesting of wood is one of the primary industries in the Region and is regulated solely by the provincial government. The processing of harvested wood is also an important contributor to the local economy. There are currently several large lumber mills located in the Rural Development Area, in addition to many smaller independent operations.

The fishing Industry has been the economic backbone of many communities throughout coastal Queens. The industry has seen a great number of changes over the last few decades, but is still one of the primary contributors to the local economy.

The Province of Nova Scotia has set out a Statement of Provincial Interest under the *Municipal Government Act* regarding agricultural lands. The goal of which is to protect agricultural land for the development of a viable and sustainable agriculture and food industry. Land which is suitable for agriculture in Nova Scotia is very limited and it is important to recognize this fact and to take steps to protect it.

Although the number of farms within the Region of Queens Municipality is relatively small, agriculture still makes up an important economic component of our rural communities. Statistics Canada's 2006 Census indicates that there are 35 farms in Queens County, with approximately 5,285 hectares being utilized for their operations. Council feels that provision must be made in the *Land Use Bylaw* to allow for new farm operations, as well as allowing expansion of existing operations.

## **4.6 Industrial Policy**

**Policy 4.6.1**

It shall be the intention of Council to identify areas which have good potential for new industrial development within the Urban Development Area and implement a plan for future extension or upgrade of municipal sewer and water to service these sites.

**Policy 4.6.2**

It shall be the intention of Council to encourage new industrial development within the Urban Development Area to locate in areas which will enable them to take advantage of existing road, sewer and water infrastructure.

**Policy 4.6.3**

It shall be the intention of Council, through the Region's Economic Development Department and the Lunenburg / Queens Regional Development Agency, to continue to actively pursue potential industrial developers to invest in our communities.

**Policy 4.6.4**

It shall be the intention of Council to investigate new opportunities to utilize our forestry, fishing and agricultural resources through value added processes and to seek out developers who may be interested in establishing such operations in the Region.

**Policy 4.6.5**

It shall be the intention of Council to implement sustainable forestry practices on woodlands owned by the Municipality and to encourage similar practices on privately owned lands.

**Policy 4.6.6**

It shall be the intention of Council to establish an **INDUSTRIAL (M)** Designation on the Generalized Future Land Use Map for the Region. The intention of this designation is to allow for and encourage a wide variety of industrial related operations in an effort to bolster the Region's economy, while at the same time regulating these uses to reduce the potential impacts on surrounding properties.

**Policy 4.6.7**

It shall be the intention of Council to guide future industrial development within the Region of Queens Municipality and meet the intent of **INDUSTRIAL (M)** Designation by establishing three (3) zones as shown on the "Schedule A" Zoning Map in the Land Use Bylaw. These zones shall include:

1. **Light Industrial (M1);**
2. **Heavy Industrial (M2); and**
3. **Fishing and Marine (M3).**

The **Light Industrial (M1) Zone** will be applied to land uses associated with small to medium scale manufacturing and warehousing operations, which are wholly enclosed within a building. A limited amount of commercial activity will also be permitted within this zone.

**M1 Zone**

**Policy 4.6.8**

It shall be the intention of Council to consider the development, redevelopment, or expansion of shopping centres in areas zoned **Light Industrial (M1)** by Development Agreement under Section 225 of the *Municipal Government Act* and subject to the following criteria:

- a. Policy 12.6.1;
- b. The developer hosting a public information meeting prior to the public hearing stage, to hear comments from the public. The developer shall:
  - i. Serve personal notification of the meeting on all property owners within 305 metres (1,000 feet) of proposed site;
  - ii. Place a notice for the meeting in the local newspaper outlining the date, time and location of the meeting. Notification shall be placed in the newspaper at least two (2) weeks prior to the date of the meeting.
- c. Preparation of a traffic impact study;
- d. Preparation of a storm water management plan.

The **Heavy Industrial (M2) Zone** will be applied to more intensive industrial operations, such as manufacturing plants, metal foundries, and bulk storage facilities, which may be less compatible with adjacent land uses.

**M2 Zone**

**Policy 4.6.9**

It shall be the intention of Council to consider salvage yards in the **Heavy Industrial (M2) Zone** by development agreement, under Section 225 of the *Municipal Government Act* and subject to Policy 12.6.1.

The **Fishing & Marine (M3) Zone** will be applied to industrial operations that are located on the coast and are associated with the marine-based activities.

**M3 Zone**

**Policy 4.6.10**

It shall be the intention of Council through the Region's Economic Development Department to encourage the expansion of existing, and establishment of new, marine-based industries, recognizing the important role that these industries play in the local economy.

**Special Provisions**

**Policy 4.6.11**

It shall be the intention of Council to set out provisions in the *Land Use Bylaw* with respect to abutting yard requirements where an area designated **INDUSTRIAL (M)** abuts any **Residential Zone, Conservation (O1) Zone, Water Shed (W1) Zone, Institutional (I1) Zone or Recreation / Open Space (P1) Zone**. These provisions shall regulate outdoor storage and display, parking, size of abutting yards and signage.

**Abutting  
Yard  
Requirements**

## **SECTION 5 RECREATION / OPEN SPACE**

### **5.1 Introduction**

Whether it is fishing in North Queens, picnicking on the beach in Summerville or enjoying a baseball game in Liverpool, recreational activities and open space areas have played and continue to play a significant role in the lives of residents and visitors to the Region.

Within the Urban Development Area, there has been a long history of recreational activities such as baseball, curling and tennis. In recent years, the abandoned rail bed has been converted to a popular multipurpose trail, which offers an opportunity for exercise and to view wildlife within an urban setting. As well, Meadow Pond offers bird watchers and anglers of all ages an opportunity to enjoy these past time activities.

The mouth of the Mersey River provides great canoeing and kayaking opportunities and is surrounded by several municipal and privately owned parks and picnic areas. The largest of these parks is Pine Grove, which has several picturesque walking trails through old growth pine forests.

In the Rural Development Area large tracts of forested open space, clean lakes, rivers and coastline, provide residents and visitors an opportunity to experience less structured recreational activities such as hiking and canoeing. There are also several Municipal, Provincial and Federal parks in the Rural Development Area which build on these recreational opportunities by offering services such as swimming areas, boat ramps, trails systems, campgrounds, parking lots and public washrooms.

In an effort to increase opportunities for residents to lead a healthy and active lifestyle the Region of Queens Municipality began planning for a new multi-use recreation complex, "Queens Place", in early 2007. The facility is to be situated on Trunk 3 near Exit 19, and will include a 900 seat NHL size arena, walking track, aquatics centre (a 25 metre, four lane pool plus a therapeutic pool), a fitness centre, and community room.

### **5.2 Objectives**

1. Promote a healthy lifestyle for all residents of the Region.
2. Establish policy to provide direction for future recreational land development within the Region.
3. Assess the suitability of land owned by the Region for recreational purposes.
4. Identify public right of ways in the Region in order to facilitate the public's ability to access a diversity of recreational areas.

### 5.3 Recreation / Open Space Policy

The recreational and open space areas in the Region can basically be divided into two categories. The first of these are the organized recreational facilities such as ball fields and tennis courts that are clearly identifiable within communities. The other category applies to the large number of parks and natural areas that offers less structured activities such as hiking and picnicking.

#### Policy 5.3.1

It shall be the intention of Council to establish a **RECREATION / OPEN SPACE (P)** land use designation in the Generalized Future Land Use Map for the Region.

#### Policy 5.3.2

It shall be the intention of Council to establish a **Recreation / Open Space (P1) Zone** as shown on the "Schedule A" Zoning Map of the *Land Use Bylaw* and will be applied to areas of active and passive recreational uses such as playgrounds, ball fields, tennis courts, parks and hiking trails which are meant for the use of the general public.

**P1 Zone**

#### Policy 5.3.3

It shall be the intention of Council to investigate and pursue the integration of long-range planning for recreational facilities, open space and recreational programs within the Region of Queens Municipality.

#### Policy 5.3.4

It shall be the intention of Council to identify parcels of Municipally-owned land which have the potential for recreational purposes and zone them as **Recreation / Open Space (P1)**.

#### Policy 5.3.5

It shall be the intention of Council to provide, facilitate and /or support programs to meet the recreational needs of residents of the Region.

#### Policy 5.3.6

It shall be the intention of Council to investigate the option of acquiring land that abuts significant watercourses throughout the Region as a means of addressing the growing need for access to waterways.

#### Policy 5.3.7

It shall be the intention of Council, when engaging in selling land acquired due to unpaid taxes, to consider purchasing such lands for recreation purposes.

