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MUNICIPAL PLANNING STRATEGY

**CONSOLIDATED COPY WITH ALL AMENDMENTS
AS OF FEBRUARY 17, 2012***

Including Housekeeping changes to definitions Sept. 17, 2012

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1. INTRODUCTION

This Municipal Planning Strategy for the Municipality of the County of Cumberland is an updated version of the Strategy adopted by County Council and approved by the Minister of Municipal Affairs July 6, 1993 and subsequently amended.

The provisions herein apply to all lands within the boundaries of the Municipality as shown on Map 1.

1.1 Reasons for New Strategy

This version was produced for a number of reasons. First and foremost, the previous Strategy was drafted in accordance with the Planning Act, Chapter 346, Acts of 1989. In 1999, the Province rescinded that Planning Act and replaced it with the Municipal Government Act which governs how municipal units carry out land use planning within their jurisdictions. Therefore, there was a general desire to rewrite the existing Strategy in accordance with the new legislation.

The policies contained within the previous Strategy have been carried over into this plan. They have been rewritten in order to make interpretation more straightforward and to improve the administration of such. The intent of the policies remains.

During 2001, the Councils of the Municipality of the County of Cumberland, the Town of Amherst and the Town of Oxford, in cooperation with the Province of Nova Scotia, decided to work toward the adoption of land use regulations aimed at the protection of the North Tyndal Wellfield and the McElmon Brook Wellfield, which supply drinking water to the three municipal units. At this time, it was decided that the best way to administrate these regulations was to incorporate them into the County's MPS and LUB. In order to accomplish this task, the documents had to be rewritten in order to accommodate the required changes.

1.2 Public Participation

Policies and regulations pertaining to the entire area of the County were prepared under the auspices of the Planning Advisory Committee and recommended to Council for approval in 1993. A public participation program was conducted to provide an opportunity for public input and review. The program included a public open house, which was attended by a small number of people who expressed their views on various matters. Minor revisions were made to the document prior to presentation to County Council.

Policies and regulations pertaining to the North Tyndal Wellfield were developed by the Planning Advisory Committee for that area and recommended to Council for approval. Public participation for this area included a public open house.

1.3 **Administration**

This Municipal Planning Strategy is implemented through the powers of Council provided by the Municipal Government Act and any other statutes that may apply.

In order to carry out the intent of this Municipal Planning Strategy, policy is written which acts as a guide to staff and Council when dealing with land use issues addressed herein.

It is recognized that this Municipal Planning Strategy will be amended from time to time. Council also recognizes that over time, policies within this document will have to be reviewed, and new ones implemented. While no specific time period is set forth for this process, Council will endeavour to keep policies up to date and make revisions or additions to this document as required.

2. PLAN CONCEPT

The County of Cumberland is a large rural Municipality with a diverse mix of land uses. Settlement patterns within the county include incorporated towns, small villages and rural agricultural development scattered throughout the countryside. The dominant land use issues within the jurisdiction of the Municipality of the County of Cumberland include developing residential suburban areas around the incorporated towns, declining populations in some rural areas, intensive livestock operations, logging and forestry operations, as well as commercial and industrial uses of varying scales.

Prior to the designation of any land to a designation other than General, a planning study should be carried out to determine the need, desirability and suitability of the proposed designation and policies contained therein.

2.1 General Land Use and Development

The vast majority of the Municipality is rural in nature and does not suffer from any major land use conflicts. These areas are characterized by linear residential development along country roads. Farmland of various types is scattered throughout the area, as is commercial and industrial development of varying intensities. In addition, some areas of the Municipality are dominated by logging and forestry operations. In some areas significant cottage development has taken place. Generally, these differing uses have been ongoing in close proximity for many years. The residents of the area understand the land use impacts each use will have on the other and feel these impacts are acceptable in the rural environment in which they live.

This area will be designated General on the Future Land Use Map. Within the General designation, Council will strive to ensure that the rural character of the County is preserved, while regulating certain land uses that may pose a threat to the continued enjoyment, tranquility and environmental quality of the area.

2.2 Municipal Water Supply Protection

The Municipality of the County of Cumberland contains within its jurisdiction a number of municipal drinking water supplies. These areas will be designated Municipal Water Supply on the Future Land Use Map.

An objective of this plan is to protect the integrity of those water supplies in both the short and long-term time frames. Land use and development will be controlled in order to ensure those uses which are not compatible with a drinking water recharge area do not locate in such areas.

Care will also be taken to ensure that undue hardships are not placed on the residents and landowners of the water recharge areas. While in some instances some landowners may experience significant land use restrictions, Council intends to attempt to allow the traditional land uses to continue where a direct threat is not posed to the water system.

2.3 **Renewable Energy**

Renewable Fluctuating energy prices, dependency on imported fuel sources, and the environmental effects of dirty fuel are pressuring communities to understand how they can increase energy security, stimulate healthy sustainable economic development, and make choices that are good for the environment and human health within the community.

Nova Scotia’s dependency on unstable countries for oil and coal put us ‘at risk’ from an energy supply and cost perspective. Increasing energy costs place significant pressure on existing businesses, on economic growth, and on citizens. It challenges economic viability, stability, and growth, and leaves the province vulnerable to restrictions in energy availability and price volatility.

While Nova Scotia has benefited from the availability of energy from coal and oil in the past, use of these fuels has contributed towards climate change, air pollution, and the depletion of non-renewable resources. Further, climate change causes significant adverse impacts to the environment and human health, which brings additional costs burdens to municipal and provincial governments. Ecosystems and community infrastructure are challenged to adapt to the changes associated with warmer temperatures, melting glaciers, increasing sea levels, and increased storm intensity and frequency.

Canada and Nova Scotia have made important commitments to combat climate change through increased development and use of renewable energy, energy efficiency, and conservation. Nova Scotia recently passed an Act of legislation which has the ultimate goal of transforming Nova Scotia into one of the cleanest and most sustainable environments in the world by 2020.

Municipalities are important to the implementation of climate change initiatives since almost 50% of Canada’s greenhouse gas emissions are generated at the community level under the direct or indirect control or influence of municipalities. With objectives to increase energy self reliance and sustainability, communities are taking steps to diversify away from imported energy sources and to increase energy efficiency and conservation.

The provisions of this Municipal Planning Strategy and accompanying Land Use Bylaw are intended to recognize the benefits of renewable energy and the county’s renewable energy resources and

development opportunities. They will establish clear planning policies and development permit and/or site plan approval requirements for wind energy related projects. They will also be flexible in order to accommodate advancements in technology and permit wind energy related projects to be developed without the need to amend the Municipal Planning Strategy or Land Use Bylaw for each development proposal. As other renewable energy projects come to the forefront, amendments to the Municipal Planning Strategy and Land Use bylaw may be required.

2.4 **Public Service Facilities**

Public service facilities for the provisions of services to and on behalf of the public are essential parts of the municipality's infrastructure. They include such publicly funded uses as emergency, training, educational, instructive, health care, government, administrative and accessory services, and public utilities. As these are generally required public services, the provision of the municipality's land use policies and enabling land use bylaw are intended to recognize the benefits of having these sites located strategically, throughout the municipality, except for the Municipal Water Supply designations. Notwithstanding this exception, uses directly associated with water supply operations are permitted. They also intend to establish clear planning policies and bylaw requirements and to permit their development "as-of-right," without the need to amend the Municipal Planning Strategy or Land Use Bylaw on a case by case basis.

2.5 **Environmental Protection**

Environmental protection involves protecting people and property from the natural hazards of flooding and erosion and protecting the natural environment from the impacts of development and human activities. Environmental protection also involves protecting the existing built environment from incompatible forms of new development.

The application of generally accepted environmental planning principles to coastline and flood-prone areas will help people cope with and adapt to the effects of climate change (e.g. coastal erosion and flooding due to rises in sea level and frequency of storm surges). Similarly, the use of land use development controls in areas near watercourses and wetlands will help protect the quality of water resources and wildlife habitat (e.g. from erosion, sedimentation and contaminated runoff). They will also help protect the natural character and aesthetic value of shorelines.

Obvious environmental protection techniques are to maintain adequate horizontal distance between the shorelines of water bodies and development, vertical separations above flood-prone areas and to maintain and restore shoreline buffers. The buffers should maximize the maintenance of natural landforms and native vegetation adjacent

to watercourses, coastlines and wetlands and use “hard” shoreline stabilization methods (e.g. rip-rap) only where necessary in coastal, erosion-prone areas. The buffers will act as living retaining walls and natural filters to stabilize banks and control runoff and flooding and, thereby, minimize the impact of erosion, sedimentation, nutrients and other pollutants on water quality. Minimum lot sizes will ensure that there will be sufficient lot areas to accommodate on-site sewage disposal systems, as established by Nova Scotia Environment. Existing minimum lot sizes established for Municipal Water Supply designations will be maintained.

The application of generally accepted land use bylaw requirements will ensure that the size and height of infill development will be compatible with existing residential and cottage areas.

2.6 **Central Planning Area**

2.6.1 **Residential**

Certain areas of the County are experiencing significant residential development. These areas are mainly confined to the suburban areas surrounding incorporated towns, specifically the Town of Amherst. These areas will be designated Residential on the Future Land Use Map of the Secondary Planning Strategy for the Central Planning Area. Much of this residential development is in the form of single detached dwellings with on site well and septic services located in conventional subdivisions, or along country roads. As development of this type takes place, land use conflicts can occur as suburban development infringes on traditional rural activity.

The residential objectives of this plan strive to reduce potential land use conflicts between residential and non-residential land uses and ensure the continued enjoyment of residential property in these growing suburban areas. Furthermore, Council intends to encourage development on existing municipal water services and in areas with the potential to receive municipal water and/or sewer services in the foreseeable future in order to maximize its return on infrastructure investment. Council also intends to maximize its tax base in these areas as a strategy to provide municipal services to all County residents at a reasonable cost.

2.6.2 **Commercial**

The commercial objectives of this plan strive to facilitate commercial development that provides employment opportunities to County residents as well as satisfying their consumer requirements within a reasonable distance from their place of residence.

In certain areas of the municipality there is property which exhibits potential to attract significant commercial development. These areas will be designated Commercial on the Future Land Use Map of the

Secondary Planning Strategy for the Central Planning Area. This is to ensure that alternative land uses do not take place which detract from this commercial potential. Council intends to encourage development in these areas as a strategy to provide municipal services to all County residents at a reasonable cost.

Route 2 between the Nova Scotia Tourist Bureau and the Town of Amherst is the main entry point into Cumberland County and Nova Scotia from all points west. The area is currently populated by a number of businesses of varying types. An object of this plan is to promote tourist related business to locate in the area as well as the aesthetic improvement of existing properties.

2.6.3 **Agricultural**

Agricultural activity is recognized as an integral part the County's economy. Many County residents are employed either directly or indirectly by the agricultural industry.

The agricultural objectives of this plan are to preserve and promote a vibrant and sustainable agricultural industry in the County, while at the same time avoiding land use conflicts with non-agricultural development.

These areas will be designated Rural Resource on the Future Land Use Map of the Secondary Planning Strategy for the Central Planning Area.

2.7 **Joggins Planning Area**

Joggins is recognized as a special place, by local residents and by the Province of Nova Scotia under the Special Places Protection Act. It is deserving of land use planning efforts that will contribute to the revitalization of the community and support the potential designation of the Joggins Fossil Cliffs as a World Heritage Site.

The Secondary Municipal Planning Strategy for the Joggins Planning Area and accompanying Land Use Bylaw are intended to provide local people with opportunities to benefit from the investments being made to attract visitors to the Fossil Cliffs Site. The policies of the planning strategy and development controls in the land use bylaw will ensure that there will be sufficient land designated and regulated to meet local economic development, housing and quality of life needs and will support the stewardship and management of the fossil resources of the Fossil Cliffs Site.

A significant part of the preparation of these planning documents was to identify what was important to the people who live in the area so that their goals and priorities could be covered by the land use policies of the planning strategy and development controls of the land use bylaw.

3. OBJECTIVES AND POLICIES

3.1 General Designation

3.1.1 Objectives

- a) to maintain the rural character of the County;
- b) to maintain an aesthetically pleasing environment to both County residents and tourists;
- c) to ensure that development does not negatively impact surrounding land use, or potential for such uses;
- d) to ensure that unserviced development has the potential to provide safe drinking water and the ability to accommodate an on-site septic disposal system.

3.1.2 Policies

3.1.1.1 General Designation

Council shall designate all that area within the boundaries of the County General (G), except for areas specifically designated to another designation set out in this plan.

3.1.1.2 General Zone

Council shall create the General (G) Zone, and apply that zone to all that area designated General of the Generalized Future Land Use Map. The General Zone shall contain sufficient regulations to carry out the intent of the policy contained in this section.

3.1.1.3 Permitted Uses

It shall be the intention of Council to permit all uses within the General designation.

3.1.1.4 Other Zones

It shall be the intention of Council, in order to carry out the objectives of this section, to regulate certain uses, such as cemeteries, within the General Designation by use of a separate zone.

3.1.1.5 **Aesthetics**

- a) It is the intention of Council to regulate Salvage Yards in order to ensure that any potential land use impacts are minimized. Specifically, salvage yards shall be set back an adequate distance and screened from roads and adjacent residential uses.
- b) Where the specific distance required in the LUB cannot be met, Council may consider the development of a salvage yard by development agreement. In negotiating the development agreement Council shall ensure that:
 - i) vegetation and / or fences are used to mitigate any potential impacts on surrounding properties;
 - ii) the salvage yard is located so as to minimize impacts on surrounding properties;
 - iii) access to and from the site is situated as to minimize impacts on surrounding properties;
 - iv) outdoor lighting be directed as to not impact on surrounding properties;
 - v) hours of operation to be set as to minimize impacts on surrounding properties; and any other issue that may be regulated in a land use by-law as per section 220 of the MGA.

