Town of Mahone Bay

Municipal Planning Strategy

2024

PLAN
MAHONE BAY

UPLAND

Credits

This Plan was initially prepared by UPLAND Planning and Design and the Town of Mahone Bay.

First Reading: 2024.01.12
Second Reading: 2024.01.31
Effective date: 2024.03.20
With amendments to: 2025.06.26

Indigenous Land Acknowledgement

The Town of Mahone Bay is located in Mi'kma'ki. The municipality and all the peoples who reside and visit are the beneficiaries of the living Peace and Friendship Treaties, which were signed between the British, the Mi'kmaq, the Maliseet, and the Passamaquoddy. These treaties hold the ongoing shared responsibility to respect, cooperate and coexist with each other and the land. The Town extends to the Mi'kmaw people the respect and desire to build a stronger relationship in the spirit and intention of these treatis.

Plan Acknowledgements

The Town of Mahone Bay would like to thank all the residents, businesses, community groups and members, and the many stakeholders who shared their aspirations and vision for the future of Mahone Bay. Thank you for devoting your time to sharing your ideas and experiences to make Mahone Bay a better place to live, work, and visit.

The Town would also like to recognize the input from members of the Plan Mahone Bay Steering Team—a collaboration between Town Council and the Planning Advisory Committee—for their expertise, time, and passion devoted to the development of this Municipal Planning Strategy. They include the following:

- Mayor David Devenne
- Deputy Mayor Francis Kangata
- Councillor Alice Burdick
- Councillor Penny Carver
- Councillor Joseph Feeney
- Councillor Richard Nowe
- Councillor Kelly Wilson
- Councillor Suzanne Lohnes-Croft
- Dylan Heide, Town CAO
- Maureen Hughes, Deputy CAO and Town Clerk
- Kristen Martell
- Annie Morrison
- Katherine McCarron
- Glenn Patscha
- Bryan Palfreyman
- John Biebesheimer
- Helga Baxter
- Trudie Richards
- Garth Sturtevant, Senior Planner
- Heather Archibald, Development Officer

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1. Introduction

1.1. Mahone Bay Context

The Town of Mahone Bay ("Town") is located on Nova Scotia's South Shore in Lunenburg County along the Atlantic coast. With a land area of 3.12 square kilometres, Mahone Bay is the fourth-smallest municipality by land area in the province of Nova Scotia. The Town, along with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Chester, and the Municipality of the District of Lunenburg form the geographic area of Lunenburg County (Figure 1). Together, these three towns and the Village of Chester represent the significant service and population centres in the region.

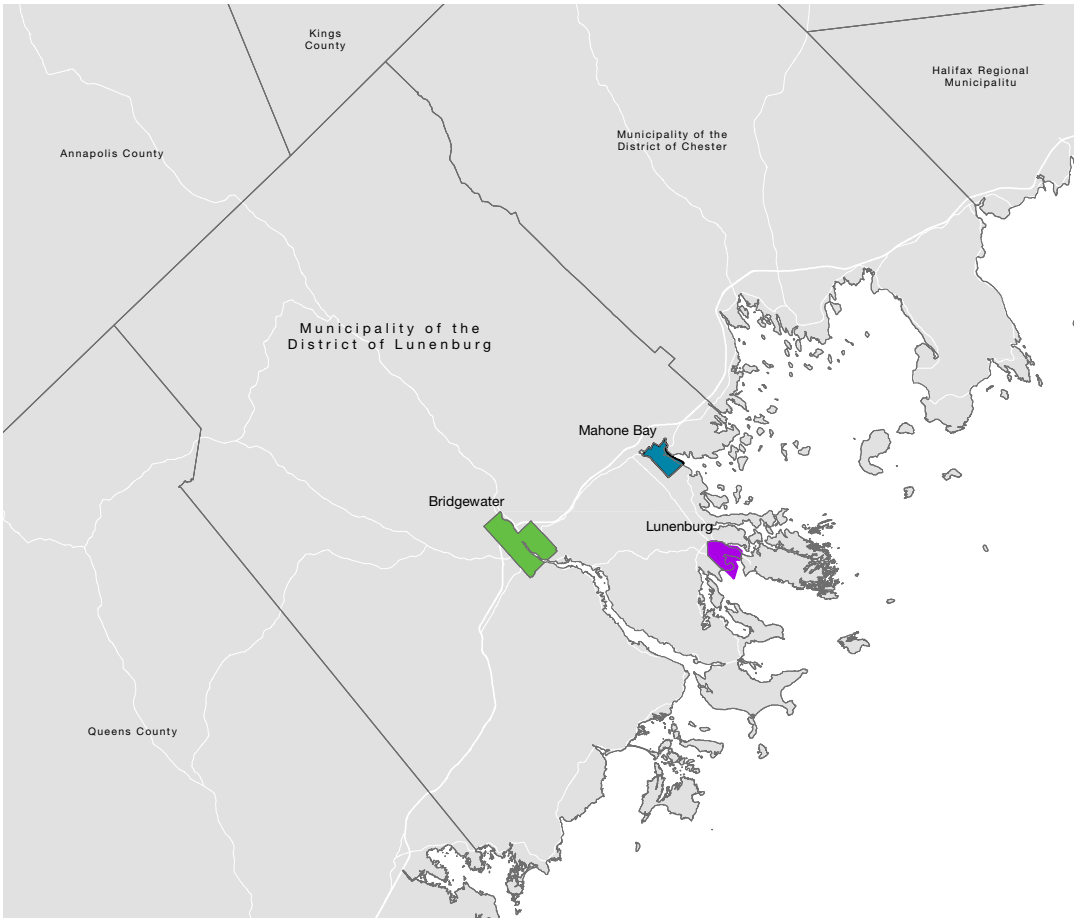


Figure 1. Location of the Town of Mahone Bay

Mahone Bay is connected to the broader region through the primary and secondary highway systems that weave throughout Nova Scotia. Highway 103, which is part of Nova Scotia's 100-series highway system, and Nova Scotia Trunk 3, which runs parallel to Highway 103, serve as local and regional links, connecting communities from Halifax Regional Municipality ("HRM") to Yarmouth.

Despite its small land area, there is a diversity of land uses and development patterns within Mahone Bay. Developed, built-up areas comprised of residential, commercial, and industrial uses line the coast and major streets within the town. Gradually, these built-up areas transition into undeveloped areas on the periphery of town that converge with the largely undeveloped landscape outside of the town's boundary.

In Nova Scotia, land use planning is legislated and required under the *Municipal Government Act*. This piece of legislation requires municipalities to establish municipal planning strategies and land use bylaws to regulate how land is used and managed. In addition to enabling the specific act of land use planning, the *Municipal Government Act* guides municipalities with regard to what aspects of land use planning can be controlled through municipal planning documents.

The Municipal Planning Strategy ("MPS") is a legal document, adopted by Council, that establishes and contains the vision, goals, and policies that will guide growth and development of the town over the planning period. Policies represent statements of intent by Town Council for what it would like to achieve through the Municipal Planning Strategy. The policies established within the Municipal Planning Strategy are typically implemented through the Land Use Bylaw (also known as the "LUB") and the Subdivision Bylaw. The Land Use Bylaw establishes a set of regulations and legal requirements to meet before undertaking a specific action, which in most instances is development. The Subdivision Bylaw establishes procedures and standards for the subdivision of land and for the development of services. As the Municipal Planning Strategy and Land Use Bylaw are developed concurrently, they are also adopted by Council at the same time.

Because land use planning is enabled by the *Municipal Government Act*, any policies established in the Municipal Planning Strategy, and any subsequent regulations in the Land Use Bylaw must be consistent with the requirements of the Act.

1.2. A Brief History of Mahone Bay

The Town of Mahone Bay recently celebrated its one-hundredth anniversary since incorporation as a town in 1919. Prior to this, the community of Mahone Bay was part of the Municipality of Lunenburg; however, Mahone Bay has an extensive history pre-dating the arrival of Europeans and the establishment of what is now the Town of Mahone Bay.

The history and culture of the area are ever-present in the local landscape. Mi'kmaq people are Indigenous to this land, and have been present for more than 10,000 years, using the traditional territory of Mi'kma'ki for fishing, hunting, and agriculture, prior to the arrival of settlers. Indian Point, a summertime settlement for the Mi'kmaq, was used by the Indigenous people for its sheltered access to coastal waters and food sources, while the Mi'kmaq would reside inland from the coast during the winter months, using the rivers to traverse inland.[1]

The first known European contact in the Mahone Bay region was made by the French in the early 17th century. This later resulted in the settlement of the region by French Acadians who often traded manufactured goods with the Mi'kmaq for pelts and furs. While there is no known evidence of Acadian settlements in Mahone Bay, Merligueche or, as it is known today, Lunenburg, was one of the first Acadian settlements in Acadie—the formal territory of the French Acadians.[2] Following the transfer of Acadie by the French government to the British in 1713—an outcome of the Treaty of Utrecht—the British arrived in the region, displacing local communities beginning in the mid-18th century.[3] As it does today, this land remained the unceded territory of the Mi'kmaq.

As a move to quell Mi'kmaq and Acadian populations in the region, the British recruited more than 2,000 Protestants, including from Germany, southern France, Switzerland, and the Netherlands to settle in Nova Scotia, and who eventually settled in the Lunenburg region. The region's population grew as these European Protestants colonized the region, including the establishment of two mills along the rivers within what is now Mahone Bay. Over time, a community developed at Mahone Bay and included merchants, a large school, churches, and shipyards.[4]

From a small rural community, Mahone Bay grew as shipbuilding, fishing, and shipping became more important in the local and regional economies. By 1904, the community's population had reached a size of nearly 1,500— its largest ever recorded population.[5] Also, around this time, commercial rail links were made between Halifax and Mahone Bay, initiating what would become one of Mahone Bay's most important industries today—tourism.[6]

Following World War I, in which Mahone Bay's shipbuilding industry boomed, the town entered a period of decline for nearly 40 years. Traditional mainstay activities of the economy—agriculture, shipbuilding, fishing, among others—faced challenges due to foreign competition and the fast-paced technological changes at the time.[7] Once the shipbuilding industry collapsed in the 1960s, Mahone Bay shifted its economic priorities to tourism—a legacy that is very much relevant today in Mahone Bay's economy.[8] Today, Mahone Bay is known for its picturesque beauty, which draws thousands of visitors each year especially during the summer months and the high quality of life which residents enjoy.

1.3. Demographic Profile

According to the 2021 Statistics Canada Census, the population of Mahone Bay is 1,064 people, up from 904 people in 2006 (Figure 2). This 18% growth in population over the 15 years between 2006 and 2021 regained a significant portion of the population that was lost between 1981 and 2006. In 1981, the town's population stood at 1,228 but declined by 26% to 904 residents in 2006.[9,10,11]

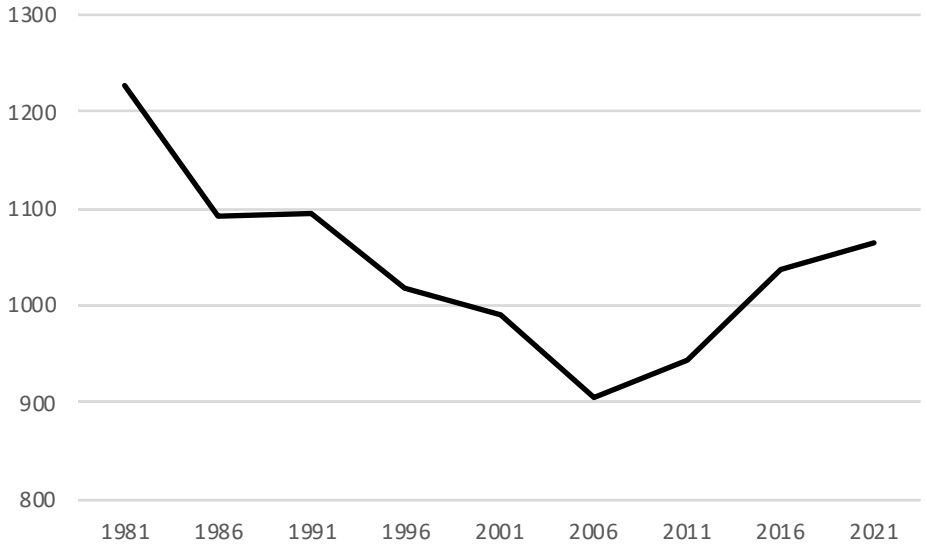


Figure 2: Town of Mahone Bay Population Change 1981 – 2021 (*Source:* Statistics Canada)

Unlike most municipalities in Nova Scotia, between 2011 and 2016 Mahone Bay experienced a growth in its recorded population. In fact, the 9.9% growth in population between 2011 and 2016 was the highest percentage of growth in the province for any municipality.

Since 2006, the median age of Mahone Bay's population has increased. In 2006 the median age of residents was 54.5 years but increased to 60.0 years in 2021. Over this 15-year period, the number of residents between the ages of 65 and 79 grew by over 70% from 175 individuals in 2006 to 300 in 2021. Despite this increase, the number of residents 80 years of age and older remained essentially the same between 2006 and 2021.[12,13]

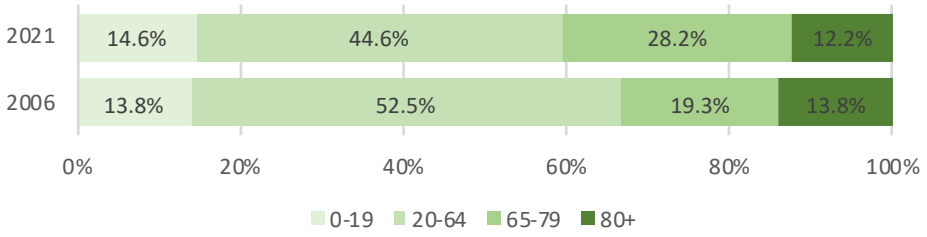


Figure 3: Total Proportion of Population, by Cohort, 2006-2016 (*Source:* Statistics Canada)

In addition to experiencing growth in the number of retired (ages 65-79) individuals, the town experienced substantial growth in the youth (0-19) population, going from 125 youth in 2006 to 155 in 2021. The number of working age (20-64) residents, however, remained identical between 2006 and 2021.

1.4. Governance and Planning in Mahone Bay

Mahone Bay was incorporated as a Town in 1919 and is governed by Town Council, which consists of six Councillors and the Mayor. Council members and the mayor are elected at-large—they represent the entire Town as opposed to representing a smaller 'district' or polling area—every four years. Like the contents on the Municipal Planning Strategy and Land Use Bylaw, procedures and programs related to the function of the Town's government are regulated through the *Municipal Government Act*.

Mahone Bay has a significant history of land use planning with documented evidence of land use planning going back as far as 1975. The Municipal Planning Strategy and Land Use Bylaw that preceded this document, however, were adopted in 2008 and were developed over the course of a year. This process involved a comprehensive review of the 1994 Municipal Planning Strategy and included various meetings between stakeholders, Town Staff, and the Planning Advisory Committee. Through this process, the Municipal Planning Strategy and Land Use Bylaw's individual policies and regulations were reviewed and updated while also considering emerging issues and topics.

1.5. Statements of Provincial Interest

There are six Statements of Provincial Interest contained within the *Municipal Government Act*—five of which are applicable to the Town of Mahone Bay. These Statements outline the province's vision for protecting land and water resources that are fundamental to the physical, social, and economic wellbeing in Nova Scotia as it relates to development. The six Statements of Provincial Interest are:

1) Statement of Provincial Interest Regarding Drinking Water
2) Statement of Provincial Interest Regarding Flood Risk Areas
3) Statement of Provincial Interest Regarding Agricultural Lands
4) Statement of Provincial Interest Regarding Infrastructure
5) Statement of Provincial Interest Regarding Housing
6) Statement of Provincial Interest Regarding the Development of the Nova Centre

The Statement of Provincial Interest Regarding the Development of the Nova Centre is not applicable to this Plan. The Plan considers the remaining five Statements of Provincial Interest as described below.

1.5.1. Statement of Provincial Interest Regarding Drinking Water

Drinking water in Mahone Bay is derived from both public and private systems that serve residents in the community. The public drinking water supply is located outside of the Town's boundary in the Municipality of the District of Lunenburg and is protected under the *Environment Act*, meaning the Town has limited control over the quality of its water supply. The Town will continue to work with the Province and the Municipality of the District of Lunenburg to ensure Oakland Lake remains a viable source for drinking water while also enabling smaller and more flexible lot sizes in the town to use drinking water infrastructure more efficiently.

Applicable MPS Policies: 4-6 and 4-8

1.5.2. Statement of Provincial Interest Regarding Flood Risk Areas

The Statement of Provincial Interest Regarding Flood Risk Areas identifies five flood risk areas designated under the Canada-Nova Scotia Flood Damage Reduction Program. None of the five flood risk areas identified under this program are located in Mahone Bay; however, Council recognizes the intent of this Statement and has adopted policies that establish horizontal buffers along the watercourses and wetlands in the town as an additional measure to protect against flooding as well as vertical setbacks along the coast to protect against flooding caused by sea level rise.

Applicable MPS Policies: 4-28 through 4-34

1.5.3. Statement of Provincial Interest Regarding Agricultural Land

In Mahone Bay, lands that are not developed hold limited potential for agricultural uses. Lands are classified as Class 3, with moderately severe limitations, and as Class 7 that have no capacity for arable culture or permanent pasture. To support the Statement of Provincial Interest Regarding Agricultural Lands, Council supports crop-based agricultural uses on the unserviced lands, where possible, and has policy to consider supporting uses like crop processing. Council also supports urban agricultural uses including the keeping of hens, meat rabbits, and bees throughout the town to support the local food supply and reduce concerns of food (in)security.