#### Policy 5.3.8

It shall be the intention of Council, through the Subdivision Bylaw, to require all persons creating subdivisions to reserve and deed to the Region an area of land which is equal to five (5) percent of the total area being subdivided for public recreation purposes. Council also reserves the right to require cash in lieu which is equivalent to five (5) percent of the estimated assessed value of all newly created lots.

**Policy 5.3.9**

It shall be the intention of Council to consider new recreational uses in areas designated **RESIDENTIAL (R)** by an amendment to the *Land Use Bylaw* (rezoning) and subject to Policy 12.5.2.

In an effort to address the recreational needs of the Region, Council will work with the Provincial and Federal departments and agencies to identify and zone strategic parcels of Crown land as **Recreation / Open Space (P1)**.

**Crown  
Lands**

**Policy 5.3.10**

It shall be the intention of Council to continue to work with the Province's Integrated Resource Management Process to identify recreationally significant parcels of Crown land that will be zoned **Recreation / Open Space (P1)**.

**Policy 5.3.11**

In addition to all Provincial and Federal parks, it shall be the intention of Council to work with the other levels of government to identify areas of crown owned land which have recreational potential and zone them as **Recreation / Open Space (P1)**.

## SECTION 6            INSTITUTIONAL

### 6.1    Introduction

Institutional uses have long contributed to the health and identity of communities throughout the Region of Queens Municipality. Often centrally located, institutional uses such as schools, churches and medical facilities provide essential services to both the urban and rural areas of the Region.

Many of the Region's larger institutional uses are located in the Urban Development Area, including the Queens General Hospital and the Royal Canadian Mounted Police detachment. Also located in the Urban Development Area, the South Queens Junior High School, Liverpool Regional High School and J.C. Wickwire Academy provide educational services to the majority of students from South Queens.

The majority of institutional uses in the Rural Development Area are churches, community centres and fire halls, which play a central role in supporting communities throughout the rural area.

In the **Rural Development Areas**, institutional uses host annual fairs and events that draw participants and support from the surrounding rural areas. The Queens County Fair Ground for example hosts numerous events throughout the year, including the Queens County Exhibition.

### 6.2    Objective

To provide for the establishment of future institutional uses throughout Queens.

### 6.3    Institutional Policy

Institutional uses are central components in most communities throughout the Region. The number and type of institutional uses can vary from community to community and include such uses as churches, schools and community centres. In recognizing the important role that these uses play in enhancing the quality of life for residents, Council wants to ensure that future development of these uses is permitted.

#### **Policy 6.3.1**

It shall be the intention of Council to establish an **INSTITUTIONAL (I)** land use designation on the Generalized Future Land Use Map for the Region.

#### **Policy 6.3.2**

It shall be the intention of Council to establish an **Institutional (I1) Zone**, as shown on the "Schedule A" Zoning Map of the *Land Use Bylaw*.

**I1 Zone**

#### **Policy 6.3.3**

It shall be the intention of Council to consider new, or expansion of existing, **Institutional (I1)** uses in any **RESIDENTIAL (R)** designated area by an amendment to the *Land Use Bylaw* (rezoning), subject to Policy 12.5.2.

## SECTION 7 NATURAL ENVIRONMENT

### 7.1 Introduction

The Region's natural environment plays a key role in providing for a higher quality of life for our residents. As such, the sustainability of these fragile assets is of utmost importance. All land use activities and development will inevitably have some impact on the environment. The challenge for the Region is to find a balance between the rights of property owners to use their land while at the same time ensuring development does not pose a hazard to people and property or negatively impact the natural environment.

Wetlands provide habitat for many different species of mammals, birds and amphibians, including several that are considered endangered species or species at risk. For many species, wetlands provided nursery areas, which are crucial in supporting future populations. Wetlands also act as filters and are known to remove pollutants from watercourses.

As well, wetlands play a key role in the storage of floodwaters during severe weather events. The water is then released gradually during the drier periods of the year. This process is important for many rivers, lakes and streams in the Region, which are dependant on wetlands to regulate seasonal water fluctuations and maintain water quality.

Properties which have water frontage are very desirable to developers however, development on or near these resources has the potential to impact water quality and damage sensitive habitat. The establishment of development setbacks and vegetative buffer areas along watercourses can reduce these effects. Maintaining natural vegetation and soil conditions in areas which abut a shoreline can:

- Protect water quality;
- Reduce rate of erosion;
- Enhance wildlife habitat;
- Filter noise;
- Moderate air and water temperature; and
- Contribute to the natural beauty of the land,

Government, private sector and other non-government organizations have protected approximately 40,488 hectares or 14.7% of the Region, the majority of which is located within the Rural Development Area. This land includes wilderness protected areas, national parks, provincial parks and private conservation areas.

### 7.2 Objectives

1. Utilize the *MPS* and *LUB* to encourages sustainability of our natural resources.
2. Regulate development in areas that may put people, property and the environment at risk.

3. Establish rules for development to protect environmentally sensitive and / or significant areas.

### 7.3 Natural Environment Policy

#### Policy 7.3.1

It shall be the intention of Council to work with all levels of government to enable protection of environmentally sensitive and significant lands within the Region of Queens Municipality and to preserve them for the enjoyment of residents and visitors alike.

#### Policy 7.3.2

It shall be the intention of Council to establish a **CONSERVATION (O)** land use designation in the Generalized Future Land Use Map for the Region which is aimed at encouraging the sustainability of the Region's fragile natural assets. The results creating such a designation will lend themselves greatly toward an improved quality of life for residents and visitors alike.

#### Policy 7.3.3

In meeting the intent of the **CONSERVATION (O)** Designation, it shall be the intention of Council to establish a **Conservation (O1) Zone** as shown on the "Schedule A" Zoning Map of the *Land Use Bylaw*. This Zone will be applied to a broad range of environmentally sensitive areas which have a very limited capacity for development.

**O1 Zone**

#### Policy 7.3.4

It shall be the intention of Council to zone all dune systems, designated beaches, Provincial Wilderness Areas and lands owned by conservation organizations, as **Conservation (O1)**.

The significance of the role that wetlands play in the environment is recognized by Council. In regulating development on certain wetlands, Council is attempting to strike a balance between respecting the rights of property owners and preventing inappropriate development in environmentally sensitive wetland areas. The N.S. Department of Natural Resources has prepared wetland inventory maps showing the location of wetlands throughout Queens. The Region will use this data when evaluating the location of proposed development and will refer developers to the appropriate provincial department for necessary approvals prior to proceeding with the municipal development permit process.

**Wetlands**

#### Policy 7.3.5

It shall be the intention of Council to include mapping; identified as "Schedule B"; in the *Land Use Bylaw* showing the location of wetlands throughout the Region.

**Policy 7.3.6**

Where an application is made to develop within an area identified as **Environmentally Significant Wetlands**, as shown on “Schedule B” of the *Land Use Bylaw*, it shall be the intention of Council to require that all necessary approvals are first obtained from the N.S. Department of Environment and / or the N.S. Department of Natural Resources.

The Medway River is one of the major rivers running through Queens County, and has experienced several severe flooding incidents. The upper section of the Medway is dammed at McGowan Lake, which raises the possibility of flooding due to structural failure or emergency water release during severe weather events. Given the likelihood of an increasing number of flooding events related to climate change, there is a clear need for new development to reflect these concerns.

Low lying and subjected to regular flooding, wetlands along the Medway River play an important role in regulating water levels during severe weather events including drought. As such, development around these areas must be carefully thought out.

**Policy 7.3.7**

Where an application is made to develop within 15 metres of an area identified as **River Wetlands** on “Schedule B” of the *Land Use Bylaw*, Council shall require that a qualified person or persons verify the extent of the wetland to ensure all development is setback a minimum of 7.5 metres from these areas.

Although the protection of Species at Risk is the responsibility of the Provincial and Federal governments, Council understands the Region can play an important role in providing valuable information to current and future landowners.

**Species  
At Risk**

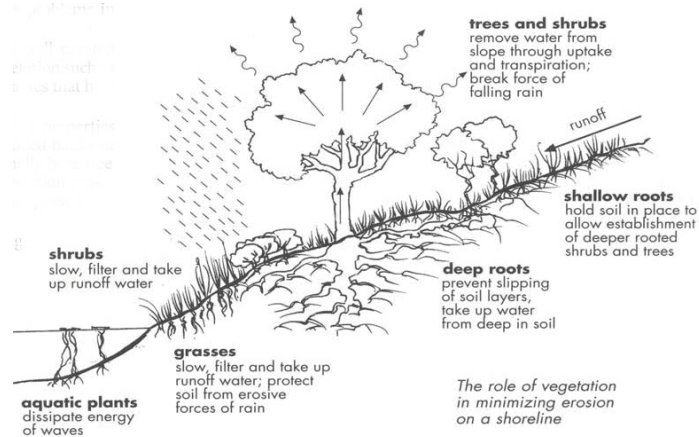
**Policy 7.3.8**

It shall be the intention of Council to work closely with provincial and federal departments when evaluating new development proposals which may have an effect on areas containing species at risk.

