

TOWN of SHELBURNE
Municipal Planning Strategy

TOWN OF SHELBURNE
MUNICIPAL PLANNING STRATEGY

ADOPTED BY TOWN COUNCIL SEPTEMBER 1, 1988

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS

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DECEMBER 12, 1988

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MUNICIPAL PLANNING STRATEGY - TOWN OF SHELBURNE

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TOWN OF SHELBURNE
MUNICIPAL PLANNING STRATEGY
WITH AMENDMENTS TO
JANUARY 26, 2016**

CONSOLIDATED EDITION

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

- 1.) Original Adoption Municipal Planning Strategy adopted by Town Council on September 1, 1988.
- 2.) Amended, September 11, 2001 Amendments to the Public Open Space Requirements (Section 11) to require that a subdivider give to the Municipality 2% of the market value of every new lot created, and to exempt lots around existing buildings, consolidations, additions and remainder lots from this requirement; and housekeeping amendments.
- 3.) Amended, June 10, 2003 Amendments to define "Main Building"; exempt private roads approved as a separate lot from the public open space requirement; and miscellaneous housekeeping amendments.
- 4.) Amended, May 21, 2007 Amendments allow land held in joint tenancy or tenancy in common that does not have frontage on a public highway or private designed road to be subdivided as many times as there are tenants holding title in the area of land, prior to January 1, 2007.

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MAPS

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INTRODUCTION

1.1 Preamble

This Municipal Planning Strategy-is prepared in accordance with the requirements of the Planning Act Chapter 9, SNS 1983. It represents the stated intentions of the Council of the Town of Shelburne with respect to the future development and use of land within the town boundaries. The main body of the Strategy consists of a number of policy statements and explanatory material. Maps that are specifically referred to in policy and are included in this document shall also constitute a legal part of the Strategy. Most importantly, this includes the Generalized Future Land Use Map, (Map 1) which is a graphic representation of the future disposition of land use as described in the policy.

Generally, it is intended that this Strategy will provide for an orderly land development process within the town - one that promotes and protects the best interests of all those who choose to live and work in the community.

1.2 Scope and Purpose

This Municipal Planning Strategy shall apply to all the land and water areas which fall within the legally established boundaries of the Town of Shelburne. The purpose of the strategy is to provide both public and private land developers with a framework within which to make

development decisions. In addition, it also provides Council with a more effective means of managing land use change so that it keeps pace with the town's financial capability to provide the necessary services.

1.3 Planning Process

Planning work for the Town of Shelburne began in the fall of 1984. A Planning Advisory Committee (PAC) was appointed by Town Council at that time and assigned the major task of preparing this Municipal Planning Strategy. Since 1984, the PAC has prepared and administered a household survey which was designed to find out what issues or concerns were of public interest. The results of that survey were presented at an informal public meeting and a report prepared. In addition, the PAC has participated in two municipal government open house events as well as meeting once a month for the better part of three years.

1.4 Plan Objectives

The following are the general objectives of this Municipal Planning Strategy:

1. To insure that all development is carried out in a safe and orderly manner.
2. To insure that development decisions are made with due consideration for the best interest of the Town as a whole.
3. To preserve, protect and enhance the special character of the historic waterfront area as a living monument to the Town's Loyalist past.
4. To insure that adequate land is available for the future growth of residential, commercial, and industrial development.
5. To locate commercial and industrial land uses in such a manner so as to minimize their impact upon residential neighborhoods.
6. To encourage a wide variety of commercial and industrial activity with a view of promoting Shelburne as the industrial and commercial centre of Shelburne County.

2. BACKGROUND

2.1 Town History

The following is an excerpt from the Shelburne County Profile prepared by the Nova Scotia Department of Development. It offers an excellent account of the early development of the Town and its subsequent struggle to survive and prosper.

Until 1780, settlement in southwestern Nova Scotia had been rather slow. However, events were culminating in the United States that would produce tremendous population changes in the Province and particularly in the area that would become Shelburne County. As the American Revolution drew to a close, people were forced to choose between the new Republic and loyalty to Britain. Those intent on the latter sought refuge in New York, the last stronghold of the Loyalist forces. It was there during the winter of 1782-83 that they made their final plans to leave the country. Approximately 21,000 of these United Empire Loyalists decided to make Nova Scotia their home.

The most exciting story of this large scale immigration concerns those who formed the Port Roseway Association. This group, including some of New York's wealthiest people, negotiated with the Government of Nova Scotia for a tract of land to build a town upon. This was the beginning of the Town of Shelburne.

On May 4, 1783, eighteen square riggers and a number of smaller craft sailed into Shelburne Harbour. We can only guess at the thoughts going through their minds as they looked out on the unsettled wilderness and remembered the comforts and splendors they had left behind in New York just five days earlier.

Although the government in Halifax supplied the new settlers with generous quantities of food, temporary housing and all the supplies needed to build a town; this was not to be enough. From the very beginning things became tough for these unlikely pioneers who were more suited to paperwork than using an axe. Ineffective leadership, bickering about the location of the town, and jealousies in allocating the prime building sites hampered the project in its earliest days.

The factor that continually compounded whatever other problems were being wrestled with was the steady influx of people. Government rations provided for the first three years attracted thousands of Loyalists. Not only did these new immigrants add to the demand for government supplies, but many were not desirable citizens for a young town. Former soldiers without the responsibility of family and not used to self discipline were inclined to be loud and rowdy. One of the first buildings erected was a house of correction.

As an example of the supplies being provided by the Government, there were 70,000 barrels of flour purchased early in 1783. The quantity of building and farming materials sent out was on a colossal scale; nails and spikes by the millions and hammers, axes, locks and tools of all sorts in the thousands. In spite of the difficulties the Town did progress, so that by September of 1784 there were 3,000 house lots, 1,000 store and waterfront lots, and 1,000 farm lots of from 50 to 500 acres blocked out. It was during this growth that the County of Shelburne was officially created (1784).

Industries began to develop as well; cod and whale fishing showed great potential and a lumber and timber trade developed. There were fifty fishing vessels in the Shelburne Harbour in the second summer. Shipbuilding was progressing, especially after 1785 when a Bill was passed by the Provincial House of Assembly offering a bounty of ten shillings per ton on all vessels over forty tons built in the Province.

In light of the progress that was made during these early years it would seem, at a glance, strange that Shelburne should have suffered such a drastic decline in industry and population. The Provincial Revenue Reports give an indication of the business activity of the community. From March 1786 to June 1787 it gave a custom revenue of 960 pounds compared to that of Halifax which was 8,168 pounds. Although it increased for a few years, it was down to 46 pounds in 1808 whereas Halifax's was up to 39,575 pounds. The population of the Town in 1808 was 300.

A principal reason for the decline of Shelburne was the lack of sufficient agricultural lands in the immediate area. This seems to have been a major oversight in the original choice of Shelburne. This deficiency in farming lands became a particular problem when the Government rations ceased in 1786. Without adequate roads to the agricultural areas of Nova Scotia, the community was further disadvantaged.