Applicable MPS Policies: 4-69, 4-95, 4-96

1.5.4. Statement of Provincial Interest Regarding Infrastructure

The Statement of Provincial Interest Regarding Infrastructure seeks to ensure municipalities can adequately serve their communities with infrastructure without creating undue burdens for the municipality, its residents, or the Province. This Municipal Planning Strategy establishes policies that direct new growth to areas of existing infrastructure, such as roads or sewer, or where it can be easily extended to maximize the efficiency of the Town's existing infrastructure.

Applicable MPS Policies: 4-6, 4-7, 4-16, 4-17, 4-18, 4-40

1.5.5. Statement of Provincial Interest Regarding Housing

Housing is one of our most basic necessities of life. To address the Statement of Provincial Interest Regarding Housing, Council has enabled policies that support a wide range of housing styles and tenures throughout Mahone Bay, including special-care homes and nursing homes. This Plan also contains policies that establish multiple residential land use zones to support different densities, lot sizes, and types of housing development.

Applicable MPS Policies: 4-45 through 4-59

1.6. How to Use this Municipal Planning Strategy

This Municipal Planning Strategy ("Plan") establishes a set of policies that will guide and direct the growth of the Town over the next decade and beyond. These policies are accompanied by and implemented through the Land Use Bylaw, which contains the detailed land use regulations.

1.6.1. Interpretation

In this Plan, where:

- "may" is used in policies, the Town may, but is not obliged to undertake future action; and
- "shall" is used in policies related to land use, the policy shall be implemented through the Land Use Bylaw.

Diagrams, sketches or photos in this Plan are provided for illustrative purposes only. Schedules form part of this Plan while Appendices are not part of this Plan and are meant for reference purposes only.

Nothing in this Plan shall affect the continuance of land uses that are lawfully established as of the date this Plan comes into effect.

2. Development of this Plan

2.1. Plan Review Context

The review of the Town of Mahone Bay's Municipal Planning Strategy and Land Use Bylaw, a project dubbed 'Plan Mahone Bay', was initiated by the Town in April, 2020. The Town's previous Municipal Planning Strategy and Land Use Bylaw, adopted in 2008, had served the town well over the preceding years; however, changing trends and circumstances in Mahone Bay warranted a new approach to land use planning.

Plan Mahone Bay was guided by the project's Steering Team, a composition of Town Council and the Planning Advisory Committee. The Steering Team was integral during each phase of the project and was involved in the design and implementation of the engagement strategy; development of the Guiding Principles, Vision, and Goals of this Municipal Planning Strategy; and the review the Background Report, engagement summary, and the draft Planning Documents.

2.2. Background Analysis

To support the development of this Plan and the Land Use Bylaw, significant research and analysis was conducted by the project team between June, 2020 and October, 2020. The research and analysis culminated in a Background Report that was released to the public in November, 2020. The Background Report has been attached to this Plan as Appendix 'A'.

The Background Report explored some of the fundamental characteristics of Mahone Bay and was developed through the analysis of existing Town plans, Statistics Canada census information, GIS information, among many other sources of information. The Report analyzed characteristics of Mahone Bay and the surrounding areas including the natural environment; socio-economic characteristics including demographics and population trends; housing supply; the local economy; and built form and heritage.

2.3. Engagement

Multiple rounds of engagement were conducted throughout the planning process to ensure residents, community members, and other stakeholders had the opportunity to provide input regarding the future of Mahone Bay. The engagement was separated into two phases:

(a) initial engagement; and
(b) draft plan engagement.

A significant factor during engagement—and throughout the Plan Mahone Bay process for that matter—was the influence and impact the COVID-19 pandemic had on 'traditional' planning outreach and engagement. Due to the pandemic's threat to public health and safety, in-person engagements had to be limited in their scope.

2.3.1. Initial Engagement

The initial phase of engagement sought to understand community members' perspectives, insights, opinions and ideas regarding the growth and development of Mahone Bay.

To keep community members aware of engagement activities and any news related to Plan Mahone Bay, a website and email list were created and updated throughout the initial phase of engagement.

Information for the initial phase of engagement of Plan Mahone Bay was collected through the following means:

- The Plan Mahone Bay Project Launch;
- The Plan Mahone Bay Survey;
- The Social Pinpoint Interactive Map;
- The Engagement 'Scavenger Hunt'; and,
- Targeted stakeholder interviews and focus groups.

Plan Mahone Bay kicked off with a Project Launch, consisting of two socially-distanced pop-up events. The first was held at the playground in Jubilee Park, and the second was held at the Michael O'Connor Memorial Bandstand. At the pop-ups, community members were able to provide their feedback to a series of questions about the town and questions related to the priorities that should be considered in the planning documents. A short online video was also created and posted on the project website for any individuals who could not attend the Project Launch event.

Following the Project Launch, both the Plan Mahone Bay Survey and Interactive Map were opened to the public. Responses to the Survey and on the Interactive Map were collected between July, 2020, and October, 2020. The Survey asked respondents open- and closed-ended questions about the character of Mahone Bay, opportunities for the town and questions related to specific planning issues, including housing and the environment. On the Interactive Map, respondents could leave location-specific comments about a place in Mahone Bay and reply to comments left by other respondents.

Information from the community was also collected through the Engagement 'Scavenger Hunt'. Six plaques were placed around the town with a question regarding a specific topic written on each plaque. A map of the location of each plaque was on the project website, and respondents could text or email their responses to each question which would be sent to the Project Team. If community members did not wish to participate in the 'Scavenger Hunt', they could answer the same questions that were on the plaques through an online questionnaire.

Finally, the Project Team conducted targeted stakeholder interviews between August, 2020 and October, 2020. The interviews were held with various community organizations, in addition to cohort-specific stakeholder interviews with seniors, youth, and renters.

The information collected from the initial engagement was collated and summarized in a 'What We Heard Report'. This report has been included as Appendix 'B' of this Plan.

2.3.2. Draft Plan Engagement

The second phase of engagement focused on the public drafts of the new Municipal Planning Strategy and Land Use Bylaw. This phase gave the public another opportunity to enrich the planning process with their input and expertise.

In order to reach a wide audience in the town, multiple methods of engagement were used, including:

- Updates and documents posted to the project website
- A series of Fact Sheets detailing key changes and policy directions
- Two public open house meetings with 78 total attendees
- An online interactive map with over 1,000 page visits, 358 unique users and 88 comments
- An online feedback form with 24 submissions
- 23 email submissions from residents
- An engagement session with the Mahone Bay Tourism and Chamber of Commerce

These activities were promoted through:

- The Town's website and social media
- The project website (www.planmody.ca)
- Email updates

2.4. Issues and Opportunities

Throughout each phase of the review and update of the Town's planning documents, community members and stakeholders provided their input, ideas, opinions, and insights as to how the town should develop and grow into the future. As community members and stakeholders provided their input, several key issues and opportunities arose:

2.4.1. Environment

With the tremendous number of natural assets within and surrounding Mahone Bay, the environment was one of the most frequently discussed themes throughout the engagement. There is an overwhelming consensus about the importance of the environment in Mahone Bay; it is foundational to the very nature of the town. The community holds the harbour, watercourses, forests, and the trails within the town's boundary in high regard.

2.4.2. Housing

As a popular tourism destination and with changing demographics and housing preferences, the demand for adequate housing, including within Mahone Bay, has increased over the past several years. Some engagement participants frequently cited the lack of housing that is affordable in Mahone Bay, especially rental housing. There is also a growing sense of urgency to support more housing options in Mahone Bay. As was expressed during the engagement, the community members feel there is a shortage of housing options, especially for renters. Volatility and uncertainty in the housing market have made it challenging to establish roots in the community. Community members also feel a need to examine regulations to control short-term rentals in the community. As the town has grown in popularity as a tourism destination, some respondents feel the availability of adequate housing has decreased.

2.4.3. Climate Change and Sea Level Rise

As a coastal community, climate change and sea level rise are on the top of mind of many residents and community members in Mahone Bay. Part of ensuring the environment is prioritized in the future must also involve responding to the sense of urgency regarding the climate emergency. Community members feel an approach that promotes adaption and mitigation to climate change is needed. Some community members not only see this as a necessity but also as an opportunity to create jobs and support the local economy.

2.4.4. Transportation and Mobility

The small-scale, 'walkable', nature of Mahone Bay allows many community members to walk and wheel to their destinations with relative ease. It also provides a unique experience to visitors when spending time in Mahone Bay. Throughout the engagement, several community members expressed the need to prioritize the comfort and safety of pedestrians over automobiles.

There is also an appreciation and understanding of the connection between built form and physical, social, and environmental health. A community that is accessible as a pedestrian and readily has access to nature can support the physical and social health of humans, and the environment more broadly. Planning for the future of Mahone Bay must support a healthy community and should be built upon the town's walkability and access to nature.

3. Vision and Goals

3.1. Vision

In preparation of this Plan, eight guiding principles were established which led to the development of a Vision for the Town. The Vision, which is aspirational in nature, describes the ambitions of the Town and community. All the policies within this Plan and the regulations within the Land Use Bylaw shall, in some form or another, help achieve the Vision. The Vision Town Council has adopted for this Plan is:

> *The Town of Mahone Bay will continue to be a place where people in all stages of life, and with different ambitions and aspirations, choose to live. The Town will protect, enhance, and be shaped by its relationship to the natural environment and, over the life of this Plan, will become a leader in climate change mitigation. The Town and the community will spearhead actions and be proactive in adapting to the climate crisis. The strongest asset in Mahone Bay will continue to be its residents who are actively engaged in Town decision-making. Growth and development will support an accessible built environment, where pedestrians are prioritized; will support housing and employment opportunities for anyone who chooses to live in Mahone Bay; will balance and nurture the needs of the human and natural environments; will only occur through a careful, transparent and systematic process; will recognize and protect cultural and built heritage while continuing to allow for change and evolution; and will emphasize the protection and expansion of public spaces and institutions integral to the daily lives of residents. The physical, social, and mental health and wellbeing of all residents will be supported and nurtured by the built and natural environments, and by the community itself.*

Policy 3-1: Council shall, through the policies and maps of this Municipal Planning Strategy, the Land Use Bylaw, and the Subdivision Bylaw, implement the Vision for the Town of Mahone Bay.

3.2. Goals

In addition to a Vision, a set of eleven goals were established for this Plan. Goals represent long-term outcomes the Town and community would like to achieve, specifically related to land use planning. The eleven goals established for this Plan are:

1) Preserve and enhance the natural environment.
2) Support the efficient use of municipal services.
3) Support the growth of long-term housing options.
4) Support development that mitigates climate change and minimizes the Town's impact on the environment.
5) Adapt to changing environmental and climactic conditions.
6) Support economic activities and entrepreneurship in Mahone Bay.
7) Preserve and enhance access to cultural and recreation spaces that contribute to a high quality of life.
8) Preserve, promote, and enhance the protection of cultural and heritage resources and landscapes.
9) Support physical, social, and mental health and wellbeing of all residents.
10) Establish clear and transparent land use regulations that also promote flexibility and a diversity of land uses.
11) Encourage a fine-grained, pedestrian-friendly development form.

Policy 3-2: Council shall, through the policies and maps of this Municipal Planning Strategy, the Land Use Bylaw, and the Subdivision Bylaw, implement the Goals for the Town of Mahone Bay.

4. Town-Wide Policies

4.1. Introduction

Mahone Bay features a diversity of land uses, development patterns, and structures and buildings that have, throughout the town's history, come to define its unique characteristics and attributes. Although Mahone Bay is small in land area, the town's land uses, streetscapes, and natural areas have all evolved over the history of the town. Because of this, some planning issues and concerns in Mahone Bay are specific to individual areas, people, or neighbourhoods; however, many planning topics and issues that are integral to the future of the town apply to all of Mahone Bay. The provision of central services, protection of environmentally significant areas, support for home-based businesses, among others, are all shared issues and are applicable throughout Mahone Bay.

The following Part contains policies that apply to the entirety of Mahone Bay, and which will guide the issues that are shared among all residents and stakeholders.

4.2. Growth and Development

This Municipal Planning Strategy, and accompanying Land Use Bylaw, represents a blueprint for how the town will grow and develop over the next decade, and beyond. The policies within this Plan are intended to direct and manage how land is developed and used in Mahone Bay. Within the context of land use planning, two fundamental elements are highly influential in how residents and visitors experience the spaces in the community:

- the siting, scale, and orientation of buildings; and
- the size of lots.

Mahone Bay features intimate streetscapes with a variety of land uses and building styles that contribute to the town's overall character and feel. In the 'core' commercial areas, buildings are oriented towards the water, on small lots, and often front directly on the street. In areas outside of this core, which are primarily dedicated to residential uses, buildings are located on larger lots and are set back farther from the street.

In Mahone Bay, just like the variety of building types, there is a variety of lot sizes. In the dense commercial core, characterized by smaller lots and a predictable rhythm of structures, distances between structures and land uses are much shorter compared to areas of Mahone Bay with less dense development. With smaller lots and the variety of storefronts and structures, residents and visitors can, as pedestrians, visit multiple destinations in the commercial area (town core) without necessarily needing to use an automobile. Outside of the commercial areas, large, primarily residential lots prevail. In these areas, distances between structures are larger due to more permissive lot standards and the number of 'destinations'—such as places to purchase goods or services—diminishes.

There are trade-offs that must be examined when considering minimum lot sizes. Smaller, denser lots enable and promote a greater density of people and services while larger lot requirements reduce density, ultimately serving fewer people. While concerns around density are generally related to its impact on generating higher automobile traffic and people in a given area, higher densities use municipal services more efficiently than less dense areas. The costs associated with servicing higher density are shared among more users, and, therefore, create a more efficient use of land and services such as central water and sewer systems.

There are also physical, environmental, and social trade-offs that are made when considering different densities. Residents and visitors may be more likely to choose other modes of transportation than an automobile in dense areas, such as walking, wheeling, or cycling. These forms of transportation contribute to overall physical health and reduce greenhouse gas emissions, while also providing opportunities for social interactions with community members. In consideration of these factors, Council, through the policies below, supports efforts to promote varying development densities and land uses through building and lot requirements.

Policy 4-1: Council shall, through the Land Use Bylaw, regulate the size, location, and number of buildings on a lot to carry out the intent of each specific land use zone.

Policy 4-2: Council shall, through the Land Use Bylaw, permit and establish requirements for accessory uses, buildings, and structures that are incidental and subordinate to the main use of land or building on a lot.

Policy 4-3: Council shall, through the Land Use Bylaw and the Subdivision Bylaw, regulate the size of lots created in keeping with the intent of each specific zone, and consistent with the availability of central services.

Policy 4-4: Council may, through the Land Use Bylaw, relax lot area and frontage requirements on existing undersized lots.

4.2.1. Flag Lots

Flag lot development, sometimes known as backlot development, is a style of subdivision and development where an existing large lot that is only developed in the front portion is subdivided to enable development behind the existing structure—or vice versa. The resulting lot created through this style of development often resembles a flag and flagpole (Figure 4), where the 'flagpole' provides street frontage and lot access, and the 'flag' is developed as any other lot.

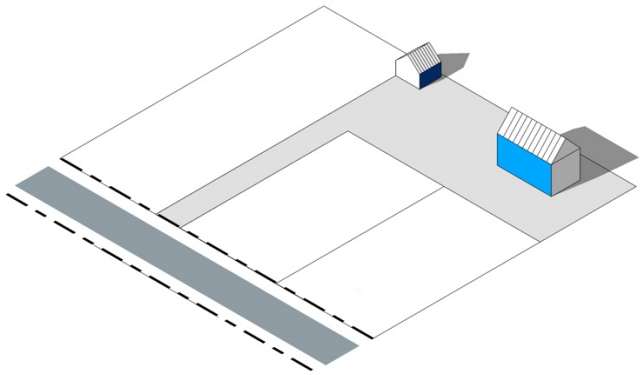


Figure 4: An example of a flag lot and flag lot development.

Council supports the creation of new flag lots in the town to enable increased density and to help maximize land use. To reduce any potential negative land use impacts of flag lot development, Council supports measures to limit land use conflicts including establishing minimum lot frontage standards and abutting access requirements.

Policy 4-5: Council shall, through the Land Use Bylaw, enable flag lot development within the town, subject to provisions within the Land Use Bylaw intended to reduce potential land use conflicts with surrounding uses.

4.3. Infrastructure

Infrastructure is essential to keeping our communities functioning, and in Mahone Bay there exists a combination of both public and private infrastructure systems. The Town provides streets and sidewalks that serve as conduits to travel within the town, water and sewer services to ensure the community has access to clean drinking water and to keep the waterways clean, electricity to heat and power residents' homes, among others. In contrast, there are also properties within Mahone Bay that are not connected to municipal infrastructure systems, such as those with on-site drinking water and septic systems. Nevertheless, infrastructure and services make our communities safe and enjoyable places to live and visit.

As one of the primary services provided by municipalities, the construction and maintenance of infrastructure is also one of the primary costs for any government. Roads, sidewalks, and other above- and below-ground infrastructure all require regular upkeep and, after time, total replacement. Initial implementation of infrastructure and its long-term recapitalization represent significant future costs for all municipalities across Canada.

Future considerations for the allocation of infrastructure must include how it can be planned in a way so that it does not place an undue burden on the Town or its taxpayers, but also how climate change may impact existing and future infrastructure, and how the Town can meet the needs of existing and future residents. The following sets of policies address existing and future infrastructure and services in Mahone Bay.

Planning for future infrastructure may also involve the Municipality of the District of Lunenburg, and where advantageous may include the sizing of services such that both municipalities can benefit and share the costs.

4.3.1. Central Services

The Town of Mahone Bay is served by municipal water and sewer systems, but not every property within the Town is connected or has access to such services.