Council recognizes that development setbacks and vegetative buffers along watercourses are necessary to help ensure the safety of people, the protection of property and the sustainability of this important resource. Developing too close to a watercourse can leave people and property exposed to hazards such as erosion, storm surge and flooding. Development setbacks and vegetative buffers can reduce these risks, while at the same time protecting the watercourse from sedimentation and other detrimental side effects related to development. This *Municipal Planning Strategy* will contain policy which seeks to mitigate the effects of development on significant watercourses.

**Significant  
Watercourses**

Significant watercourses will be identified on “Schedule B” of the *Land Use Bylaw* and were derived from the Provincial 1 : 10,000 Topographic Series mapping.



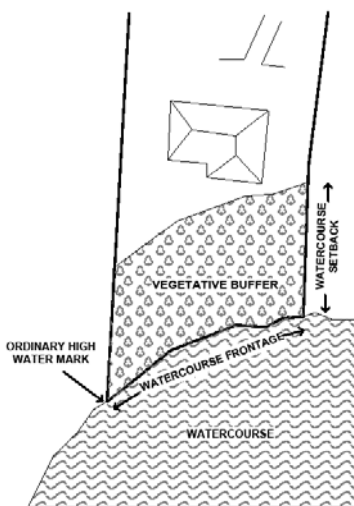
**Diagram 1 – Role of Vegetative Buffer Area (Source: Living By Water)**

**Policy 7.3.9**

It shall be the intention of Council to set out provisions in the *Land Use Bylaw* regarding the setback of development from the ordinary high water mark of a significant watercourse as shown on “Schedule B” of the *Land Use Bylaw*.

**Policy 7.3.10**

It shall be the intention of Council, in relation to a development, to set out provisions in the *Land Use Bylaw* regarding the retention of natural vegetation along significant watercourse as shown on “Schedule B” of the *Land Use Bylaw*.



**Diagram 2 – Watercourse Setback and Vegetative Buffer (Source: Region of Queens Municipality)**

Council understands that it is reasonable to allow some level of development within the watercourse setback and vegetative buffer area. Council also recognizes that the scale of this development will need to reflect the sensitive nature of this area.

**Policy 7.3.11**

Notwithstanding any of the other policies of this section and in relation to a development, it shall be the intention of Council to set out special provisions in the *Land Use Bylaw* to consider partial cutting, infilling and excavation, hazardous trees, limbing and pruning of trees, walkways and trails, boat houses, and docks within the watercourse setback and vegetative buffer area.

Due to the varying development conditions that exist along watercourses, Council understands that some flexibility regarding development setbacks is reasonable. In an effort to offer this flexibility, while considering the safety of people and property and the protection of the environment, a series of detailed criteria have been identified.

**Watercourse  
Setback &  
Vegetative  
Buffer -  
Variance**

**Policy 7.3.12**

Notwithstanding any other policies in this *MPS*, it shall be the intention of Council to set out provisions for all zones, allowing for a variance of the development setback and vegetative buffer along significant watercourses, which are shown on "Schedule B" of the *Land Use Bylaw*.

**Policy 7.3.13**

Where an existing lot established prior to the adoption of this *MPS*, can not be developed due to the development setback and vegetative buffer requirements of this plan, it shall be the intention of Council to set out provisions in the *Land Use Bylaw* for relaxing these requirements. No further modification to these requirements shall be permitted for lots created after the effective date of this *MPS*.

As the impact of climate change on Nova Scotia's coastline becomes better understood, it may become necessary for Council to establish policy to try to mitigate damage to coastal properties resulting from sea level rise and storm surge.

**Policy 7.3.14**

It shall be the intention of Council to set out special provision in the *Land Use Bylaw* for the removal of the natural vegetation within the vegetative buffer for the construction of erosion control measures. These provisions will apply to areas that abut the Atlantic coastline as shown on "Schedule B" of the *Land Use Bylaw*.

**Policy 7.3.15**

It shall be the intention of Council to assess the potential impacts of climate change on our coastal communities through projected sea level rise and storm surges based on current coastal elevation mapping data and will consider implementing appropriate regulations in the *Land Use Bylaw* to reduce impacts on people and property.

## **SECTION 8 HERITAGE AND CULTURE**

### **8.1 Introduction**

Heritage and culture have always played an integral role in the lives of the residents of Queens. The abundance of buildings and sites of historic significance, as well as the various festivals / fairs celebrating our heritage, make it very obvious what an important role that heritage and culture plays here. These historic resources provide us with a clearer understanding of the Region's cultural diversity and how our way of life has evolved. The strength of the tourism industry is also positively influenced by the historic characteristics and charm of the area.

Perhaps one of the strongest connections with the Region's past are the numerous institutional buildings such as churches that serve as historic landmarks while still offering services to residents and visitors. In other cases heritage sites such as the Old Burial Ground in Liverpool provide a strong link to our past.

The Region's economy has been greatly influenced by its ties to the past. Forestry, fishing, agriculture and shipbuilding have largely shaped the development pattern of many of our communities.

The Mi'kmaq are known to have lived and travelled throughout the Region for thousands of years. Several pre-contact sites have been found in the Region, which provide us with a better understanding of First Nations people and their history. Kejimikujik National Park and National Historic Site currently has one of the best known sites in the Region. As well, an archaeological study completed on the Mersey River in 2005, revealed one of the largest sites to be discovered in the Province. Today, the Acadia First Nations Band continues to explore new options within the Region for promoting this rich heritage.

Heritage and culture have always been an important component of the tourism industry. In recent years however, heritage tourism has become one of the fastest growing sectors of the industry. Council recognizes the significance of what the Region of Queens Municipality has to offer from a heritage perspective and the importance of utilizing our rich history to attract travellers to our area.

### **8.2 Objectives**

1. Build on and promote scenic drives in the Region, which relate to our rich history and culture.
2. Encourage the preservation of important historic buildings in the Region.
3. Educate the public on the importance of heritage preservation.

### **8.3 Heritage and Culture Policy**

#### **Policy 8.3.1**

It shall be the intention of Council to promote heritage tourism in the Region, including but not limited to:

- a. the promotion of local festivals or fairs; and
- b. advertising the historic properties, sites and attractions of the Region through various means including brochures, lists of attractions and signage.

#### **Policy 8.3.2**

It shall be the intention of Council to compile an accurate inventory of historically significant buildings in the Region of Queens Municipality.

#### **Policy 8.3.3**

It shall be the intention of Council to encourage the preservation and maintenance of buildings and sites in the Region, which have been identified as being of historic significance through such means as formal heritage designations (Federal, Provincial or Municipal).

#### **Policy 8.3.4**

It shall be the intention of Council, through the Heritage Advisory Committee, to implement a program of public education regarding the importance of heritage and culture in our communities which may include such means as information mail outs, hosting public information sessions and participation in local heritage fairs.

#### **Policy 8.3.5**

It shall be the intention of Council to seek amendments to the *Heritage Property Act* to which would increase municipal authority to enact regulations regarding such things as the demolition of designated historic buildings and providing greater incentives for the preservation of heritage properties.

#### **Policy 8.3.6**

It shall be the intention of Council to highlight the importance of theatre and the arts through promotion of such cultural events in our communities.

## **SECTION 9           TRANSPORTATION**

### **9.1    Introduction**

Since the earliest roads began opening large tracts of land in the interior of Queens County, the role that transportation networks play in the development of the Region has grown considerably. Today, quality transportation networks are essential in ensuring the safe and efficient movement of people and products, as well as maintaining the social fabric of communities throughout the Region.

In the Region of Queens Municipality there are 755 km of public roads, the majority of which are maintained by the Province of Nova Scotia. The public roads that are maintained by the Region lie almost exclusively within the community of Liverpool. As well, there is approximately 275 km of private roads within the Region. The main concentration of private roads is located in the Rural Development Area and the communities of Labelle, Molega and Greenfield. These private roads play an important role in servicing a large number of private subdivisions that exist throughout the Region. Refer to Transportation Network – Map 5.

The key components of the public road system are Highway 103, Trunks 3 and 8, and Routes 208 and 210, which are the primary connectors for the Region. Running in an easterly-westerly direction, Highway 103 connects the Urban Development Area to other centres, such as Yarmouth, Bridgewater and Halifax.