Even had there been farming lands available and some measure of self-sufficiency in food possible, the certain decline of Shelburne was predictable anyway. Its growth was not in response to the normal economic conditions that dictate the rise and fall of any industry, town or country, but rather in response to a political situation. Financing for this politically inspired venture had come from the savings of Loyalists and the Government subsidies (rations). 'When these funds ran dry, the Town discovered how "artificial" its quick growth had been. Incomes now depended upon the viability of industry and expenses could no longer be paid from savings. The natural laws of business and economics took their toll. The population dropped drastically and those enterprises that could not be competitive suffered accordingly.

During the early years of the 1800's, with broken and decaying buildings lining the streets of Shelburne, it must have seemed that the Town was doomed to die completely. This, however, was not to be its final fate. By the 1850's the Town had established itself as a shipbuilding centre. Nova Scotia was becoming a "maritime power" and Shelburne was taking its part. The Town, after some eighty years of growth, decline, and growth, had at long last established itself in accordance with its natural resources.

2.2 Population

The total population of the Town of Shelburne is 2,312 people based on the 1986 Census of Canada. Detailed information for the Town is not yet available from the 1986 Census but some useful conclusions can be made using data from 1981.

Population characteristics for the Town showed that in 1981 the population was fairly evenly split between men and women. Of the total population count of 2,303, 48 percent were male and 52 percent female. Statistics also show that the age breakdown is remarkably even. Young children between the ages of 0-9 years account for 15 percent of the total, teenagers from 10-19 years account for 19 percent, young adults between 20-34 years account for 24 percent, older adults between 35-54 were 20 percent, with the middle aged group between 55-64 years accounting for 10 percent and finally the older age group at 65 years and over accounting for 12 percent of the total population. Figure 1 shows this in graphic form. The largest single age group was from 20-34 years with 24 percent of the total. (See Table 1)

These findings indicate a stable and well distributed population. There are no striking features which would point to problems or issues that would impact in an unusual way on the land use activity of the Town. Demand for services aimed at all sectors of the population will continue at about the same rate as they have in the recent past. Statistics from previous census reports show that the Town's population had a steady increase from 1921 to 1971, rising from a figure of 1,360 in 1921 to 2,689 in 1971. (See Table 2)

In the 10 year period from 1971 to 1981, however, the population declined by about 15 percent to a figure of 2,303 people. The most recent statistics show that decline has stopped and in 1986 the census recorded a slight increase of less than 1 percent. (See Figure 2) Making future population predictions is very difficult for such a small area. Circumstances change so rapidly that may have a marked effect upon migration rates into or out of the area. It would appear, though, that the population has stabilized at about the 2,300 to 2,400 level.

TABLE 1

TOTAL POPULATION BY AGE AND SEX SHOWING PERCENTAGE DIFFERENCES BETWEEN MALES AND FEMALES AND THE DIFFERENT AGE GROUPS - TOWN OF SHELBURNE - 1981

AGE GROUPS	MALES %		FEMALES		%	TOTAL	% OF TOTAL
0-9	180	53	160	47	340	15	
10-19	225	51	220	49	445	19	
20-34	270	49	275	51	545	24	
35-54	225	48	240	52	465	20	
55-64	100	44	125	56	225	10	
65+	115	40	170	60	285	12	
TOTAL	1,105	48	1,195	52	2,300	100	

TABLE 2

POPULATION FIGURES FOR THE PERIOD BETWEEN 1921-1986 - TOWN OF SHELBURNE

YEAR	POPULATION	% CHANGE
1921	1,360	
1931	1,474	8.4
1941	1,605	16.6
1951	2,040	27.1

1961	2,408	18.0
1966	2,654	10.3
1971	2,689	1.3
1976	2,511	-5.4
1981	2,303	-8.3
1986	2,312	0.4

2.3 Development

There are approximately 1,280 acres of land area within the Town boundaries of Shelburne. Apart from vacant or forested land the largest single land use in town is residential with about 298 acres or 23 percent of the total. This can be compared with all of the other land uses which when combined make up only 111 acres or 9 percent of the total. Commercial land use takes up only 2 percent of the total land area while industrial use accounts for 3 percent. Table 3 shows this breakdown in more detail.

Development on the whole has been slow but evenly paced over the past few years. Based upon building permit information, most of the development activity since 1981 has been in the residential sector. From 1981 to 1986 a total of 46 residential units have been added to the town at a total value of over \$2 million. The total value for all construction during that period was \$2,754,000. As Table 4 indicates, 1985 was an unusually good year for residential construction. In that year 23 units were built at a value of over \$1 million. This accounts for about half of all the residential units constructed since 1981.

The Town participates in a number of federally and provincially funded development incentive programs. Such programs as Mainstreet, Residential Rehabilitation Assistance Program (RRAP) and Business Improvement Districts (BID) have all helped to encourage private investment in residential as well as commercial development in the Town.

TABLE 3

ESTIMATES OF EXISTING LAND USAGE - 1986 TOWN OF SHELBURNE

LAND USE	ACRES	PERCENT
Residential	298	23
Commercial	23	2
Industrial	36	3
Park & Institutional	52	4
Vacant	871	68

TOTAL 1280 100

TABLE 4

BUILDING PERMIT INFORMATION - 1981 - 1986 - TOWN OF SHELBURNE

YEAR	RES. CONST. NO. UNITS	RES. CONST. \$ VALUE	NON-RES. CONST. \$ VALUE	TOTAL CONST. \$ VALUE
1981	1	68,000	120,000	188,000
1982	3	82,000	0	82,000
1983	6	212,000	47,000	259,000
1984	6	270,000	44,000	314,000
1985	23	1,058,000	318,000	1,376,000
1986	7	351,000	184,000	535,000
TOTAL	46	2,041,000	713,000	2,754,000

3 GENERAL DEVELOPMENT

3.1 Land Use Designation

Development within the Town of Shelburne has progressed for more than two centuries on, more or less, the same grid pattern that was originally laid out by British military engineers. This was, in effect, the first town plan for Shelburne and it has served the Town well.

Generally speaking, commercial land use has developed around two principal streets – King Street which runs in a roughly east/west direction and Water Street which runs in a north/south direction. These two streets have formed the focal point for the town and it is here where most business and government activities take place. Council will designate this area for commercial use **and encourage new business activities to locate there.** In addition an existing commercial node west and south of the Water Street-Falls Lane intersection will be designated commercial (RC-Nov 01/95;E-Nov 10/95) **(RC-Oct 03/01;E-Oct 11/01).?** There is also an area east of Falls Lane just north of MacKenzie's Motel and Cottages which shall be designated Commercial to provide for an expansion of the motel. (RC-Jul 07/07; E Jul 23/07)

Existing commercial development is also located in an area near the junction of Highway 103 and the Ohio Road. As well, Council have recently become aware of a proposal to develop an adjacent lot for a commercial use. Since the downtown core is becoming full

developed and as the Ohio Road is recognized as one of the main arterial streets leading into Town, Council shall designate this area as commercial.) (RC-Jun 29/98;E-Jul 08/98)

Council would also like to enlarge the C-1 (Commercial General) zone on the east side of the Ohio Road and Highway 103 and establish another commercial area long the Ohio Road and Highway No.3. A number of commercial uses have already begun to locate in this area as commercial space in the downtown becomes less available. The proposed new ferry service from the town to the United States may attract additional commercial development by designating this area as commercial (RC-Oct 03/01;E-Oct 11/01).