Central wastewater (sanitary sewer) systems use a network of pipes and other infrastructure to move waste from residential and commercial properties to a treatment facility. To move untreated wastewater, sanitary sewer systems can use gravity mains, where wastewater flows via the force of gravity to the wastewater treatment facility, which is located at a relatively low elevation in the community. However, where gravity mains are not feasible due to topography, lift stations (pumps) may be required to move waste.
Mahone Bay's sanitary sewer system consists of a network of over 10.5 kilometres of sewer mains and a total of three pumping stations, which pump effluent to the treatment facility from serviced properties. The Town's treatment facility is a wastewater lagoon built in 1994 and located at the top of the drumlin along Main Street towards Maders Cove.

While most properties in Mahone Bay are connected to the sanitary sewer system, a 2018 study completed by ABLE Engineering and the Bluenose Coastal Action Foundation[14] found there are approximately 30 properties in town that are not currently connected. These properties dispose of their waste through either on-site systems (e.g., septic beds), where the wastewater is treated on the property, or it is presumed some properties have straight pipe septic systems that discharge untreated sewage directly into Mahone Harbour. As outlined in their report, changes to the Nova Scotia *Environment Act* in 2007 eliminated the concept of legal non-conformance for straight pipe septic systems, meaning properties must comply with the regulations that prohibit the discharge of untreated sewage into the environment.

Drinking water in Mahone Bay is derived from Oakland Lake, which is located outside of the town's boundary in the Municipality of the District of Lunenburg. Oakland Lake and its watershed are protected from high-risk activities under the Oakland Lake Watershed Protected Water Area Regulations made under the authority of the Nova Scotia *Environment Act*. These Regulations establish strict controls on the types of activities that can be conducted within the protected area to ensure Oakland Lake remains a viable drinking water source for Mahone Bay. However, the Regulations do not regulate development, and any such controls will depend on the cooperation of the Municipality of the District of Lunenburg in establishing appropriate zoning controls.

From Oakland Lake, water is pumped nearly three kilometres to the Town's Water Treatment Plant located at 70 Zwicker Lane. To make the water safe for human consumption, the water is treated and stored in the water storage reservoir before it is transported via gravity to the town. Mahone Bay has over 14 kilometres of water mains, with the majority put in place during the 1940s. A 2008 hydrological assessment study found that the treatment plant could service a population of approximately 1,600 residents. Over the next decade, the Town will continue to work to connect all properties to the municipal water and sewer system.

Policy 4-6: Council shall, through the Land Use Bylaw, encourage the efficient use of central services by permitting smaller lot sizes and lot frontages in areas where central sewer, water, or both are present.

Policy 4-7: Council shall, through the Land Use Bylaw, require new development to connect to central sewer where such services are available.

Policy 4-8: Council shall continue to work with the Province of Nova Scotia and the Municipality of the District of Lunenburg to ensure Oakland Lake and its watershed remains a source of clean drinking water for the Town and its residents, and in particular shall work with the Municipality of the District of Lunenburg to establish appropriate zoning for lands within the Oakland Lake watershed.

4.3.2. Utilities

Public utilities such as phone, water and sewer, internet, and electricity are important for the daily functioning of our communities, but these uses often do not have typical lot area and frontage requirements. An example of this can be seen when examining the location of electrical power poles. This type of infrastructure is often located in the front yard of a property and within a few feet of property lines—an area that is usually precluded from development. However, because of their importance, Council supports public utilities being exempt from zone requirements.

Policy 4-9: Council shall, through the Land Use Bylaw, permit public utilities in all zones and shall exempt such uses from zone requirements. For greater clarity, these exemptions shall only apply to the utility infrastructure itself, and not related uses such as utility offices or maintenance depots.

4.3.3. Telecommunication Towers

Within Canada, the sole authority for issuing licenses for radiocommunication facilities lies with the Federal Government under the *Radiocommunications Act*. This Act takes precedence over local planning regulations and generally encourages colocation of equipment (e.g., installing new equipment on existing towers) before new towers are developed.

The *Radiocommunications Act* includes a requirement for public consultation before the development of new telecommunication towers, but municipalities can implement consultation protocols for the development of new telecommunication towers. Where no municipal protocol has been established, consultation occurs under the Industry Canada Default Public Consultation Process. Until such a time when the Town adopts a municipal protocol for consultation, the Town will defer to the default Industry Canada process for public consultation before the development of new telecommunication towers.

Policy 4-10: Until such a time when the Town has implemented a consultation protocol for the development of new telecommunication towers, Council shall defer to the Canadian Radiocommunication Information and Notification Service (CRINS) to conduct siting, review, and public consultation processes in accordance with Industry Canada standards.

4.3.4. Solar Collector Systems

Solar collector systems are devices that collect solar radiation from the sun and turn solar energy into electricity, or systems that collect heat energy for space heating or domestic hot water purposes. These systems can be applied at many different scales including the individual or household level, up to large solar 'farms' that cover large areas of land.

Policy 4-11: Council shall, through the Land Use Bylaw, permit accessory solar collector systems in all zones and shall establish development standards within the Land Use Bylaw for such systems.

Policy 4-12: Council shall, through the Land Use Bylaw, limit the placement of accessory solar collector systems within the Architectural Control Overlay.

Policy 4-13: Council shall, through the Land Use Bylaw, permit commercial-scale solar collector systems in land use zones that prioritize industrial development.

4.3.5. Wind Turbine Generators

Wind turbine generators, like solar collector systems, use the earth's natural systems to generate electricity. Wind turbine generators use the movement of air (wind) to convert kinetic energy to electricity, often by using wind to spin blades, which in turn creates electricity. These generators can come in a range of sizes and be arranged and configured as individual generators or a collector of generators.

Mahone Bay, which owns its electric utility, is pursuing renewable energy production through the Alternative Resource Energy Authority (AREA), of which Mahone Bay is a partner and equity owner with the Towns of Antigonish and Berwick. This partnership runs the Ellershouse Windfarm, a 10-turbine wind farm with a maximum output of 23.15 Megawatts. This wind farm supplies approximately 40 percent of Mahone Bay's and its partners' electricity requirements.[15]

With its small footprint and relatively dense urban fabric, the appropriate size and scale of wind turbine generators permitted in Mahone Bay are limited. Council is supportive of small, domestic, wind generator systems for on-site electrical consumption that balance potential land use conflicts with the environmental and economic benefits derived from these systems.

Policy 4-14: Council shall, through the Land Use Bylaw, permit domestic wind turbines, which are limited in their size and scale and intended to generate electricity only for on-site consumption or are mechanical and are intended to pump water, as an accessory use in the Residential Unserviced Zone. Wind turbine systems that are larger in size, scale, and/or production capacity than those permitted as a domestic wind turbine shall not be permitted.

Policy 4-15: Council shall, through the Land Use Bylaw, establish appropriate horizontal setbacks and standards for the siting of domestic wind turbines.

4.4. Transportation and Mobility

Like central water and sewer services, roads, sidewalks, and trails are an important part of the Town's infrastructure network. These assets are part of the larger transportation system that enables residents, community members, and visitors to travel to—and within—Mahone Bay. Because of its small footprint and dense urban form in some areas, there are many opportunities for people to walk, wheel, or cycle to places of employment, education, or pleasure.

Land use planning and transportation are closely linked. When dense, diverse land uses are associated with a variety of transportation options, community members can access many services and amenities in a single location via a mode of transportation that does not require an automobile.

Throughout the engagement for this Plan, one of the key themes to emerge was the need to prioritize pedestrians, their safety, and their comfort over people using private automobiles. The following set of policies will seek to elevate the needs of pedestrians in Mahone Bay, all the while ensuring a variety of transportation options continues to exist for all community members and visitors.

4.4.1. Public and Private Roads

While most roads in Mahone Bay are owned and operated by the Town, there are roads not owned and maintained by the Town that provide access to private lots. Generally, developed lots are required to front directly onto a public road, but exceptions to these standards have resulted in development occurring on lots without direct access to a public road. In order for these lots to have access to the transportation system, a 'private road' is needed. A private road is any road not owned by the Town or the Province and can include a legal right-of-way, a driveway, or a road designed by an engineer.

While private roads can be useful, such as in rural areas to provide access to agricultural, forestry or recreational uses, in denser areas, these roads can create challenges for future growth and emergency vehicle access. To ensure development occurs predictably and is supported by a safe and efficient transportation network, Council supports efforts to ensure new development is located on publicly maintained roads. While development on non-public roads is generally prohibited in the Town, any person wishing to subdivide a lot and create a development can contact the Town and speak with the planners and

the Development Officer about how to proceed with potential development options.

Policy 4-16: Council shall, through the Land Use Bylaw, require all new development to front onto a publicly maintained street. Council may, through the Land Use Bylaw, create exception to this standard for existing lots that lack minimum frontage and/or area requirements.

Policy 4-17: Council may, through the Subdivision Bylaw, require lands to be set aside as "road reserves" to connect new public streets to adjacent lands that have the potential to be subdivided and developed with future public streets.

4.4.2. Sidewalks and Pedestrian Connections

In addition to an extensive road network, some of Mahone Bay's busiest streets are served by a sidewalk network that stretches almost the entirety of Main Street and extends along Edgewater Street. Sidewalks provide pedestrians a safe, protected, space on the road that is separated from automobiles. The Town's sidewalk network also extends into its residential areas including along sections of Fairmont Street, Pleasant Street, Clairmont Street, and Clearway Street. Sidewalks are essential pieces of infrastructure that provide pedestrians a safe and comfortable space to move throughout Mahone Bay. Council is supportive of policies that help to connect new public streets to pedestrian connections.

Policy 4-18: Council may, through the Subdivision Bylaw, require pedestrian connections to connect new public streets to each other, and to important destinations such as commercial areas, schools, parks, and other amenities.

4.4.3. Automobile Parking

Automobile parking challenges in Mahone Bay are created by the two distinct demand parking profiles throughout the year: the high demand in the summer months during the busy tourism season, and the low demand during the remainder of the year when it is mostly residents of Mahone Bay searching for parking. There are several dedicated public parking lots along the waterfront and on-street parking sites in Mahone Bay but, because of the demand for parking created during the summer months, the number of spaces available is often not enough and, in some instances, creates public safety concerns along some of the town's streets.

To ensure an adequate supply of parking is available, municipalities often implement minimum parking requirements. These requirements establish the minimum number of parking spaces a developer would need to provide to meet the approximate demand of the development. As a minimum standard, developers can supply additional parking spaces if their business plan requires them. However, in some areas of the town, providing parking is difficult or simply not possible due to the constraints created by the lot. This is especially relevant in the commercial core. In this specific case, Council supports policies that eliminate minimum parking requirements for non-residential uses to ensure current and future economic opportunities are not lost due to parking requirements, and to help support the "main street" character of this area.

While there is often a desire to request additional parking spaces from a developer, careful consideration must be given to ensure the Town finds a balance between the year-round parking demand and minimum parking requirements. Establishing high minimum parking requirements reduces the amount of developable land in the town, and, in many instances, can act as a barrier for small businesses that cannot afford to supply the required number of parking spaces.

Policy 4-19: Council shall, through the Land Use Bylaw, establish minimum automobile parking standards aimed at reducing the impacts of parking overflow on neighbourhood streets during typical volumes, but not necessarily during peak demand.

Policy 4-20: Council shall, through the Land Use Bylaw, establish design requirements for required automobile parking spaces and areas.

Policy 4-21: Council shall, through the Land Use Bylaw, establish standards for off-site automobile parking requirements.

Policy 4-22: Council shall, through the Land Use Bylaw, exempt non-residential uses in the Commercial Core Zone from the requirement to provide on-site automobile parking spaces and loading spaces.

Policy 4-23: Council may, through the Land Use Bylaw, consider proposals for parking lot developments as a main use through site plan approval in zones that prioritize commercial, industrial, and public uses.

Policy 4-24: Council may develop a Street Parking Bylaw to effectively manage and regulate automobile parking along Town streets to balance the parking needs of residents and visitors in Mahone Bay all the while promoting a safe and efficient street network.

Policy 4-25: Council shall, through the Land Use Bylaw, establish minimum bicycle parking standards and shall enable a reduction in minimum automobile parking spaces if a business owner provides bicycle parking spaces that meet standards of quality and usability.

Policy 4-26: Council shall, through the Land Use Bylaw, establish minimum loading areas standards intended to ensure businesses can appropriately manage the loading and unloading of goods and other business-related products.

4.4.4. Drive-through Uses

Drive-throughs are facilities that provide automobile users access to amenities and services without the need to exit one's vehicle. Drive-throughs are traditionally comprised of a main structure with a pick-up window and associated lanes where people line up their automobiles before picking up the goods they are accessing, such as take-out food or financial institutions. Drive-throughs provide services that enable residents, especially those who have reduced mobility, to access goods and services quickly and easily without needing to leave their vehicle. Drive-throughs also often reduce onsite parking needs as the need to park and exit an automobile is reduced.

Despite the convenience and accessibility that drive-through uses provide, without consideration for their siting, design, and layout, drive-throughs can have a negative impact on the public realm, especially for pedestrians. Often, drive-through lanes and pick-up windows are located adjacent to public streets and sidewalks and create uncomfortable and unwelcoming environments. Drive-throughs can also create off-site traffic issues when not planned accordingly. While Council supports drive-throughs where appropriate, it wishes to ensure any future drive-through uses are properly sited and designed to maximize pedestrian comfort and safety, in addition to reducing automobile traffic issues.

Policy 4-27: Council shall, through the Land Use Bylaw, only permit drive-through uses through site plan approval and establish site design and layout requirements for elements of a proposed drive-through to limit negative impacts on surrounding areas.

4.5. Environment

Mahone Bay makes up a small part of the local and regional ecosystems along the South Shore. The coastal waters, inland rivers and forests within the town all interact and form part of larger ecosystems. First and foremost, these ecosystems are home to a diverse set of plant, animal, and aquatic species that live, populate, and occupy these spaces. Planning for the future must consider how the Town's and community's actions impact the ecosystems of these species.

These living species also provide many ecosystem services that ensure their ecosystems, as well as those around them, continue to exist and thrive. They regulate the quality of air, water, and soil and support the many cyclical processes that maintain these areas as habitable. In addition to the services that plant, animal, and aquatic species provide to the greater ecosystem, they provide services that benefit the quality of life of humans. Natural areas provide food that is required to sustain humans, while also improving the health and social well-being of residents who spend time in nature.[16]

As the Town looks towards the future, maintaining and enhancing the quality of the environment must be considered in the face of changing climatic conditions brought on by the climate crisis. As the climate changes, the town may face more severe storms, higher sea levels, coastal erosion, and more frequent flooding[17]. The environment must be considered for its potential impact on humans, buildings, and other infrastructure. The following Subsections introduce policies that look to protect the environment in Mahone Bay, while also protecting human development from potentially hazardous areas.

4.5.1. Coastal Flood Risk

As the earth's climate warmed through the 20th century—and continues to warm through the 21st century—global mean sea levels rose. It is predicted that they will continue to rise through the 21st century and beyond. Sea level rise can be attributed to two primary factors: as the earth's temperature has warmed, glaciers, ice sheets and ice caps have melted, adding significant amounts of water to the oceans. Earth's rising temperatures have also resulted in the thermal expansion of the oceans (as water is warmed, it takes up a greater volume) which has also contributed to sea level rise.[18] In Atlantic Canada, sea level rise is exacerbated by crustal subsidence (Figure 5), a process in which the coastlines are gradually subsiding due to the earth's surface rebounding from post-glacial conditions.[19]

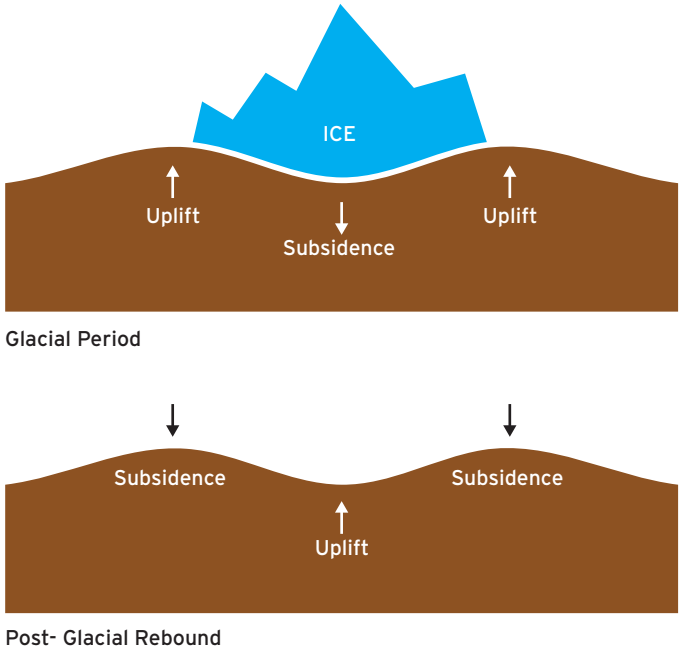


Figure 5: A simplified diagram of crustal subsidence.

As sea levels rise, the impacts of storm surge may also increase. Storm surge can be described as the difference in sea level between the predicted astronomical tide and the actual tide.[20] The primary cause of storm surge is the strong winds that push water towards the shore.[21] As the wind pushes water to the shore, the level of the tide increases, creating a storm surge.

In 2016, CBCL Limited completed the Mahone Harbour Flood Prevention and Shoreline Enhancement Plan[22] which identified how the town may be impacted by sea level rise and identified potential sea level rise adaptation techniques. Using various modelling methods and sea level rise scenarios, the Plan established a series of extreme sea level scenarios that account for sea level rise and storm surge events for various locations around the town. The Plan recommended the minimum elevation for waterfront structures be between 2.2 metres and 3.0 metres above sea level relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD 2013), depending on the building's projected lifespan. Using a principle of precautionary planning, the storm surge produced by Hurricane Juan in 2003 in Halifax was used to establish an upper limit for coastal structures at 3.5 metres (CGVD 2013).