Over the last decade, an increasing amount of commercial development has occurred in the Urban Development Area along Milton Road. The increased traffic in this commercial area has required a series of new traffic management measures, including traffic lights at a key intersection. As businesses continue to locate in this area, further evaluation will be required to ensure the efficient and safe movement of vehicles and pedestrians. Similar traffic issues have also been identified for Liverpool's Main Street. The compact building pattern and numerous side streets create issues for vehicle and pedestrian traffic at certain intersections. Building setbacks and site lines will need to be taken into consideration as they pertain to future development in these areas.

Looking at the development patterns that exist within the Region, and throughout North America for that matter, we are an automobile-dependant society for the most part. This trend is slowly beginning to change however, towards more pedestrian friendly forms of development. In recent years, concern over personal health, high fuel costs, poor air quality and climate change have brought about a shift in thinking when it comes to modes of transportation. More and more people are adopting environmentally sustainable lifestyles and are seeking out alternative forms of transportation.

Active transportation is one such option, which through proper planning and development practices, can have significant impacts on people and the environment. Active transportation is defined as any form of human powered (non-motorized) transportation that relies on the use of human energy such as walking, cycling, inline skating and jogging. Active transportation networks can utilize on-road and off-road facilities such as sidewalks, bike lanes, multi-use trails. Consideration has to be given to incorporating or enhancing this form of transportation into existing and new transportation networks.

## **9.2 Objectives**

1. Improve the quality and effectiveness of transportation networks within the Region.
2. Promote development in areas that utilize existing transportation infrastructure.
3. Improve active transportation networks within the Region.

## **9.3 Transportation Policy**

Council recognizes that an efficient and well maintained transportation system is critical to the economy and overall development of the Region. To articulate the importance of transportation in the Region, several strategic policies have been identified.

### **Policy 9.3.1**

It shall be the intention of Council to facilitate intergovernmental cooperation between the Province and the Municipality for the provision of quality transportation networks.

### **Policy 9.3.2**

It shall be the intention of Council to encourage the Provincial government to continue to upgrading the controlled sections of Highway 103 between Broad River and Sable River, and subsequently Danesville to Hebbville, to 100 Series Highway controlled access standards.

### **Policy 9.3.3**

It shall be the intention of Council to establish a long term capital works program for the maintenance and improvement of municipal public roads.

### **Policy 9.3.4**

It shall be the intention of Council to establish minimum construction standards in the Region's Subdivision Bylaw for new public and private roads.

### **Policy 9.3.5**

It shall be the intention of Council to monitor pedestrian movement within the Urban Development Area in an effort to improve connectivity and reduce reliance on motorized transportation.

### **Policy 9.3.6**

It shall be the intention of Council to promote active transportation as an important component of the Regions overall transportation network and to look at improving upon existing infrastructure. Improvements could be undertaken to encourage cycling by upgrading pedestrian linkages between residential and commercial areas.

**Policy 9.3.7**

It shall be the intention of Council to encourage harbour improvements to make them more functional, efficient and sustainable.

**Policy 9.3.8**

It shall be the intention of Council, through the Economic Development Department and the Lunenburg / Queens Regional Development Agency, to promote existing harbour and the port facilities when attracting industry to the area.

**Policy 9.3.9**

It shall be the intention of Council to explore means of reducing the Municipality's environmental footprint created in its day to day operations through such means as implementing a no-idling practice for municipally-owned vehicles.

## SECTION 10 MUNICIPAL SERVICES AND INFRASTRUCTURE

### 10.1 Introduction

The Region of Queens Municipality provides a number of important services to various communities that are fundamental to the well being of our residents. These services include centralized sewer and water, storm water management and solid waste management. Although these services impact communities at the local level, the administration of these services requires a Regional focus.

The provision of municipal sewer and water services is a key component in encouraging new development within the Region. From a developer's perspective, these services allow for smaller lot sizes, which in turn enable a greater number of lots and thus a greater potential return on investment. The installation and / or maintenance of these systems is extremely expensive and careful consideration must be given to the locations where new services should be extended. Council it feels that the new development should be focused in areas where servicing costs can be minimized. As well, Council understands that it is important to promote infill development in areas currently serviced with water and sewer in an effort to fully utilize existing infrastructure.

Municipal sanitary sewer services exist, in varying configurations, within the communities of Liverpool, Milton, Brooklyn and Caledonia. A central sewer treatment plant located in Brooklyn serves the collection systems in Liverpool, Brooklyn and Milton. The treatment plant was constructed in 2001 and has the ability to treat sewage from the entire communities of Liverpool, Milton and Brooklyn. All Liverpool, with minor exceptions, is serviced with a central municipal sewer system of varying age. Significant portions of Milton are serviced with a relatively new collection system, which in turn conveys sewage to the central treatment plant. Recent progress has been made towards the installation of municipal sewer collection into Brooklyn. Continued expansion of this collection system is anticipated.

#### **Sewer Services**

The only other area of the Region that is serviced by a central sewage collection and treatment system and sewage treatment plant is the core area of Caledonia. This treatment plant was opened in 1977 and subsequently expanded in 1997. The system has a modest capacity to treat additional sewage, should future expansions be considered.

Liverpool and portions of Milton and Brooklyn are currently the only areas of the Region that are serviced by a municipal water supply. The source of this water is Town Lake Watershed, located north-west of Liverpool, just north of Highway 103. Protection of this resource is critical. Fortunately, the Region owns the majority of the land that surrounds this water supply. To ensure the quality and safety of the Town Lake Watershed, the Region will need to limit the type and intensity of land uses permitted in this area.

#### **Water Services**

The Town Lake Watershed has received upgrades in recent years to increase a water yield to 2.1 US million gallons per day. In 2008 a new comprehensive water treatment facility was constructed and opened at Town Lake, complete with reservoir storage. This facility greatly enhanced the quality of the water system with respect to clarity, pressure and over all system performance.

**Region of Queens Municipality  
Municipal Planning Strategy  
2009**

The water distribution system is primarily located within Liverpool, with recent expansion into the community of Brooklyn. The age of the system in Liverpool varies widely from new to 75+ years. Given that the majority of water pipes in the ground are of a significant age, ongoing maintenance and upgrading of this system will be required. Unlike the Municipal sewer system, property owners have an option to connect to the central water system where available.

Storm water management in areas outside of Liverpool consist of a series of roadside ditches owned and maintained by the Province of Nova Scotia. Within Liverpool, the Region of Queens Municipality operates a network of underground pipes, catch basins, and, to a minor extent, ditches all conveying storm water to the Mersey River and Atlantic Ocean. In certain areas dedicated storm water pipes exist, while in other areas a combined sanitary storm main is utilized for the conveyance. Efforts are ongoing to separate the sanitary and storm water flows.

**Storm  
Water  
Management**

The Region of Queens Municipality provides bi-weekly solid waste, compost and recyclables pickup throughout the Region. A curb-side household pickup is provided to all those who reside on a public road, while large deposit bins are located throughout the Region to serve residents on private roads. The Region also operates a waste management facility, which manages all waste streams. Designed to address the needs of residents for the next century, this modern waste management facility also handles recycled material, construction & demolition debris and household hazardous waste.

**Solid  
Waste  
Management**

The Region of Queens Municipality provides street lighting throughout the County. Council recognizes the need to provide illumination on public roads in order to aid in the safe and orderly movement of vehicular and pedestrian traffic. There are currently more than 2000 street lights installed throughout Queens and requests for new lights are very frequently submitted to the Region.

**Street  
Lighting**

## **10.2 Objectives**

1. To explore new means and methods for improved delivery of municipal services;
2. To encourage new development that utilizes existing infrastructure;
3. To protect quality drinking water within the Municipal Water Supply Watershed;
4. To establish a long range plan for the extension of municipal services within the Urban Development Area.

## **10.3 Municipal Services Policy**

### **Policy 10.3.1**

It shall be the intention of Council to identify areas for future extension of municipal sewer and water services which have the potential for new residential, commercial or industrial development.

**Policy 10.3.2**

It shall be the intention of Council to take a proactive approach to repairing and / or replacing deteriorating municipal road, sewer and water infrastructure.

**Policy 10.3.3**

It shall be the intention of Council to maximize the use of existing sewer service infrastructure by encouraging infill development on vacant lands and allowing for higher density development.

**Policy 10.3.4**

It shall be the intention of Council to establish a long-term plan for the extension, upgrading and maintenance of municipal services; including sewage treatment and collection, potable water and storm water management; within the Urban Development Area.