The historic waterfront area is a special part of town. Bounded roughly by Water Street to the East, King Street to the North, St. George Street to the South and the Harbour to the West, this is an area of historically significant buildings, small lanes and open access to the water, all of which contribute to the special character and charm of years gone by. Because of the special nature of this area, the Town intends to apply a separate designation and control land use in a more detailed way.

Industrial development, generally associated with shipbuilding and repair, and fish processing, has in the past been focussed on the waterfront at the south end of town. While shipbuilding has become less of a factor in the town's economy, the Council still intends to focus the industrial activity in this south end location. In addition, the Council will identify two new industrial areas, one up from the waterfront but still in the south end area, and the other in the north end of town adjacent to Highway 103.

Residential development generally occurs throughout the town in the area of the original grid pattern and along Wrights and Ohio Roads. By identifying commercial and industrial areas, the residential area will normally fall within the remainder of the built up area of town.

The majority of the peripheral vacant areas of the town will be designated as rural. It is not intended to restrict development in these areas to any great extent.

Policy 1- It shall be the intention of Council to designate certain areas of the Town as Residential, Commercial, Industrial, Historic Waterfront and Rural on the Generalized Future Land Use Map (Map1) which will form part of this plan.

Policy 2- The land use designations as shown on the Generalized Future Land Use Map (Map 1) shall serve a guide for the general pattern of development within the Town and shall apply to both public and private land development decisions.

3.2 Serviced and Unserviced Development

For the most part, sewer services are available throughout most of the built up areas of town. (See Map 4). Water service, on the other hand, are limited to only a few streets. Water service is an issue for the town but it is one that may find resolution outside of this planning process. Council will continue to monitor the situation, however, and proceed with the view of expanding the water system throughout the developed portions of town.

In order to encourage the use of the sewer system, Council will institute a large lot requirement for unserviced development. In areas where sewer service is existing, Council will require connection for all development within 100 feet of the pipe. These provisions will make it economically more logical to utilize the existing system or add to it where a number of lots are proposed.

Policy 3- It shall be the intention of Council to encourage the use of the existing sanitary sewer system and the extension of the system where practical by:

{a) instituting a large lot requirement in the Land Use By• law for all development which is not served by the Municipal Sanitary Sewer System, and

{b) requiring through the Town Sewer By-law that all development located within 100 feet of the Municipal Sanitary Sewer System shall be connected to the system.

Policy 4- It is the intention of Council to improve and expand the municipal water system and in that regard shall continue to negotiate with senior levels of government to insure that such a system can be provided at a fair and reasonable cost.

3.3 Private Roads

There are now four private roads within the town boundaries of Shelburne. One, McGill Point Lane, serves a major subdivision where 18 lots have been created. Since August of 1984, Provincial Subdivision Regulations have been applied to the town. Under these regulations no subdivision can take place on a private road. In view of this, the town should evaluate the situation regarding private roads and begin a process aimed at having these roads brought into public ownership. In the interim, or in the event that the owners of existing private roads do not want to have them made public, the town will enable the development of existing lots which have private road frontage. It should be clear, though, that the town does not intend to spend public money on the conversion of private roads to public road status.

Policy 5- It shall be the intention of Council to begin a process of negotiation with the owner(s) of existing private roads with the aim of having these roads deeded over to the Town for public ownership.

Policy 6- Further to Policy 5, should any negotiation result in the conversion of a private road to public road status, such conversion shall be completed before the town accepts ownership of the road.

Policy 7- Where existing lots abut a private road, it shall be the intention of Council to make provision in the Land Use By-law for the development of such lots provided all other applicable provisions in the By-law can be met.

3.4 Development Standards

Development standards are necessary to provide for an orderly and systematic development pattern for the town. Town Council intends to bring in standards that will apply to all development.

These standards will regulate such things as lot sizes, yard requirements relating to where a building can be placed on a lot, maximum height restrictions, and parking requirements.

Policy 8- For the purpose of providing for the orderly development of the Town, it is the intention of Council to establish development standards in the Land Use By-law. The By-law shall set out requirements for such things as lot size, yard requirements, height restrictions and parking. These standards shall apply to all development but different standards may apply to different types of development.

3.5 Health and Safety Standards

Town Council is interested in insuring that when development takes place, it is done in such a way as to protect public health and safety. To do this, the Town Council will require certain basic health and safety standards be applied to all development within the town. A Building By-law which includes the standards of the National Building Code of 1985, has already been adopted and will continue to be enforced as will the enforcement of the Unsightly Premises By-law, the limitation and control of signs through the Land Use By-law and the control of the keeping of animals also through the Land Use By-law.

With respect to signs, Council is most interested in insuring that private signs do not interfere or confuse the motoring public, that they are not a nuisance or hazard by virtue of their illumination

or size, and that they are aesthetically pleasing in that they contribute to and not detract from the overall beauty of the town.

For health reasons, the keeping of animals as part of a farming or agricultural use shall be prohibited within the town. Large animals such as horses may be kept as pets but their numbers will be limited according to the amount of land available for their use.

- Policy 9- It shall be the intention of Council to continue to enforce the Requirements of the Building By-law which incorporates the standards of the 1985 National Building Code.
- Policy 10- For the purposes of public safety, it shall be the intention of Council to review update and enforce the Unsightly Premise By- law for the Town
- Policy 11- It shall be the intention of Council to control the number, size, illumination, and placement of all signs within the Town through the provisions of the Land Use By-law. Such measures shall be taken to establish reasonable standards for public safety and civic beauty.
- Policy 12- It shall be the intention of Council to prohibit the use of land within the Town for the purposes of intensive livestock operations such as those associated with farming or agricultural activity. ~~Large a~~ Animals such as horses may be kept as pets but their numbers shall be limited based on the amount of land available for their use. **(Rev. RC-Sep 01/88;E-Dec 12/88)**

3.6 Temporary Uses

A temporary use is a building or structure which is not intended to be placed permanently on a lot. Council will consider as temporary, any structure which is placed on a lot in conjunction with an on-going construction project provided the structure is removed within 60 days from the completion of the project, or a structure placed on a lot for a period of 60 days or less. Because these uses are temporary, no development permit will be required provided there is a legitimate construction project taking place or their use does not exceed 60 days.

- Policy 13- It shall be the intention of Council to allow the development of temporary buildings or structures for a period not exceeding 60 days and when used in conjunction with a construction project, for a period not exceeding 60 days after the construction project has been completed. No development permit will be required for a temporary development.

4. RESIDENTIAL DEVELOPMENT

4.1 General

As a general premise, the intent of the regulatory aspects of this plan is to more carefully control the extent of commercial and industrial development throughout the town. Residential development has traditionally taken place in almost every part of town and although this plan will designate certain areas as residential in nature it is not intended to impede this traditional practice. Council will continue to allow residential development activity to locate throughout the town, including within the commercial and industrial designated areas. Property owners or land developers who wish to develop residential uses within these non residential areas will do so

with the knowledge that the primary use for these areas will be commercial or industrial and the marketability for residential uses will be limited. In addition, with respect to industrial areas, Council is also interested in providing that adequate land area is reserved for industrial uses. To that end, Council will monitor the residential development activity as it relates to the industrial areas and, if necessary, consider an amendment to this Municipal Planning Strategy which would prevent undue residential intrusion into these areas.