Recognizing the threat of coastal flooding and erosion, the Province of Nova Scotia has acted on developing a province-wide approach to coastal development through the *Coastal Protection Act*. As of October, 2023, the regulations for the Act have not been implemented, leaving a potential gap between this Plan's and the Act's implementation. Council will establish a 3.5 metre (CGVD 2013) vertical coastal setback for habitable development, while enabling all other types of development below 3.5 metres (CGVD 2013) in elevation. For development below 3.5 metres (CGVD 2013) in elevation, Council will require applicants to sign an indemnification agreement and establish other requirements to reduce the potential risk for development in these areas. This approach to coastal development seeks to ensure the health and safety of people all the while preserving development potential along some of the town's most commercially productive areas.

Policy 4-28: Council shall, through the Land Use Bylaw, establish the Coastal Flood Risk Map which identifies the lands below 3.5 metres in elevation relative to the Canadian Geodetic Datum of 2013 (CGVD2013). The map shall show the areas that are at risk of flooding from sea level rise and storm surge, modelled to the year 2100 based on the Mahone Harbour Flood Prevention and Shoreline Enhancement Plan.

Policy 4-29: Council shall, through the Land Use Bylaw, prohibit the finished floor area of any new habitable development below 3.5 metres (CGVD2013) elevation.

Policy 4-30: Council shall, through the Land Use Bylaw, require that all development within the areas identified on the Coastal Flood Risk Map which are below 3.5 metres (CGVD2013) and their applicants:

(a) acknowledge the potential risks of developing in areas that have been identified as those being susceptible to sea level rise and storm surge;
(b) locate all central mechanical systems in the building above 3.5 metres in elevation (CGVD2013); and
(c) include appropriate flood-resistant provisions for any hazardous materials and/or potential water pollutants kept in areas below 3.5 metres in elevation (CGVD2013).

Policy 4-31: Council shall, through the Land Use Bylaw, permit existing buildings located within any minimum vertical coastal setback to be moved so long as it improves the building's situation in relation to vertical elevation.

4.5.2. Watercourse Buffers

In addition to the shoreline, there are significant watercourses and wetlands in Mahone Bay. The Mush-a-mush River and Ernst Brook traverse the town and play an important role in the day-to-day lives of residents and the overall character of Mahone Bay. These watercourses, and the land adjacent to them, also play a critical role in keeping the waterways in town clean and free of pollution.

The lands surrounding watercourses serve several functions that not only benefit the overall environment, but they help to protect urban development that surrounds them. Various studies have found watercourse and ecological buffers to attenuate stormwater flows, attenuate sediment and nutrient flow, in addition to stabilizing riverbanks.[23]

Just as development along the ocean shoreline can pose a threat to human life, so can development along the rivers, streams, wetlands and other waterways. Land adjacent to waterways is prone to erosion and flooding, and therefore regulations should be in place to limit development within a certain distance of the watercourses and wetlands. With precipitation in Nova Scotia expected to increase as climate change impacts weather and climate patterns, Council supports increasing the horizonal buffer from 8 metres to 10 metres. The buffer will limit development to ensure these watercourses remain an asset in the community and protects developments from these sensitive, yet periodically hazardous areas. Council may also explore additional opportunities, including the development of a stormwater management bylaw which is mentioned elsewhere in this plan, to mitigate potential flooding along watercourses in Mahone Bay.

Policy 4-32: Council shall, through the Land Use Bylaw, prohibit development within ten (10) horizontal metres of the ordinary high watermark of inland watercourses in all zones. Exceptions shall be made for limited vegetation removal, recreational structures, safety structures, and buildings that functionally depend on access to the water.

Policy 4-33: Council shall, through the Land Use Bylaw, provide flexibility from the watercourse and shoreline buffers for existing undersized lots, and where an existing building is to be moved in a manner that improves the situation in relation to the buffer.

Policy 4-34: Council shall, through the Land Use Bylaw, allow for a reduction of the watercourse buffer on a lot where the property owner provides an appropriate study prepared by a qualified professional indicating the reduction will not present a hazard to development or an environmental risk.

4.5.3. Landscaping, Trees, and Stormwater Management

Mahone Bay's sanitary sewer system is a combined system, meaning that in addition to transporting and treating wastewater, it also treats precipitation run-off that flows into storm drains. This type of wastewater system is not uncommon, but during high precipitation events, the treatment plant may overflow. Combined wastewater treatment systems generally increase the cost to operate a wastewater system because they treat precipitation unnecessarily. There are solutions to preventing precipitation from being treated in a wastewater treatment facility such as separating wastewater and stormwater pipes, but this can be a costly fix for any municipality. A land use tool to help control stormwater runoff is landscaping requirements. Council is supportive of requiring a minimum level of landscaping for new development in Mahone Bay to help limit stormwater runoff and to maintain the character of the town.

Another important feature in the stormwater management network is public street trees and trees on private property. Trees make up one of the defining features of Mahone Bay and help to absorb precipitation when it reaches the soil. They also intercept precipitation before hitting the ground surface, thus preventing or delaying it from entering the stormwater treatment system. Because of their overall importance to the town and community, Council will require certain developments to submit a plan that identifies trees of a particular size on the lot and a prevention and replacement plan to ensure—where development occurs—trees are maintained or replaced for the long-term benefit of the town and community.

There are, however, limitations to what Council can regulate and require through planning documents with regards to landscaping, trees, and stormwater management. As per the requirements of the *Municipal Government Act*, Town Council can only apply regulations "in relation to development" as defined under the Act, meaning that landscaping, tree protection, and stormwater management cannot be regulated on their own through the Land Use Bylaw. To that end, Council may pursue a tree bylaw to manage and regulate trees within Mahone Bay and a stormwater management bylaw to further manage stormwater runoff. Developing these bylaws outside of the scope of the Land Use Bylaw gives Council the ability to enact standards and requirements for trees and stormwater management to an extent not possible within the Land Use Bylaw.

In the summer of 2023, a high rainfall event caused serious washouts all along the South Shore, and particularly in the vicinity of Mahone Bay. These washouts damaged homes, businesses, driveways, Town infrastructure, and transportation routes connecting Mahone Bay to surrounding communities. Repairs required tens of millions of dollars and the disruption to the daily lives of residents was immense. Such extreme weather is expected to only become more common in an era of climate change. As such, Council places a high priority on establishing a standalone stormwater management bylaw.

Policy 4-35: Council shall, through the Land Use Bylaw, permit mechanisms to reduce stormwater run-off in Mahone Bay, including pervious pavement and rooftop gardens.

Policy 4-36: Council shall, through the Land Use Bylaw, establish landscaping requirements for development within Mahone Bay.

Policy 4-37: Council shall, through the Land Use Bylaw, permit flat roofs and flat-roofed additions, where permitted, to include rooftop gardens as an additional mechanism to reduce stormwater runoff.

Policy 4-38: Council shall, through the Land Use Bylaw, establish tree protection and replacement provisions for development in the residential zones. These provisions shall indicate which developments require a plan prepared by a professional to verify that trees of a certain size are identified and replaced during development.

Policy 4-39: Council may develop a tree bylaw to manage and regulate the trees within the town in order to preserve, enhance, and grow the town's tree canopy cover, ensure trees remain safe and stable, and to encourage good urban forestry practices.

Policy 4-40: Council may develop a stormwater management bylaw, in accordance with the *Municipal Government Act*, to establish standards and requirements to manage the impacts of urban development on stormwater runoff within Mahone Bay.

Policy 4-41: Council shall, through the Land Use Bylaw, establish requirements and standards for fences in the Planning Area.

4.5.4. Electric Vehicle Charging Stations

As the adoption of electric vehicles across Canada and Nova Scotia increases, there will be increased opportunities to implement electric vehicle charging stations across the town at different scales and for different uses. While the contemporary application of electric vehicle charging stations is typically a single charging outlet for the public to use or situated within a household, there may come a time when commercial charging stations, not unlike a gas station, are commonplace. As such, Council is supportive of distinguishing between commercial-scale and non-commercial electric vehicle charging stations and permitting these uses in different locations.

Policy 4-42: Council shall, through the Land Use Bylaw, permit non-commercial electric vehicle charging stations as an accessory use in all zones.

Policy 4-43: Council shall, through the Land Use Bylaw, permit the development of commercial electric vehicle charging stations in the Industrial General Zone and the Commercial General Zone.

4.5.5. Light Pollution

As Mahone Bay grows, there may be concerns that light pollution associated with development could impact the quality of life in the town as well as having a negative impact on aquatic and terrestrial ecosystems. Council supports measures to ensure that where development occurs, any exterior lighting is appropriately designed for the town's context.

Policy 4-44: Council shall, through the Land Use Bylaw, establish controls on exterior lighting to help ensure it does not negatively impact adjacent properties and streets.

4.6. Housing

As one of the necessities of life, every person living in Mahone Bay needs access to housing that is affordable, in good condition, and appropriate for their life stage. Housing is fundamental to the health, dignity, and quality of life for all the town's residents.

Traditionally, housing style and tenure in Mahone Bay has been focused on single-unit dwellings occupied by a family. However, as housing preferences and needs change and other socio-economic factors impact the housing market, changes are needed to ensure there is a diversity of housing types, sizes, and tenures for current and future residents in the town.

This section focuses on policies specific to housing style, tenure, and diversity.

4.6.1. Housing Diversity and Affordability

As the town's demographic profile and community preferences change, a greater diversity of housing is needed in Mahone Bay.
According to 2016 Statistics Canada Census information, 65% of all housing in Mahone Bay consists of single detached dwellings.[24] The housing market is also skewed towards homeownership, where 63% of the town's housing stock is owner-occupied.[25]

Housing diversity not only includes different tenures of housing (owner vs. renter), but it includes different styles, sizes, and price points that people are able to choose from.

Despite most housing options in Mahone Bay consisting of single detached dwellings, there are numerous alternatives to these 'traditional' housing forms including backyard suites, mini homes, mobile homes, co-op housing, and cluster housing that could serve to increase housing diversity, density, and affordability. Council is supportive of enabling different forms and scales of housing throughout the town, including backyard suites, mobile homes, and mini homes, to promote housing diversity and affordability.

Recent amendments to the *Municipal Government Act* have enabled municipalities in Nova Scotia to implement, "inclusionary zoning", through which the Land Use Bylaw can require a certain percentage of new housing units meet affordability standards. Since this tool is (as of 2023) relatively new and un-tested in Nova Scotia, many questions

remain regarding how affordability should be defined and what administrative processes are necessary to monitor and ensure affordable units created through inclusionary zoning remain affordable. Council is supportive of the idea of inclusionary zoning as a tool to tackle housing affordability challenges but sees the need for additional study to establish the necessary systems to support this tool.

Policy 4-45: Council shall, through the policies of this Plan and through the Land Use Bylaw, enable diversity in the form, scale, and location of housing that is permitted in Mahone Bay.

Policy 4-46: Council shall, through the Land Use Bylaw, permit mini homes as a residential use in serviced and unserviced residential zones that prioritize low-density residential development.

Policy 4-47: Council shall, through the Land Use Bylaw, permit mobile homes as a residential use in serviced and unserviced residential zones that prioritize low-density residential development. To ensure their compatibility with surrounding uses and the general character of the town, Council shall establish requirements for the siting of mobile homes in the Planning Area.

Policy 4-48: Council shall, through the Land Use Bylaw, permit all dwelling types, excluding mobile homes and mini homes, to be of the modular variety whereby components of the dwelling are assembled off site and transported to the building site for final assembly to support affordable building methods and technologies.

Policy 4-49: Council may, following additional study, amend the Land Use Bylaw and/or adopt administrative policies or bylaws as necessary to implement inclusionary zoning.

4.6.2. Accessory Dwellings

As the name suggests, accessory dwellings are dwellings that are "accessory" to a dwelling and are smaller in floor area than that main dwelling (Figure 6). Accessory dwellings can include dwellings that are located within the same structure as the main dwelling—commonly referred to as "secondary suites", "basement suites", or "in-law suites"—or accessory dwellings can be detached structures located in the rear of a lot – otherwise referred to as "backyard suites", "carriage houses", or "granny flats".

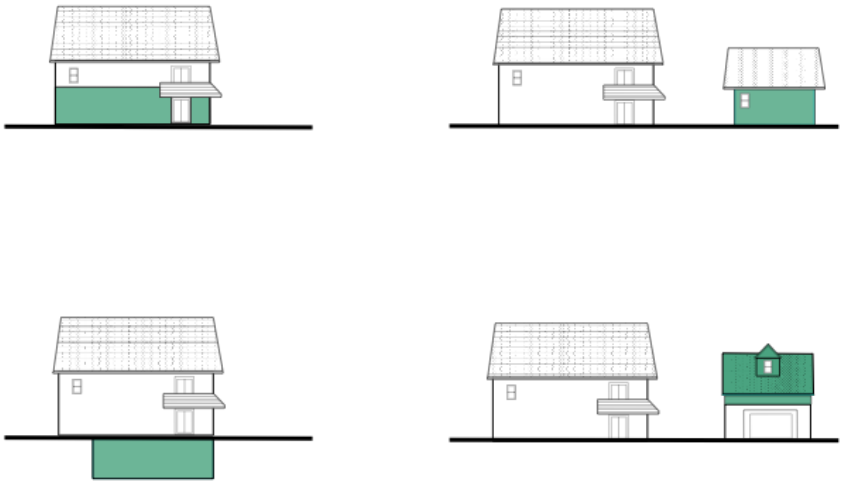


Figure 6: Examples of accessory dwellings in the same structure as the main dwelling (left) and accessory dwellings in a detached structure (right).

Accessory dwellings—whether they form part of the main dwelling or are a separate structure—represent a viable option to gently increase density within Mahone Bay without creating significant impacts on the built form of a neighbourhood. This form of development also helps to improve the overall efficiency of municipal services like sewer and water by utilizing capcity in existing systems.

Like all structures in Mahone Bay, accessory dwellings are subject to building code requirements and any other municipal, provincial, and federal regulations.

Policy 4-50: Council shall, through the Land Use Bylaw, permit accessory dwellings in land use zones that prioritize residential development.

Policy 4-51: Council shall, through the Land Use Bylaw, establish regulations and standards for accessory dwellings intended to limit their impact on the built form of existing and future neighbourhoods.

4.6.3. Converted Dwellings

With the current housing stock in Mahone Bay primarily composed of single dwellings and with changing demographics and housing preferences, there are opportunities for adaptive re-use of existing residential structures to accommodate additional residential units. The average household size in Mahone Bay shrank from 2.0 people per household in 2006 to 1.9 people per household in 2016[26]—a trend that is not unique to Mahone Bay. These factors provide homeowners the opportunity to convert their single dwellings into multiple units that can be rented or leased. Residential conversion not only supports the increase of additional rental units, but it provides homeowners additional—or supplemental—income. Conversion of existing dwellings to accommodate additional units also serves to maintain the built form of Mahone Bay without the need to demolish structures to accommodate growth.

Policy 4-52: Council shall, through the Land Use Bylaw, permit the conversion of dwellings and shall establish requirements to ensure converted dwellings fit into the general form and character of a neighbourhood.

Policy 4-53: Council shall consider, by development agreement, converted dwellings with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

Policy 4-54: Council may, through the Land Use Bylaw, permit fire escapes and exterior staircases to encroach into required rear and side horizontal setbacks, up to a specific distance established in the Land Use Bylaw, to support and enable buildings to be adapted to accommodate different uses.

4.6.4. Supportive Housing

With Mahone Bay's small footprint and many services, it is an ideal location for people with supportive housing needs to reside. As of 2022, there is an existing 61-bed nursing home in Mahone Bay, which is in the process of being replaced by a larger 96-bed facility. However, throughout the development of this Plan, residents and community members expressed their desire to see greater support for additional forms of supportive housing in Mahone Bay.

Supportive housing need not be within large facilities but can be operated out of residential dwellings such as single dwellings, depending on the level of care residents of the supportive housing require. To ensure the current and future population of Mahone Bay have their needs met, Council supports enabling the development of supportive housing in residential areas that is in keeping with the general character of the surrounding areas.

Policy 4-55: Council shall, through the Land Use Bylaw, permit supportive housing options, including, but not limited to, residential care facilities and small options homes in all zones that permit residential uses and to a scale similar to the other residential uses permitted in those zones.

4.6.5. Grouped Dwellings

Grouped dwellings are a style of residential development where two or more individual dwelling units are in separate buildings on a single lot. This style of development can have different types of ownership models. In one example, the residential dwellings and the lot can be owned under the same landowner who rents the units, or the units can be owned individually with the lot owned through mechanisms such as condominiums or housing trusts. Council supports the development of grouped dwellings in both serviced and unserviced areas of the town.

Policy 4-56: Council may, through the Land Use Bylaw, permit a limited number of grouped dwellings in select serviced residential zones. Council shall require the implementation of a servicing plan to ensure any shared services, such as internal driveways, do not become the maintenance responsibility of the Town.

Policy 4-57: Council shall consider grouped dwelling development in the Residential Unserviced Zone, by development agreement, subject to the policies of Section 6.6 of this Plan and the implementation of a servicing plan to ensure any shared services, such as septic and internal driveways, do not become the maintenance responsibility of the Town.

4.6.6. Boarding and Rooming Houses

Boarding houses, which can also be referred to as "rooming houses" or "single room occupancies", are a form of housing and part of the private rental market where individual rooms in a residential unit are rented. In a boarding house, tenants share other facilities in the dwelling such as the kitchen and the bathrooms.

Boarding houses offer an alternative form of housing and represent one of the least expensive options in the private housing market. [27] Council supports efforts to increase the number of affordable housing options in Mahone Bay by permitting boarding houses in serviced residential zones.