**Policy 10.3.5**

It shall be the intention of Council to facilitate growth patterns requiring the installation of new municipal infrastructure, in areas where servicing costs can be minimized.

**Policy 10.3.6**

It shall be the intention of Council to explore new technologies in an effort to find more efficient and cost effective means of municipal service provision.

**Policy 10.3.7**

It shall be the intention of Council to seek cost sharing arrangements with the Federal and Provincial governments towards enhancing the provision of municipal services to the people of Queens.

**Policy 10.3.8**

It shall be the intention of Council to continue to work with Region 6 Solid Waste Management in promoting a reduction in solid waste throughout the Region of Queens Municipality.

**Policy 10.3.9**

It shall be the intention of Council to provide a level of street lighting that is adequate for the safety of vehicular and pedestrian traffic, as set out in the Region's Street Lighting Policy.

**Policy 10.3.10**

It shall be the intention of Council to work with Nova Scotia Power to identify areas where the Municipality can reduce energy demand and costs associated with providing street lighting.

The **Water Shed (W1) Zone** will be applied to the land surrounding the municipal drinking water supply. The **W1 Zone** is intended to protect the water supply by restricting the type and intensity of land uses permitted.

**W1 Zone**

**Policy 10.3.11**

It shall be the intention of Council to establish a **Water Shed (W1) Zone** as shown on the "Schedule A" Zoning Map of the *Land Use Bylaw*.

**Policy 10.3.12**

It shall be the intention of Council through its Town Lake Watershed Management Committee to control activities within the Municipal Watershed area with the goal of minimizing the risk of contamination.

**Policy 10.3.13**

It shall be the intention of Council to zone all lands within the prescription area of the Town Lake Watershed, as **Water Shed (W1)** and to strictly limit the uses permitted in this area.

**Policy 10.3.14**

It shall be the intention of Council, through the Town Lake Watershed Management Committee, to develop a contingency plan to mitigate various source water risks.

## SECTION 11 GENERAL DEVELOPMENT STANDARDS

### 11.1 Subdivision of Land

In 1998, Council adopted the *Region of Queens Municipality Subdivision Bylaw (Subdivision Bylaw)*, which regulates the subdivision of land throughout the Region. The *Subdivision Bylaw* set out regulations on such things as:

- lot size and access;
- public streets and private roads;
- water and sewer systems; and
- public open space.

Adopted in conjunction with the *Subdivision Bylaw* was the Region of Queens Municipality Municipal Services Specification Manual. This manual sets out specifications in such areas as:

- central sewer systems;
- central water systems;
- storm drainage systems; and
- public streets.

There have been occasions in the past where potential developers felt the cost of providing services, such as water and sewer, made subdividing more than one lot prohibitive. In this regard, Council should regularly monitor current trends in development, in relation to the requirements in its *Subdivision Bylaw*, to ensure that the regulations are not overly restrictive / prohibitive.

The Region's *Subdivision Bylaw* contains a special provision for subdividing lots. Section 4.4 of the *Subdivision Bylaw* allows a maximum of two lots to be created where the lots have a reduced frontage or area or both, provided neither is less than 90% of the required lot standard set out in the *Land Use Bylaw*. This reduced frontage and/or area provision is consistent with Section 279 of the *Municipal Government Act*. The Region intends to maintain this *Subdivision Bylaw* provision; therefore, requirements will be set out in the *Land Use Bylaw* to allow development on any lots so created.

#### **Policy 11.1.1**

It shall be the intention of Council to regulate the subdivision of land through the *Region of Queens Municipality Subdivision Bylaw*.

#### **Policy 11.1.2**

It shall be the intention of Council to periodically review the servicing and other requirements in the Region's *Subdivision Bylaw* to determine if a reduction in these requirements is appropriate in order to minimize the cost of subdividing land in the Region.

#### **Policy 11.1.3**

It shall be the intention of Council to allow development permits to be issued for development on lots created in accordance with Section 4.4 of its *Subdivision Bylaw* that deals with creating lots that have less than the required frontage or

area or both, provided neither is less than 90% of what is required by the *Land Use Bylaw*; and provided the development meets all other applicable requirements of the *Land Use Bylaw*

## **11.2 General Standards and Provisions**

There are a number of general development standards and provisions that will be included in the *Land Use Bylaw*. Their purpose is to provide for orderly and safe development.

### **Development Standards**

#### **Policy 11.2.1**

It shall be the intention of Council to set out the following development standards in the *Land Use Bylaw*:

- a. minimum lot size requirements, minimum yard requirements and height restrictions for each zone and these may vary from zone to zone;
- b. parking space requirements, which may vary according to the proposed use of the land;
- c. parking lot requirements which for pedestrian and vehicular safety reasons shall include provisions with respect to the size, number, and location of driveway accesses;
- d. provisions respecting temporary buildings (e.g. construction huts and scaffolding), temporary uses and special occasions, such as fairs. In addition, these activities shall require a development permit but there shall be a time restriction;
- e. provisions respecting illumination from lights such that it is directed away from abutting lots;
- f. provisions respecting the charging of a fee to re-coup the cost of re-zoning, development agreement and variance notices required by the *Municipal Government Act*;
- g. provisions with respect to accessory buildings including lot coverage provisions.

Wind turbine generators are quickly becoming one of the most prominent forms of renewal energy in the world. Over the last several years there has been an increasing amount of interest in the siting of wind turbine generators in Nova Scotia, and the Region of Queens Municipality is no exception. Although the coastline has been identified as the most ideal place for locating these structures, opportunities also exist in other areas of the Region as suitable sites for such development. Council recognizes that the economic and environmental benefits of wind turbine generators can be significant. However, there has been a fair amount of controversy surrounding the erection of these structures, with the primary concerns centring on noise, visual impacts and blade and ice

### **Wind Turbine Generators (Large Scale)**

throw. Council feels that careful consideration is required to limit the potential impacts on the surrounding area.

**Policy 11.2.2**

It shall be the intention of Council to consider large-scale wind turbine generators in the **Mixed Use Rural Residential (R5), Mixed Use Coastal Residential (R6), Coastal Commercial (C5), Heavy Industrial (M2), Fishing and Marine (M3), Recreation / Open Space (P1) and Conservation (O1) Zones** by development agreement, under Section 225 of the *Municipal Government Act* and subject to:

- a. Policy 12.6.1;
- b. The developer hosting a public information meeting prior to the public hearing stage, to hear comments from the public. The developer shall:
  - i. Serve personal notification of the meeting on all property owners within 305 metres (1,000 feet) of proposed site;
  - ii. Place a notice for the meeting in the local newspaper outlining the date, time and location of the meeting. Notification shall be placed in the newspaper at least fourteen (14) days prior to the date of the meeting.
- c. Submission of a decommissioning plan, which will become part of the development agreement.

With energy costs soaring to new heights, small-scale wind turbine generators provide an opportunity for property owners in Queens County to develop and consume on-site energy in an environmentally sustainable manner. Small-scale wind turbines vary in size, and rated output capacity, which offers the opportunity for efficient energy production and potential energy cost savings. It is Council's intention that these uses be developed for on-site power consumption, as compared to the large-scale wind turbine generators which supply the Nova Scotia Power grid system. Council recognizes the benefits of these systems however, feels that they need to be regulated to ensure land use compatibility.

**Wind  
Turbine  
Generators  
(Small-scale)**

**Policy 11.2.3**

It shall be the intention of Council to set out special provisions in the *Land Use Bylaw* for small-scale wind turbine generators in the **Mixed Use Rural Residential (R5), Mixed Use Coastal Residential (R6), Seasonal Residential (R7), Highway Commercial (C2), Coastal Commercial (C5), Light Industrial (M1), Heavy Industrial (M2), Fishing and Marine (M3), Recreation / Open Space (P1) and Institutional (I1) Zones**.

The ability of property or business owners to erect signage, be it private, commercial or institutional in nature, is very important to the people of Queens. The majority of signage is erected within urbanized areas and primarily along high traffic routes where visibility is the greatest.

**Policy 11.2.4**

Notwithstanding any other policies in this *MPS*, it shall be the intention of Council, for vehicular safety, pedestrian safety, and visual appearance, to set out sign provisions in the *Land Use Bylaw* that regulate the size, location, illumination, type and number of signs.

## SECTION 12 IMPLEMENTATION

### 12.1 Introduction

The value and success of this *Municipal Planning Strategy* is dependent upon the feasibility of the implementation measures and its acceptance by the people of the Region of Queens Municipality.

#### **Policy 12.1.1**

It shall be the intention of Council to recognize that the *Municipal Planning Strategy* for the Region of Queens Municipality shall be the primary policy document providing the framework by which the future growth and development of the Region shall be encouraged, controlled and coordinated.