3.1.1.6 **Lot Requirements**

It is the intention of Council to include, in the General Zone, regulations pertaining to lot area, lot frontage, access, lot coverage, density, sanitary and other environmental conditions.

3.1.1.7 **Existing Lots**

It is the intention of Council to permit limited development of storage buildings on existing undersized lots.

3.1.1.8 **Existing Lots**

It is the intention of Council to permit development of single detached dwellings on existing undersized lots, with a minimum lot area of 1,394 square metres (15,000 square feet), where an on-site sewage system, other than a holding tank, can meet the requirements for approval by the Nova Scotia Department of Environment and Labour.

3.1.1.9 **Cemetery Zone**

It shall be the intention of Council to create in the Land Use By-Law the Cemetery Zone (CEM). Permitted uses within the Zone will be limited to cemeteries. Lot area and frontage requirements will be waived. Council may re-zone any land currently zoned General and use as a cemetery to the Cemetery Zone.

3.1.1.10 **Utility Zone**

It shall be the intention of Council to create in the Land Use By-Law the Utility Zone (U). Permitted uses within the Utility Zone include utility uses, as well as other agricultural, recreational, and wood lot management uses which do not require buildings. Within the Utility Zone there shall be no lot area or lot frontage requirement.

Council may re-zone any land currently zoned General to Utility, provided that surrounding properties within 300 metres (984 feet) do not suffer any environmental, aesthetic, noise or other potential negative impact.

3.2 **Municipal Water Supply Designation**

3.2.1 **Introduction**

The Municipality has within its jurisdiction four municipal drinking water supplies. Specifically, the Towns of Amherst, Springhill, Oxford and Parrsboro operate municipal water utilities which obtain their source of water from land within the Municipality of the County of Cumberland. In the year 2001, the Towns of Amherst and Oxford in partnership with the Province of Nova Scotia, initiated a planning process in order to incorporate policies and regulations within the County's Municipal Planning Strategy and Land Use By-Law which will control land use within the recharge areas of these two water supplies.

The policies contained within this section will pertain to both water supplies. However, due to the unique characteristics of each water supply area, separate zones and regulations will be used in the Land Use By-Law in order to regulate land uses in each area.

3.2.2 **Objectives**

- a) to cooperate with other municipalities in the protection of their municipal drinking water supplies;
- b) to protect, through the regulation of land uses, the long term viability of Municipal Drinking Water Supplies within the jurisdiction of the County;

- c) to permit the continued use of land within the recharge areas for non-contaminating uses.

3.2.3 **Policies**

3.2.3.1 **Water Supply Protection**

It shall be the intention of Council to protect any municipal drinking water supply within its jurisdiction should it be approached to do so.

3.2.3.2 **Municipal Cooperation**

It shall be the intention of Council to consult and cooperate with the Council of the appropriate Municipality in all matters influencing the protection of that Municipality's water supply.

3.2.3.3 **North Tyndal Designation**

It shall be the intention of Council to designate all the lands within the North Tyndal Protected Water Supply Area, as so designated under the Water Act in 1992, to the Municipal Water Supply (MWS) designation.

3.2.3.4 **McElmon Brook Designation**

It shall be the intention of Council to designate all the lands within the McElmon Brook water supply recharge area, as shown on the Generalized Future Land Use Map (Map 1) to the Municipal Water Supply (MWS) designation.

3.2.3.5 **MacAloney Lake Designation**

It shall be the intention of Council to designate all the lands within the MacAloney Lake water supply recharge area, as shown on the Generalized Future Land Use Map (Map 1) to the Municipal Water Supply (MWS) designation.

3.2.3.6 **Water Supply Zones**

It shall be the intention of Council to include in the Land Use By-Law a number of water supply zones. Such zones shall contain regulations appropriate to the level of protection required for each area so zoned.

3.2.3.7 **Permitted Uses**

It shall be the intention of Council to include a list of permitted uses for each water supply zone. Such uses shall range from those directly associated with water supply operations in areas requiring the greatest protection, to low density residential uses and low intensity agricultural and commercial uses in areas requiring a lesser level of protection.

3.2.3.8 **Secondary Uses**

It shall be the intention of Council to permit uses which are secondary to the main use on a lot. Such uses shall be appropriate to the level of protection required in the area. Such uses may include home occupations, tourist homes, agricultural or other uses carried on by the resident of the property.

3.2.3.9 **Lot Requirements**

It shall be the intention of Council to include in the various water supply zones regulations pertaining to lot area, lot frontage, access, lot coverage, density, sanitary and other environmental conditions, as appropriate to the level of protection required in that zone.

3.2.3.10 **Flag Lots**

Notwithstanding anything else in this Planning Strategy, in order to reduce the density of development, it shall be the intention of Council not to permit flag lots within any water supply zone.

3.2.3.11 **Existing Uses**

Notwithstanding anything else in this Planning Strategy, where a specific use is listed as a permitted use in a zone, that use is permitted to continue and expand provided all other requirements of the land use bylaw are satisfied.

3.3 **Renewable Energy**

3.3 A - Wind

3.3A-1 The Municipality of Cumberland participated in a Wind Energy Planning project under the terms of reference of a Union of Nova Scotia Municipalities Request for Proposals. This project was funded by the Nova Scotia Department of Energy. The project terms of reference were very specific in that to encourage wind energy projects to locate in appropriate areas the Municipality was to ensure areas that were designated by the Province as existing or proposed protected wildlife areas or other environmentally sensitive lands were to be protected. Should the status of this protection change the

Municipality can review and update its own bylaws accordingly.

In order to help the Province of Nova Scotia, other levels of government and non-government organizations protect the environment for the future and to support the development of renewable energy systems and minimize any external negative impacts of wind turbines it shall be the policy of Council to adopt a zoning map overlay that defines areas which are not appropriate for small and large scale wind turbines. This Restricted (R) Zone shall include, but not be limited to: designated provincial and federal parks, protected provincial and federal beaches, provincial and federal wilderness areas, known lands of ecological significance, designated municipal, provincial and federal historic sites, provincial wildlife areas, Ramsar wetlands, provincial game sanctuaries, national migratory bird sanctuaries, designated water supply areas, Nature Conservancy of Canada Lands, aboriginal reserve lands, open mining pits and mining related shaft areas, and known significant habitat areas. The map will also graphically show a general setback of 600 metres from civic points. This map will not preclude the requirement for the developer to conduct detailed site investigations and provide proof that said identified restricted areas are not going to be developed.

- 3.3A-2 It shall be the intention of Council to include in the Land Use Bylaw provisions:
- a) to define small scale wind turbines as those which have a nameplate generating capacity of not less than 10 kW and no greater than 100 kW and generates power primarily for on-site consumption by individual buildings;
 - b) to define large scale wind turbines as those which are not small scale wind turbines and which generate power primarily for sale to a third party and which may be developed either as stand-alone machines or be grouped with others in a wind farm;
 - c) to establish criteria for the placement of domestic, small and large scale turbines;
 - d) to permit small and large scale wind turbines in the General, Utility, Rural Resource, Commercial, General Residential (Joggins) and Village Residential Zones (Pugwash);
 - e) to define domestic scale wind turbines as having a maximum height of 27.43 metres (90 feet). Power-generating domestic wind turbines primarily provide power for on-site consumption by individual buildings;
 - f) to permit domestic scale turbines in all zones as accessory uses;

- g) to establish special setback or separation distance requirements between wind turbines and habitable buildings and public highways;
- h) to allow a waiver of separation distances;
- i) to establish rotor blade ground clearance regulations and wind turbine project on site setbacks/separation distances;
- j) to establish separation distances from natural gas pipelines;
- k) to establish special maintenance, decommissioning, restoration, security and appearance regulations for wind turbine project sites;
- l) to not limit the number of turbines in a Wind Energy Project in any one area provided all of the turbines meet setback and separation distance requirements;
- m) submission by proponent of the results of public notification if conducted;
- n) to require evidence of the continued use of agricultural land for farm use when turbines are placed on agricultural land;
- o) to require evidence of notification to DND, Nav Canada and Natural Resources regarding potential radio, telecommunications, radar and seismoacoustic interference if applicable;
- p) to require copies of documentation required (obstruction clearance form) from Transport Canada for turbines taller than 30 metres (98.4 feet) and Nav Canada for turbines within 10 kms (6.2 miles) of an airport or taller than 30.5 metres (100 feet) outside the 10 km range;
- q) to require the provision of evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.

3.3A-3 **New Habitable Building Development constructed near Wind Energy Projects**

New habitable buildings can be located closer to Wind Energy Projects. If such development does occur, Council is of the opinion it should not prevent an expansion of an existing Wind Energy Project which was established in conformance with this Strategy. However, the expansion of the existing Wind Energy Project should still meet required setbacks or separation distances (unless waived) and not be located any closer to a *habitable building* which has been built closer to a Wind Energy Project.

3.4 **Public Service Facilities**

3.4.1 In order to enable the development of sites for public service facilities:

3.4.1.1 It shall be the intention of Council to include in the Land Use Bylaw, provisions:

- a) to define public service facilities as those which are publicly funded and generally provide emergency, training, educational, instructive, health care, government, administrative and accessory services, and public utilities;
- b) to permit the development of public service facilities by development permit, without the need to amend the Municipal Planning Strategy or Land Use Bylaw; and
- c) to permit public service facilities in all zones, except for the Water Protection Zones. Notwithstanding this exception, uses directly associated with water supply operations are permitted.

3.5 **Environmental Protection**

3.5.1 In order to help protect people and property from the natural hazards of flooding and erosions and protect the natural and built environment from the impacts of development and human activities:

3.5.1.1 It shall be the intention of Council to include in the Land Use Bylaw, provisions:

- a) to require the establishment, retention or restoration of a 30.5m (100 ft.) shoreline buffer along all coastlines and wetlands and areas prone to seasonal flooding or flooding due to high tides or storm surges and to require the establishment, retention or restoration of a 15.24m (50ft.) shoreline buffer along all lakes, rivers (not prone to flooding), streams and intermittent streams. The bylaw shall generally prohibit all development within the shoreline buffer, except for coastal shoreline stabilization works, traditional marine and water related uses and their on-shore structures, accessory structures and recreational, conservation and historic uses. The bylaw shall generally require the maintenance of natural landforms and native vegetation to the greatest extent possible adjacent to shorelines;
- b) to prohibit development intended for human occupation below a 2.5 m. elevation above the ordinary high water mark;
- c) to permit the easing of the shoreline buffer and flood-prone area requirements for existing, undersized lots that had been created prior to the effective date of the land use bylaw amendment and existing development that had taken place prior to the effective date of the land use bylaw amendment;

- d) to require minimum lot sizes for new lots to ensure there is sufficient land to accommodate on-site sewage disposal system (other than holding tanks); and,
- e) to establish minimum development application and development standards to ensure that the shoreline buffer and flood-prone area requirements are met and that new, infill development and redevelopment is compatible with the size and height of existing buildings and development.

4. IMPLEMENTATION

4.1 General Designation

Given the nature of the subjects of this Strategy, Map 1 shall be considered the Future Land Use Map, indicating the application of policies to certain areas of the County.

All areas of the Municipality shall be designated General (G), except those areas designated Municipal Water Supply or established as Secondary Planning Areas for specific areas of the municipality for which Secondary Planning Strategies have been prepared and adopted.

4.2 Amendments to the Municipal Planning Strategy

This document and all associated maps constitute the official Municipal Planning Strategy of the Municipality. An amendment to this Strategy is required in order to change the intent of policy contained herein.

The Land Use By-Law and the Subdivision By-Law are the regulatory documents which carry out the policies of this Strategy. Any amendments to these documents must be carried out in accordance with the MPS. Zones, permitted uses and development standards contained within these bylaws must reflect the policies of this document.

4.3 Development Officer

In accordance with the Municipal Government Act, it shall be the intention of Council to appoint a Development Officer who shall be responsible for the administration of the Land Use By-Law, Subdivision By-Law and the issuance of municipal development permits.

Notes to Readers:

To assist in the use of this Municipal Planning Strategy, Land Use By-Law and Subdivision By-Law, it is useful to include unofficial notes to readers. These notes may take the form of examples, diagrams or explanations. The addition, deletion or alteration of such notes shall not constitute an amendment to the subject document.

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**THE MUNICIPALITY OF THE COUNTY OF
CUMBERLAND BY-LAW**

SECONDARY PLANNING STRATEGY

FOR THE

CENTRAL PLANNING AREA



The provisions of this Secondary Planning Strategy for the Central Planning Area apply in addition to and take precedence over the provisions of the County of Cumberland's primary Municipal Planning Strategy where there is a conflict.

**CONSOLIDATED COPY WITH ALL AMENDMENTS
AS OF JUNE 7, 2016**

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1. Introduction

In 2002 Council recognized that the suburban area surrounding the Town of Amherst has unique land use issues that do not pertain to the rest of the County. This area, defined as the Central Planning Area is experiencing residential development pressure due to its close proximity to the Town of Amherst, which is the urban core of the County. Statistics indicate that many of the residents within the planning area work, shop and recreate within the Town. As this area continues to develop potential land use conflicts could arise between residential, commercial and agricultural land uses should development in the area remain unregulated.

Furthermore, Council recognizes the important role this area plays in the economic well being of the entire County. As the area of the County with the greatest amount of suburban development, it also generates a significant portion of the County tax base. In addition, because this area surrounds the County's largest urban area, it has great potential to increase both its residential and commercial land uses. Council realizes that proper land use planning is essential in order to gain the greatest possible benefit from such growth.

Also, due to its existing and potential level of development, municipal water services have been, and most likely will continue to be, expanded into this area. Furthermore, municipal sanitary sewer will also most likely be expanded into this area in the near future. Council recognizes that land use planning is required in order to ensure efficient development patterns which are able to maximize the investment in the required supporting infrastructure.

This secondary plan will address these issues through policy that carries out the Goals and Objects outlined below.