Policy 4-58: Council shall, through the Land Use Bylaw, permit boarding houses in serviced residential zones and in the Commercial General Zone.

Policy 4-59: Council shall consider, by development agreement, boarding houses with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

4.7. Economic Development

A strong local economy is essential in providing meaningful employment opportunities and in turn, it is integral in supporting a high quality of life for residents. While land use planning cannot directly result in economic development, it can support a strong local economy by ensuring an adequate supply of land to support economic initiatives while also supporting entrepreneurship and wayfinding through land use policies and regulations.

Although Mahone Bay initially developed primarily as a shipbuilding community, the local economy has diversified to include a much wider economic base, particularly around the tourism industry. The natural beauty of the region, the scenic landscapes, and the unique built form have made Mahone Bay a popular tourist destination, especially during the summer months. Mahone Bay also functions as one of the major service centres in Lunenburg County, providing services and amenities to those who live outside of the town's boundary.

4.7.1. Home-Based Businesses

Council recognizes and supports the benefits that home-based businesses bring to Mahone Bay. Small, local businesses provide many of the day-to-day services that residents receive such as childcare and haircare, while home-based businesses provide the venue for local artists, crafters, and artisans to perfect their craft and build their customer base. In many instances, local businesses began as a home-based business that gradually expanded and were able to grow into a brick-and-mortar location.

Policy 4-60: Council shall, through the Land Use Bylaw, permit home-based businesses in all zones that permit residential uses.

Policy 4-61: Council shall, through the Land Use Bylaw, establish criteria for businesses eligible to operate as a home-based business and establish regulations that the business must meet, including, but not limited to, parking requirements, signage requirements, and outdoor display requirements.

4.7.2. Signs and Advertising

Despite the reliance on digital technology, advertising signage still plays an important role in the local economy of a community. Advertising signage provides information to the travelling public about the services and amenities that are available and where they can be accessed. However, if left unregulated, advertising signage can proliferate and create "sign pollution" and can also result in derelict, sometimes dangerous, signs being left erected. Through a balanced approach to signage, businesses in the community can be assured they have the opportunity to advertise their services while also maintaining the character of Mahone Bay.

Policy 4-62: Council shall, through the Land Use Bylaw, regulate the type, size, and location of signs in a manner that balances the aesthetics of neighbourhoods with the need to advertise businesses and provide information about the community.

Policy 4-63: Council shall, through the Land Use Bylaw, permit electronic message board signs in the Commercial General Zone, of a limited size and sign type to ensure they fit into the general context of the surrounding area.

4.7.3. Accommodations

With tourism playing such an important role in Mahone Bay's local economy, tourism accommodations are significant commercial assets that enable visitors to stay in the town. Mahone Bay features many 'traditional' accommodations including bed and breakfasts and inns; however, in recent years there has been an increase in the number of residential properties used for short-term rentals. While tourists and visitors are undoubtedly important to the local economy, the conversion of residential properties to short-term rentals has disrupted the local housing economy. Council is supportive of policies that help to protect the local housing market all the while supporting one of the town's most significant economic industries—tourism.

Policy 4-64: Council shall, through the Land Use Bylaw, permit bed and breakfast operations, in which a resident owner or manager rents individual rooms in a dwelling to the travelling public, in residential zones and commercial zones.

Policy 4-65: Council shall consider, by development agreement, bed and breakfast operations with a certain number of units beyond a threshold established in the Land Use Bylaw, subject to the policies in Section 6.6.

Policy 4-66: Council shall, through the Land Use Bylaw, permit hotels, motels, and inns ("fixed-roof accommodations"), as well as short-term rentals, in zones that prioritize commercial uses.

Policy 4-67: Council shall, through the Land Use Bylaw, limit the number of short-term rentals permitted on a lot in non-commercial zones and shall limit short term rentals in non-commercial zones to lots where proof of primary residency is provided to the Development Officer. Short-term rentals on lots where the occupier of the lot does not reside on the same property shall not be permitted in non-commercial zones.

Policy 4-68: Council may adopt a standalone "Short-term Rental" Policy to regulate short-term rentals in Mahone Bay.

4.7.4. Agricultural Uses

Despite Mahone Bay's commercial and residential core, there remains a significant portion of the town that is largely undeveloped and has more of a 'rural fringe' feel. Many of the properties include residential uses on large lots, but some also have resource-based uses including agricultural and forestry uses, while others have no active use. Under the Canada Lands Inventory, these lands are classified as Class 3 ("moderately severe limitations") and Class 7 ("no capacity for arable culture or permanent pasture"), and, therefore, hold limited potential for agricultural development.

While these lands have the potential for commercial livestock production, the intensity of these uses could create land use conflicts for surrounding properties, especially residential uses. Commercial livestock operations are often associated with large demands for land and water, of which there is a limited supply of both in Mahone Bay. There are also environmental impacts of commercial livestock operations such as water table pollution that could create concerns for surrounding property owners who use on-site drinking water supply systems. It is therefore Council's intention to continue to prohibit commercial livestock operations but to enable "hobby" (i.e. smaller-scale) livestock buildings on large, unserviced lots and to consider proposals for agriculture-related uses in the Planning Area.

Policy 4-69: Council shall consider, by development agreement, proposals for agriculture-related uses, such as crop processing and storage, on lots in the Unserviced Residential Zone subject to the policies in Section 6.6.

Policy 4-70: Council shall, through the Land Use Bylaw, prohibit commercial livestock operations.

4.8. Recreation and Open Spaces

There are numerous outdoor amenities for residents and visitors to enjoy within the town including the town's parks and trails that make up part of Mahone Bay's open space network. One of the key assets in the town's open space network is Jubilee Park. Jubilee Park consists of several amenities including a natural adventure playground, forests, and a network of trails that attracts people of all ages.

Two segments of the Rum Runners Trail (the Dynamite Trail and the Bay to Bay Trail) traverse and intersect within Mahone Bay. The Dynamite Trail, which connects Martin's River to Mahone Bay, connects with the Bay to Bay Trail, which connects Mahone Bay to the Town of Lunenburg. Where these two trails intersect is the beginning of the Adventure Trail that connects Mahone Bay to Bridgewater. There is also a trail along the waterfront that runs parallel to sections of Edgewater Street, providing residents and visitors access to Mahone Harbour.

Four other significant pieces of the open space network include the playing fields at the Mahone Bay Centre and Bayview School and the two cemeteries within Mahone Bay.

However, open space networks do not necessarily need to be 'natural'. The Michael O'Connor Memorial Bandstand is often a venue for musical concerts, performances, and a place to view the harbour and waterfront. Additionally, the Mahone Bay Pool, Mahone Bay Tennis Courts, and Town Wharf are vital assets to the community. Planning for the future of Mahone Bay must take into consideration how these assets can be preserved and enhanced for future generations.

4.8.1. Parks and Open Space Zone

In most instances, parks and open space uses are appropriate for most zones and can simply assume the zoning designation of surrounding lands. However, in some cases, Council may wish to communicate their intent to zone lands for parks and open space uses for their long-term preservation for the community. One such area is the playing field at the Mahone Bay Centre. This area was identified by the community during the engagement for this Plan as an important asset in the community. Council is supportive of the Parks and Open Space Zone and its application on current and future sites that are important to the open space and recreation network in Mahone Bay.

Policy 4-71: Council shall, through the Land Use Bylaw, establish the Parks and Open Space Zone. This zone shall be intended for lands that are meant to be preserved as part of the town's parks and open space network.

Policy 4-72: Council shall, through the Land Use Bylaw, permit parks and playground uses in all zones.

4.8.2. Campgrounds

Although tourism in Mahone Bay is a significant contributor to the local economy, accommodations within the town are limited to 'traditional' accommodation types. While campgrounds could offer a different style of accommodations for visitors of Mahone Bay, campgrounds bring with them many concerns including automobile traffic, noise, and servicing capacities—concerns that may be exacerbated in Mahone Bay due to its small land area. Additionally, the areas where campgrounds, and other similar accommodation uses, could be accommodated—in the periphery of town—have been historically preserved for future residential growth. To reduce the potential of current, and future, land use conflicts, Council is not supportive of the establishment of recreational vehicle camping sites or campgrounds within the boundaries of the town.

Policy 4-73: Council shall, through the Land Use Bylaw, prohibit campgrounds in Mahone Bay.

4.9. Culture and Heritage

What is now the Town of Mahone Bay is within the traditional and unceded territory of the Mi'kmaq who continue to live here, and who have used the land and sea to harvest food. The later populations of French Acadians, followed by Foreign Protestants, also left a legacy on the area, seen in its architecture, before the incorporation of Mahone Bay as a town in 1919. The following policies are focused on supporting and encouraging future cultural and historical endeavours in Mahone Bay.

4.9.1. Guiding the Conservation of Mahone Bay's Heritage Resources

To some extent, Mahone Bay's heritage is reflected in the architectural built form that is present in the town. European and American influences in Mahone Bay have resulted in an eclectic mix of building styles.[28]

Many of the early dwellings in Mahone Bay were purely functional, built in the coulisse manner (no nails) – brought from Europe by the 'foreign protestants'. As Mahone Bay grew as a community and shipbuilding, fishing, and shipping became more important industries in the second half of the 19th century, the architectural style of housing also began to diversify beyond simpler styles of housing. Italianate, Gothic Revival, Classical Revival, Picturesque, and Renaissance Revival styles of architecture all influenced the built form in Mahone Bay. Unlike in other areas of Nova Scotia, however, Georgian style of architecture had limited influence in Mahone Bay, which was a struggling farming community in the Georgian period.

Past planning documents used pre-1919 (the year of incorporation as a Town) architecture as the focus for architectural preservation. At this time a comprehensive architectural analysis has not yet been completed to focus on more modern architectural periods. However, Mahone Bay can be described as a continuing evolved cultural heritage landscape. This description is based on an understanding of the community and acknowledges that the town is not only a straightforward relic from a past era. Rather, Mahone Bay is a place that continues to evolve to both reflect its past but also accommodate new and future uses that have been added without adversely impacting its heritage values and resources. Planning for the future requires that the continuing evolution of Mahone Bay should be built on an understanding of the variety of heritage values associated with the town that are expressed not only in the pre-1919 built resources but also in the cultural heritage landscape

features and built heritage from the past century that expresses additional information about the past. This Plan, therefore, broadens the focus on architectural heritage to consider the authenticity of renovations or additions in relation to the specific period in which the building was constructed.

Although a comprehensive architectural analysis of the town has not been completed, it is apparent even to the casual observer that the appearance of most structures within these areas contributes specifically to the overall attractiveness of the town. Council supports the establishment of an Architectural Control Overlay that includes development standards to encourage development that conforms to the surrounding areas and is sensitive in design and scale to the surrounding heritage properties and streetscapes. However, as best practices for heritage preservation change, the Town would also like to accommodate new development that is a product of our time while still being compatible with, subordinate to and distinguishable from the heritage fabric surrounding it.

A discussion of heritage architecture, however, must also be accompanied by a discussion of the symbolic representation of heritage architecture and its associated development and settlement patterns. Heritage architecture represents colonization and settlement activities by early Europeans that ultimately displaced the traditional people, the Mi'kmaw, from the area. Efforts to preserve and enhance architectural heritage must also acknowledge, to some extent, the effects of colonialism in the town and the region.

As the Town moves forward, and within the context of reconciliation with Indigenous Peoples, Council will seek to integrate and include Indigenous history, voices, practices, and ways of knowing into heritage conservation. Reconciliation, which is a long-term "commitment to establish and maintain a mutually respectful relationship between Indigenous and non-Indigenous peoples"[29] must first begin with confronting historical truths that are necessary for reconciliation.[30]

One of those truths is that land use planning, as it is currently practiced in Nova Scotia, is inherantly colonial; it is founded on Europen concepts of land ownership, and legislative control over the use of that land. Council recognizes this truth, as well as the resulting legal responsibilities to which the Town is currently bound through the *Municipal Government Act*. However, in the spirit of reconciliation Council seeks to adapt the current colonial system to the extent possible in enabling Indigenous development proposals.

Council also recognizes that Mahone Bay's long history of human settlement raises the possibility of the presence of archaeological artefacts, both Indiginous and European. Such artefacts are provincially protected under the *Special Places Protection Act* and landowners, developers, and their staff have a legal duty to obtain an appropriate permit to disturb any such artefacts. Council encourages anyone undertaking development in Mahone Bay to understand their obligations under the *Special Places Protection Act* and to exercise appropriate due dilligence prior to undertaking such development activities

Policy 4-74: Council shall, through the Land Use Bylaw, establish the Architectural Control Overlay intended to guide the architectural style of façades visible from the public realm and other architectural features to help preserve the built form of existing streetscapes in Mahone Bay.

Policy 4-75: Council shall, through the Land Use Bylaw, establish development standards for development within the Architectural Control Overlay to ensure development conforms to the surrounding areas and is sensitive in design and scale to the surrounding heritage properties and streetscapes.

Policy 4-76: Council shall, through the Land Use Bylaw, allow proposals to forgo the requirements of the Architectural Control Overlay for any alteration or addition to an existing structure within the Architectural Overlay where the proposed alteration or addition intends to restore the character of the structure in manner that is period-appropriate to its construction. Any proposed alteration or addition shall be accompanied by verified documentation, including, but not limited to, photographs, sketches, or written documents, to the satisfaction of the Development Officer.

Policy 4-77: Council shall consider, by development agreement, a proposed development within the Architectural Control Overlay that does not conform to the architectural design regulations of the Overlay. The proposed development shall:

(a) be compatible with, subordinate to, and distinguishable from the heritage built form and architecture surrounding the proposed development;
(b) conform to all Bylaw requirements other than those of the Architectural Control Overlay;
(c) and
(d) meet all other provisions of Section 6.6.

Policy 4-78: Council shall consider, by development agreement, a proposed development within the Architectural Control Overlay that does not conform to the architectural design regulations of the Overlay if the proposal is for an Indigenous development and meets all other provisions of Section 6.6.

Policy 4-79: Council may conduct a comprehensive architectural analysis to understand the defining architectural elements within Mahone Bay. The analysis should not only focus on traditional architectural elements, but it should seek to identify additional heritage properties, resources, and values that have not already been identified and/or registered. Such an analysis may identify pre-European resources in addition to those after the Town's incorporation in 1919.

Policy 4-80: Council may, through the Land Use Bylaw, permit architectural features such as, but not limited to, sills, cornices, eaves, and chimneys, to encroach into any required horizontal setback, up to a specific distance established in the Land Use Bylaw, to promote architectural diversity.

4.9.2. Heritage Properties

The eastern entrance into the town is dominated by a unique collection of historic buildings and features: the three churches, Bayview Cemetery, and an intact historic view of Mahone Harbour.

The generally narrow setbacks of the commercial buildings create a comfortable pedestrian scale to the commercial core area.
The original street layout and placement of buildings took advantage of the topography of the area with the land rising gently from the shore. Most of the earliest buildings were oriented to the harbour and built on the higher terraces that provided views to the bay. Edgewater Street winds through the town, curving in organic alignment to the bay. Leading from the main intersection are the key streets heading inland and connecting the core area with the lands beyond.

The town currently has 18 municipally-registered heritage properties, each of which is accompanied by a Statement of Significance that lists and describes the historic resources. A review of these Statements tells the story of the settlement of the community. The earliest properties were developed in the late 1700s by Protestant German speaking settlers. The early land grant was subdivided and developed by families who prospered and expanded their holdings. By 1860 a large survey laid out an expansive plan for the town that is still evident today in the property layout and divisions.

The listed municipally-registered buildings are of different types: a number of historic churches; a rectory; and residences of a variety of colours, dates and architectural styles including vernacular, Gothic revival, and Neo-classical. The range of built and landscape features creates a picturesque composition highlighted by the landmark churches. In general, the scale of buildings is one to three storeys except for the church steeples that punctuate the view. This compact scale adds to the scenic visual character of the town.

Heritage properties in Nova Scotia are regulated under the *Heritage Property Act*. This Act gives municipalities a wide range of powers regarding heritage properties including permitting municipalities to establish a heritage bylaw and a heritage advisory committee to register and protect municipal heritage properties. Before alteration or demolition of a municipally-registered heritage property, the owner must have an application approved by the council; however, under the *Heritage Property Act*, regardless if a municipality denies an approval for the alteration or demolition of a municipally-registered heritage property, a property owner may still demolish said property after three years of the initial application. Council supports policies that encourage property owners to register heritage properties and to maintain the status of existing municipally-registered heritage properties. However, as a means to ensure existing registered heritage properties remain part of the fabric of the community, Council may seek to explore opportunities for the rehabilitation and restoration of registered heritage properties.

Policy 4-81: Council may encourage the continued use of existing heritage properties while retaining the character of the buildings.

Policy 4-82: Council may seek future opportunities aimed at rehabilitating and restoring existing heritage properties.

Policy 4-83: Council may, through the Land Use Bylaw, reduce development requirements for municipally-, provincially-, or federally-registered heritage properties as a means to incentivize the registration of additional properties in Mahone Bay and to maintain the status of existing registered heritage properties.

Policy 4-84: Council shall consider proposals to enable a municipally-registered heritage property or building to assume a use not permitted by the land use zone in which the property or building is located, but permitted within the designation in which the property or building is located, by development agreement, subject to the following considerations:

(a) the building covered by the development agreement shall not be altered in any way that diminishes its heritage value, as identified in the property's Statement of Significance;
(b) that any adjacent uses are not unduly impacted as a result of the development agreement, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements;
(c) that the development adheres to the policies in Section 6.6 of this Plan;
(d) this policy shall not apply where a use permitted in the Industrial General Zone is proposed within the Unserviced Designation; and
(e) that any use substantially complies with all other policies of this Plan.