#### **Policy 12.1.2**

It shall be the intention of Council to implement this *MPS* through the powers of Council as provided by the *Municipal Government Act* and other Provincial statutes that may apply.

#### **Policy 12.1.3**

It shall be the intention of Council to recognize that all the sections of this *MPS*, all appendices, and all associated maps shall constitute the *Municipal Planning Strategy* of the Region of Queens Municipality.

In addition to employing specific implementation measures, it shall be the intention of Council to monitor current development trends and issues in order to respond to unpredicted or unanticipated changes. Changes could come as a result of new technology and/or changes in community attitudes. In practice and according with Section 214 (2) of the *Municipal Government Act*, Council has determined that the *Strategy* should be reviewed at least every eight (8) years.

#### **Policy 12.1.4**

It shall be the intention of Council to review this *MPS* when the Minister of Service Nova Scotia & Municipal Relations considers it necessary; or when Council considers it necessary; but in any case it shall be reviewed not later than eight (8) years from the coming into force of the *Strategy* or from the date of the last review.

### 12.2 Municipal Planning Strategy Amendments

This *MPS* may be amended from time to time. It is not necessary to wait for the eight (8) year review. The amendment process involves such things as: public participation, notification of adjacent municipalities and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing and the approval of the Minister of Service Nova Scotia & Municipal Relations. The specific process is set out in the *Municipal Government Act*.

**Policy 12.2.1**

It shall be the intention of Council to consider an amendment to this *MPS* when:

- a. any policy intent is to be changed;
- b. a zoning amendment is in conflict with this *MPS* and there are valid reasons for the amendment;
- c. a detailed secondary area strategy is desired to be incorporated into this *MPS*; and
- d. when the *MPS* is inconsistent with Statements of Provincial Interest.

**12.3 Actions Not Requiring Municipal Planning Strategy Amendment**

The Generalized Future Land Use Map sets out the boundaries of the intended future land use designations within the Region of Queens Municipality. Council is of the opinion that there should be some flexibility in interpreting these boundaries when dealing with development on lands abutting another future land use designation. To accommodate this, Council will adopt 'A General Flexibility Policy'. This will enable Council to consider requests to re-zone abutting properties to any zone permitted in the abutting future land use designation.

**Policy 12.3.1**

Where a parcel of land abuts another future land use designation on the Generalized Future Land Use Map, it shall be the intention of Council to consider requests to rezone the parcel of land to any zone permitted under the abutting future land use designation without requiring a *Strategy* amendment, provided that all other policies in this *MPS* are complied with.

**12.4 Land Use Bylaw**

The land use policies in this *MPS* are implemented through a *Land Use Bylaw*. This Bylaw sets out zones, the permitted uses for each zone, development standards for each zone and/or for certain types of uses, and the uses and circumstances for development by development agreement. In doing this, the Bylaw reflects the policies of the *Strategy*. Council approves the *Land Use Bylaw* at the same time this *MPS* is approved. Both documents are then sent to the Minister of Service Nova Scotia & Municipal Relations for final approval.

The *Land Use Bylaw* is administered by a Development Officer appointed by the Region of Queens Municipality. The Development Officer is responsible for issuing development permits in accordance with the Bylaw.

It is not intended that land be pre-zoned at the outset as indicated by the policies of this *MPS* or as indicated on the Generalized Future Land Use Map. Rather, in order that Council may maintain a comparatively high degree of control and is able to monitor

future development, initial zoning provisions will be comparatively restrictive and major development proposals will be processed as zoning amendments. For example requests for apartment buildings, neighbourhood convenience stores, and for land lease communities will require a re-zoning.

**Policy 12.4.1**

It shall be the intention of Council to recognize that the *Land Use Bylaw* shall be the principal means for implementing the land use policies in this *MPS* in accordance with the *Municipal Government Act*.

**Policy 12.4.2**

It shall be the intention of Council to recognize that the Development Officer appointed by Council is responsible for the administration of the *Land Use Bylaw* and the *Subdivision Bylaw* and shall issue or deny development permits in accordance with the terms of the *Land Use Bylaw*.

## **12.5 Land Use Bylaw Amendments**

From time to time it will be necessary to amend the *Land Use Bylaw* either by amending the text or amending the Zoning Map. In addition to all other criteria set out in various policies of this *MPS*, Council should have regard to a number of other matters when evaluating a proposed amendment.

**Policy 12.5.1**

It shall be the intention of Council, where outside technical advice or assistance is required, to circulate applications for *Land Use Bylaw* amendments and applications for subdivision approval to appropriate provincial government agencies for their information and comments as may be required.

**Policy 12.5.2**

It shall be the intention of Council, when considering amendments to the *Land Use Bylaw*, to have regard to the following:

- a. that the proposal conforms with the intentions of this *MPS* and to the requirements of all other Region Bylaws and regulations.
- b. that the proposal is not inappropriate, or could create potential problems in relation to:
  1. the financial capability of the Region to absorb any costs relating to the development;
  2. adequacy of sewer, water, and fire protection services to support the proposed development;
  3. adequacy and proximity of recreational and other community facilities;

4. the adequacy of road networks in, adjacent to, or leading to the proposed development in terms of ability to handle traffic that the proposed development will generate;
  5. the potential for the contamination of watercourses or the creation of erosion, sedimentation and /or flooding; and
  6. the potential for damage to or destruction of designated historical buildings and sites.
- c. that adequate requirements are contained in the *Land Use Bylaw* to reduce conflict between the proposed development and any adjacent or nearby land uses by reason of:
1. type of use;
  2. height generation, access to and egress from the site and parking provisions;
  3. traffic generation, access to and egress from the site and parking provisions;
  4. outdoor storage;
  5. signs;
  6. provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
  7. development is located so as not to obstruct any natural drainage channels or watercourses;
  8. the adequacy of the building separations to provide sufficient space to permit access for fire fighting equipment and to prevent the spread of fire; and
- d. site suitability in terms of percentage of slope, soil and geological conditions and other environmental and physical constraints; and
- e. potential for buffer areas, landscaping and screening to reduce potential incompatibility with adjacent land uses and transportation networks.

## **12.6 Development Agreements**

A development agreement is a written legal agreement between Council and a property owner. It runs with the land; hence, the terms of the agreement do not cease if the land is sold or if the property owner dies. It is a mechanism through which Council can oversee the implementation of a development proposal that would not otherwise be

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permitted. A development agreement allows or limits the development to the use or types of uses actually proposed and outlined in the agreement. To change the development to another use that is not listed in the development agreement would require an amendment to the agreement provided it is consistent with the Policies in this *MPS*.

In accordance with the *Municipal Government Act*, the types of development that may be considered by a development agreement must be clearly identified in a strategy. The circumstances under which a development proposal may be considered by development agreement are as follows:

- a. in accordance with **Policy 3.3.29**, bed and breakfast establishments to a maximum of 5 rooms to let in the **Restricted Residential (R1)** and **Seasonal Residential (R7) Zones**;
- b. in accordance with **Policy 3.3.31**, bed and breakfast establishments with more than five rooms to let in the **General Residential (R2)**, **Multiple Unit Residential (R3)**, **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- c. in accordance with **Policy 3.3.32** apartments and condominiums over 15 units in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- d. in accordance with **Policy 3.3.34**, boarding houses to a maximum of five (5) rooms to let in the **Restricted Residential (R1) Zone**;
- e. in accordance with **Policy 3.3.35**, boarding houses with more than 5 rooms to let in the **General Residential (R2)**, **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- f. in accordance with **Policy 3.3.38**, extension, enlargement, alteration or reconstruction of existing non-conforming commercial or industrial uses in **RESIDENTIAL (R)** land use designation;
- g. in accordance with **Policy 3.3.40**, **Highway Commercial (C2)** and **Light Industrial (M1)** permitted uses in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- h. in accordance with **Policy 3.3.41**, funeral homes in the **General Residential (R2) Zone**;
- i. in accordance with **Policy 3.3.42**, dog kennels in the **General Residential (R2)**; **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- j. in accordance with **Policy 3.3.43**, auto body shops in the **General Residential (R2)**; **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;