4.2 Residential Development Designation

The Residential Development Area will be designated on the Generalized Future Land Use Map (Map 1) pursuant to Policy 1 of this plan. Within this designation all forms of residential activity will be permitted. In addition, it is intended to allow institutional uses, recreational uses, and park and open space uses to locate within this designation. These uses are in many ways self regulating and are completely compatible within residential neighborhoods.

Within this designation, there will be two residential zones established. The Residential General (R-1) Zone will accommodate the traditional more familiar form of residential uses (including single detached dwellings, double dwellings, row houses and apartment buildings). The Residential Mobile Home (R-M) Zone will accommodate mobile homes on individual lots only.

Mobile homes have been separated out for special treatment as a residential use because of their transitory nature and the relative speed at which such developments can occur. These two aspects tend to have a disruptive effect upon the ability of the town to plan for future servicing requirements, park and recreation facilities and so on. This is particularly true if such development takes place in a helter skelter form throughout the town.

There are two established mobile home parks in town at the present time. One just off the north side of King Street between Elliot and Clements Streets, and the other on a lane leading from Water Street to the harbour at the foot of Bulkley Street. These two parks accommodate 49 mobile homes. In addition to these there are 37 mobile homes scattered throughout the town situated on individual lots.

Council recognizes mobile homes as being a viable and necessary alternative to the regular form of single detached dwelling. They provide a desirable housing option for many people and their use is to be encouraged. By establishing the Residential Mobile Home Zone (R-M) Council can better control the locational aspects of these uses. Within the zone only mobile homes located on individual lots and single detached dwellings will be permitted. In addition, because of the low density of development in the Rural Undeveloped Zone, mobile homes sited on individual lots will also be permitted there. All mobile homes intended for permanent human habitation will

be required to be skirted around their entire base thus concealing the foundation and undercarriage from public view.

Existing mobile homes, located outside the Residential Mobile Home Zone or the RU Zone, including the two mobile home parks, will be treated as existing permitted uses. They will be permitted to stay where they are and enjoy all of the development rights of any other permitted use in that zone including the ability to expand within their existing lot boundaries or be replaced by a new or different mobile home.

Policy 14- Within the Residential Development designation as shown on the Generalized Future Land Use Map (Map 1), Council intends to establish two residential use zones - R-1 Residential General and R-M Residential Mobile Home.

Policy 15- It is the intention of Council that within the R-1 Residential General Zone a variety of housing types will be permitted (subject to Policies 17, 18, 19, 20 and 21), exclusive of mobile homes. In addition, Council intends to permit institutional uses, recreational uses and park and open space uses to locate in the R-1 Zone.

Policy 16 (1)- It is the intention of Council that within the R-M Residential Mobile Home Zone, only mobile homes sited on individual lots and single detached dwellings will be permitted.

(2)- It is further the intention of Council to consider amendments to the Land Use By-law which would create additional R-M zoned areas provided the following criteria can be satisfied:

i) that the area proposed to be zoned is within the Residential or Rural land use designations as found on the Generalized Future Land Use Map,

ii) that the area proposed to be rezoned is serviced by the municipal sanitary sewer system,

iii) that the area proposed to be rezoned has sufficient area to contain no less than six (6) standard residential lots.

iv) that no part of the area proposed to be rezoned will abut an existing residentially developed R-1 zoned lot, and

v) the proposal is consistent with the criteria established in Policy 44.

(3)- It is also the intention of Council to require all mobile homes, once permanently placed, to be skirted in accordance with standards to be set out in the Land Use By-law.

Policy 17- Where existing mobile homes are located outside of an area zoned R-M or the R-U Zone, it is the intention of Council to consider such mobile homes as existing permitted uses. Such uses shall be identified in the Land Use By-law and given all of the development rights of any permitted use in the zone in which they are located.

4.3 Special Provisions

With the exception of mobile homes no special locational restrictions will be placed on **low density** residential development. There are some forms of residential activity, however, which will require special land use control provisions because of the nature of their impact on the residential neighborhoods, transportation and parking requirements, and servicing requirements. **(RC-Sep 01/88;E-Dec 12/88)**

Apartment buildings are buildings built exclusively for multi-family or apartment type of accommodation or conversions from other types of buildings already in place. Depending on the size and number of units these buildings contain, they can have a large impact upon the character of a residential neighborhood.

Because of this and in view of the fact that Shelburne does not have large apartment buildings at the present time, it is intended to regulate the location of these buildings according to their size and number of units. Small apartment buildings containing up to six (6) units or conversions with up to six (6) units will be permitted anywhere where R-1 uses are permitted. Larger apartment buildings containing more than six (6) units will be restricted to lots where R-1 uses are permitted and which abut Ohio Road, Falls Lane, Yater Street, King Street and the Sandy Point Road. In addition, parking standards will be applied so that all tenant parking will be located at the side or back of the building at a rate of one (1) space per unit for buildings with six (6) or less units and one and one half (1.5) spaces per unit for buildings with more than six (6) units.

Policy 18(1)- It is the intention of Council to permit new apartment buildings up to six (6) units or conversions up to six (6) units to locate anywhere where R-1 uses are permitted provide that:

a) the height of the building does not exceed 35 feet, and b) tenant parking is provided at the side or back of the building at a rate of one (1) space per unit.

{2)- Where larger apartment buildings greater than six (6) units are to be developed, Council intends to restrict these buildings to lots where R-1 uses are permitted and which abut Ohio Road, Falls Lane, Water Street, King Street and Sandy Point Road, provided that:

a) the height of the building does not exceed 35 feet, and

b) tenant parking is provided at the side or rear of the building at a rate of one and one half (1.5) spaces per unit.

Row houses are a form of residential activity which combines the concepts of individual ownership and higher densities. This type of development is to be encouraged because it adds variety and economy to the housing stock of the Town. These units are often more economical to build and ultimately to own and maintain. Because of the higher densities though, Council wants to insure that this kind of development takes place only on lots which are served by the municipal sanitary sewer system.

Policy 19- It shall be the intention of Council to permit row house development only on lots which are served by the municipal sanitary sewer system.

Home occupations refer to a commercial enterprise that is carried out within a single detached dwelling. There is a potential for these kinds of uses to become a nuisance in residential R-1 zoned areas and therefore some restrictions will need to be applied. The maximum size of the commercial operation will be limited to 25 percent of the gross floor space of the home. No outdoor storage will be permitted. Accessory buildings may be used for storage but the commercial enterprise itself cannot occupy the accessory building. The person that runs the business must also occupy the home and there will be a limit of one (1) additional employee permitted who does not reside in the home. Signs advertising the business will be limited to five (5) square feet in area and shall be non- illuminated. Only one (1) commercial vehicle will be permitted to be parked at the residence and customer parking will not be required on the property.

These restrictions reflect the small scale nature of home occupations. The regulations are not intended to discourage this form of commercial enterprise but it should be clear that the priority use of these areas is residential. If the business grows to the extent that more space or employees

are required then the business should no longer take place in the residential neighborhood and should move to a more appropriate location where growth and expansion can be accommodated.