4.9.3. Open Shoreline Zone

The shoreline of the harbour is foundational to the character of the town and contributes to the uniqueness of Mahone Bay. Preserving the visual access to these water assets and the appearance of the waterfront is important in preserving the character of the town. The open shoreline, by its very nature, also prevents development in areas that would otherwise be prone to sea level rise and climate change. As a means of preserving visual access to these features, Council supports the Open Shoreline Zone to limit development in these areas.

Policy 4-85: Council shall, through the Land Use Bylaw, establish the Open Shoreline Zone which is intended to protect and enhance the open nature of Mahone Bay's waterfront. The Open Shoreline Zone shall permit a limited number of uses that do not interfere with the general scenic nature of the town -- including, but not limited to, parking lots and parks. Development standards in the Open Shoreline Zone shall be restrictive, including the permitted height of structures, to protect existing views and to preserve the open character of the area.

4.9.4. Arts and Cultural Uses

Artistic and cultural ventures have long played an important role in Mahone Bay and continue to be cultivated today. There are many opportunities for residents and visitors to participate and take in artistic and cultural events and exhibits in town, including museums, galleries, and festivals. Council supports the continuation of the artistic and cultural sector in the town's economy by enabling teaching activities as a home-based business and main uses dedicated to these facilities.

Policy 4-86: Council shall, through the Land Use Bylaw, permit the teaching of students in activities such as dance and music, art gallery sales, and craft workshops as home-based businesses.

Policy 4-87: Council shall, through the Land Use Bylaw, permit cultural uses, such as, but not limited to, theatres and museums in a wide variety of zones that prioritize commercial or public uses.

4.9.5. Cemeteries

There are two cemeteries within Mahone Bay: Park Cemetery and Bayview Cemetery. Both of these cemeteries are managed by the Town. With a limited supply of land available in the town and the challenges associated with private cemeteries, Council is not supportive of the deveopment of new cemeteries in Mahone Bay, nor does Council support enabling existing cemeteries to expand in lot area beyond their existing boundaries.

Policy 4-88: Council shall, through the Land Use Bylaw, prohibit the establishment of new cemeteries in the Planning Area.

Policy 4-89: Council shall, through the Land Use Bylaw, prohibit existing cemeteries from expanding beyond the lot boundaries as they existed on 2024.01.31.

4.10. Community Uses

The foundations of Mahone Bay have been built upon the people, volunteers, and institutions that provide a range of services, amenities, and opportunities to the community. These institutions often serve the broader public and contribute to a common good in the community. They work to build social, economic, and cultural ties and relationships.

4.10.1. Institutional Zone

In Mahone Bay, there is a diversity of institutions that are integral to the social and cultural fabric of the town. Children and families have access to Bayview School, a kindergarten to grade nine school within the town, and the Mahone Bay Centre—a former school—provides a range of services and spaces for the community to use. Within Mahone Bay also exists a Fire Hall and ambulance depot for Emergency Health Services (EMS) workers.

Three of the most significant institutions in the town are the "Three Churches"–St. James Anglican Church, St. John's Evangelical Lutheran Church, and Trinity United Church. While these churches, and others, have played an important role in the history of the community, the role of churches and other places of worship are changing across Nova Scotia and Canada. By 2025, it is estimated that one third of the 27,000 places of worship across Canada will close as congregations age and the number of people with religious affiliations decreases.[31] Increasingly, places of worship are being adapted to alternative uses such as residential or commercial uses. To support the long-term preservation of these institutions, among others in town, Council supports the implementation of the Institutional Zone.

Policy 4-90: Council shall, through the Land Use Bylaw, establish the Institutional Zone to permit a wide variety of institutional uses including, but not limited to, government facilities, academic and health facilities, day care centres, and cultural institutions.

4.10.2. Adaptive Reuse of Institutional Buildings

Occassionally an institutional use, such as a school or medical facility, will cease operation. This often leaves behind a building and property that is functionally distinct from those for other land uses. Rather than see such buildings decay or be torn down, Council would like to encourage their adaptive reuse. However, given the often-unique structures or properties associated with such uses, conversion is not always straightforward. Therefore, Council will provide an opportunity for such adaptive reuse through the development agreement process to provide sufficient flexibility for such conversions.

Policy 4-91: Council shall consider proposals to repurpose vacant institutional buildings for uses not otherwise permitted in the zone, by development agreement. In considering such proposals, Council shall be satisfied:

(a) the proposal respects and enhances the history of the building;
(b) the use and any structural additions are appropriate to the surrounding context and the zone in which they are located, either by their nature or by the conditions placed upon them in the development agreement;
(c) that any adjacent uses are not unduly impacted as a result of the development agreement, by such things including, but not limited to, traffic generation, noise, hours of operation, and parking requirements;
(d) that the development adheres to the policies in Section 6.6 of this Plan; and
(e) that any use substantially complies with all other policies of this Plan.

4.11. Healthy and Accessible Communities

4.11.1. Accessibility

As Mahone Bay plans for its future, it must also consider how the town can become more accessible for all. Nova Scotia has the highest percentage, among Canadian provinces, of adults that identify having at least one disability. Nova Scotia is also among the provinces with the highest percentage of adults over the age of 65. [32] Recognizing this, in 2017, the Province of Nova Scotia passed the *Accessibility Act* which, "recognizes accessibility as a human right, and sets a goal to make Nova Scotia an accessible province by 2030."[33]

As part of the *Accessibility Act*, municipalities are required to establish an Accessibility Advisory Committee and to develop an Accessibility Plan. Mahone Bay, in partnership with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Lunenburg, and the Municipality of the District of Chester established a joint committee to develop a County-wide Accessibility Plan, but Council supports additional efforts that enable a more accessible Mahone Bay, including those within the built environment.

Policy 4-92: Council shall continue to work with the Town of Bridgewater, the Town of Lunenburg, the Municipality of the District of Lunenburg, and the Municipality of the District of Chester as part of a joint effort to develop an Accessibility Plan for the municipalities within Lunenburg County.

Policy 4-93: Council may amend the *Building Bylaw* to require at least one dwelling unit be completely ground-floor accessible where a certain number of dwelling units are proposed as part of a development in Mahone Bay.

Policy 4-94: Council may, through the Land Use Bylaw, permit barrier-free access structures to encroach into any required horizontal setback, to the lot line, to promote and enable structures becoming more accessible.

4.11.2. Urban Agriculture and Community Gardens

Access to safe and nutritious food that is grown in a sustainable manner can be challenging, especially in the urban environment. Urban agriculture represents an opportunity to improve the community's access to healthy, local, food while also contributing to the social and mental health of community members. Urban agriculture can include a range of activities such as the keeping of bees, hens, and rabbits, and can also include the sale of agricultural products. Council is supportive of enabling urban agricultural practices in Mahone Bay.

Policy 4-95: Council shall, through the Land Use Bylaw, enable urban agricultural uses, which may include the keeping of bees, hens, and rabbits, in all zones except the Open Shoreline (OS) Zone and Conservation (C) Zone.

Policy 4-96: Council shall, through the Land Use Bylaw, establish appropriate provisions for urban agricultural uses to limit their impact on neighbouring uses and to protect the health and well-being of any bees, hens, or rabbits kept as an urban agricultural use.

4.11.3. Alcohol, Tobacco, and Cannabis Sales

According to the Government of Nova Scotia, there is general consensus that supply reduction is "among the most effective forms of prevention"[34] for use of legally available products such as alcohol and tobacco. However, prevention, which refers to "to preventing and reducing immediate and long-term harms related to substance use",[35] may "also be achieved by increasing access to the broad determinants of health across a population, and promoting child and youth development."[36] Such determinants of health may also include access to safe, affordable, and adequate housing.

To some extent, municipalities in Nova Scotia can control and limit where the sale of legally available products can be located through the policies and regulations of the municipal planning strategy and land use bylaw. However, in Nova Scotia, the retail sale of alcohol, tobacco, and cannabis, are all controlled under legislation controlling their production, sale, and use. Additionally, in the case of alcohol and cannabis, the Province has the sole authority to retail such products (with minor exceptions), and as a higher order of government, the Province is not compelled to adhere to municipal land use regulations. Despite this, Council will seek to work the Province when determining the location for any alcohol or cannabis sale outlets that are operated by the Province in Mahone Bay.

Where Council does have the authority to control the private sale of alcohol—such as in bars and lounges—it supports policies and regulations that give Council greater control of such uses. For this Municipal Planning Strategy and associated Land Use Bylaw, Council is supportive of policies that promote a higher level of oversight for proposals for licensed liquor establishments.

Policy 4-97: Council shall work with the Province of Nova Scotia when determining the location for proposed retail outlets for alcohol and cannabis that are operated by the Province.

Policy 4-98: Council shall, through the Land Use Bylaw, permit licensed liquor establishments with a gross floor area less than 111 square metres by site plan approval in commercial zones.

Policy 4-99: Council shall consider, by development agreement, in commercial zones, licensed liquor establishments, outdoor areas associated with licensed liquor establishments, and any expansion or additions to licensed liquor establishments that results in a gross floor area of 111 square metres or greater, in accordance with the policies in Section 6.6 and the following criteria:

(a) the proposed use includes provisions for sound insulation, location requirements for doors, windows, fire escapes, and other architectural features that will reduce the emission of noise or lessen the effect of any other nuisance on neighboring properties;
(b) the proposed use shall not have a negative effect on nearby residential uses due to the hours of operation, the location of premises, or the design of the premises; and
(c) the proposed use is not located on a lot that is adjacent to a residential dwelling or an institutional use.

4.11.4. Adult Entertainment Uses

With Mahone Bay's small footprint, residential character, and significant places of worship, Council is not supportive of the development of adult entertainment uses in the town due to the potential for land use conflicts. Adult entertainment uses include services or entertainment intended to appeal to sexual appetites but does not include the retailing of adult material, such as an adult bookstore.

Policy 4-100: Council shall, through the Land Use Bylaw, prohibit the establishment of adult entertainment uses.

4.11.5. Outdoor Wood-burning Furnaces and Water-stoves

Outdoor wood-burning furnaces and water-stoves are popular and cost-effective appliances to heat homes and water. These wood-burning appliances, which are located outside of a main structure, work by circulating hot water, heated in the furnace or water-stove, throughout the structure. Despite their cost-effectiveness and ability to be easily retrofitted to an existing structure, the smoke they produce through the burning of wood can create health concerns and land use conflicts for surrounding uses and therefore Council supports prohibiting outdoor wood-burning furnaces and water-stoves within the Town.

Policy 4-101: Council shall, through the Land Use Bylaw, prohibit outdoor wood-burning furnaces and water-stoves.

5. Town Structure

5.1. Land Use Designations

Land use designations are one of the primary policy tools to guide how development will occur in Mahone Bay over the life of this Municipal Planning Strategy. Represented on the Future Land Use Map in Schedule 'A', the land use designations broadly depict and describe the future land use of an area. For example, areas within the Residential Land Use Designation of this Municipal Planning Strategy are intended to be primarily residential in nature; however, the designation can allow additional land use zones or uses that complement and are compatible with the residential nature of the area. Council is supportive of the establishment and application of multiple land use designations and land use zones to accommodate a variety of land uses and developments.

Policy 5-1: Council shall, within this Municipal Planning Strategy and on Schedule 'A', the Future Land Use Map, establish the following land use designations:

(a) Residential Designation,
(b) Commercial Designation,
(c) Industrial Designation,
(d) Unserviced Designation, and
(e) Parks and Conservation Designation.

5.2. Residential Designation

Mahone Bay is known for the high quality of life for its residents, and outside of Mahone Bay's commercial areas there are significant serviced areas dedicated to residential uses. These areas are intended to meet the long-term housing needs of current and future Mahone Bay residents. These residential areas have developed throughout the town's history, developing beyond Main Street into more peripheral areas of the town. As such, the form and style of housing in the town differs from location to location.

Although there exists developable land outside of these serviced residential areas, its development depends on the future allocation of municipal services. Because of this, residential areas that are currently serviced need to be carefully planned to make the best use of available land and services and to further enable the town to meet future housing needs.

Policy 5-2: Council shall, on Schedule 'A', the Future Land Use Map, designate residential lands in serviced and unserviced areas intended to give priority to residential development. These areas shall also accommodate uses that complement residential uses including, but not limited to, parks, trails, public educational uses, places of worship, among others.

Policy 5-3: Council shall, through the Land Use Bylaw, permit the following zones within the Residential Designation:

(a) Residential Core Zone
(b) Residential General Zone
(c) Residential Multi-unit Zone
(d) Parks and Open Space Zone
(e) Institutional Zone
(f) Conservation Zone

5.2.1. Residential Core Zone

Along Main Street and the directly adjacent areas, residential land uses conform to the traditional form and architecture that is found in Mahone Bay. Residential land uses are typically in the form of single-unit dwellings, located on small lots, with a mix of small and large front yard setbacks. With some of the oldest residences in Mahone Bay, these areas are home to established neighbourhoods with few opportunities for infill development. Where infill development potential does exist, it depends on the future extension of services, such as roads, and the subdivision of existing properties. To support these established neighbourhoods, this Municipal Planning Strategy establishes the Residential Core Zone. The permitted uses in this zone, and the associated zone development standards, shall seek to support development that helps to maintain the built form of the area while also enabling new housing forms in these residential areas.

Policy 5-4: Council shall, through the Land Use Bylaw, establish the Residential Core Zone intended to accommodate lower-density residential development that is generally in keeping with the existing residential development pattern throughout the zone.

Policy 5-5: Council shall, through the Land Use Bylaw, permit limited residential uses in the Residential Core Zone including single- and two-unit dwellings, triplexes, small multi-unit dwellings, mini homes, mobile homes, and small options homes. This zone shall also permit uses that complement lower-density residential uses, including, but not limited to places of worship and academic schools.

Policy 5-6: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Core Zone:

(a) Grouped dwellings with three (3) or four (4) units.

5.2.2. Residential General Zone

Outside of the core residential areas, there is a greater diversity of residential dwellings, both in style and type, and lots are generally larger. These areas feature a diversity of post-war housing and have been the location of infill development for smaller multi-unit developments. Recent subdivision development has also occurred outside of the core residential areas, in Hawthorn Hill. Because of the distinctly different development pattern and style in these areas, Council is supportive of the establishment of the Residential General Zone.

The intent of the Residential General Zone is to support the established neighbourhoods that exist in these areas, all the while supporting low- and medium-density residential development that fits into the context of the area.

Policy 5-7: Council shall, through the Land Use Bylaw, establish the Residential General Zone intended to accommodate a mix of low- and medium-density residential development outside of the core residential areas of Mahone Bay.

Policy 5-8: Council shall, through the Land Use Bylaw, permit a mix of low- and medium-density residential uses including, but not limited to, single- and two-unit dwellings, mini homes, mobile homes, triplex dwellings, grouped dwellings limited to two (2) dwellings, and multi-unit dwellings limited to eight (8) units.

Policy 5-9: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Core Zone:

(a) Grouped dwellings with three (3) to eight (8) units.

5.2.3. Residential Multi-unit Zone

In addition to lower-density developments, there are several multi-unit residential developments in Mahone Bay. Multi-unit residential developments, whether they are apartments or condominiums, offer an alternative form of housing to current and prospective residents of Mahone Bay. This style of development, when planned accordingly, uses municipal services more efficiently than residential development that is spread over a larger area.

Under the preceding land use planning documents in Mahone Bay, most proposed developments with more than two dwelling units on a lot were required to proceed by development agreement, creating obstacles for the potential development of this style of housing. To support multi-unit residential development in Mahone Bay, Council supports the establishment of the Residential Multi-unit Zone. This zone will initially be applied to existing multi-unit residential development in Mahone Bay including nursing homes.

Policy 5-10: Council shall, through the Land Use Bylaw, establish the Residential Multi-unit Zone intended to accommodate multiple-unit residential developments in serviced and unserviced areas.

Policy 5-11: Council shall, through the Land Use Bylaw, limit the permitted residential uses in the Residential Multi-unit Zone to medium- and high-density dwellings including triplex dwellings, grouped dwellings with three (3) to eight (8) units, and multi-unit dwellings with eight (8) or fewer units.

Policy 5-12: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Residential Multi-unit Zone:

(a) Multi-unit dwellings with more than eight (8) units;
(b) Grouped dwellings with nine (9) to 12 units; and
(c) Residential care facilities.

Policy 5-13: Council shall consider, by development agreement, proposals for the following in the Residential Multi-unit Zone, subject to the policies in Section 6.6:

(a) Nursing homes.

5.2.4. Rezoning

Policy 5-14: Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation, as identified by Policy 5-3. Council shall not approve such a rezoning unless Council is satisfied:

(a) the proposed change is not prohibited by any other policy of this Plan;
(b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
(c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

5.3. Commercial Designation

Commercial activity in Mahone Bay is primarily conducted along Main Street and Edgewater Street; however, smaller commercial sites away from these core areas are also present. These areas, especially those along Main Street and Edgewater Street, are frequently visited by residents and visitors to the town. Uses range from dine-in restaurants, small-craft shops, to professional services. It is Council's intention to continue to encourage commercial uses within the commercial core, all the while recognizing and supporting commercial development outside of the core.

There are also areas in Mahone Bay which could gradually transition from their primarily residential land uses to commercial uses. To support this potential transition, the commercial land use designation has also been applied to some areas along Main Street that are predominantly residential in nature but could see their use change over the life of this planning document.

Policy 5-15: Council shall, on Schedule 'A', the Future Land Use Map, designate commercial lands in serviced and unserviced areas intended to give priority to a wide range of commercial uses.

Policy 5-16: Council shall, through the Land Use Bylaw, permit the following zones within the Commercial Designation:

(a) Commercial Core Zone
(b) Commercial General Zone
(c) Conservation Zone
(d) Parks and Open Space Zone
(e) Open Shoreline Zone

Policy 5-17: Council shall, through the Land Use Bylaw, consider legally existing residential uses in the Commercial Core Zone and the Commercial General Zone as fully conforming land uses, which shall be permitted to expand.