1.1 Goals

The overriding goal of this secondary Planning Strategy is to protect the investment in residential land uses in order to ensure continued future enjoyment and value of residential property in the planning area, while at the same time encouraging a viable agricultural industry and avoiding potential land use conflicts between the two.

1.1.1 **The General Goals of this Secondary Planning Strategy are:**

- a) To promote efficient residential development throughout the planning area by:
 - i) promoting residential uses to be developed on existing water services and away from existing agricultural areas;
 - ii) discouraging new dense residential developments from being developed in locations that cannot logically receive water services; and
 - iii) encouraging efficient clustered residential development on municipal water services.
- b) To encourage commercial and industrial development within the planning area that does not negatively affect existing residential land uses by:
 - i) encouraging such development to take place away from existing or proposed residential developments;
 - ii) requiring appropriate landscaping or screening techniques which mitigate potential negative impacts; and
 - iii) encouraging new residential development to locate away from existing commercial and industrial uses and areas of potential commercial or industrial development.
- c) To protect the existing agricultural base of the planning area and minimize land use conflicts between agricultural and residential uses by:
 - i) identifying existing agricultural uses within the planning area;
 - ii) discouraging intensive agricultural uses from locating in proximity to existing or potential residential uses; and
 - iii) discouraging new dense residential developments from locating in proximity to existing intensive agricultural operations.
- d) To provide adequate recreational opportunities for residents of the planning area by:
 - i) identifying potential sites for recreational purposes, and acquiring and/or developing them when the opportunity arises;

- ii) cooperating with the Town of Amherst for the provision of recreational opportunities on a regional basis, where appropriate; and
 - iii) requiring a public land dedication or cash in lieu at the time of subdivision in order to acquire recreational lands and the required monies to develop recreational lands
- e) To promote Route 2, between the Tourist Bureau and the Town of Amherst, as a tourist related area by:
- i) promoting the cleaning up of existing land uses and buildings in the area;
 - ii) promoting tourist related activities to locate in the area;
 - iii) cooperating with the Town of Amherst to promote tourism in the region; and
 - iv) encouraging the Federal and Provincial governments to develop the former Acadian Village of Beaubassin.
- f) To promote continued investment in the infrastructure of the area by all levels of government.
- g) To protect the natural environment and beauty of the planning area by:
- i) discouraging development that may deplete the groundwater resources of the area;
 - ii) requiring appropriate landscaping and environmental controls for new commercial and industrial uses; and
 - iii) discouraging linear, sprawl type development.

1.2 **Residential Designation**

1.2.1 **Objectives**

- a) To protect the investment in residential land uses in order to ensure continued future enjoyment and value of residential property.
- b) To promote efficient residential development patterns.
- c) To promote new residential development to occur on existing municipal water services or areas that can be efficiently serviced by a municipal water and or sanitary sewer system.

- d) To recognize the importance of the central area to the County's tax base and encourage further development.

1.2.2 **Policies**

1.2.2.1 **Residential Designation**

It shall be the intention of Council to designate existing pockets of dense residential development Residential on the Future Land Use Map.

1.2.2.2 **Future Residential**

It shall also be the intention of Council to designate areas which have the potential to accommodate efficient new residential development Residential on the Future Land Use Map.

1.2.2.3 **Residential Zones**

It shall be the intention of Council to include in the land use bylaw a residential zone or zones sufficient to accommodate a range of residential uses and densities.

1.2.2.4 **Lot Requirements**

It shall be the intention of Council to include in the various residential zone(s) regulations pertaining to lot area, lot frontage, access, lot coverage, density, sanitary and other environmental conditions, as appropriate to the level of regulation required carry out the purpose of that zone.

1.2.2.5 **Other Uses**

It shall be the intention of Council to ensure that the areas designated Residential are primarily used for residential purposes. The following additional uses may be permitted in areas designated Residential subject to any relevant provisions of this Planning Strategy and Land Use Bylaw:

- a) parks, open spaces and recreation uses;
- b) public and private schools;
- c) churches and church halls;
- d) group homes and homes for special care;
- e) day care centres;

- f) home occupations;
- g) bed and breakfast operations;
- h) utilities; and
- i) cemeteries.

1.2.2.6 Other Uses by Development Agreement

It shall be the intention of Council within the Residential designation to permit new commercial, light industrial and agricultural uses, or the expansion of existing such uses, which do not pose a negative impact on surrounding residential uses, or the long term potential for residential uses in the area, by development agreement. In negotiating the development agreement Council shall ensure that:

- a) the use does not emit any obnoxious odor, smoke, dust, noise, fumes or any other emission that could impact nearby property;
- b) adequate parking is provided on site;
- c) vegetation and/or fences are used to mitigate any potential impacts on surrounding properties;
- d) the building is located so as to minimize impacts on surrounding properties; and
- e) adequate water is available on site to service the proposed development, without negatively impacting on the water quality or quantity of nearby properties.

1.2.2.7 Home Occupations

It shall be the intention of Council to permit home occupations in conjunction with a residential use with particular specifications and limitations for size, parking, signage, and like matters, to ensure the residential character of the area is maintained.

1.2.2.8 Agricultural Uses

It shall be the intention of Council to permit small scale agricultural operations within appropriate areas of the Residential designation. The land use bylaw will regulate the location of animal and / or manure storage facilities in order to avoid potential negative land use impacts on nearby existing, or potential, residential development.

Furthermore, Council shall require that an approved Environmental Farm Plan, including a Nutrient Management Plan, as prepared by the Nova Scotia Federation of Agriculture, be completed and submitted as part of the development permit application

1.3 **Commercial Designation**

1.3.1 **Objectives**

- a) To identify potential prime commercial areas and protect those lands for such purposes.
- b) To promote aesthetically pleasing commercial environments appropriate to the rural character of the area.
- c) To ensure that commercial development is compatible with surrounding land uses.
- d) To promote Route 2, between the Nova Scotia Tourist Bureau and the Town of Amherst, as a prime tourist related area.
- e) To recognize the importance of the central area to the County's tax base and encourage further development

1.3.2 **Policies**

1.3.2.1 **Commercial Designation**

It shall be the intention of Council to designate existing pockets of commercial development Commercial on the Future Land Use Map.

1.3.2.2 **Future Commercial**

It shall also be the intention of Council to designate areas which have the potential to accommodate efficient new commercial development Commercial on the Future Land Use Map.

1.3.2.3 **Existing Uses**

It shall be the intention of Council to provide provisions in the Land Use Bylaw to allow existing uses to continue as permitted uses. Specifically all existing agricultural and forestry operations, as well as all exiting residential uses shall be permitted to continue and expand.
Existing Industrial Uses

It shall be the intention of Council to permit the expansion of non-conforming industrial uses within the Commercial designation by development agreement. Such development agreements shall focus on access, aesthetics, buffering and impact on adjacent uses.

1.3.2.4 **Lot Requirements**

It shall be the intention of Council to include in the various Commercial zone(s) regulations pertaining to lot area, lot frontage, access, lot coverage, density, sanitary and other environmental conditions, as appropriate to the level of regulation required to carry out the purpose of that zone.

1.3.2.5 **Signage**

It shall be the intention of Council to include in the land use bylaw provisions regulating signage within the Commercial designation. Such regulations may include, sign area, location, type, height, removal and like requirements.

1.3.2.6 **Other Uses**

It shall be the intention of Council to ensure that areas designated Commercial are primarily used for commercial purposes. The following additional uses may be permitted in areas designated Commercial subject to any relevant provisions of this Planning Strategy and Land Use Bylaw:

- a) parks, open spaces and recreation uses;
- b) public and private schools;
- c) churches and church halls;
- d) institution uses and public buildings;
- e) utility uses; and,
- f) Ancillary Dwellings.

1.3.2.7 **Parking and Landscaping**

It shall be the intention of Council to include in the land use bylaw provisions for the regulation of parking facilities and landscaping requirements within any commercial zone(s). Such regulations shall include, but not be limited to; number of parking spaces, access to the street, barrier free parking and amount of landscaped open space.

1.3.2.8 **Route 2 – Aesthetics**

It shall be the intention of Council to encourage property owners along Route 2 between the Nova Scotia Tourist Bureau and the Town of Amherst to maintain their properties in such a manner appropriate to the main vehicular entry point of the Province.

1.3.2.9 **Route 2 – Tourism**

It shall be the intention of Council to actively promote tourist related activities located along Route 2 between the Nova Scotia Tourist Bureau and the Town of Amherst.

1.3.2.10 **Route 2 – Tourism**

It shall be the intention of Council to encourage the Federal and Provincial governments to develop the former Acadian Village of Beaubassin and further develop the Fort Lawrence Heritage Site.

1.4 **Rural Resource Designation**

1.4.1 **Objectives**

- a) To identify prime agricultural areas and protect those lands for such purposes.
- b) To discourage the undue fragmentation of prime agricultural land.
- c) To avoid potential land use conflicts between resource based industries and residential uses.
- d) To permit new low density residential development to locate in the area.
- e) To permit new commercial and industrial uses to locate in the area.

1.4.2 **Policies**

1.4.2.1 **Rural Resource Designation**

It shall be the intention of Council to designate lands containing existing agricultural operations, or lands with quality soils capable of supporting agricultural operations Rural Resource on the Future Land Use Map.

1.4.2.2 **Rural Resource Zone**

It shall be the intention of Council to include in the land use bylaw a Rural Resource zone. Such a zone shall permit a wide range of uses in the rural resource designation including agricultural, commercial, light industrial and residential uses.

1.4.2.3 **Density of Development**

It shall be in the intention of Council to limit the density of non-resource based uses in the Rural Resource zone by requiring a minimum lot area larger than what is normally required in a rural setting.

1.4.2.4 **Existing Uses**

It shall be the intention of Council to permit all non-conforming uses in the Rural Resource designation to expand by development agreement. In negotiating such a development agreement, Council shall ensure that:

- a) the use does not emit any obnoxious odor, smoke, dust, noise, or fumes that could impact nearby property;
- b) adequate parking is provided on site;
- c) vegetation and/or fences are used to mitigate any potential impacts on surrounding properties; and
- d) The building is located so as to minimize impacts on surrounding properties.

1.4.2.5 **Lot Requirements**

It shall be the intention of Council to include in the Rural Resource zone(s) regulations pertaining to lot area, lot frontage, access, lot coverage, density, sanitary and other environmental conditions, as appropriate to the level of regulation required carry out the purpose of that zone.

1.4.2.6 **Other Uses**

It shall be the intention of Council to ensure that areas designated Rural Resource are primarily used for resource purposes. The following additional uses may be permitted in areas designated Rural Resource subject to any relevant provisions of this Planning Strategy and Land Use Bylaw:

- a) parks, open spaces and recreation uses;
- b) public and private schools;
- c) churches and church halls;
- d) institution uses and public buildings; and
- e) utility uses.

1.4.2.7 Commercial Uses

It shall be the intention of Council within the Rural Resource designation to permit new commercial and light industrial uses, or the expansion of existing such uses, which do not pose a negative impact on surrounding residential or agricultural uses, by development agreement. In negotiating the development agreement Council shall ensure that:

- a) the use does not emit any obnoxious odor, smoke, dust, noise, fumes or any other emission that could impact nearby property;
- b) adequate parking is provided on site;
- c) vegetation and / or fences are used to mitigate any potential impacts on surrounding properties;
- d) the building is located so as to minimize impacts on surrounding properties; and
- e) adequate water is available on site to service the proposed development, without negatively impacting on the water quality or quantity of nearby properties.

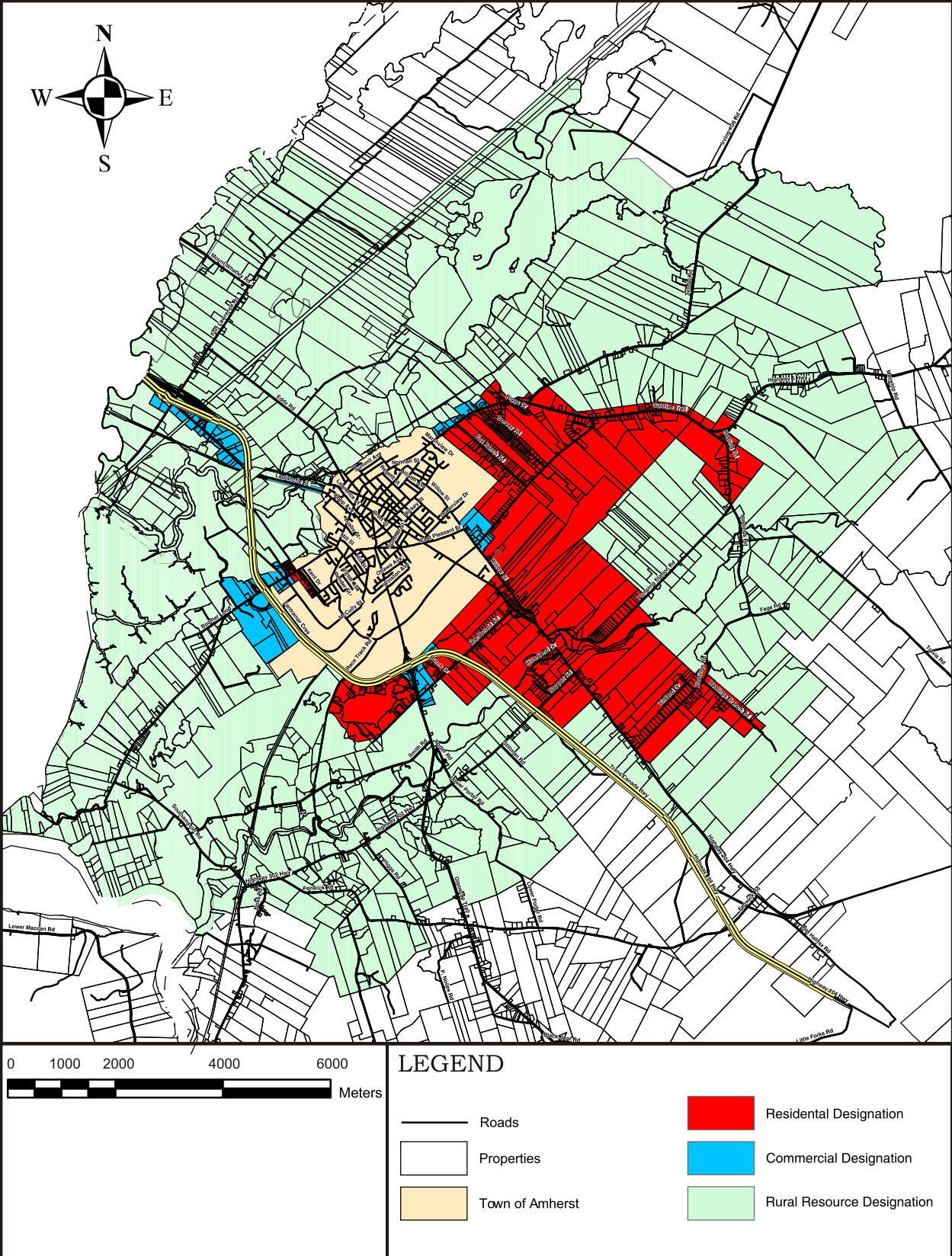
1.4.2.8 Agricultural Uses

It shall be the intention of Council to permit agricultural operations within the Rural Resource designation. The land use bylaw will regulate the location of animal and / or manure storage facilities in order to avoid potential negative environmental impacts or impacts on nearby existing, residential development.