Policy 20- It is the intention of Council to permit home occupations located within single detached dwellings in the R-1 zoned areas provided the following criteria can be met:

- a) the business does not occupy more than 25 percent of the gross floor area of the single detached dwellings,
- b) there is no outdoor storage of any product or material associated with the business,
- c) accessory buildings are not used to carry out or conduct the business, although, they may be used for storage,
- d) the business is owned and operated by the occupant of the single detached dwelling in which it is located,
- e) there is no more than one (1) additional employee associated with the business,
- f) the sign advertising the business shall be no larger than five (5) square feet and shall not be illuminated, and
- g) no more than one vehicle associated with the business may be parked at the residence overnight.

Boarding or rooming houses and bed and breakfast establishments are also a form of residential activity that require special regulation. Generally, these uses fit in very nicely with the surrounding residential area but Council would like to be sure they maintain a reasonable scale of operation. An upper limit of five (5) rooms will be permitted to be used for rental purposes provided that off street parking can be provided for each of the rooms so used. Signs for these establishments will be limited to five (5) square feet in area and shall be non- illuminated.

Policy 21- It shall be the intention of Council to permit single detached dwellings located in R-1 zoned areas to be used for rooming or boarding houses or for bed and breakfast establishments provided the following criteria can be met:

- a) Off street parking is provided at the side or the back of the house at a rate of one space for each room available for rent, and
- b) the sign advertising the establishment is no larger than five (5) square feet and is not illuminated.

5. COMMERCIAL DEVELOPMENT

5.1 General

The Town of Shelburne is the commercial and service centre for the Shelburne County area. There are 140 commercial enterprises within the town catering to a wide variety of business and service needs. Town Council wants to encourage this activity and provide for its future expansion.

Commercial activity is public oriented. That is to say it depends upon an ease of public accessibility to be successful.

Any business that is hard to find or difficult to get to will not last long in a competitive market place. Because of this and because of Council's desire to protect established residential neighborhoods, commercial activity will generally be directed to the two main streets of town - King Street and Water Street.

5.2 Commercial Development Designation

For King Street, the basic approach will be to designate the largest portion of those blocks which face King Street from the eastern town boundary west to Water Street as Commercial (see Map 1). The intent is to focus the commercial activity to King Street and some of the side streets which cross it while at the same time keeping the property which faces Bulkley Street and St. John Street residential. For those properties which face on Bulkley and St. John Streets but which take up a large part of the block they are in, only a strip 120 feet deep will be kept in the residential designation. Council feels that this arrangement will provide adequate room for commercial expansion and still keep the integrity of the residential neighborhoods intact.

On Water Street, Council intends to apply the commercial designation to the properties on the east side from Minto Street south to St. George Street. In addition, the commercial designation will be applied on the west side down to the harbour from Minto Street south to the Historic Waterfront area (see Map 1). These areas will be designated pursuant to Policy 1 of this plan. **The designation will also include an area east of Falls Lane across from Water Street just north of MacKenzie's Motel and Cottages to provide for an expansion of the motel. (RC-Jul 07/07;E-Jul 23/07)**

~~In addition, a smaller commercial area will be located at the junction of Ohio Road and Highway 103, just inside the northern town boundary. It is hoped that this area will attract the more high profile establishments such as auto sales or motels. The front part of the area along Ohio Road will be zoned for residential use so as to keep the residential feel of the street. (Del-RC Nov 01/95;E Nov 10/95)~~

~~**In addition the commercial area on the east side of Ohio Road north of Highway 103 will be enlarged to include the front portion facing the Ohio Road. Another commercial area will be located along the east and west side of the Ohio Road north to Highway 103 and along the north side of Highway No.3 from the Ohio Road intersection west to the Roseway River, as defined on the attached maps. A twenty-five foot area fronting the Roseway River from Highway 103 south to Rogers Lane will continue to be zoned R-U in order to offer**~~

~~some measure of protection for the watercourse. This commercial designation is necessary because of the increasing lack of commercial space in the downtown. (Add-RC Oct 03/01; E Oct 11/01) (Del -)?~~

In addition 2 three smaller commercial areas will be designated commercial) (Del & Add RC-Jun 29/98;E-Jul 08/98)

- 1. Designate an area at the junction of the Ohio Road and Highway 103 just inside the northern town boundary. It is hoped that this area will attract the more high profile establishments such as motels. The front part of the area along Ohio Road will be zoned for residential use so as to keep the residential feel of the street.**
- 2. Designate an area west and south of the junction of Water Street and Falls Lane to include the existing commercial uses and the vacant land in between the fronts on Falls Lane. This recognizes the existing commercial node and provides potential for commercial infilling of the vacant land in between the existing commercial uses. (Add-RC Nov 01/95;E Nov 10/95)**
- 3. Designate an area on the west side of the Ohio Road south of Highway 103 as commercial to recognize existing commercial uses and provide for new commercial development.) (Add RC-Jun 29/98;E-Jul 08/98)**

Within the commercial designation, Council will establish the C-1 General Commercial Zone. The C-1 Zone will permit any commercial business activity of retail, office or a service nature provided they are not obnoxious. In addition, any use permitted in the R-1 Residential General Zone will also be permitted in the C-1 Zone. ~~The level of commercial activity is such that it does not warrant exclusive zone protection at this time. (Del ?)~~

Policy 22- It shall be the intention of Council to establish the C-1 General Commercial Zone within the area designated Commercial on Hap 1, the Generalized Future Land Use Hap.

Policy 23- (1) Permitted uses in the C-1 Zone shall include any retail, office or service enterprise that is not obnoxious.

(2) In addition to subsection (1) above, any use permitted in the R-1 Zone shall also be considered a permitted use in the C-1 Zone.

There are a number of commercial businesses located outside of the commercial designated area. Council would like to protect these uses and permit their continued operation. To do this Council will consider these uses as existing permitted uses in the zone in which they are located. In this way they can continue to operate and expand if they wish to the limits of their existing property

boundaries. The use, however, must remain the same, (for example, a retail store must remain a retail store although what the store sells could change) and no expansion can be made beyond the existing property lines.

Policy 24- It is the intention of Council to treat existing commercial uses not otherwise permitted in the zone in which they are located, as permitted uses. Such uses shall be afforded all of the development rights of any permitted use in zone in which they are located.

5.3 Parking

Customer parking is an important aspect of commercial development. In most cases parking will be provided at or near the actual business location by the business owner. To facilitate this, Council will develop parking standards to be included in the Land Use By-law. But Council also recognizes that there will be occasions when a commercial development will not reasonably be able to provide the required parking, perhaps due to lack of available land area or poor or inadequate access. In the event that this situation should arise, Council will waive the parking requirements for commercial operations where a cash payment is made to the town according to a formula to be outlined in the Land Use By-law. Such payments will be placed into a special fund to be used by the town to provide public parking spaces in the commercial designation area.

Policy 25- (1) It shall be the intention of Council to require customer parking for all business establishments located within the C-1 Zone according to the standards outlined in the Land Use By-law.

(2) Notwithstanding subsection (1), Council shall waive the parking requirements where the developer, owner, or operator of such establishment pays to the Council an amount of money to be determined by a formula described in the Land Use By-law. Such payment shall be made at the time of application for a development permit.

Policy 26- Where cash payments are made pursuant to policy 25(2), Council shall reserve such payments in a special fund to be used to provide public parking spaces in the commercial designated area.

In conjunction with the development of parking lots and lots used for automobile service stations, Council is interested in providing for their safe operation through the regulation of their points of access to a public street.