5.3.1. Commercial Core Zone

The commercial 'downtown' core of Mahone Bay is well-defined, extending along the central areas of Main Street and Edgewater Street, and exhibits the characteristics of a traditional 'Main Street'. This area not only serves the residents of Mahone Bay, but it is the location of many of the shops and restaurants that visitors enjoy when they come to the town. As one of Mahone Bay's most significant characteristics, the Commercial Core Zone seeks to reinforce the traditional aspects of the downtown core of Mahone Bay through the Land Use Bylaw by permitting a range of commercial uses, which support the existing small-scale commercial businesses.

Additional provisions within the Land Use Bylaw have also been included to support the commercial downtown in Mahone Bay. Fifty percent of street level frontage and street level floor area in the Commercial Core Zone is required to be dedicated to a commercial use that is permitted in the zone. This provision has been carried over, and expanded, from the previous Land Use Bylaw which had similar requirements for properties on the seaward side of Main Street from approximately Fauxburg Road to Clairmont Street.

Policy 5-18: Council shall, through the Land Use Bylaw, establish the Commercial Core Zone intended to accommodate a range of commercial uses that reinforce traditional 'Main Street' characteristics.

Policy 5-19: Council shall, through the Land Use Bylaw, permit a range of commercial uses within the Commercial Core Zone including, but not limited to, banks and financial institutions, dine-in restaurants, personal service shops, and retail developments up to 300 square metres in floor area. Automobile-oriented uses including, but not limited to, drive-throughs, automobile sales, automobile body shops, and automobile repair shops shall not be permitted.

Policy 5-20: Council shall, through the Land Use Bylaw, permit single- and two-unit dwellings, and triplex dwellings in the Commercial Core Zone, within commercial buildings, intended to support mixed used development in the downtown core.

Policy 5-21: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Commercial Core Zone:

(a) marine recreation providers;
(b) commercial schools;
(c) multi-unit dwellings in commercial buildings and in the rear yard; and
(d) grouped dwellings in the rear yard.

Policy 5-22: Council shall consider, by development agreement, proposals for the following uses in the Commercial Core Zone, and subject to the policies in Section 6.6:

(a) nursing homes;
(b) boat and marine sales;
(c) marinas;
(d) stand-alone multi-unit dwellings; and
(e) extended care facilities.

Policy 5-23: Council shall, through the Land Use Bylaw, require a minimum of 50 percent of street level frontage and street level floor area in the Commercial Core Zone to be dedicated to a commercial use permitted in the zone to reinforce and support the evolution and expansion of the commercial downtown in Mahone Bay.

Policy 5-24: Council may only consider rezoning from the Commercial Core (CC) Zone to the Commercial General (CG) Zone where the Commercial Core (CC) Zone abuts the Commercial General (CG) Zone.

5.3.2. Commercial General Zone

Outside of the core commercial areas exists a scattering of commercial uses and businesses that provide a range of services to Mahone Bay residents and visitors. These businesses are sometimes located in residential buildings that have been converted and adapted to support a commercial use. Additionally, there are a number of sites occupied by uses that could be classified as 'large-format' commercial uses. These uses are typically located on larger lots with structures that are generally much larger than those commercial uses found elsewhere in town. These structures may also be associated with uses, such as drive-throughs, that are generally not appropriate for the core commercial areas of Mahone Bay. Despite their size and land requirements, these uses provide important services to the residents of Mahone Bay, such as the grocery store.

The Commercial General Zone is intended to accommodate and enable a wide range of commercial uses, including larger commercial uses and commercial uses associated with residential buildings. Larger or more intensive uses may also be subject to additional requirements through the site plan approval and development agreement processes.

Policy 5-25: Council shall, through the Land Use Bylaw, establish the Commercial General Zone intended to accommodate a range of commercial uses outside of the commercial core and/or to support uses that may require larger lots for their structures, uses, outdoor storage, or a combination thereof. Lot standards shall be flexible to enable a range of uses.

Policy 5-26: Council shall, through the Land Use Bylaw, permit a range of commercial uses within the Commercial General Zone including, but not limited to, animal care, automobile repair and sales, automobile service stations, commercial recreation uses, commercial electric vehicle charging, funeral homes, and taxi and bus stations.

Policy 5-27: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Commercial General Zone:

(a) garden centres;
(b) marine recreation providers;
(c) drive-through restaurants
(d) drive -through financial institutions;
(e) retail lumber and home improvement yard;
(f) multi-unit dwellings in commercial buildings and in the rear yard; and
(g) grouped dwellings in the rear yard.

Policy 5-28: Council shall consider, by development agreement, proposals for the following in the Commercial General Zone, and subject to the policies in Section 6.6:

(a) animal shelters;
(b) automobile body shops;
(c) stand-alone multi-unit dwellings;
(d) retail developments with a gross floor area greater than 300 square metres; and
(e) funeral homes that include crematoriums.

5.3.3. Rezoning

Policy 5-29: Council shall consider proposals to rezone lands in the Commercial Designation to any other zone permitted in that designation, as identified by Policy 5-16. Council shall not approve such a rezoning unless Council is satisfied:

(a) the proposed change is not prohibited by any other policy of this Plan;
(b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands;
(c) and the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

5.4. Industrial Designation

Mahone Bay has a significant industrial history. The town was founded and grew on an economy based on woodworking and shipbuilding. However, over time, as these industries declined so did the significance of industrial activities in Mahone Bay. Today, industrial development is limited to a select number of sites within the town's boundary, including one manufacturing plant along Main Street. Council intends to continue to encourage manufacturing operations within the town's boundary, while also applying the Industrial Designation to areas with uses that have the potential to create land use conflicts for surrounding areas, such as the Town's wastewater treatment facility.

Policy 5-30: Council shall, on Schedule 'A', the Future Land Use Map, designate industrial lands in serviced and unserviced areas intended to accommodate existing industrial uses and give priority to future industrial development.

Policy 5-31: Council shall, through the Land Use Bylaw, permit the following zones within the Industrial Designation:

(a) Industrial General Zone
(b) Parks and Open Space Zone
(c) Conservation Zone
(d) Open Shoreline Zone

Policy 5-32: Council shall not permit heavy industrial uses within the town due to their potential to create significant impacts on neighboring properties and the natural environment. Heavy industrial uses may include, but are not limited, to salvage yards.

5.4.1. Industrial General Zone

Policy 5-33: Council shall, through the Land Use Bylaw, establish the Industrial General Zone, intended to permit a range of industrial uses, excluding heavy industrial uses, which shall be prohibited.

Policy 5-34: Council shall, through the Land Use Bylaw, permit a range of industrial uses in the Industrial General Zone including, but not limited to, manufacturing, fishery related industries, service and repair shops, Town-owned utilities and services, and large-format solar gardens. Community uses including outdoor commercial recreation, emergency services, government building and uses, recreation centres and recreation uses shall also be permitted in the Industrial General Zone. Zone standards shall be flexible to accommodate a range of industrial uses.

Policy 5-35: Council shall, through the Land Use Bylaw, permit the following uses by site plan approval in the Industrial General Zone:

(a) micro-brewery uses, and
(b) micro-distillery uses.

Policy 5-36: Council shall, on PID 60419538, only consider by development agreement proposals for commercial or industrial uses otherwise permitted in the Industrial General Zone, subject to the policies of Section 6.6.

5.4.2. Rezoning

Policy 5-37: Council shall consider proposals to rezone lands in the Industrial Designation to any other zone permitted in that designation, as identified by Policy 5-31. Council shall not approve such a rezoning unless Council is satisfied:

(a) the proposed change is not prohibited by any other policy of this Plan;
(b) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
(c) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

5.5. Unserviced Designation

Outside of the serviced residential and commercial areas of Mahone Bay, there are areas that are more rural in character. Some rural areas include residential uses on large lots, while others host uses that include agricultural uses, forestry uses, pits and quarries, and large land holdings with no active uses. Some of these lands are classified in the Canada Land Inventory as part of a complex Class 3 ("moderately severe limitations") and Class 7 ("no capacity for arable culture or permanent pasture"), and, therefore, hold limited potential for agricultural development.

As identified in previous iterations of the Town's Municipal Planning Strategy, these lands cannot be preserved as agricultural lands in the long term as they are required for future residential growth as municipal servicing becomes available. The intended use of these lands is to accommodate this future residential growth while offering opportunities for limited small-scale crop-based agriculture and forestry uses.

Policy 5-38: Council shall, on Schedule 'A', the Future Land Use Map, designate unserviced lands in the unserviced areas of town that are intended to accommodate future residential growth as municipal services become available.

Policy 5-39: Council shall, through the Land Use Bylaw, permit the following zones within the Unserviced Designation:

(a) Residential Unserviced Zone
(b) Parks and Open Space Zone
(c) Conservation Zone
(d) Residential General Zone
(e) Residential Multi-unit Zone
(f) Institutional Zone

5.5.1. Residential Unserviced Zone

The intent for these lands, as expressed by Council and in previous iterations of the Municipal Planning Strategy, is to be preserved for future residential development and growth of the town. However, for residential development to occur at a scale greater than what is currently existing, municipal services must first be expanded into these areas. Council is, therefore, supportive of also enabling small-scale resource based industries in the Unserviced Residential Zone, such as forestry uses, as interim land uses.

Policy 5-40: Council shall, through the Land Use Bylaw, establish the Residential Unserviced Zone, intended to permit a limited number of residential development types in the unserviced areas of Mahone Bay.

Policy 5-41: Council shall, through the Land Use Bylaw, permit single- and two-unit dwellings, mobile homes, mini-homes, among other low-density residential uses. This zone shall also accommodate forestry uses, which are limited in size, in this Zone.

Policy 5-42: Council shall consider, by development agreement, proposals for the following in the Unserviced Residential Zone, and subject to the policies in Section 6.6:

(a) commercial solar collector systems.

5.5.2. Rezoning

Policy 5-43: Council shall consider proposals to rezone lands in the Unserviced Designation to any other zone permitted in that designation, as identified by Policy 5-39. Council shall not approve such a rezoning unless Council is satisfied:

(a) When being rezoned to another residential land use zone, the area is shown on an approved tentative plan of subdivision that is serviced by the municipal water and sewer systems and is intended to be subdivided for residential development;
(b) the proposed change is not prohibited by any other policy of this Plan;
(c) the purpose of the proposed zone, as described in the respective policy creating that zone, is consistent with the location and characteristic of the land and with the proposed use of the lands; and
(d) the proposal meets the general criteria for amending the Land Use Bylaw, set out in Policy 6-26.

5.6. Parks and Conservation Designation

While there are large tracts of developed land in Mahone Bay, there are areas that remain untouched and undisturbed. Many of areas should not only be protected because they are ecologically sensitive and significant, but development in these areas could pose a threat to humans and their property. In addition to these ecologically sensitive and significant ecosystems, there are outdoor parks, trails, and coastal areas that play an important role in the day to day lives of Mahone Bay residents. These areas include the multiple trails systems, such as the Dynamite Trail and Bay to Bay Trail, and the Jubilee Woods. Preventing and limiting development in these areas and ensuring they remain part of the community over the life of this Plan is a priority of Council.

Policy 5-44: Council shall, on Schedule 'A', the Future Land Use Map, designate as parks and conservation lands intended to preserve the natural and cultural landscape of Mahone Bay.

Policy 5-45: Council shall, on the zoning map of the Land Use Bylaw, permit the following zones within the Parks and Conservation Designation:

(a) Conservation Zone
(b) Open Shoreline Zone
(c) Parks and Open Space Zone

5.6.1. Conservation Zone

Policy 5-46: Council shall, through the Land Use Bylaw, establish the Conservation Zone which is intended to safeguard the ecological integrity of land and to limit human development from occurring in these areas.

Policy 5-47: Council may amend the zoning maps of the Land Use Bylaw to adjust the boundaries of the Conservation Zone to increase the total amount of land protected under this land use zone.

5.6.2. Rezoning

Policy 5-48: Council shall not rezone lands within the Parks and Conservation Designation without an amendment to this Plan except for boundary adjustments enabled by Policy 5-47, which shall not require an amendment to this Plan.

6. Implementation and Administration

6.1. Administration

This Municipal Planning Strategy is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Mahone Bay. This Plan and its associated Land Use Bylaw are enabled and consistent with the *Municipal Government Act*, as amended.

6.1.1. Document Administration

This Municipal Planning Strategy and the Land Use Bylaw are structured and reinforce ease of reference and to track changes in content of the documents over time. The referencing system employed for both the Municipal Planning Strategy and Land Use Bylaw are as follows:

1 – Chapter
1.1 – Section
1.1.1 – Subsection
1.1.1 (a) – Clause
1.1.1 (a) (i) – Subclause

When amending this Municipal Planning Strategy or the text of the Land Use Bylaw, the Town will use the following practices:

- The date of Council adoption, the effective date of the amendment, the general nature of the change, and the reference file or project will be noted in the changelog at the end of the Municipal Planning Strategy and Land Use Bylaw.
- Each record in the changelog will be given a reference number prefaced with the letters, "CHG".
- Deleted text will be replaced with the text, "DELETED" and the reference number for the appropriate record in the changelog. Subsequent text will not be renumbered.
- Additions or substitutions will be bolded with the reference number for the appropriate record in the changelog following in brackets.
- If additions would normally require the renumbering of following text, the "highway interchange" system will be used. A capital letter will be added to the numbering to differentiate the new text from the previous numbering. For example, Subsection 1.1.2A would be used between Subsections 1.1.2 and 1.1.3.'

6.1.2. Policy Statements

This Municipal Planning Strategy contains policy statements of Council regarding the growth and development of Mahone Bay. Policy statements are denoted by the text, "**Policy #-#**". All content of this Plan not contained within a policy are considered preamble and may be used to help interpret the intent of Policy statements if the statements are found to be ambiguous or unclear.

Policy 6-1: Policy statements of Council shall be denoted in this Plan with the text "**Policy #-#**", with the number signs (hash) replaced by the appropriate policy number.

Policy 6-2: Written content of this Municipal Planning Strategy not contained within a Policy statement of Council shall be considered preamble. Preamble may be considered to interpret the intent of Policy statements of Council, but do not form a part of the Policy statement.

6.1.3. Effective Date

Policy 6-3: This Municipal Planning Strategy and implementing Land Use Bylaw shall come into effect on the date that a notice is published in a newspaper, circulating in the town, informing the public that the planning documents are in effect.

6.2. Regional Cooperation

6.2.1. Consultation with Adjacent Municipalities

Since Mahone Bay is surrounded by the Municipality of the District of Lunenburg, land use planning decisions that are made within Mahone Bay can impact areas outside of the town's municipal boundary. Council supports efforts to ensure a strong cooperative relationship between the Town of Mahone Bay and the Municipality of the District of Lunenburg when considering amendments to this Municipal Planning Strategy and when adopting new Municipal Planning Strategies in the future.

Policy 6-4: Council shall, when adopting or amending a municipal planning strategy as required in the *Municipal Government Act*, consult and engage with the Municipality of the District of Lunenburg when:

(a) adopting a new Municipal Planning Strategy to replace this one; and
(b) considering amendments to this Municipal Planning Strategy that would affect lands that share a common boundary with the Municipality of the District of Lunenburg.

Policy 6-5: Consultation undertaken through Policy 6-4 shall:

(a) invite comment on matters of municipal interest;
(b) invite comment in relation to Statements of Provincial Interest;
(c) be considered by Council or the Planning Advisory Committee as its designate as part of the body of feedback received on the proposed amendment or new Municipal Planning Strategy; and
(d) be completed prior to Council publishing its first notice for a Public Hearing on the proposed amendment or new Municipal Planning Strategy.

6.3. Land Use Bylaw and Subdivision Bylaw

6.3.1. Adoption

The vision, goals, and land use policies of this Municipal Planning Strategy are implemented through the Land Use Bylaw. The Land Use Bylaw includes the legal requirements and regulations regarding land use decision-making in Mahone Bay.

Another significant document that guides land use in the town is the Subdivision Bylaw. This Bylaw contains the legal requirements with respect to subdividing land, the development of new public roads, and dedication of public open space. The Subdivision Bylaw, like the Municipal Planning Strategy and Land Use Bylaw, is guided by the *Municipal Government Act*. Within the Act, there are regulations that represent a minimum standard for municipalities with respect to subdivision regulations.

As legal documents, both the Land Use Bylaw and Subdivision Bylaw require a person or persons to administer the contents of the document. At the municipal level, this responsibility is given to the Development Officer. The Development Officer, as the person(s) responsible for administering the documents, also has the responsibility to issue, refuse, amend and revoke permits under the terms of these Bylaws.

Policy 6-6: Council shall adopt a Land Use Bylaw and a Subdivision Bylaw consistent with the intent of this Municipal Planning Strategy.

Policy 6-7: Council shall appoint one or more Development Officers to administer the Land Use Bylaw and the Subdivision Bylaw and to issue, refuse, amend, and revoke permits under the terms of these Bylaws.

Policy 6-8: Council shall, through the Land Use Bylaw, require a development permit for all development within the town, except for development where it is stated in the Land Use Bylaw that a development permit is not required.

Policy 6-9: Council shall, through the Land Use Bylaw, permit temporary development permits for specific uses identified in the Land Use Bylaw for an established time period.

Policy 6-10: The Subdivision Bylaw shall:

(a) apply to the whole of the Town of Mahone Bay;
(b) ensure that any subdivision, with the exception of lots created using the variance provision of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use Bylaw;
(c) establish locations and standards for the development of roads, central services, and other publicly owned infrastructure;
(d) contain provisions intended to ensure that lots are suitable for onsite sewage disposal where there is no central sewer system;
(e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
(f) ensure the applicable requirements of the Provincial Subdivision Regulations are in effect; and
(g) contain any other provisions needed to fulfill the intent of this Plan.