Furthermore, Council shall require that an approved Environmental Farm Plan, including a Nutrient Management Plan, as prepared by the Nova Scotia Federation of Agriculture, be completed and submitted as part of the development permit application.

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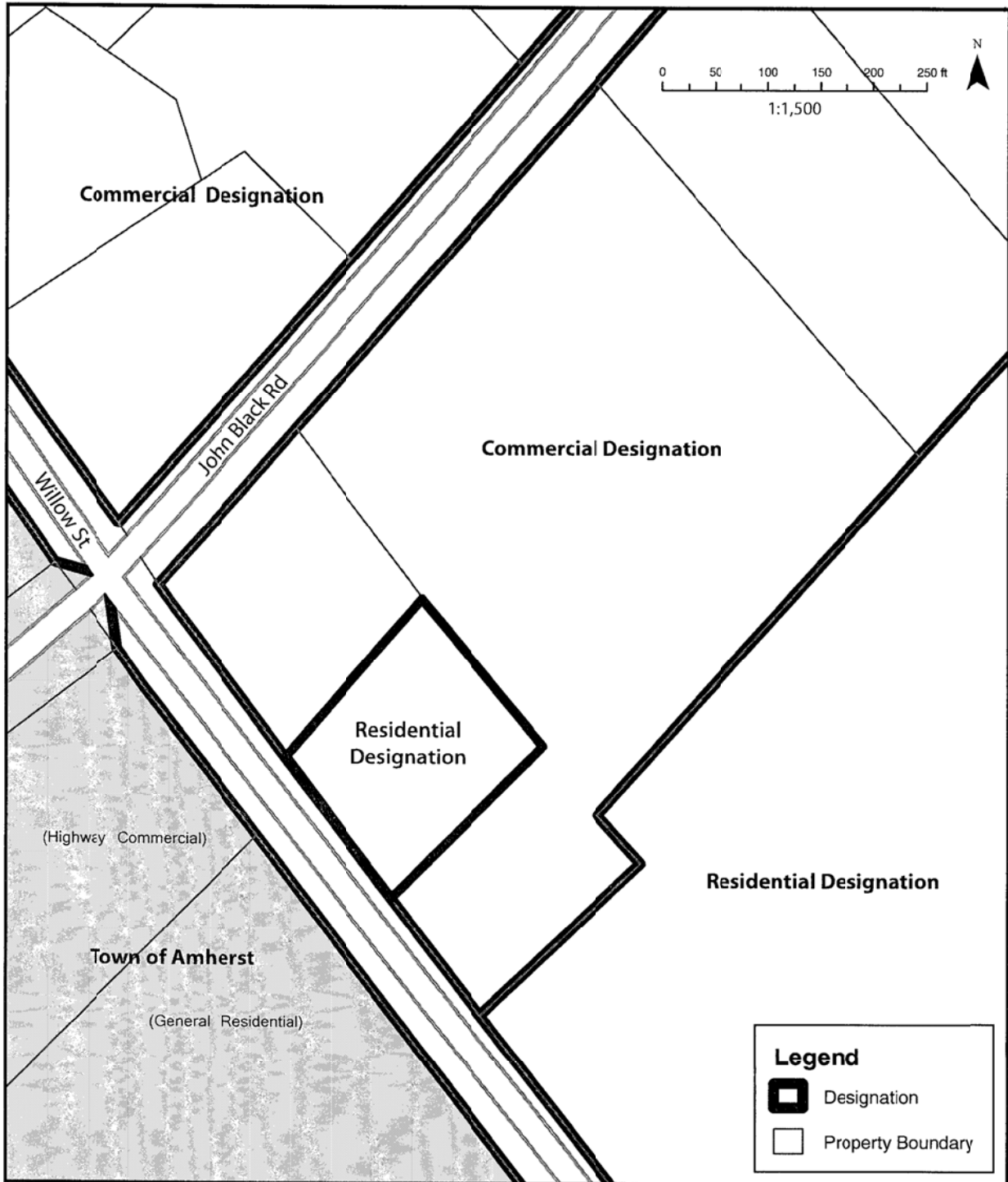
Map 2: Central Planning Area: Future Land Use Designations



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**Municipality of Cumberland
Central Planning Area**

**Map 2A
Future Land Use**

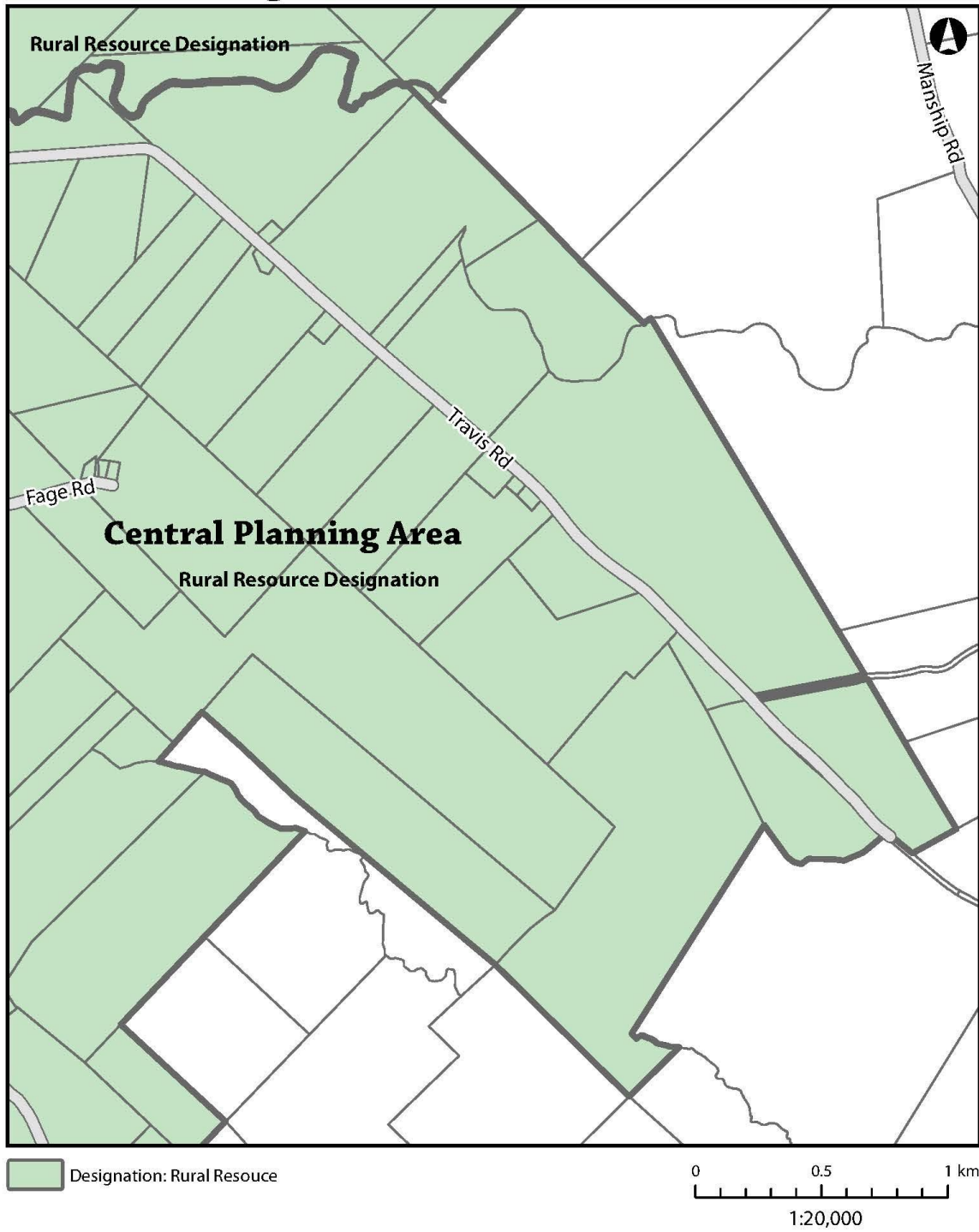


By-Law 13-03, Effective June 16, 2013

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Map 2B:

Central Planning Area Future Land Use



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**THE MUNICIPALITY OF THE COUNTY OF
CUMBERLAND BY-LAW**

SECONDARY PLANNING STRATEGY

FOR THE

JOGGINS PLANNING AREA



The provisions of this Secondary Planning Strategy apply in addition to and take precedence over the provisions of the County of Cumberland's primary Municipal Planning Strategy where there is a conflict.

**Consolidated Copy with all Amendments as of June 7,
2016**

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1. INTRODUCTION

In 2005, the Municipality of the County of Cumberland Council began preparing a Secondary Planning Strategy for the Joggins Area (See Map 3 Joggins Planning Area). Council recognized that the area had unique land use opportunities and issues that could not be adequately addressed by the County-wide Municipal Planning Strategy alone.

Council realized that, because of the potential nomination of the Joggins Fossil Cliffs as a World Heritage Site and the proposal to build a multi-million dollar interpretative centre in the community, the County had an opportunity to contribute to the revitalization of the Joggins area and support the designation of the World Heritage Site. Council decided that they wanted to ensure that local people would benefit to the greatest extent possible from the Joggins Fossil Cliffs' investment and, in turn, ensures the development of a sustainable and appropriate tourism industry. Council realized that, for this to happen, proper land use planning and development control would be essential to ensure there would be sufficient land designated to meet the local community's economic development and quality of life needs and that the management of the resources of the Joggins Fossil Cliffs would be supported.

It is Council's intention that the Secondary Planning Strategy for the Joggins Area will address these opportunities and issues.

1.1 **The Joggins Planning Area**

The Joggins Planning Area (See Map 3 Joggins Planning Area) is located in Cumberland County on the shores of Chignecto Bay which is part of the Bay of Fundy. It includes the existing community of Joggins and the sites of the historic settlements of Lower Cove and Ragged Reef. Joggins is located on Highway 242, approximately 45 kilometers from the Nova Scotia-New Brunswick border. The highway becomes Main Street in Joggins and ends at the fossil cliffs.

The Joggins Planning Area is described to include both the nominated Joggins Fossil Cliffs World Heritage Site and the lands within existing local municipal boundaries. On the west side of the planning area, the designated World Heritage Site extends 16 kilometers from Downing Head, in the north, to Ragged Reef, in the south. It also extends 500 meters seaward from the cliff faces and beaches. On the east side, the municipal boundaries are the General Service Areas established by the Province of Nova Scotia and adopted by Cumberland County Council and the boundary of the incorporated Village of River Hebert. The potential World Heritage Site and municipal boundaries overlap where they meet at the cliffs

and beaches.

1.2 **History**

As with most of Nova Scotia, the first settlers of the Joggins area were the Mi'kmaq. European settlement began around 1700 when coal was first mined by the French and English military. The commercial use of coal from the area began around the mid-1800s. The coal industry and the community of Joggins grew and prospered until the early 1900s

Other early successful economic activities in the area were grindstone quarrying, at Lower Cove and Ragged Reef, and lumbering.

The historic built character of the Joggins area is typical of rural Nova Scotia with well-spaced residential, commercial and institutional buildings of traditional design, cladding and strong vertical lines. The current population is approximately 500. There are approximately 200 dwelling units in the area.

1.3 **The Joggins Fossil Cliffs**

The fossil cliffs of Joggins are a world-renowned palaeontological site. They have been designated a Special Place under the Province of Nova Scotia's Special Places Protection Act (Chapter 438, of the Revised Statutes, 1989). The cliffs are located in an area where the tides are some of the world's highest (over 15 m). This tidal action causes steady erosion of the 23 meter high cliffs and a regular exposure of new fossil resources.

The cliffs have yielded fossils which have given an unprecedented glimpse of life during the Carboniferous Period (350 to 280 million years ago).

Joggins became famous for fossilized tree trunks found in their original upright positions. In 1851, when Charles Lyell, author of *The Principles of Geology*, and Sir William Dawson, author of *Acadian Geology and Air Breathers of the Coal Period*, visited the site, they discovered the remains of reptiles and amphibians entombed in some of the fossilized tree trunks embedded in the cliffs. The remains were, in fact, the remains of the world's first known reptiles, and the first evidence that land animals had lived during the "Coal Age."

1.4 **Municipal Planning**

Land use planning and development control are well-established parts of the management of Canadian municipalities. Enabling legislation in the Province of Nova Scotia is the Municipal Government Act, 1999. The Secondary Planning Strategy for the Joggins Planning Area has been prepared in accordance with the provisions of this legislation.