Policy 27- Where a lot is to be used for a parking lot or an automobile service station, council shall establish provisions in the Land Use By-law for the proper control of entrance and exit points of such lots from the public street.

6. INDUSTRIAL DEVELOPMENT

6.1 General

Industrial development is the key to the future growth of the town. Industry is the backbone of the local economy and improvements made in this sector will have a beneficial impact in virtually every other sector of the economy. The United States Chamber of Commerce recently estimated that for every 100 new manufacturing jobs there would be a corresponding increase in population of 360 people, 100 new households, 91 new school children, \$400,000 increase in personal income, \$250,000 increase in bank deposits, \$350,000 increase in retail sales, 3 new retail outlets, 65 additional industry related jobs, and 33 additional service related jobs. Because of this filtering down effect, the importance of industrial development cannot be under estimated.

The Town of Shelburne local economy is for the most part dependent upon fishing, fish processing and related industries. Continental Seafood Ltd. is the town's largest employer with an average employment level of about 250-300 people. Shelburne Marine Ltd., a ship repair facility employs about 75-100 people. Town Council recognizes the importance of these industries and intends to promote their continued growth and expansion.

6.2 Industrial Development Designation

The existing industrial area of town is generally located on the waterfront at the south end of town. This area will be designated Industrial, pursuant to policy 1 of this plan. In addition, an area of land in the south/east corner of town (presently undeveloped) will be designated industrial in an attempt to promote an expanded wholesale, warehousing and manufacturing sector in the economy.

~~Council will establish the Industrial General (I-1) zone within these two designated areas and permit any manufacturing, assembly, utility, processing, warehousing, or salvage operation to locate there provided such uses are not obnoxious. In addition, commercial operations accessory to the main industrial use will be permitted, as will uses in the R-1 zone. Council is aware of potential incompatibility between residential and industrial uses but the state of the industrial development is such that Council is not prepared to exclude residential uses at this time. As development proceeds, Council will monitor the situation and consider appropriate plan amendments as the need arises. (Del-RC Apr 04/01; E-May 3,01)~~

Council will establish an Industrial General (I-1) zone which will permit a wide range of industrial uses including manufacturing, assembly, utility, processing, warehousing, or salvage operations provided such used are not obnoxious. This zone will apply to a portion of the waterfront at the south end of town and to lands at the south/east corner of the town designated as Industrial. Recognizing that the town has a tradition of industrial and non-industrial uses locating in close proximity to each other the Industrial General Zone shall also include commercial uses permitted in the Commercial General (C-1) Zone and residential uses permitted in the Residential General (R-1) Zone. Council is aware of the potential incompatibility between industrial and non-industrial (commercial and residential) uses however, in recognition of the general mixed-use nature of existing development in these areas and in the interest of long term economic development, a broad range of permitted uses in the I-1 Zone is appropriate. As development proceeds, Council will monitor the situation and consider appropriate Strategy amendments as the need arises. (Add-RC Apr 04/01; E-May 3,01)

A third industrial area will be designated in the north end of town adjacent to Highway 103. This area will, however, not be zoned for industrial use until such time as proper road access can be made to the site. Council's main concern here is to ensure that truck traffic does not utilize the residential portion of Wrights Road.

~~As an added safeguard to the residential areas, in those areas where the I-1 Zone abuts a R-1 or R-M zone, the development in the industrial zone will be required to provide a 50 foot setback from the abutting property line. (Del RC-Jun 16/93; E-Jul 13/93)~~

Policy 28- It shall be the intention of Council to establish the I-1 Industrial General Zone within two of the three areas designated Industrial on Map 1, the Generalized Future Land Use Map. Council shall consider industrial development in the third area, adjacent to Highway 103, only by amendment to the Land Use By-law. When considering such amendments Council shall have regard for the following criteria:

- i) that access to the proposed development shall not be along the residential portions of Wright Road, and
- ii) that the proposal is consistent with the criteria established in Policy 44.

Policy 29 - (1) Permitted uses in the I-1 Industrial General Zone shall be limited to any manufacturing, assembly, processing, wholesaling, warehousing, utility, or salvage operation provided such uses are not obnoxious.

(2) Notwithstanding subsection 1, commercial uses ~~which are accessory to the main industrial use and uses permitted in the R-1 Zone~~ shall also be considered permitted uses in the I-1 Zone permitted in the Commercial General (C-1) Zone and residential uses permitted in the Residential General (R-1) Zone shall be included as permitted uses in the I-1 Zone and all non-industrial (commercial and residential) uses within the I-1 Zone shall be subject to the development control provisions of their respective Commercial General (C-1) and Residential General (R-1) Zones. (Del&Add-RC Apr 04/01; E-May 3,01)

Policy 30- (1) With respect to ~~residential- non-industrial (commercial and residential)~~ uses in the I-1 Zone, **as enabled through policy 29**, Council shall monitor this type of development to ensure that it does not become the predominant land use activity in these areas. **(Del-RC Apr 04/01; E-May 3,01)**

(2) Where there is evidence of excessive ~~residential- non-industrial (commercial and residential)~~ activity in the I-1 Zone, Council shall take steps to amend this plan in order to prevent any further intrusion. **(Del-RC Apr 04/01; E-May 3,01)**

Industrial uses not located within the three areas designated industrial merit special consideration. In the Historic Waterfront (H-W) Zone existing industrial uses will be considered as permitted use. Council feels that industry in this area has been an important

part of the area's history. At the same time though, council wants to prevent any new development of such uses because of the potential negative impact on the character of the areas.

In the areas designated Residential existing industrial uses will be zoned industrial General (I-1). This approach in the residential areas does two things. First it allows these existing uses to expand on their properties subject to the requirements of the I-1 zone and secondly, it allows them to change to any other use permitted in the I-1 Zone

Council feels that existing industrial uses in residential areas create much needed jobs in the town. They are an important asset and their development should not be restricted. At the same time council recognises that industrial uses may have a detrimental impact on residential uses. To Minimize this impact Special requirements will be set out in the bylaw for the I-1 Zone concerning industrial uses that abut or lie directly across the street from lands zone R-1 or R-M. These requirements will include such things as fencing, landscaping, lighting, signs and driveway accesses.

~~Any other existing industrial uses located outside the areas designated industrial will be treated as non-conforming uses. They may continue in operation but their expansion or change in use will be limited.~~ (Add RC-Jun 16/93; E-Jul 13/93) (Del RC-Apr 05/00; E-Apr 20/00)

There is on existing Industrial Use located within the Commercial General (C-1) Zone. It is Council's intent to protect this use and permit it to continue in operation. To do this Council will consider this use as an existing permitted use in the zone in which it is located. This will allow it to continue in operation and expand if it wishes. However, the use must remain the same. (RC-Apr 05/00; E-Apr 20/00)

Policy 31- ~~It shall be the intention to require a 50 foot setback from the affected property line for any industrial development where such development is located on a property which abuts a R-1 or R-M Zone.~~ (Del RC-Jun 16/93; E-Jul 13/93)

(1) It is the intention of Council to zone existing industrial uses in areas designated residential to the Industrial General (I-1) Zone. This will enable these uses to expand on their properties or change their use to another industrial type.

(2) It shall be the intention of Council to set up special requirements in the By- law to minimize the detrimental impact industrial uses may have where they abut or lie directly across the street from the lands zoned R-1 or R-M.