6.3.2. Variances

Under the *Municipal Government Act*, Development Officers can grant 'variances' from the requirements of the Land Use Bylaw. A variance can be thought of as a relaxation of one or more requirements of the Land Use Bylaw to accommodate development. However, Development Officers are limited in the scope, according to the Act, in which they are able to grant variances, and the Act also defines circumstances for which a variance may not be granted. According to the Act, a variance may not be granted where the:

(a) variance violates the intent of the development agreement or Land Use Bylaw;
(b) difficulty experienced is general to properties in the area; or
(c) difficulty experienced results from an intentional disregard for the requirements of the development agreement or Land Use Bylaw.

Policy 6-11: Council shall, in accordance with the *Municipal Government Act*, permit the Development Officer to grant variances for:

(a) the percentage of land that may be built upon;
(b) the size or other requirements relating to setbacks;
(c) lot frontage;
(d) lot area;
(e) location and number of parking spaces and loading spaces required;
(f) ground area of a structure;
(g) height of a structure;
(h) floor area occupied by a home-based business; and/or
(i) height and area of a sign.

Policy 6-12: Council shall, through the Land Use Bylaw, establish thresholds for the maximum permitted variances from the requirements of the Land Use Bylaw.

6.3.3. Amending the Land Use Bylaw

Although this document and the Land Use Bylaw are meant to be comprehensive in nature, there may be instances where Council is required to amend the Land Use Bylaw to enable a certain development within the town or on a specific piece of property. Conversely, there may be instances where mapping errors on the maps of the Land Use Bylaw are made that may require edits. These errors, which are not reflected in the policies of this Plan, will be corrected through Bylaw amendments.

Policy 6-13: Council shall amend the text of the Land Use Bylaw if the proposed amendments meet the general criteria established in Policy 6-26.

Policy 6-14: Council shall consider amendments to the maps of the Land Use Bylaw when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following two conditions is true:

(a) the proposed zone is enabled by this Plan for use within the same designation; or
(b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use Bylaw preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan.

Policy 6-15: Council shall not amend the map of the Land Use Bylaw unless Council is satisfied that:

(a) the proposal meets any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and
(b) the proposed zone and the uses it permits meet the general criteria set out in Policy 6-26.

6.4. Development Agreements

6.4.1. Context

Development agreements are written legal agreements between Town Council and a property owner, allowing Council to have a finer-grained level of control over a proposed development that would otherwise not be permitted by the standards of the zone, and to implement specific measures to mitigate potential impacts.

As development agreements are registered upon the title of the land, the agreement does not cease if the land is sold or if the property owner dies.

To ensure the community is aware of the possible applications of development agreements, the *Municipal Government Act* requires the types of development that may be considered by development agreement to be identified in the Municipal Planning Strategy.

6.4.2. Adopting and Amending Development Agreements

Policy 6-16: Council shall consider entering into a development agreement where such an agreement is enabled by the policies within this Municipal Planning Strategy.

Policy 6-17: Where Council approves a development agreement, the development agreement shall:

(a) specify the development, expansion, alteration, or change permitted;
(b) specify the conditions under which the development may occur; and
(c) set terms by which Council may amend or terminate and discharge the agreement.

Policy 6-18: Council shall not approve or amend a development agreement unless Council is satisfied the proposed agreement is consistent with the enabling policy and the general criteria set out in Policy 6-26.

Policy 6-19: Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Policy 6-26. Such conditions may include, but are not limited to:

(a) servicing;
(b) the type, location, and orientation of structures;
(c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
(d) the provision of open space and amenities;
(e) the type, size, and location of signage;
(f) the type and orientation of exterior lighting;
(g) management of solid waste, compost, and recycling;
(h) pedestrian, bicycle, and vehicular circulation;
(i) connections to existing or planned pedestrian, bicycle, and vehicular networks;
(j) the location and number of bicycle and vehicular parking and loading spaces;
(k) access for emergency vehicles;
(l) the location and type of landscaping, including fences and other forms of screening;
(m) stormwater management;
(n) grading and erosion control;
(o) the emission of noise, odour, light, liquids, gases, and dust;
(p) the type of materials stored and/or sold on site;
(q) hours of operation;
(r) the phasing of development;
(s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
(t) mitigation measures for construction impacts;
(u) time limits for the initiation and/or completion of development; and
(v) all other matters enabled in Section 227 of the *Municipal Government Act*.

6.4.3. Legacy Development Agreements

Policy 6-20: Council may consider amendments to any development agreement that was signed before the effective date of this Municipal Planning Strategy and which is not enabled by a policy in this Plan, in accordance with the Section 6.6 of this Plan.

Policy 6-21: Council may consider discharging any development agreement when requested by the owner of the affected property or when changes to the Land Use Bylaw make the development agreement redundant.

6.4.4. Development Agreement Applications During Transition to This Plan

Policy 6-22: Complete applications for development agreements on file with the Town that were received on or before October 26, 2023, shall continue to be considered under the policies in effect on October 25, 2023. Where any such application is withdrawn, significantly altered, or refused by Council, any new development applications shall be subject to all applicable requirements of this Plan and the Land Use By- law. Applications that have not proceeded to public hearing within 36 months of October 26, 2023 shall be subject to all applicable requirements of this Plan and the Land Use By-Law.

Policy 6-23: Development agreements approved pursuant to Policy 6-22 shall have a commencement date not exceeding 24 months, and completion date not exceeding 48 months, from the date on which the development agreement is filed with the Land Registry Office.

6.5. Site Plan Approval

Site plan approval is a development process where an applicant must meet additional standards established in the Land Use Bylaw. Uses permitted through the site plan approval process are prescribed in this Municipal Planning Strategy and the Land Use Bylaw. Additional standards may include those related to landscaping, layout and design, and the provision of parking. In many instances, the additional standards are qualitative in nature, giving the Development Officer the ability to negotiate a proposal with a developer.

Once a Development Officer is satisfied the proposal meets all applicable requirements, a site plan approval is established, and the Development Officer can give permits for the proposal. Just like the case with development agreements, the provisions of a site plan approval must be followed, as stipulated in the *Municipal Government Act*.

Policy 6-24: Council shall, through the Land Use Bylaw, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is a benefit to providing flexibility in the ways land use controls are implemented.

Policy 6-25: Council shall, through the Land Use Bylaw, establish a notification area of 30 horizontal metres for the approval of site plan approval within the town.

6.6. Criteria for Amending the Land Use Bylaw or Adopting a Development Agreement

6.6.1. Amending the Land Use Bylaw and Adopting Development Agreements

Amending the Land Use Bylaw and/or the adoption of a development agreement can have significant impacts on a community and, therefore, require consideration for potential short- and long-term impacts of a proposal. As such, any proposed amendment to the Land Use Bylaw or proposed development agreement must be carefully considered to ensure they comply with this Plan and are appropriate.

Policy 6-26: Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal:

(a) is consistent with the intent of this Municipal Planning Strategy;
(b) does not conflict with any Town or Provincial programs, bylaws, or regulations in effect in the municipality;
(c) has obtained all necessary permits required by Federal, Provincial, and Municipal government agencies, or Council is satisfied the required permits will be issued;
(d) is adequately landscaped with a combination of natural and human-made landscaping features;
(e) if within the Architectural Control Overlay, has regard to the established architectural character of pre-1919 buildings within Mahone Bay in terms of height, bulk, scale, roof shape, relationship of windows and doors, and architectural detail unless the proposal is otherwise exempt from the provisions of the Architectural Control Overlay; and
(f) is not premature or inappropriate due to:

    i. the ability of the Town to absorb costs related to the proposal;
    ii. impacts on existing drinking water supplies, both private and public;
    iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;

iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
v. the adequacy of fire protection services and equipment;
vi. the adequacy and proximity of schools and other community and recreation facilities;
vii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
viii. site-specific climate change risks;
ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
x. the potential to generate emissions such as noise, dust, radiation, odours, liquids or light to the air, water, or ground so as to create a recognized health or safety hazard;
xi. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way;
xii. proposed outdoor lighting and/or signage;
xiii. the proposed surface of any vehicular traffic, outdoor storage, or outdoor display area so as to create dust or drainage issues;
xiv. the height of any main building does not exceed 16.7 metres;
xv. the proposed number and orientation of automobile parking spaces, outdoor storage and outdoor display; and
xvi. negative impacts on existing residences and neighbourhoods in the surrounding area..

Policy 6-27: Council may, in addition to any other required information, require any or all of the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to determine whether the criteria for amending the Land Use Bylaw or adopting a development agreement have been met:

(a) a detailed plot plan showing features such as, but not limited to:

i. topography;
ii. location and dimensions of existing and proposed property and/or unit lines;
iii. location of zoning boundaries;
iv. use, location, and dimensions of existing and proposed structures;
v. existing and proposed watercourses and wetlands;
vi. location of minimum coastal elevation;
vii. location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
viii. location and dimensions of driveways, parking lots, and parking spaces;
ix. type and amount of site clearing required, if any;
x. location of buffers;
xi. location and dimensions of existing and proposed parks and recreation lands, whether public or private;
xii. location of utilities;
xiii. development densities;

(b) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
(c) a site grading plan;
(d) a landscaping plan, including for the protection, retention, and replacement of trees;
(e) a drainage and stormwater management plan;
(f) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre- and post-development;
(g) a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
(h) a geotechnical study;

(i) environmental studies, including, but not limited to, studies addressing climate change and environmental contamination;
(j) a shadow study;
(k) an exterior lighting study;
(l) a wind study;
(m) a vibration study; and
(n) a noise study.

6.6.2. Notification to Amend the Land Use Bylaw or Adopt a Development Agreement

Policy 6-28: Where Council has given notice of its intention to adopt an amendment to the Land Use Bylaw, including its maps, which is not general in scope but which is in direct response to a specific development proposal, or has given notice of its intention either to enter into a development agreement or to amend a development agreement, Council shall serve notice of the proposed amendment or development agreement upon assessed property owners whose property lies within 30 metres of the property which is the subject of the proposed amendment or development agreement. A notification shall also be posted on the property which is the subject of the proposed amendment or development agreement.

Policy 6-29: Notification of an amendment to the Land Use Bylaw or the adoption of a development agreement shall:

(a) include a synopsis of the proposed amendment or development agreement and identify the property(s) subject to the proposed amendment or development agreement; and
(b) state the date, time, and place set for the public hearing on the amendment or development agreement.

6.7. Non-conforming Uses and Structure

The *Municipal Government Act* guarantees protections for non-conforming uses and structures that were legally developed or initiated under previous land use planning documents and which would not be permitted under new planning regulations. In addition to protecting these uses, the Act enables municipalities to relax certain requirements and provisions of for non-conforming uses such as the period of time a non-conforming use is considered to be discontinued and where it must adhere to the new planning regulations.

Policy 6-30: Council shall, through the Land Use Bylaw, extend the period before a non-conforming use is considered discontinued, as provided by the *Municipal Government Act*.

Policy 6-31: Council shall, through the Land Use Bylaw, regulate non-conforming uses according to the provisions of the *Municipal Government Act*.

Policy 6-32: Council shall, through the Land Use Bylaw, establish controls for non-conforming structures and shall also establish controls for the expansion of non-conforming structures.

6.8. Monitoring, Reviewing, and Updating this Plan

6.8.1. Plan Updates

Policy 6-33: Council shall initiate a housekeeping review of this Plan within two years of its adoption. The intent of this review is to identify errors, omissions, or ways to streamline the Plan.

Policy 6-34: Council shall initiate an interim review of this Plan within five years of its adoption. The intent of this review is to identify emerging policy issues and gaps in the Plan and adopt new or modified Plan policies to address these issues and gaps.

Policy 6-35: Council shall initiate a comprehensive review of this Plan within 10 years of adopting this Plan. The intent of this review is to conduct extensive public consultation, review the Vision and Goals of the Plan, and update or replace components of the Plan as necessary to support the new Vision and Goals.

6.8.2. Municipal Planning Strategy Amendments

While this Plan is comprehensive in nature, its contents are not set in stone. Municipal Planning Strategies are living documents and periodically must be amended to reflect changing values, issues, and opportunities. Council will consider the following policies to guide decisions about updating the Municipal Planning Strategy.

Policy 6-36: Council shall consider an amendment to this Municipal Planning Strategy when:

(a) any policy intent is to be changed;
(b) an amendment to the Land Use Bylaw or Subdivision Bylaw would conflict with any portion of the Municipal Planning Strategy; or
(c) when this Municipal Planning Strategy is inconsistent with any Statements of Provincial Interests.

6.8.3. Public Participation Program for Municipal Planning Strategy Amendments

Amendments to the Municipal Planning Strategy are typically substantial undertakings and have the potential to attract public interest. An appropriate engagement program specific to the scope of the proposal is therefore required.

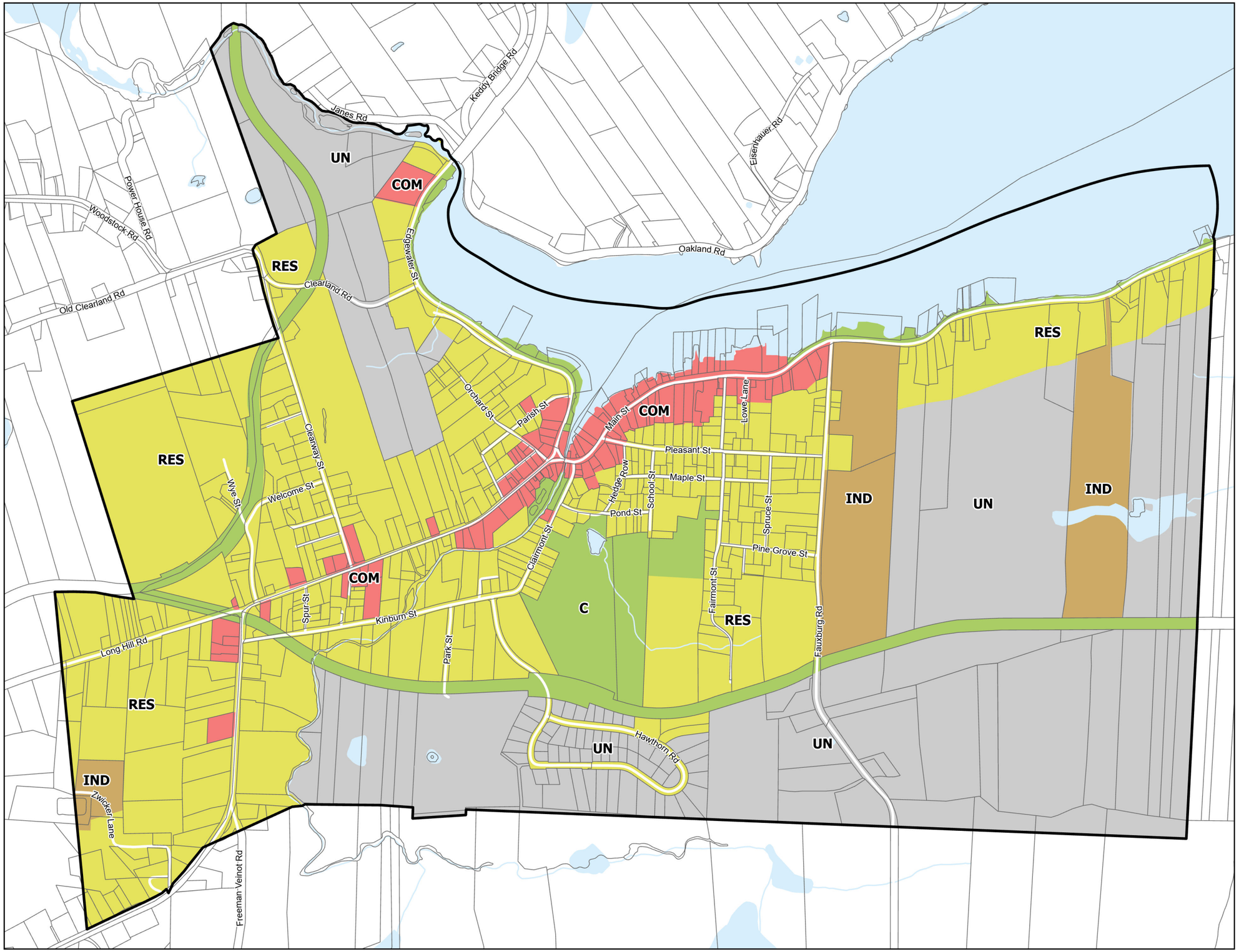
Policy 6-37: Council shall establish a public participation program consistent with the Town's Public Engagement Policy and the Minimum Planning Requirements Regulations for any amendment to, or replacement of, this Municipal Planning Strategy.

7. Schedules and Appendices

Schedule 'A'
Future Land Use Map

Appendix 'A'
Plan Mahone Bay Background Report

Appendix 'B'
Plan Mahone Bay What We Heard Report



MAP
Future Land Use

SCHEDULE
A

LAST UPDATED
2025-08-20

NORTH

SCALE
1:9,500

0.5
Kilometres

LEGEND

Future Land Use
- Commercial (COM)
- Residential (RES)
- Industrial (IND)
- Unserviced (UN)
- Parks & Conservation (C)

Sources: Digital Base Map Data from the Province of Nova Scotia

Map Disclaimer: Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Municipality of the District of Chester is not responsible for any errors, omissions or deficiencies in these drawings. Date printed does not reflect the date of the map data.

8. Summary of Amendments

Council Adoption Date	Effective Date	Reference Number	File or Project	General Nature of the Change
June 26, 2025	July 29, 2025			Rezoning Hawthorn

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prepared by

UPLAND

for

TOWN OF Mahone Bay