The Municipal Government Act, 1999 permits a municipal council to adopt a municipal planning strategy. As such, it is a legally binding planning document. Such a strategy sets out a council's vision or intentions for the future development of the municipality. As such, a municipal planning strategy is a legal document which contains a generalized future land use map for the municipality and statements of policy to deal with development problems, opportunities and effects on the natural, social and economic environment of a planning area. The Act also sets out statements of provincial interest which are guiding provincial planning principles with which all municipal planning documents must be reasonably consistent.

The Municipal Government Act, 1999 also deals with how the policies of municipal planning strategies are to be implemented. Policies for controlling land use and development must be prepared and implemented or carried out through a land use bylaw and which must be adopted by Council at the same time as the adoption of the municipal planning strategy.

The land use bylaw contains the details of how the policy statements contained in the municipal planning strategy will be implemented. It sets out "zones" for different land uses and establishes lists of permitted uses and development regulations for each zone. The Act also empowers municipalities to control further details of development through such means as development agreements and site plan approvals. In addition, the Act permits municipalities to prepare secondary municipal planning strategies to deal with issues that are unique to specific areas within a municipality. The Secondary Planning Strategy for the Joggins Planning Area is such a planning document.

The Municipality of the County of Cumberland adopted its first primary municipal planning strategy in 1993. Since then, it has been updated to account for changes in Provincial legislation and County land use planning priorities. This primary planning document contains policies which deal generally with maintaining the rural character and aesthetically pleasing environment of the County,

ensuring land use compatibility, environmental protection and promoting residential, business and tourism development. It also deals with a few county-wide planning issues, such as salvage yards and minimum lot sizes, but its main function is to provide a framework for secondary planning strategies, such as the one for the Joggins Planning Area, which will provide focused and detailed planning for this specific area of the municipality.

1.5 **Preparation of the Secondary Planning Strategy**

The Municipal Planning Strategy for the Joggins Planning Area was adopted by the Council of the Municipality of the County of Cumberland on the advice of the Joggins Area Planning Advisory Committee. This Committee was established to undertake research and community consultation toward preparing goals and policies for the secondary planning strategy. The mandate of the Committee was to prepare policies that would support the stewardship and management of the fossil resources of the Joggins Fossil Cliffs, pursuant to the applicable operational guidelines of UNESCO, and the interests of local community members. The policies were to ensure that the development of the Joggins Fossil Cliffs would have a positive impact on the Joggins area.

1.6 **Community Consultation**

At an early community open house (November 21, 2005), the Joggins Area Planning Advisory Committee was told by community members that some of their future planning priorities for the Joggins area were:

- a) protecting the fossil resources and public views and enjoyment of the cliffs;
- b) the preservation of residents' rights to continue the existing use of their properties;
- c) creating opportunities for the development of tourist facilities;
- d) cleaning-up dangerous and unsightly public and private properties;
- e) providing barrier free access to buildings for persons with disabilities; and,
- f) applying design standards to the extent required to prevent extremes in development and departures from the traditional

rural Nova Scotia character of the community, but not to impose rigid architectural controls.

At a subsequent community meeting (April 24, 2006), the Joggins Area Planning Advisory Committee presented a draft of the Secondary Planning Strategy and accompanying amendments to the Land Use Bylaw. The committee was told by community members that:

- a) The environmental protection designation along the cliffs, beaches and coastal roads is too restrictive from the perspective of the current property rights of the people. This designation should be removed from the plan;
- b) It should be clarified that there will be no restrictions on outdoor firewood storage, clothes lines, the keeping of a small number of farm animals, maintaining buildings where they are now located, through “grandfathering” provisions, or architectural controls on the design of new buildings; and,
- c) The practicality of dealing with outdoor storage and unsightly premises through fencings and screening was questioned.

At a final community meeting (May 29, 2006), the Joggins Area Planning Advisory Committee presented a further draft of the planning strategy and land use bylaw amendments which illustrated the changes that had been made to accommodate the wishes of the residents, as presented at the April 24, 2006 meeting. There were no further concerns raised by the community members in attendance at the meeting.

1.7 **General Application**

Generally, Cumberland County Council regards the interests of the residents of the community and the potential designation of the Joggins Fossil Cliffs as a World Heritage Site as a key consideration when dealing with any proposed development or updates of the municipal planning strategy or land use bylaw for the Joggins Planning Area that could impact the Joggins Fossil Cliffs. County Council will expect the same respect for their significance from all other levels of government and public agencies.

Council also recognizes that the Secondary Planning Strategy is reasonably consistent with the applicable Statements of Provincial Interest. In particular, the implementation of the Secondary Planning Strategy will make efficient use of existing infrastructure by requiring that more intensive development will be directed to areas where piped sewer services are available.

2. OVERRIDING GOAL

The overriding goal of the Secondary Planning Strategy for the Joggins Planning Area is to support healthy and sustainable community development by ensuring that future growth and development throughout the Joggins Area will support the goals and priorities of local community members and maximize the benefits and minimize any adverse effects of the development of the Joggins Fossil Cliffs on the community, and, by ensuring that future land uses and forms of development in the vicinity of the Joggins Fossil Cliffs will protect and enhance their fossil resources and valuable features and be appropriate and compatible with the designated UNESCO World Heritage Site and Interpretative Centre.

3. POLICIES

3.1 *In order to provide opportunities for sustainable community development:*

3.1.1 Land Use Designations

It shall be the intention of Council to establish, on Map 4: Future Land Use of the Secondary Municipal Planning Strategy for the Joggins Area (the “planning strategy”), a variety of land use designations that will be sufficient in terms of size and location to meet the needs of community residents for business development and housing opportunities and not excessive in order to protect their economic development and housing investments. (See Future Land Use map)

3.1.2 Land Use Zones

It shall be the intention of Council to include in amendments to the Land Use Bylaw (the “land use bylaw”), which will be adopted by Council at the same time as the adoption of the planning strategy, a variety of land use zones that will contain lists of permitted and accessory uses and development regulations that are necessary to implement the policies of the planning strategy.

3.1.3 Residential Designations

It shall be the intention of Council to establish, on the Future Land Use map of the planning strategy, three residential designations: Community Residential, General Residential and Transitional Residential. The Community Residential designation will cover areas where public sewer services are available and, therefore, provide opportunities for the concentration of a wider range of residential and other uses. The General Residential designation will cover areas where piped sewer services are not available and, therefore, a narrower range of residential and business uses, as well as agricultural uses, will be permitted. The Transitional Residential designation will cover areas where piped sewer services are proposed. Until then, the General Residential designation will apply. Afterwards, the Community Residential designation will apply.

3.1.4 Large Scale Wind Turbines and Wind Power Projects

It shall be the intention of Council, within the General Residential designation to permit large scale wind turbines and wind power

projects in accordance with the county-wide provisions for large scale wind turbines set out in the Municipal Planning Strategy and Land Use Bylaw.

3.1.5 **Residential Zone Uses**

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Community Residential Zone and General Residential Zone, such as a variety of housing forms, public uses, home occupations, and tourist homes, small-scale agricultural uses and tourist commercial uses along Shulie, Hardscrabble and Lower Cove Roads.

3.1.6 **Residential Zone Regulations**

It shall be the intention of Council to include in the land use bylaw, development standards for the Residential Zones to ensure that the range of permitted uses and development requirements will be appropriate for areas with or without piped sewer services, and for agricultural uses. For home occupations and tourist homes, the land use bylaw will contain special requirements such as those that will ensure that they will be sensitive to the residential appearance of nearby buildings. For agricultural uses, the land use bylaw will regulate the number of animals and the location of animal housing and/or manure storage facilities in order to avoid potential negative environmental impacts or impacts on nearby existing, residential development.

3.1.7 **Community Commercial Designation**

It shall be the intention of Council to establish, on the Future Land Use map of the planning strategy, a Community Commercial designation that will function as a re-established traditional retail and service commercial town centre that will be accessible by foot and will become a social gathering and meeting place and provide a sense of place for the community. This Commercial designation will be located generally along both sides of Main Street, from Hardscrabble Road to Alderson Street, and along the east side of Hurley Road and north side of Shulie Road.

3.1.8 **Community Commercial Zone Uses**

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Community Commercial Zone, such as a wide range of retail and service commercial and tourist accommodation uses, interpretative centre-related businesses, living-working designed buildings, existing residences, home

occupations and tourist homes.

3.1.9 **Community Commercial Zone Special Requirements**

It shall be the intention of Council to include in the land use bylaw, special requirements for the Community Commercial Zone to ensure that the town centre will be pedestrian friendly, aesthetically pleasing and that renovations and new development will complement its town centre setting and be compatible with the overall rural Nova Scotia character of the community.

3.1.10 **Institutional Designation**

It shall be the intention of Council to establish, on the Future Land Use map of the planning strategy, an Institutional designation that will encompass the site of the primary Joggins Fossil Cliffs interpretative centre. This Institutional designation will be located at the westerly end of Main Street.

3.1.11 **Institutional Zone**

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Institutional Zone that will complement the interpretative centre.

3.1.12 **Utility Designation**

It shall be the intention of Council to establish, on the Future Land Use map of the planning strategy, a Utility designation that will encompass the site of the existing sewage treatment facility.

3.1.13 **Utility Zone**

It shall be the intention of Council to include in the land use bylaw, a Utility Zone to encompass the site of the existing sewage treatment facility.

3.1.14 **Public Service Facilities**

It shall be the intention of Council to permit public service facilities in accordance with the county-wide provisions for public service facilities as set out in the Municipal Planning Strategy and Land Use Bylaw.

3.2 **In order to support the stewardship of the resources, features and setting of the Joggins Fossil Cliffs:**

3.2.1 **Cliffs and Shoreline Setback**

It shall be the intention of Council to include in the land use bylaw, development restrictions in areas within 20 meters landward of the cliffs and shoreline to ensure that there will be no development or environmental effects from activities or land uses that will interfere with the natural erosion processes which regularly expose fossil resources at the cliffs or adversely affect the setting or views of the Joggins Fossil Cliffs or the aesthetic qualities of the views and natural vistas along the shorelines.

3.2.2 **Prohibited Uses and Structures**

It shall be the intention of Council to include in the land use bylaw, provisions, in areas within 20 meters landward of the cliffs and shoreline, that will regulate the grading or alteration in elevation or contour of the land and the excavation and deposition of fill and will prohibit the defacing of the face of the cliffs, the construction of any permanent or temporary structures, including large scale wind turbines, communications towers and billboards or signs and the placing or outdoor storage of any scrap or salvage material or inoperative motor vehicles or their parts. This provision does not prohibit the accessory storage of material, such as firewood or compost, for the use of residents of the property.

3.3 **In order to protect the aesthetic quality, traditional style and historic character of the community:**

3.3.1 **Panoramic View Protection**

It shall be the intention of Council to establish in the land use bylaw special requirements to protect the important views of the community, cliffs, beaches and bay through such means as controls on site alteration, unsightly outdoor storage, obtrusive developments, and setbacks from cliff and beaches.

3.3.2 **Cliffs View Protection**

It shall be the intention of Council to include in the land use bylaw special requirements to preserve the views of the cliffs from the beach area by prohibiting the construction of any fence, sign or structure that would be visible from the beach area that is not required for public safety or security purposes.

3.3.3 **Piped Sewer Services**

It shall be the intention of Council to include in the land use bylaw, a provision that more intensive development will be directed to areas where piped sewer services are available.

3.3.4 **Outdoor Storage and Facilities**

It shall be the intention of Council to establish in the land use bylaw, provisions to prohibit the outdoor storage of scrap or salvage materials or inoperative motor vehicles or their parts. This provision does not prohibit the accessory storage of material, such as firewood and compost, for the use of residents of the property. The land use bylaw will also contain provisions for the location and placement of wind turbines, outdoor wood furnaces, outdoor lighting and signs.

3.4 **In order to enhance the quality of life for the residents of the Joggins area:**

3.4.1 **Protection of Non-Conforming Uses and Structures**

It shall be the intention of Council to establish in the land use bylaw, provisions to protect the rights of existing residents to the continuation of the existing use of their land and properties, including the repair, renovation, recommencement, replacement or reconstruction of legal non-conforming structures or uses, as permitted by the Municipal Government Act.

3.4.2 **Housing Alternatives**

It shall be the intention of Council to establish in the land use bylaw, provisions for opportunities for a variety of alternate forms of housing and converted dwellings to meet the needs of all ages, incomes and special requirements.

3.4.3 **Outdoor Lighting Control**

It shall be the intention of Council to establish in the land use bylaw, regulations for outdoor lighting in order to preserve the ability to view the night sky, conserve resources and protect against direct glare and light trespass onto nearby properties and public highways.

3.4.4 **Public Health and Safety**

It shall be the intention of Council to support provisions for public health, safety and welfare, such as regulations for clean-up of dangerous or unsightly premises; the design, illumination and maintenance of all walkways, trails, public open space and parking

areas; the protection of private property; and, building accessibility for all persons with disabilities.

3.4.5 Traffic Management

It shall be the intention of Council to support the provision of efficient traffic and parking facilities, road signage for safety and the upgrading and/or realignment of hazardous roads in consultation with the province.

3.4.6 Community Development

It shall be the intention of Council to support community and downtown revitalization and façade enhancement programs and support initiatives for locally generated employment and tourism-related business investment that will capitalize on the Joggins Fossil Cliffs investments and the proposed World Heritage Site designation and benefit the community in the long term.

3.4.7 Community Stabilization

It shall be the intention of Council to support the rural development and community stabilization efforts of provincial and federal levels of government, other public agencies and the private sector to maintain existing and provide new educational and training opportunities and health, safety and social support services for community members.

3.4.8 Community Linkages

It shall be the intention of Council to support community-based initiatives and regional linkages for business development, educational, social and cultural investments to capitalize on the tourism potential of the area as a result of the Joggins Fossil Cliffs development.