These requirements shall include provisions for fencing, landscaping, lighting, signs and driveway accesses. (Add RC-Jun 16/93; E-Jul 13/93)

~~Industrial uses not located within the Industrial General (I-1) Zone are a special problem. With the exception of those located within the H-W Zone, it is Council's intent to permit these uses to continue in operation but to treat them as non-conforming uses. In this way their expansion or change in use will be limited. Existing industrial uses located within the H-W Zone will be treated as existing permitted uses. Council feels that industry in this area has been an important part of the area's history. At the same time though, Council wants to prevent any new development of such uses because of the potential negative impact on the character of the area. Council does not want to create undue hardship for these business operations but at the same time must consider the interests of the town as a whole when considering the appropriate location for industrial and other land use activity. (Del RC-Jun 16/93; E-Jul 13/93)~~

As non-conforming uses, these businesses may continue to operate at their present location but they will not be permitted to expand or change except to a use that is permitted in the zone in which they are located. In addition, if these uses discontinue for a period greater than 6 months the uses cannot be recommenced in their non-conforming state. If, however, they are destroyed by fire, Council will allow their reconstruction but only to the extent that they had existed prior to the fire.

Policy 32- **It is the intention of Council to consider all industrial uses located outside of the Industrial General (I-1) Zone as existing permitted uses. Such uses shall be afforded all of the development rights of any permitted use in the zone in which they are located including the right to expand. It is also the intention of Council to allow the one existing industrial use located within the Commercial General (C-1) Zone to increase its lot size as Council feels that any expansion will not adversely affect established or adjoining development in that area. (Add RC-Apr 05/00; E-Apr 20/00)**

~~(1) It is the intention of Council to consider all industrial uses located outside of the Industrial General (I-1) Zone and the Historic Waterfront (H-W) Zone as non-conforming uses. Such uses may continue in operation but shall be subject to the provisions of Sections 85 and 86 of the Planning Act.~~

~~(2) Notwithstanding subsection (1) where a building is destroyed partially or totally by fire, it is the intention of Council to permit the reconstruction or repair of the building and the continuance of the non-conforming use to the extent that it had existed prior to the fire. (Del RC-Apr 05/00; E-Apr 20/00)~~

7. HISTORIC WATERFRONT DEVELOPMENT

7.1 General

The waterfront heritage area is a compact area of town with a high percentage of older buildings. All but about three buildings in the area were built before 1940, ten were built before 1800 and thirty-three were built between 1800 and 1900. (See Map 2 for age of buildings). These buildings are found on generally smaller lots than in the rest of town and the street system consists of small lane ways and streets that run east-west between Water Street and Dock Street. Without curbs or side-walks, these lanes and streets help to create a pedestrian atmosphere, and human scale. The waterfront area must be walked to be appreciated.

There have been attempts by public agencies to enhance and maintain this area. Grouped in a cluster around Maiden Lane and Dock Street are: the Ross Thompson House, the Shelburne Historical Society Museum, and the Dory Shop. In addition, to celebrate the town's 200th Anniversary, a tourist information building was built at the junction of Dock and King Streets. The Cox Warehouse Building at the corner of Maiden and Dock Streets has also been recently turned over to the Shelburne Historical Society.

There are 76 properties in the Historic Waterfront area. This includes 50 dwellings (34 single detached dwellings, 6 multi-family buildings and 2 dwellings units in association with commercial operations) a lounge and restaurant, a co-op store, a craft shop, an insurance office, a barrel factory and associated storage area, several warehouses, the Town's public works building, and the boys and girls club. (See Map 3 for existing land uses).

7.2 Historic Waterfront Designation

Town Council is interested in protecting this historic area in order to preserve a unique part of the town's heritage and to maximize its economic potential in terms of tourism. To achieve this, the area will be designated Historic Waterfront pursuant to Policy 1 of this plan and as shown on the Generalized Future Land Use Map (Map 1). Council will also establish a Historic Waterfront (H-W) Zone within the designation.

In keeping with the wide variety of land use presently located in the area, the H-W Zone will permit all uses except industrial uses and mobile homes provided they are not obnoxious. This reflects the feeling that it is not so important as to what use is being carried on within a building as it is to insure that the exterior character of the building is in keeping with the areas character as a whole. The area presently has a predominance of residential uses but amongst these are interspersed a variety of other uses. This pattern has developed over the past 200 years and is an important element to the area's character.

There is a small portion of existing industrial use within the area. Council will treat these uses as existing permitted uses and enable them to continue in operation and expand to the limits of their existing property boundaries.

7.3 Special Provisions

Within the Historic Waterfront (H-W) Zone, a number of provisions will be established in the Land Use By-law to ensure that new development maintains and enhances the existing architectural cohesiveness of the area. Special provisions will be developed for signs, conversions, new buildings, exterior renovations, fences, outdoor storage, setback and side yard requirements, and accessory buildings.

Signs will be required to be wooden and be of a scale and size that does not dominate the building to which it is attached.

Building conversions or exterior alterations will not be permitted which alter the roof lines of an existing structure or which are visible from the front of the building at the street line.

Outdoor storage of goods associated with an industrial or commercial use will be permitted but it will have to be screened by use of a wooden fence so as not to be visible from the street. The type of fence used will also be regulated to insure compatibility with the area.

New structures on vacant lands in the area must have a roof line similar to that of adjacent historic buildings within 100 feet of the vacant lot, a similar style of windows and doors, a similar wall to window ratio and similar setback and side yards as those of adjacent historic buildings as well.

Because of the small size of the blocks, a smaller minimum lot size for this area, will be incorporated into the By-law. Provisions will also be established with respect to accessory buildings to ensure these, as well, do not compromise the character of the area.

In conjunction with these policies, Council will also encourage the heritage designation of buildings in this area under the Heritage Property Act and the Town's Heritage By-law.

- Policy 33-
- (1) It shall be the intention of Council to establish within the Historic Waterfront area as shown on the Generalized Future Land Use Map (Map 1), the Historic Waterfront (H- W) zone.
 - (2) Permitted uses within the Historic Waterfront (H-W) Zone shall include all uses permitted in the R-1 and C-1 Zones **as well as microbreweries. (RC-Jul 04/12; E-?)**

- (3) The existing industrial uses in the H-W Zone shall be treated as permitted uses. Such uses shall be afforded all of the development rights of any permitted use within the H-W Zone.

Policy 34- To ensure the compatibility of new development with the existing character already established within the Historic Waterfront (H-W) Zone, Council shall require certain special provisions in the Land Use By-law with respect to:

- (a) new construction on vacant lots,
- (b) conversions, additions or alterations to existing buildings,
- (c) signs,
- (d) outdoor storage,
- (e) accessory buildings, (f) fences,
- (g) minimum lot size, and
- (h) setback and side yard requirements.

Policy 35- It shall be the intention of Council to encourage the evaluation and where appropriate, designation of historic buildings within the historic waterfront area as a first priority. Historically, significant buildings outside the Historic Waterfront area should be considered for designation on a second priority basis.

8. RURAL DEVELOPMENT

8.1 General

Rural development is not really an issue for the town. There is a large amount of undeveloped land at the periphery of the town which is primarily under forest cover at the present time. Council intends to leave this area with a minimum of development restriction and allow any use permitted in the two residential zones.