- k. in accordance with **Policy 3.3.44**, motor vehicle racing facilities in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- l. in accordance with **Policy 3.3.47**, Intensive livestock operations in **Mixed Use Coastal Residential (R6) Zone**;
- m. in accordance with **Policy 3.3.48**, telecommunication towers in the **Mixed Use Rural Residential (R5)** and **Mixed Use Coastal Residential (R6) Zones**;
- n. in accordance with **Policy 4.4.14**, auto body shops in the **Highway Commercial (C2) Zone**;
- o. in accordance with **Policy 4.4.15**, **Light Industrial (M1)** permitted uses in the **Highway Commercial (C2) Zone**;
- p. in accordance with **Policy 4.4.25**, development, redevelopment, or expansion of shopping centres in **Downtown Commercial (C1,)** and **Highway Commercial (C2) Zones**;
- q. in accordance with **Policy 4.4.28**, new residential dwelling units, which are not associated with a permitted commercial use, in the **Downtown Commercial (C1)** and **Highway Commercial (C2) Zones**;
- r. in accordance with **Policy 4.6.8**, development, redevelopment, or expansion of shopping centres in the **Light Industrial (M1) Zone**;
- s. in accordance with **Policy 4.6.9**, salvage yards in the **Heavy Industrial (M2) Zone**;
- t. in accordance with **Policy 11.2.2**, wind turbine generators (large-scale) in the **Mixed Use Rural Residential (R5)**, **Mixed Use Coastal Residential (R6)**, **Coastal Commercial (C5)**, **Heavy Industrial (M2)**, **Fishing and Marine (M3)**, **Recreation / Open Space (P1)** and **Conservation (O2) Zones**;

When evaluating development agreements Council must be cognizant of the overall goals and policies of this *MPS*. In particular, it should have regard to the criteria listed in Policy 12.6.1.

**Policy 12.6.1**

It shall be the intention of Council, when evaluating a Development Agreement, to have regard to the following matters where applicable:

- a. the proximity of the proposed development to recreational and other community facilities;
- b. the impact of the proposed development on:

1. existing residential and institutional uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), noise and other similar features of the use and structure in order to minimize any potential land use conflicts with adjacent uses;
  2. adequacy of municipal services with particular regard to demands on the sewer system, water system, fire protection, refuse collection, police protection, existing schools and churches;
  3. pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic, and the adequacy of the proposed parking areas; and
  4. structures on abutting lots in terms of proposed exterior siding and in terms of architectural characteristics taking into consideration such things as height, roof line and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.
- c. submission of a site plan showing the location of the uses and the structure or structures on the lot, building layout, parking areas, accesses to and from the site, signage provisions, buffering or landscaping provisions and lighting provisions;
  - d. adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.

**Policy 12.6.2**

It shall be the intention of Council to recognize that Development Agreements shall contain such terms and conditions as are necessary to ensure that the development is consistent with the policies of this *MPS*. To this end, Development Agreements shall include some or all of the following terms where applicable:

- a. the specific use or uses of the land;
- b. the size of the structures if new ones are proposed or the size of any proposed expansions to existing structure or structures;
- c. provisions for adequate buffering to screen the development from adjacent conflicting land uses;
- d. any matter that may be addressed in a *Land Use Bylaw* (i.e. parking requirements and yard requirements);

- e. time limits for the initiation of construction;
- f. noise levels;
- g. the hours of operation and the maintenance requirements of the proposed use or uses; and
- h. all other matters enabled in Section 227 of the *Municipal Government Act*.

The process for considering a development agreement is detailed in the *Municipal Government Act*. It involves public notices and a public hearing before Council at which time comments for and against execution of the development agreement are presented to Council. This decision of Council is appealable to the Nova Scotia Utility and Review Board. The Board's primary concern when hearing such appeals is whether or not Council's decision is consistent with the policies in its *Municipal Planning Strategy*. Also, the Region intends to charge applicants for the cost of the required newspaper notices.

**Policy 12.6.3**

It shall be the intention of Council to set out in the Bylaw provisions to recover the cost of advertisements, as provided for in Section 221 of the *Municipal Government Act* for development agreements and Bylaw amendments.

## **12.7 Non-Conforming Uses and Structures**

Non-conforming uses and structures, in existence on the effective date of this *MPS* and *Land Use Bylaw* shall be subject to the provisions of the *Municipal Government Act* unless otherwise provided for in policies in this *MPS*. See also Appendix "A" for a copy of the pertinent *Municipal Government Act* Sections.

Also, Council recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this *MPS* and the implementing *Bylaw*. Such errors do not reflect the policies in this *MPS* and thus will be corrected by Bylaw amendments.

**Policy 12.7.1**

It shall be the intention of Council, where a non-conforming use appears to have been created by an inadvertent administrative oversight in the *Strategy* and *Bylaw* preparation process, resulting in a property being zoned inconsistent with stated policies in this *MPS*, to amend the *Bylaw* to reflect the policies of this *MPS*.

## **12.8 Variances**

Section 235 of the *Municipal Government Act* gives the Development Officer the power to grant "variances" from the requirements of the *Land Use Bylaw*. The *Act* sets out the circumstances when such variances may be granted, the *Land Use Bylaw* provisions for which variances may be granted, and the process for granting such variances.

**Policy 12.8.1**

It shall be the intention of Council, in accordance with Section 235 of the *Municipal Government Act*, to permit the Development Officer to grant a variance in one or more of the following terms of a development agreement, if provided for in the development agreement, or requirements of the land use bylaw:

- a. percentage of land that may be built upon;
- b. size or other requirements relating to yards;
- c. lot frontage or lot area, or both, if:
  - i. the lot existed on the effective date of the by-law, or
  - ii. a variance was granted for the lot at the time of subdivision approval;
- d. the number of parking spaces and loading spaces;
- e. ground area and height of a structure;
- f. floor area occupied by a home based business;
- g. height and area of a sign

**12.9 Effective Date of this Municipal Planning Strategy**

This *Municipal Planning Strategy* and implementing *Land Use Bylaw* come into effect on the date that a notice is published in a newspaper, circulating in the Municipality, informing the public that the planning documents are in effect.

## **SECTION 13 - GLOSSARY OF TERMS**

Abutting - A property is said to abut another property where there is a property line in common between the two properties. The term also applies to buildings that share a wall, as in the case of attached or row style buildings. Abutting Land Use Designations appear on the Generalized Future Land Use Map with common boundary lines.

Active Transportation - Active Transportation (AT) is any form of human powered (non-motorized) transportation that relies on the use of human energy such as walking, cycling, inline skating and jogging.

Aggrieved person -

(i) an individual who bona fide believes the decision of council will adversely affect the value, or reasonable enjoyment, of the person's property or the reasonable enjoyment of property occupied by the person,

(ii) an incorporated organization, the objects of which include promoting or protecting the quality of life of persons residing in the neighbourhood affected by the council's decision, or features, structures or sites of the community affected by the council's decision, having significant cultural, architectural or recreational value, and

(iii) an incorporated or unincorporated organization in which the majority of members are individuals referred to in subclause (i).

Agricultural land – Active farmland and land with agricultural potential as defined in the Canada Land Inventory as Class 2, 3 and 4 land in active agricultural areas, specialty crop lands and dykelands suitable for commercial agricultural operations as identified by the N.S. Department of Agriculture.

Buffer - A separation distance intended to reduce the impact between two adjacent uses or a human activity and a natural feature. For example a vegetative buffer, along a stream or river, would serve to protect the water course from damage caused by erosion or contamination from a building site.

Carrying Capacity - The number of individuals who can be supported in a given area within natural resource limits, and without degrading the natural social, cultural and economic environment for present and future generations.

Centralized Services - A system of pipes and related facilities leading to (for sewage) a common collection point or treatment facility, or coming from (for water) a common source and distribution network. Contrast with shared septic systems and on-site septic systems.

Character - The combined effect of all of the architectural elements of a building or group of buildings.

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Density - A measure of the number of people or housing units occupying a given area of land. The measure reflects the general character of the housing types in a neighbourhood. Low density generally refers to a neighbourhood that would result from an area developed as one and two unit housing; medium density generally applies to townhouses or apartment buildings no higher than 3 stories; and high density generally refers to taller apartment buildings resulting in more people per hectare.

Development - The erection, construction, alteration, placement, location, replacement or relocation of, or addition to, a structure and a change or alteration in the use made of land or structures.

Development Agreement - A legal agreement between Council and a property owner, where Council can consider a proposal that would otherwise not be allowed because the development proposal is not a permitted use in the zone in which the property is located, or cannot meet the requirements of the zone.

Development Officer - The person or persons appointed by a Council to administer a land-use or subdivision by-law.

Director - Means the Provincial Director of Planning and includes a person acting under the supervision and direction of the Director.

Environmentally Sensitive / Significant Area - An area in which a biological or physical feature is highly susceptible to damage, or is rare, unique or important enough to warrant its protection.

Floodplains - Low and flat lands adjacent to rivers, lakes and oceans subject to periodic flooding.