3.4.9 Dark-Sky Preserve

It shall be the intention of Council to support community initiatives to have the Joggins area designated a Dark-Sky Preserve. This is a designation that private citizens can seek, in cooperation with the Royal Astronomical Society of Canada, in order to promote the area for viewing the night sky and support local efforts to improve regulations for exterior lighting. These would protect the ability to view the night sky which, in turn, would help to attract visitors and preserve the quality of life in the community.

3.4.10 **Public Service Facilities**

It shall be the intention of Council to permit public service facilities in accordance with the county-wide provision for public service facilities as set out in the Municipal Planning Strategy and Land Use Bylaw.

3.4.11 **Environmental Protection**

It shall be the intention of Council to implement environmental protection measure in areas adjacent to watercourses, coastlines and wetlands in accordance with the municipal-wide provision set out in the Municipal Planning Strategy and Land Use Bylaw. Where there is a conflict, the provisions of the Joggins Secondary Planning Strategy shall take precedence.

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Joggins Planning Area Map H

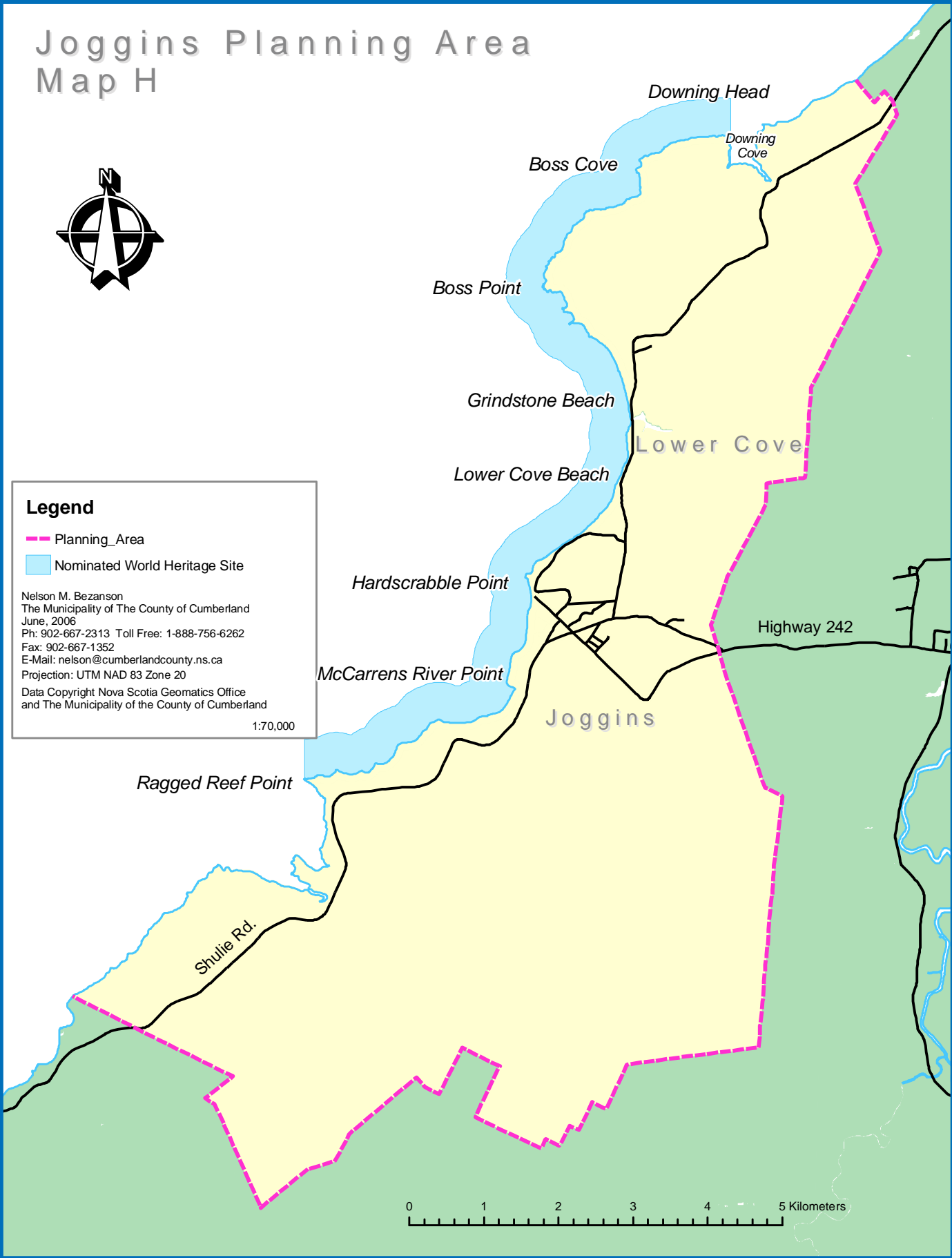


Legend

- Planning Area
- Nominated World Heritage Site

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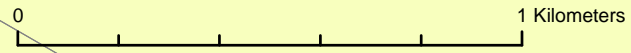
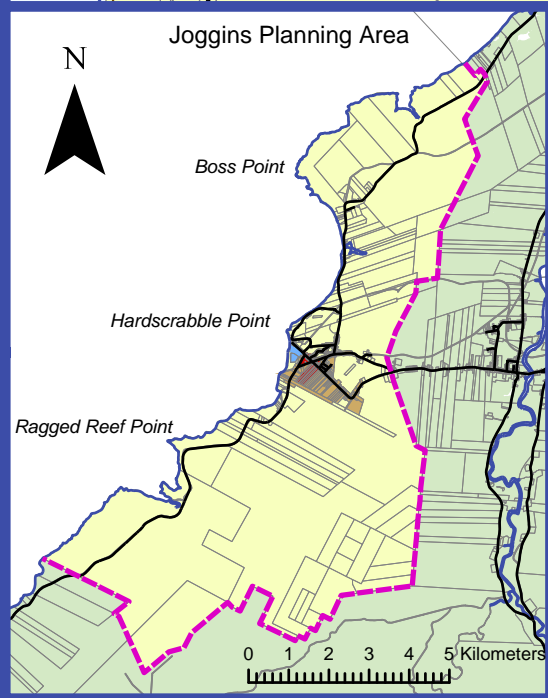
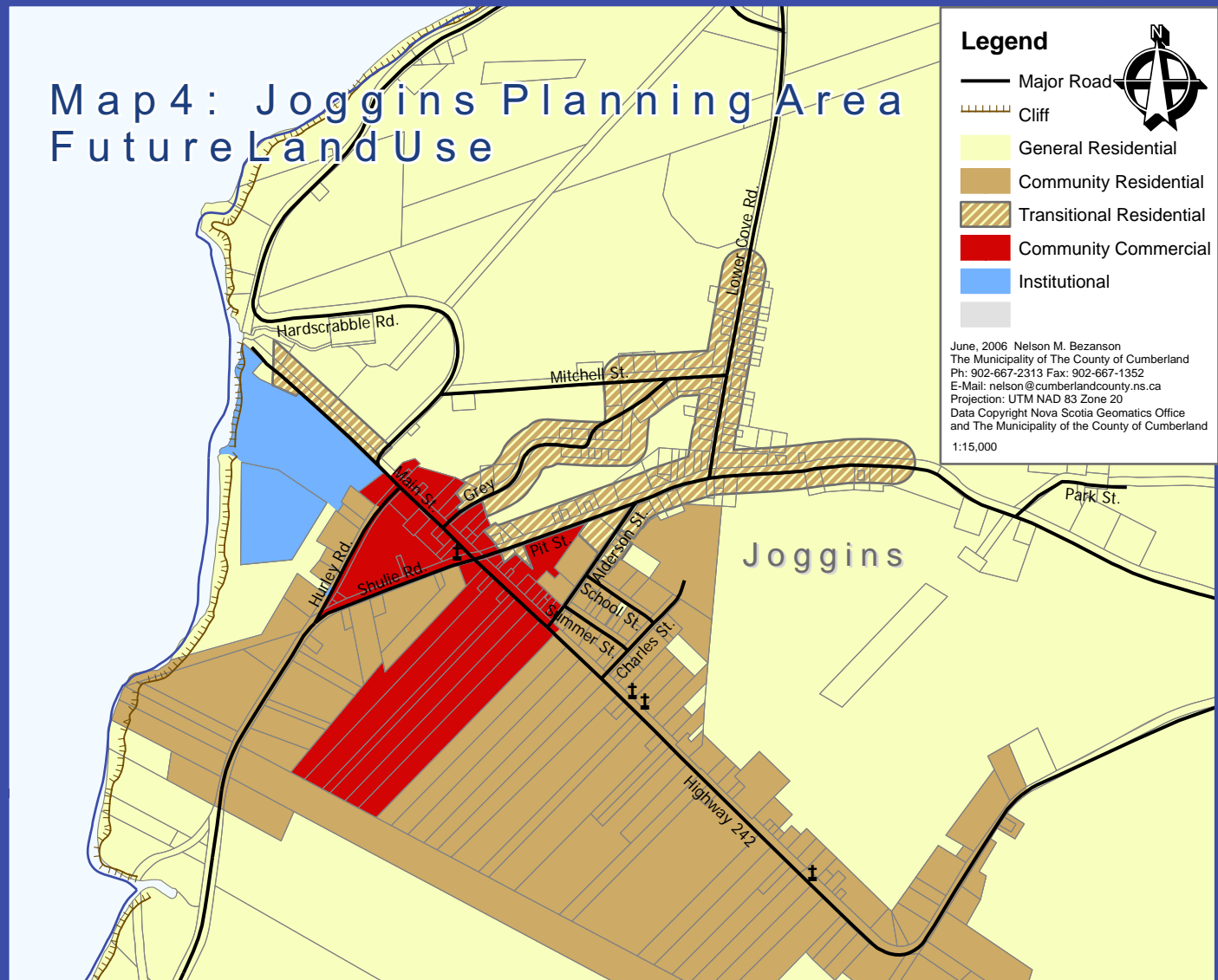
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Map4: Joggins Planning Area Future Land Use

Legend

- Major Road
- Cliff
- General Residential
- Community Residential
- Transitional Residential
- Community Commercial
- Institutional
-

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**THE MUNICIPALITY OF THE COUNTY OF
CUMBERLAND BYLAW NO. 08-06**

SECONDARY PLANNING STRATEGY

FOR THE

VILLAGE OF PUGWASH



The provisions of this Secondary Planning Strategy for the Village of Pugwash apply in addition to and take precedence over the provisions of the County of Cumberland's primary Municipal Planning Strategy where there is a conflict.

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1. TITLE AND PURPOSE

In 2005, the Pugwash Village Commission requested the Municipality of the County of Cumberland to prepare a secondary planning strategy and land use bylaw for the Village. The Village Commission had recognized the need for land use planning policies in order to give clear direction to the development of the big projects that were in the offing for the Village (i.e. the Pugwash Peace Exchange, a marina expansion, a new library and community centre, a curling rink, and a new fire hall). The Village Commission also wanted a basic level of land use development control for new development within the Village. In particular, the commission wanted the impact of new development on the established residential areas of the village to be regulated in the future.

It is, therefore, Council's intention that this secondary planning strategy and accompanying land use bylaw will address the land use priorities and relevant Strategic Plan (2007) actions of the Village Commission, as well as others that have been identified by local residents during the preparation of these planning documents. These planning documents will also provide an overarching context for the Village Commission in the exercise of their powers pursuant to Section 423 of the Municipal Government Act.

1.1 **The Pugwash Planning Area**

The boundaries of the Pugwash Planning Area (Map 5) are the same as those of the Village of Pugwash. The Village is located in Cumberland County on the shores of the Northumberland Strait, along Highway 6 (the Sunrise Trail), approximately 60 kilometers from the Nova Scotia-New Brunswick border. The highway becomes Durham Street within the village.

1.2 **History**

Pugwash was incorporated as a Village in 1948. It is a tranquil coastal community of approximately eight hundred & ninety seven permanent residents which developed on both sides of the harbour and basin. The Mi'kmaq who first occupied the lands, hunting and fishing, were followed by the Acadians, who were followed by United Empire Loyalists.

The Village is located on the northeast coast of Nova Scotia, having direct access to the Northumberland Strait, which boasts the warmest waters north of the Carolinas. By water it is approximately half way between the coastal communities of Pictou, Nova Scotia and Shediac, N. B., an approximate distance of 130 kilometres and is approximately 75 Km from Charlottetown, P.E.I. By road Pugwash is

located on the Sunrise Trail, Highway # 6, approximately 55 km. east of Amherst, and 79 km. northwest of Truro.

The name Pugwash is a derivative of a native Mi'kmaq word "pagweak" meaning "deep water." The Pugwash Harbour is one of the Village's greatest assets, with a channel clearance of seventeen feet (17') at low water, well lighted and easily accessed by vessels from the Northumberland Strait.

During the summer months the Village service area swells to over five thousand people due to the influx of cottage residents and tourists. The Village offers a library, Community Access Program (C@P) site offering public internet access for locals and visitors, amenities such as a hospital, schools, RCMP detachment, financial institution, ground search & rescue, post office, churches of the five (5) major denominations, hardware, grocery, gift, pharmacy, liquor and convenience stores.

In 1891 Pugwash was a thriving village of over three thousand permanent residents with several hotels, a tannery, shipbuilding, prosperous lumber industry, a brickyard, a lucrative fishery and was a major exporting port. Pugwash was ravaged by several devastating fires between 1898 to 1929. The Village rebounded but never to the magnitude of the pre-fire era. Today's largest employers are Canadian Salt Company, Sunset Adult Rehabilitation Center, East Cumberland Lodge, Seagull Pewter, Basic Spirit and the lobster fishery.