Council is also interested in allowing industrial uses to locate in the Rural designation area but would like to maintain some control over where it locates and what sort of impact it may have on neighbouring areas. Therefore, Council will consider new industrial development in this area only by amendment to the Land Use By-law.

8.2 Rural Development Designation

The Rural Development area will be designated as Rural on the Generalized Future Land Use Map (Map 1) pursuant to Policy 1 of this plan. Within the Rural designation, Council will

establish the R-U Rural Undeveloped Zone. Because of the uncertainty of how this area will develop, Council will permit any use permitted in the R-1 Zone and the R-M Zone.

Policy 36- It is the intention of Council to establish the Rural Undeveloped (R-U) Zone within the Rural Development Designations as shown on the Generalized Future Land Use Map (Map 1). Any use permitted in the R-1 Zone or the R-M Zone shall also be permitted in the R-U Zone.

Policy 37- In addition to the residential uses identified in Policy 36, Council shall consider new industrial development within the Rural Development designation only by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following criteria:

i) that the lot to be developed is served by the Municipal Sanitary Sewer System,

ii) that the lot to be developed is not adjacent to an existing residentially or institutionally developed lot, and

iii) that the proposal is consistent with the criteria established in Policy

9 . IMPLEMENTATION

9.1 General

Many of the policies of this Municipal Planning Strategy propose to regulate the use of land within the town's boundaries. To do this, the Nova Scotia Planning Act requires that the town adopt a Land Use By-law which will carry out or implement the regulatory aspects of the policy. In addition, the Town is also empowered through the Town's Act to adopt other land use related by-laws which will help in the administration of this plan.

Policy 38- It is the intention of Council to implement this Municipal Planning Strategy by means of the powers given to it by the Planning Act, Chapter 9, S. N. S. 1983, and the Town's Act, Chapter 309, R. S. N. S. 1967, and other Provincial Statutes as may be applicable.

Policy 39- In addition to employing specific implementation measures, it is also the intention of Council to maintain a program of on-going planning through its Planning Advisory Committee.

9.2 Municipal Planning Strategy Amendment and Review

Policy 40- It shall be the intention of Council to require amendments to the policies and maps of the Municipal Planning Strategy under the following circumstances:

- (a) where any policy intent is to be changed,
- (b) where the Municipal Planning Strategy is in conflict with any applicable Provincial Land Use Policy or regulation in accordance with Section 47(1) of the Planning Act,
- (c) where a request to amend the Land Use By-law is in conflict with this planning strategy and there are valid reasons for the amendment, and
- (d) where a secondary planning strategy is to be incorporated into this Municipal Planning Strategy.

Policy 41- In accordance with Section 49 of the Planning Act this Municipal Planning Strategy may be reviewed when either Council considers it necessary or when requested by the Minister of Municipal Affairs but in any case shall be reviewed not later than five years from the date of its coming into force or from the date of its last review.

9.3 Actions Not Requiring a Planning Strategy Amendment

While the Generalized Future Land Use Map provides a general overview of the land use distribution in town, it is not intended to be a precise delineation. Because of this it is advisable to include some flexibility when considering developments for those properties which abut the land use designation boundaries.

Policy 42- With the exception of the Historic Waterfront Designation, areas immediately adjacent to a given land use designation on the Generalized Future Land use Map (Map 1) may be considered for a zoning amendment to enable a use permitted in that given designation without requiring an amendment to this strategy provided that the intent of all other policies of the strategy are satisfied.

9.4 Land Use By-law

The Land Use By-law is an important companion document with this Municipal Planning Strategy. It is the chief means of carrying out the regulatory aspects of the plan policy. It must be approved in conjunction with this plan by Town Council and subsequently by the Minister of Municipal Affairs before it becomes effective.

The plan area will be divided into zones which roughly correspond to the land use designation areas. The Land Use By-law will identify these zones on a zoning map and indicate what types of development will be permitted or prohibited from each zone. It will also describe any other requirements or standards which must be met by a development proposal.

In association with the Land Use By-law and as required under the Planning Act, Council will appoint a Development Officer who will be responsible for issuing development permits where required, and insuring that all development is carried out in compliance with the By-law.

Policy 43- (1) It is the intention of Council to adopt a Land Use By-law in conjunction with this Municipal Planning Strategy as required under the Planning Act in order to implement the regulatory aspects of the Strategy.

(2) It is further the intention of Council to appoint a Development Officer to administer the Land Use By-law and to issue development permits in accordance with the requirements of the Land Use By-law.

9.5 Amendment to a Land Use By-law

It may become necessary from time to time to amend the Land Use By-law, although the Land Use By-law must always conform to the Municipal Planning Strategy. Council will consider amending the Land Use By-law under the following circumstances.

(a) a request is made by an individual,

(b) upon a motion by a member of Council, or

(c) the Municipal Planning Strategy is amended to an extent that the Land Use By-law is no longer in conformance.

The Planning Act outlines a number of notice, hearing and appeal provisions which must be complied with when Council considers a by-law amendment.

Policy 44- When considering amendments to the Land Use By-law, Council shall have regard for the following matters:

(a) that the proposed amendment is in conformance with the intent of the policies of this Strategy;

(b) that the proposed development that would result from the amendment is not premature or inappropriate by reason of:

(i) the financial capability of the town to absorb any costs related to the development,

(ii) the adequacy of the sewer and water services to support the proposed development,

(iii) the adequacy and proximity of school, recreation, and other community facilities,

(iv) the adequacy of the road network in, adjacent to, or leading to the development,

(v) the potential for damage or destruction of historical buildings and sites, and

(vi) its bulk and scale in relation to the existing surrounding development.

Policy 45- Where a list of permitted uses is included in a schedule in the Land Use By-law, it shall be the policy of Council to enable such list to be amended by way of amendment to the Land Use By-law where it can be shown that the use to be added was in existence prior to the effective date of the By-law.

9.6 ~~Minor Variance~~ (Del RC- Feb 02/11;E-Apr 04/11)

In addition to the general powers granted to the Development Officer under the **Planning Act Municipal Government Act**, the Act also empowers the development officer to grant a **minor** variance from the requirements of the Land Use By-Law. ~~Sections 79-82 of the Act provide complete details as to the powers and under what circumstances the Development Officer can grant a variance and the powers of Council with respect to an appeal of the granting or refusal to grant a minor variance by the Development Officer.~~ Sections 235-237, of the **Municipal Government Act** provides complete details. (RC- Feb 02/11;E-Apr 04/11)

Policy 45(A)- It is the intention of council to grant authority to the development officer to issue a variance, where appropriate, in the following additional areas:

- The number of parking spaces and loading space required,**
- the ground area and height of structure,**
- the floor area occupied by a home based business,**
- the height and area of a sign (RC- Feb 02/11;E-Apr 04/11)**

9.7 Capital Programs

An important aspect of planning for the Town is the relationship of the plan policies to capital spending. Council intends to consider its priorities as established in this plan when looking at any proposed capital programs.

Policy 46- As an aid in the co-ordination of planning and capital programming, it shall be the intention of Council to have the Planning Advisory Committee report to the Finance Committee prior to the approval of the Annual Capital Budget. This report will normally include a review of the Budget proposal with respect to the policies contained in the Municipal Planning Strategy.