Flood Risk Areas - Areas where flooding is likely to occur.

Generalized Future Land Use Map - A map showing broad locations where different classes of land uses are intended to occur.

Goal - A statement that describes a general, desirable future end-state. Goals are used to guide planning policies, programming, and land use.

Habitat - The land and water which supports the food supply and shelter of wild animals.

Home Business - The use of a portion of a dwelling for gainful employment.

Housing Stock - The total supply of dwellings available in a given area or community.

Land Use Designation - general land use designations as shown on the Generalized Future Land Use Map. These designations form the legal framework for achieving the growth management strategy of this Document. The land use designations are: 1. Residential; 2. Commercial; 3. Industrial; 4. Institutional 5. Recreation / Open Space; and 6. Conservation.

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Land Use Regulation - Policies in this Plan which will bring about change to land use regulation immediately upon adoption of the MPS are accompanied with appropriate regulation in either the land use by-law or Subdivision Bylaw or by a contract with the Municipality governing land use known as a Development Agreement.

Municipal Government Act (MGA) - Provincial legislation that enables municipalities to govern.

Natural Resource - Anything that is provided by nature to meet human needs, such as minerals, air, water, and trees.

Natural Vegetation - the plant life of a region or area; which includes trees, shrubs and ground vegetation; which grows without active and frequent intervention by people. Natural vegetation includes both native and introduced species.

Neighbourhood - A group of dwellings usually including other uses such as community centres and businesses which have similar characteristics and which can be identified as distinctive from other groups nearby.

Nonconforming Structure - a structure that does not meet the applicable requirements of a land-use by-law.

Nonconforming Use of Land - a use of land that is not permitted in the zone in which the land is located.

Nonconforming Use in a Structure - a use in a structure that is not permitted in the zone in which the structure is located.

Objective - A statement of desired conditions. An objective provides the result or outcome of a goal.

On-site Septic System - A wastewater (sewage) treatment system that uses the natural ability of the soil on a building site to treat waste water from that building.

Open Space - primarily undeveloped and undisturbed areas of land.

Pedestrian-Oriented Development - Development designed to accommodate pedestrians by ensuring travel origins and destinations are within reasonable walking distance of each other, and where the design of the development encourages people to walk.

Planning Area - the area to which a Municipal Planning Strategy applies.

Planning Documents -

- (i) a Municipal Planning Strategy and a land-use by-law adopted to carry out the *Municipal Planning Strategy*,

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(ii) an amendment to a Municipal Planning Strategy and a land-use by-law amendment to carry out the Municipal Planning Strategy amendment, and

(iii) a subdivision by-law and an amendment to it.

Policy - A statement of intent.

Salt marsh - A community of organisms dominated by plants that are tolerant of wet, saline (salty) soils; generally found in low-lying coastal habitats which are periodically wet.

Scale (building) - The size of a building relative to another building or the size of one building's elements relative another building's elements.

Serviced Development - Lots or buildings that have a piped water supply and sewer.

Sprawl - Generally unplanned, scattered development characterized by low density, haphazard, and disorganized settlement patterns and by being inefficient to service.

Subdivision - the division of an area of land into two or more parcels, and includes a re-subdivision or a consolidation of two or more parcels.

Sustainable - Using a resource so that the resource is not depleted or permanently damaged.

Sustainable Development – is development that meets the needs of today without compromising the ability of future generations to meet their own needs.

View Plane - An unobstructed line of sight that allows a viewer to see a particular landform, building or landscape.

Watercourse means the bed and shore of a lake, river, stream, pond, ocean or other natural body of water, and the water therein.

Watershed - The area of land within which all water drains into common outlet into a larger body of water. Sub-watersheds are smaller portions of a watershed each of which drain to a common point within the larger watershed.

Wetland - Land commonly referred to as a marsh, swamp, bog, fen that either periodically or permanently has a water table at, near or above the lands surface or that is saturated with water and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.

Wind Turbine Generator (Small Scale) - a device which utilizes the wind's kinetic energy to produce electrical power or mechanical energy, which has a manufacturer's maximum rated output which is not greater than 100 kilowatts (kW). The power generated from a small scale wind turbine generator is intended for on-site usage.

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Wind Turbine Generator (Large Scale) - a device which utilizes the wind's kinetic energy to produce electrical power or mechanical energy, which has a manufacturer's maximum rated output of greater than 100 kilowatts (kW). The power generated from a large scale wind turbine generator is intended to supply the Nova Scotia Power grid system.

Zone – delineated areas where certain uses of land, buildings and structures are permitted and others prohibited, and where yard setback, lot size, building height, parking and other requirements are established.

**APPENDIX "A"**

**NOVA SCOTIA *MUNICIPAL GOVERNMENT ACT*  
NONCONFORMING USE AND STRUCTURES SECTIONS**

**Nonconforming structure or use**

- 238 (1) A nonconforming structure, nonconforming use of land or nonconforming use in a structure, may continue if it exists and is lawfully permitted at the date of the first publication of the notice of intention to adopt or amend a land-use Bylaw.
- (2) A nonconforming structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use Bylaw, if the
- (a) nonconforming structure was lawfully under construction and was completed within a reasonable time; or
  - (b) permit for its construction was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time.
- (3) A nonconforming use in a structure is deemed to exist at the date of the first publication of the notice of intention to adopt or amend a land-use Bylaw if:
- (a) the structure containing the nonconforming use was lawfully under construction and was completed within a reasonable time; or
  - (b) the permit for its construction or use was in force and effect, the construction was commenced within twelve months after the date of the issuance of the permit and the construction was completed in conformity with the permit within a reasonable time; and
  - (c) the use was permitted when the permit for the structure was granted and the use was commenced upon the completion of construction.
- (4) This Act does not preclude the repair or maintenance of a nonconforming structure or a structure containing a nonconforming use.
- (5) A change of tenant, occupant or owner of any land or structure does not of itself affect the use of land or a structure. 1998, c. 18, s. 238.

**Nonconforming structure for residential use**

- 239 (1) Where a nonconforming structure is located in a zone that permits the use made of it and the structure is used primarily for residential purposes, it may be

- (a) rebuilt or repaired, if destroyed or damaged by fire or otherwise, if it is substantially the same as it was before the destruction or damage and it is occupied by the same use;
  - (b) enlarged, reconstructed, repaired or renovated where
    - (i) the enlargement, reconstruction, repair or renovation does not further reduce the minimum required yards or separation distance that do not conform with the land-use Bylaw, and
    - (ii) all other applicable provisions of the land-use Bylaw except minimum frontage and area are satisfied.
- (2) A nonconforming structure, that is not located in a zone permitting residential uses and not used primarily for residential purposes, may not be rebuilt or repaired, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the land-use Bylaw, and after the repair or rebuilding it may only be occupied by a use permitted in the zone. 1998, c. 18, s. 239.

### **Nonconforming use of land**

240 A nonconforming use of land may not be

- (a) extended beyond the limits that the use legally occupies;
- (b) changed to any other use except a use permitted in the zone; and
- (c) recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 240.

### **Nonconforming use in a structure**

- 241 (1) Where there is a nonconforming use in a structure, the structure may not be
- (a) expanded or altered so as to increase the volume of the structure capable of being occupied, except as required by another Act of the Legislature;
  - (b) repaired or rebuilt, if destroyed or damaged by fire or otherwise to the extent of more than seventy-five percent of the market value of the building above its foundation, except in accordance with the

land-use Bylaw and after the repair or rebuilding it may only be occupied by a use permitted in the zone.

- (2) Where there is a nonconforming use in a structure, the nonconforming use
  - (a) may be extended throughout the structure;
  - (b) may not be changed to any other use except a use permitted in the zone;
  - (c) may not be recommenced, if discontinued for a continuous period of six months. 1998, c. 18, s. 241.

### **Relaxation of restrictions**

- 242 (1) *A Municipal Planning Strategy* may provide for a relaxation of the restrictions contained in this Part respecting nonconforming structures, nonconforming uses of land, and nonconforming uses in a structure and, in particular, may provide for
  - (a) the extension, enlargement, alteration or reconstruction of a nonconforming structure;
  - (b) the extension of a nonconforming use of land;
  - (c) the extension, enlargement or alteration of structures containing nonconforming uses;
  - (d) the reconstruction of structures containing nonconforming uses, after destruction;
  - (e) the recommencement of a nonconforming use of land or a nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;
  - (f) the change in use of a nonconforming use of land or a nonconforming use in a structure, to another nonconforming use.
- (2) The policies adopted in accordance with this Section shall be carried out through the land-use Bylaw and may require a development agreement. 1998, c. 18, s. 242.