Pugwash is the birthplace of the famous American industrialist Cyrus Eaton, whose invitation to Albert Einstein, Bertrand Russell and Dr., Joseph Rotblat and other world renowned scientists to formulate the first conference, held in 1957 on nuclear disarmament which became known as the "Thinkers Conferences" (Pugwash Movement) and was hosted at his summer residence in Pugwash. In 1960 Mr. Eaton was awarded the Lenin Peace Prize at the July 1st celebrations in Pugwash and in 1995 their efforts were recognized around the world when the Pugwash Conferences shared the Nobel Peace Prize with Sir Joseph Rotblat. Cyrus Eaton's estate remains today, unchanged. In July, 2008, the Federal Government designated this property as a National Historic Site for the vital role it played in Cyrus Eaton's vision of Nuclear Disarmament and World Peace. After the devastating fires Mr Eaton supported the rebuilding of Main Street with the establishment of, the Village's second greatest asset, Eaton Park (Pugwash Park Commission) in hopes of creating a setting to attract tourists.

The basin of Pugwash Harbour is a beehive of activity with two marinas (Pugwash Yacht Club and the Brickyard Marina); The

Canadian Salt facility (previously owned by Transport Canada); Chase's Lobster Pound Ltd. wharf and holding facility and the Harbour Authority wharf. The major export is salt.

Pugwash is also well known for its festival, The July 1st Gathering of the Clans. The first festival which was called the Gathering of the Clan and Fishermen's Regatta was held in 1951, incorporated by an Act of the Legislature in 1957, it marks the commencement of highland dance competitions each year throughout the province.

1.2.1 **Notable Historical Dates**

- 1807 -- Stephen Seaman established residency.
- 1810s -- Arrival of several new families.
- 1813 -- 200 acres of Pugwash was awarded to John Black, later passed to his son James Black.
- 1821 -- First school opened in Pugwash.
- 1830s --
 1. First doctor took up residency.
 2. Several religious societies developed.
- 1845 -- James Black subdivided his land into streets and lots. (residential and farming)
- 1850 -- Shipbuilding reputation well established around the world, most prosperous year.
- 1851 -- Marks the beginning of a downturn in shipbuilding.
- 1854 -- First industry independent of the forestry, a tannery is established by James Stuart & Sons.
- 1865 -- First wooded bridge connecting east & west Pugwash, consisting of four arched sections with a forty foot drawbridge that turned on a swivel.
- 1877 -- A major fire - 5 buildings destroyed on Water Street.
- 1882 -- Commencement of construction of rail service to Pugwash by Great American & European Short Line Railway.

- 1885-98 -- Residents return to ferry service linking east & west Pugwash due to constant ice damage which has rendered the wood bridge unusable and impractical to reconstruct.
- 1890 -- Railway service to Pugwash in operation.
- 1891 -- Census of 1891 - Population of Pugwash is 3,101, but declines to 2,160 by the end of this year.
- 1895 -- Establishment of a home for the mentally disabled-Sunset.
- 1897 -- First telephone service connecting Pugwash to outside world.
- 1898 -- 1. Major fire destroys entire block- Water Street & Durham.
2. Iron Bridge linking east & west Pugwash opens.
- 1899 -- Brickworks Industry founded. (Brickyard)
- 1901 -- Major fires: 1st on Water Street & Durham destroys a building and damages neighboring structures; 2nd fire started on Water Street spreading to Durham destroying 25 buildings.
- 1919 -- Launching of last sailing ship built in Pugwash, the “William Mac L. Borden.”
- 1928 -- 1. Fire destroys Post Office and neighboring building.
2. Electrical Service to Pugwash – Waugh River hydro electric facility.
- 1929 -- 1. Major fire destroys large section of Pugwash, 35 buildings burned.
2. Census of 1929 - Population of Pugwash 750.
- 1930 -- Brickyard closed.
- 1947 -- Opening of first hospital in Pugwash (Red Cross Outpost) known as North Cumberland Memorial Hospital.
- 1948 -- Pugwash becomes an incorporated Village by an Act of the Legislature.

- 1951 -- The first July 1st Gathering of the Clans and Fishermen’s Regatta held in Pugwash.
- 1955 -- Testing by Canadian Rock Salt a prelude to relocation of its operations from Malagash to Pugwash.
- 1956 -- Canadian Rock Salt establishes its operation in south Pugwash.
- 1957 -- 1. First “Thinkers Conference” sponsored by Cyrus Eaton was held at his summer residence in Pugwash.
2. The July 1st Gathering of the Clans and Fishermen’s Regatta incorporated by an Act of the Legislature.
- 1960 -- Lenin Peace Prize presented to Cyrus Eaton during July 1st celebrations.
- 1966 -- Opening of new hospital facilities in Pugwash – North Cumberland Memorial Hospital.
- 1970’s -- Establishment of Seagull Pewter & Silversmiths and Canadian Sterling facilities.
- 1975 -- Opening of East Cumberland Lodge, a home for the aged & infirmed.
- 1995 -- Nobel Peace Prize awarded to the Pugwash Movement and Dr. Joseph Rotblat in recognition of the thinkers conferences.
- 2007 -- Opening of the Northumberland Curling Rink.
- 2008 -- Designation of the Cyrus Eaton Thinkers Lodge, residence and environs as a National Historic site.

1.3 **Projects**

Within the Village of Pugwash in the next five years major projects have a strong potential of development. These are:

1.3.1 **Pugwash Park Restorations**

The project involves the restoration of Cyrus Eaton’s original property, including the Thinkers’ Lodge (home of the first conference in 1957), the original Dining Hall (which will be used during

Conferences) and the Staff House. The property has been designated a National Historic Site. Funding has been provided to the Pugwash Park Commission for a site and buildings integrity and development plan. In accordance with the section of the Societies Act, which incorporated the Commissioners of the Pugwash Park, the existing and future lands and buildings associated with the Cyrus Eaton property are to be used only for the purpose of promoting and carrying on any benevolent, philanthropic, patriotic, charitable or educational use, but not for the purpose of carrying on any trade, industry or business.

Status: Study work is underway. Target 2008

1.3.2 **Marina Project**

Plans are underway for marina development in the Pugwash Basin by the Harbour Authority of Pugwash. This expansion will create 30-40 new commercial and recreational/tourism slips including a boat launch area and additional tourism parking. When completed it will offer full services to boaters; from washrooms, laundry, showers, fuel, water and ice to septic and bilge pump-outs. This project will also provide an opportunity to promote the Northumberland Strait to boaters thus increasing tourism as well as providing the infrastructure to promote economic development of small businesses in the local area. Currently the Harbour Authority has completed its Business/Project Plan and is now in the process of raising the required funds to begin Phase 1 of this estimated five year project.

Status: Business Plan published, funds raised for Phase I, which include geotechnical testing, environmental and navigation permits, etc., which could take up to 2 years to complete.

1.3.3 **Pugwash Peace Exchange (PPE)**

In 2003 Sir Joseph Rotblat expressed the wish that the role Pugwash has played in the momentous event of the latter part of the 20th century be recognized in a permanent institution in the Village of Pugwash. He became the first patron of the PPE and so the planning and development of the PPE began in earnest. A 9000 square foot building, known simply as the PPE, will be constructed to exhibit an abundance of historical documents never before available to the general public and will facilitate learning, research and thinking. It will celebrate the history of the Pugwash Movement, the role that Pugwash played in world peace for the past 50 years and will house the Nobel Peace Prize medallion of Sir Joseph Rotblat. The goal is to provide a world class interpretive, educational and research facility

for people to visit so they can “share in the history and future of peace”.

Status: Business Plan published, financing being arranged. Target 2009.

1.3.4 **Other Projects**

Other projects which have been identified by the Village Commission to the Municipality for development, but not as yet defined in detail by feasibility studies are:

- a) community Centre which could be multifunctional , such as a tourist bureau, C@P site and a new library, etc.
- b) upgrading of green area of the Village, including repairs to the sea walls, walking paths and recreational areas.
- c) sidewalks
- d) sewer extensions for East, West and South Pugwash
- e) drinking water services to the Village

Note that the above are not listed in priority sequence, and some may not happen in the next five years.

1.4 **Municipal Planning**

Future land use planning and development control are well established parts of the management of Canadian municipalities by their elected officials. Municipalities are provided, through provincial and territorial planning legislation, with the power and means to establish clear strategic policy directions and effective development regulations to guide their futures.

The planning legislation in Nova Scotia is set out in Sections 8 and 9 of the Municipal Government Act, 1998, as amended. The Act empowers a municipality to prepare an overall municipal planning strategy and secondary planning strategies to address the land use planning issues and opportunities of the municipality and those that are unique to particular areas within the municipality. The Village of Pugwash is one such area.

In addition, the Municipal Government Act requires that municipalities adopt land use bylaws at the same time as their planning strategies are adopted in order to enable the policies of the planning strategies to be carried out. Land use bylaws divide the

municipality into different areas or “zones.” Each zone can list different permitted uses and can have different development standards or regulations and design guidelines that are aimed at controlling the design of buildings and treatment of sites so any impact of development on the existing built and natural environment is minimized.

Further, the Municipal Government Act also permits municipalities to address the details of the design of buildings and structures and alterations to the landform and natural vegetation of sites through the use of development agreements, site plan approvals and comprehensive development districts.

A subdivision bylaw can be enacted under the Municipal Government Act to control the division of land. The intent of subdivision control is to ensure that new lots and subdivisions will meet the requirements of the land use bylaw and environmental protection standards for on-site servicing and the protection of adjacent land and watercourses.

Overall, municipal planning is carried out using generally accepted planning practices, such as the application of the principles of sustainability, environmental protection and land use compatibility. These are intended to ensure that municipalities are provided with the opportunity to meet and balance the environmental, economic, social and cultural needs and priorities of both present and future residents.

1.5 **Preparation of the Secondary Planning Strategy and Land Use Bylaw**

In 2006, the Council of the Municipality of the County of Cumberland established a Planning Advisory Committee to undertake research and community consultation toward preparing the secondary planning strategy and land use bylaw for the village. The mandate of the committee was to address the issues that were unique to the village. In particular, the committee was to:

- a) Develop policies that will reflect a vision for the future infilling, revitalization and redevelopment of the Village of Pugwash and be aimed primarily at ensuring future land use compatibility and maximizing benefits for local people;
- b) Develop policies that will ensure that any negative impacts of any increase in traffic or parking on the citizens of Pugwash (e.g. health and safety) will be minimized and mitigated;

- c) Develop policies that will ensure that cultural and tourist services and amenities are developed in a manner that will provide the greatest benefit possible to the citizens of Pugwash. Economic development opportunities should be community-based and designed first and foremost with local people in mind;
- d) Develop policies that will ensure that the location, type, and architectural style of new development will protect and enhance the image and integrity of the overall Village as being typical of rural Nova Scotia;
- e) Review present and future required municipal services and develop policies to ensure that service delivery will be efficient and based on the objectives of the municipal planning strategy for the village. This planning document will need to be reasonably consistent with the Statements of Provincial Interest, particularly regarding the efficient use of infrastructure.

1.6 **Public Consultation**

On January 17, 2006 Council approved the mandate for the Pugwash Planning Advisory Committee. Its citizen volunteers and Council members were appointed by Council on March 1, 2006.

The role of the committee was to consult with local residents on current land use issues and future development priorities and advise Council on how they should be addressed. The committee held both working meetings and public participation events – open houses and an on-line survey. Notices for all such meetings and events were provided in the local newspaper. Additional meetings were held with special interest groups and interested individual citizens.

The committee approved a work plan/planning process, a land use planning vision statement and set of priorities and goals for the Village. These provided the foundation to guide the preparation of the Village’s secondary planning strategy and land use bylaw.

1.7 **General Application**

Cumberland County Council regards the interests of the residents of the Village as a key consideration when dealing with any proposed development or updates of the municipal planning strategy or land use bylaw for the Pugwash Planning Area. County Council will expect the same respect for their significance from all other levels of government, public agencies and non-profit organizations active in the Village.

Council also recognizes that the Secondary Planning Strategy is reasonably consistent with the applicable Statements of Provincial Interest. In particular, the implementation of the Secondary Planning Strategy will make efficient use of existing infrastructure.

2. OVERARCHING PLANNING PRINCIPLES FOR PUGWASH

2.1 MISSION STATEMENT

The mission of the Pugwash Planning Advisory Committee is to prepare a secondary planning strategy and land use bylaw for the Village that will reflect the priorities of local residents and the principles of sustainable development. In this way, the plan and bylaw will guide the future physical development of the Village in a manner that will meet the economic, social, environmental, aesthetic and quality of life needs of both present and future residents.

2.2 VILLAGE PRIORITIES

The following Village priorities were derived from the results of the Pugwash Planning Advisory Committee's open house held on September 12, 2006 and the January, 2007 County website survey/questionnaire.

- a) Maintain and revitalize the Village centre
- b) Keep recreational and community facilities close to the Village centre
- c) Maintain historic buildings and the character of the Village
- d) Provide for transportation alternatives, parking and universal access
- e) Provide for compatible home businesses and tourist homes
- f) Provide for a variety of housing forms to meet different needs
- g) Provide space for business development
- h) Support renewable energy and green or sustainable development
- i) Protect views and public access to coastal areas
- j) Control dangerous and unsightly premises and outdoor storage
- k) Maintain the appearance and character of the Village
- l) Protect sensitive environmental areas
- m) Direct development away from natural and other hazards

2.3 **LAND USE PLANNING GOALS**

The following goals have been based on the Village priorities and are the principles that have been used to prepare the land use policies and development regulations for the Village of Pugwash as set out in the secondary planning strategy and land use bylaw:

- a) Provide opportunities for sustainable development
- b) Designate sufficient land to meet housing, community and business needs
- c) Ensure new development is well designed and compatible
- d) Protect the Village's aesthetic quality, traditional style and historic character
- e) Enhance the quality of life for Village residents

3. POLICIES

Based on the overarching mission statement and the land use planning principles and goals established for the Village of Pugwash, the following planning strategy policies are established:

3.1 LAND USE POLICIES

3.1.1 Land Use Designations

It shall be the intention of Council to establish, on the Future Land Use Map of the Secondary Planning Strategy for the Pugwash Planning Area (the “planning strategy”), a variety of land use designations that will be sustainable and sufficient in terms of size and location to meet the needs of residents for housing, business, education and other Village needs. (See Future Land Use Map)

3.1.2 Land Use Zones

It shall be the intention of Council to include in the Land Use Bylaw (the “land use bylaw”) a variety of land use zones that will contain lists of permitted and accessory uses and development regulations that are necessary to implement the policies of the planning strategy.

3.1.3 Village Residential Designation

It shall be the intention of Council to establish, on the Future Land Use Map of the planning strategy, a Village Residential designation. The purpose of the Village Residential designation is to primarily provide space for a variety of forms of housing, as well as public, educational, institutional, convenience, agricultural and accessory uses. In areas with public sewer services, smaller lots can be developed.

3.1.4 Village Residential Zone

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Village Residential zone, such as a range of housing forms, public, educational, institutional and convenience uses, home occupations, tourist homes, and small-scale agricultural uses.

It shall be the intention of Council to include in the land use bylaw, development requirements for the Village Residential zone to ensure that the design of all non-residential uses will be sensitive to the

residential appearance of nearby properties in terms of size, design and site planning and be compatible with and contribute to the overall rural Nova Scotia character of the Village.

It shall be the intention of Council to include in the land use bylaw, requirements for the subdivision and design of areas beyond the existing built-up areas of the Village, to ensure that development will be sustainable and respectful of the rural open space character of these areas. These requirements could address such matters as the clustering of new development, control of new individual accesses to existing roads, the provisions of “green” transportation corridors, the linking of open space areas and the buffering and protection of agricultural and environmentally significant areas.

For agricultural uses, the land use bylaw will regulate the number of animals and the location of animal housing and/or manure storage facilities in order to avoid potential negative impacts on the environment or nearby uses.

3.1.5 **Village Commercial Centre Designation**

It shall be the intention of Council to establish, on the Future Land Use Map of the planning strategy, a Village Commercial Centre designation. The purpose of the Village Commercial Centre designation is to provide space for a traditional commercial, retail and service centre. It should be accessible by foot, continue to be a social gathering place, provide a sense of place for the Village and contain commercial and service uses that will contribute to the overall enjoyment, amenity and quality of life of Village residents and visitors. It will also contribute to increased Village sustainability, by allowing space for growth and development and enabling residents to access necessary goods, services, and employment within their local community.

3.1.6 **Village Commercial Centre Zone**

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Village Commercial Centre zone, such as a wide range of retail and service commercial and tourist related uses, living-working designed buildings, existing and new residences, home occupations and tourist homes.

It shall be the intention of Council to include in the land use bylaw, development requirements for the Village Commercial Centre zone to ensure that the design of new development will be pedestrian friendly, aesthetically pleasing and complement its Village centre setting and existing physical form and be compatible with the overall

rural Nova Scotia character of the Village. This could cover such matters as maintaining the existing building street set back lines and complementing adjacent existing development in terms of scale and mass, while facilitating the operation and expansion of viable business operations.

3.1.7 Limited Rural Commercial Designation

It shall be the intention of Council to establish, on the Future Land Use Map of the planning strategy, a Limited Rural Commercial designation for areas along the Highway 6 (Sunrise Trail) accesses outside the Village centre that presently contain a variety of rural residential, agricultural and commercial uses. The purpose of the Limited Rural Commercial designation is to provide space for a range of commercial uses that are more limited than those permitted in the Village Commercial Centre designation. It will protect the business development potential and opportunities of the Village Commercial Centre. The intent is also to control “strip” commercial development along these gateway accesses to the Village in order to maintain the traditional rural character and visual quality, openness and scenic views of the landscape of these routes. Designated areas will be located around existing commercial uses and at existing intersections.

3.1.8 Limited Rural Commercial Zone

It shall be the intention of Council to include in the land use bylaw, a Limited Rural Commercial zone that will recognize existing commercial uses located outside the Village centre and permit a limited range of new commercial uses such as those that primarily serve the traveling public and support agricultural businesses.

3.1.9 Open Space Designation

It shall be the intention of Council to establish, on the Future Land Use Map of the planning strategy, an Open Space designation that will encompass existing and future open space areas for resident and visitor recreational and educational activities.*

3.1.10 Open Space Zone

It shall be the intention of Council to include in the land use bylaw, a list of uses that will be permitted in the Open Space zone that will include such uses as public park space and active and passive open spaces for community activities, convenience facilities, concession stands, information and educational facilities, and marina facilities.*

* The uses of the Pugwash Park or Cyrus S. Eaton lands, buildings and premises, as set out in the Societies Act, Section 35 (1), Chapter 148, take precedence over anything contained in the Secondary Planning Strategy for the Village of Pugwash. The alternate designation and zone for the area on the west side of the harbour shall be Village Residential, pursuant to Section 222 of the Municipal Government Act.

3.1.11 Utility Designation

It shall be the intention of Council to establish, on the Future Land Use map of the planning strategy, a Utility designation that will encompass the sites of the existing sewage treatment facility and Nova Scotia Transportation and Infrastructure Renewal garage.

3.1.12 Utility Zone

It shall be the intention of Council to include in the land use bylaw, a Utility Zone to encompass the sites of the existing sewage treatment facility and Nova Scotia Transportation and Infrastructure Renewal garage.

3.1.13 Industrial Designation

It shall be the intention of Council to establish, on the Future Land Use Map of the planning strategy, an Industrial designation for areas that are presently developed with industrial uses.

3.1.14 Industrial Zone

It shall be the intention of Council to include in the land use bylaw, an Industrial zone and development regulations that will recognize existing extractive industrial, marine and storage and related processing and shipping accessory uses. This zone will permit expansions, changes to other manufacturing, assembly, recycling, processing, marine, shipping and storage uses and site redevelopments.

3.2 DESIGN/DEVELOPMENT POLICIES

3.2.1 Traffic Impact Analysis

It shall be the intention of Council to require, as a condition for a development permit, a traffic impact analysis report for any new development that has the potential to alter pedestrian, bicycle and vehicle traffic patterns, volumes and flows and public parking needs in the Village.

The traffic impact analysis shall identify existing traffic conditions for all impacted roads and areas, including the existing levels of service. The analysis shall identify all negative impacts associated with the proposed development and shall present recommended measures to be taken by the developer to mitigate any negative traffic impacts of the proposed development. The traffic analysis shall take into consideration other forms of transportation, including bicycles and pedestrian, as well as those required for persons with disabilities and, generally, universal access. The traffic analysis shall be conducted by a professional engineer specializing in traffic management and hired by the proponent.

3.2.2 Outdoor Storage and Facilities

It shall be the intention of Council to establish in the land use bylaw, provisions to prohibit the outdoor storage of scrap or salvage materials or inoperative motor vehicles or their parts. This provision does not prohibit the accessory storage of materials, such as firewood and compost storage, to be used by residents of the property.

3.2.3 Protection of Private Property Rights

It shall be the intention of Council to establish in the land use bylaw, provisions to protect the rights of existing residents to the continuation of the existing use of their land and properties, including the alteration, repair, renovation, rebuilding, recommencement, replacement or reconstruction of legal non-conforming structures or uses and the use of undersized lots.

3.2.4 Housing Alternatives

It shall be the intention of Council to establish in the land use bylaw, provisions for opportunities for a variety of alternate forms of housing and converted dwellings to meet the needs of all ages, incomes and special care and accessibility requirements.

3.2.5 Outdoor Lighting Control

It shall be the intention of Council to establish in the land use bylaw, regulations for outdoor lighting in order to preserve the ability to view the night sky, conserve resources and protect against direct glare and light trespass onto nearby properties, public highways and the harbour channel.

3.2.6 **Signs**

It shall be the intention of Council to establish in the land use bylaw, regulations for outdoor signs in order to preserve the aesthetic quality, traditional style and historic character of the Village.

3.2.7 **Public Health and Safety**

It shall be the intention of Council to support provisions for public health, safety and welfare, such as regulations for the clean-up of dangerous or unsightly premises; the design, illumination and maintenance of all walkways, trails, public open space and parking areas; the protection of private property; the design of buildings for accessibility for all persons with disabilities; and, the overall livable design of the Village so that persons of all ages and abilities can travel freely.

3.2.8 **Transportation Alternatives**

It shall be the intention of Council to endorse measures that will ensure that all areas of the Village are walkable and accessible by foot, bicycle and other alternate means of transportation. New traffic generating developments should support a compact community and be located within a 5 – 10 minute or 1 kilometre walk from the Village centre.

3.2.9 **Traffic Management**

It shall be the intention of Council to endorse the provision of efficient traffic and parking facilities and the rebuilding and realignment of hazardous roads and the removal of hazardous road conditions and dangers to pedestrians and bicyclists in consultation with the province.

3.2.10 **Community Development**

It shall be the intention of Council to endorse community and downtown revitalization and façade enhancement programs, initiatives for locally generated employment and tourism-related business investment that will benefit the community in the long term and other quality of life community initiatives such as dark sky preserves, community-in-bloom programs, rural revitalization undertakings and the actions contemplated in the Strategic Plan (2007) of the Village Commission.

3.3 **AMENDMENT POLICIES**

Amendments to the policies of the planning strategy or requirements of the land use bylaw or both may be required when:

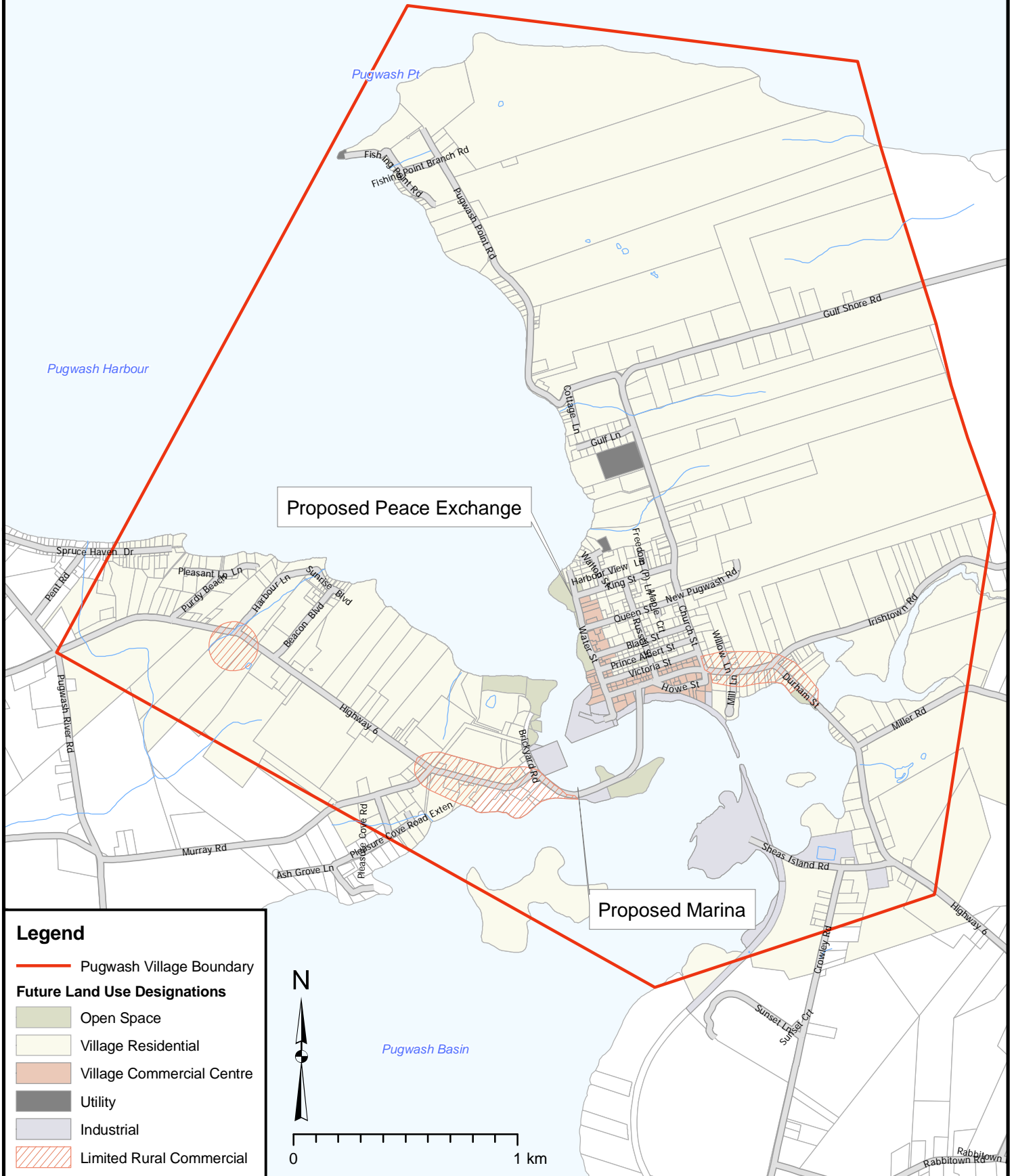
- a) Village circumstances or the priorities of residents change;
- b) New information or studies suggest revisions may be necessary;
- c) A new Statement of Provincial Interest has been issued and consistency is required; or,
- d) Sufficient reasons, research and information is provided by property owners or developers in support of a proposed development that was not contemplated when the planning documents were originally prepared.

The procedures for amending the secondary planning strategy and land use bylaw are the same as those set out in the Municipal Government Act for the preparation and approval of the planning documents in the first instance.

In considering amendments to the planning strategy and/or land use bylaw, it shall be the policy of Council to ensure that amendments conform to the intent of the planning strategy, as described in Section 2 – Overarching Planning Principles for Pugwash.

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Map 5: Village Of Pugwash Future Land Use Map



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Map 6: Village of Pugwash Future Land Use Inset



Legend

- Pugwash Village Boundary
- Future Land Use Designations**
- Open Space
- Village Residential
- Village Commercial Centre
- Utility
- Industrial
- Limited Rural Commercial



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