

# TABLE OF CONTENTS

<b>PART 1: INTRODUCTION</b>	<b>1</b>
Preamble	1
Purpose	1
Basis	1
Organization	2
<b>PART 2: COMMUNITY PROFILE</b>	<b>3</b>
Background	3
Population	4
Community objectives	4
<b>PART 3: GENERAL PROVISIONS</b>	<b>7</b>
Objectives	7
Policies	7
Accessory Structures and Uses	7
Fences	8
Signs	8
Parking	9
Temporary and Special Uses	9
Illumination	10
Swimming Pools	10
Changes to Non-Conforming Uses or Structures	10
<b>PART 4: MUNICIPAL INFRASTRUCTURE</b>	<b>13</b>
Objectives	13
Policies	13
General	13
Water Supply	14
Sewage Collection and Disposal	15
Solid Waste Management	16
Recycling	16
Transportation	16
Pedestrian Network	17
<b>PART 5: RESIDENTIAL DEVELOPMENT</b>	<b>19</b>
Objectives	19
Policies	20
General	20
Rural Residential Development	20
Single Unit Development	21
Residential Two Unit Development	21
Undersized Lots and Flag Lots	21
Multiple Unit-Development	22

<i>Innovative Housing and Site Design Development</i>	23
<i>Mobile Home Parks</i>	24
<b>PART 6: COMMERCIAL DEVELOPMENT</b>	<b>25</b>
<b>Objectives</b>	<b>26</b>
<b>Policies</b>	<b>26</b>
<i>Downtown Commercial</i>	26
<i>Neighbourhood Commercial</i>	27
<i>Highway Commercial</i>	28
<i>Business Park</i>	29
<i>Home Occupations</i>	29
<b>PART 7: INDUSTRIAL DEVELOPMENT</b>	<b>31</b>
<b>Objectives</b>	<b>31</b>
<b>Policies</b>	<b>31</b>
<b>PART 8: INSTITUTIONAL</b>	<b>33</b>
<b>Objectives</b>	<b>33</b>
<b>Policies</b>	<b>33</b>
<b>PART 9: RECREATION</b>	<b>35</b>
<b>Objective</b>	<b>35</b>
<b>Policies</b>	<b>35</b>
<b>PART 10: IMPLEMENTATION</b>	<b>37</b>
<b>Objectives</b>	<b>37</b>
<b>Policies</b>	<b>37</b>
<i>Municipal Planning Strategy</i>	37
<i>Generalized Future Land-Use Map</i>	38
<i>Land Use By-law</i>	38
<i>Land Use By-law Administration</i>	39
<i>Amendments to the Land Use By-law</i>	39
<i>Land Use By-law Amendment and Development Agreement Evaluation Criteria</i>	40
<i>Subdivision By-law Regulations</i>	42
<i>Creation of Lots With Less than Required Lot Area or Frontage</i>	42
<i>Public Participation Program</i>	43

## 1

# INTRODUCTION

## PREAMBLE

This document constitutes the Municipal Planning Strategy for the Town Westville. This Municipal Planning Strategy updates and replaces Westville's earlier Municipal Planning Strategy, originally adopted in 1988.

## PURPOSE

The Town of Westville Municipal Planning Strategy is comprised of policies intended to manage future growth and change in the Town and to provide guidance on land use and related development issues. Prior to enacting any By-law which would regulate development, a council must prepare a Municipal Planning Strategy which sets out the rationale for any land-use policy or development regulations. The Municipal Planning Strategy is also intended to establish policy statements to guide Town Council in making any non-regulatory development decisions. The Nova Scotia Utility Review Board also uses the Municipal Planning Strategy as the basis for its decision in the case of an appeal of a decision of a council as provided under the Municipal Government Act.

This document is expected to be in place a minimum of five years prior to a full review. As a result, it is imperative that the Strategy accommodates changing circumstances and yet clearly states Council's policy positions on land use and related development issues.

## BASIS

This Strategy has been prepared according to the provisions of the *Municipal Government Act*, Revised Statutes of Nova Scotia, 1999, as amended. The Provincial government, through the *Municipal Government Act (MGA)*, has enabled municipal councils to establish policies and By-laws to regulate local development. This arrangement ensures that local municipalities are capable of addressing planning and development issues that fall within or affect their jurisdiction, and that these concerns are addressed through a process which is accessible to local residents.

In 1998 the Westville Town Council authorized a full Review of the Town's Municipal Planning Strategy and Land Use By-law. The plan review program was co-ordinated by the Town's Planning Advisory Committee, under the direction of Council. Under the Guidance of the Planning Advisory Committee, the plan review program consisted of the following four phases:

- Phase 1 - Issue Identification/Collection of Background Materials;
- Phase 2 - Establishment of Objectives;
- Phase 3 - Policy Development; and
- Phase 4 - Council Consideration and Adoption.

The Town Council undertook an extensive consultation program to ensure that the content of this Strategy deals with issues that are important to the Town. The policies contained in this Strategy have been prepared as a result of background studies and consultation with the public and other stakeholders groups and individuals. Phase one of the review involved the identification of issues and collection of Background materials. Through discussions with Town staff and relevant stakeholders, a list of issues was identified. This list was taken to the public for comment through a series of informal open houses that took place in each of the Town's three

wards. Once all issues had been identified, a draft Municipal Planning Strategy and Land Use By-law was prepared. The Municipal Planning Strategy and Land Use By-law was taken to the public for review via an informal open house. In addition, relevant stakeholders were also given the draft for their comments. A final draft Municipal Planning Strategy and Land Use By-law was prepared which took into consideration the comments obtained from both the public and the stakeholders.

## **ORGANIZATION**

This Municipal Planning Strategy consists of written text and a Future Land Use Map. The Town of Westville Municipal Planning Strategy (MPS) is divided into ten parts:

1. Introduction
2. Community Profile
3. General Provisions
4. Municipal Infrastructure
5. Residential Development
6. Commercial Development
7. Industrial Development
8. Institutional Development
9. Recreation
10. Implementation

The Municipal Planning Strategy publication is based on the original adopted by the Town Council on, **(insert date)** following a public hearing advertised **(insert date)** in the Evening News and approved by the Minister of Municipal Affairs **(insert date)**. The Office Consolidation includes Ministerial Amendments to the original and will be revised from time to time as required by future amendments. **Office Consolidations are prepared for convenience only, therefore, for accurate reference, refer to original documents, available at the Pictou County District Planning Commission.**

## 2

## COMMUNITY PROFILE

### BACKGROUND

Settlement in the Westville area began as early as 1850 with the arrival of Lowland Scots, although it was not until the development of the coal industry that substantial growth occurred. Westville's development was linked to the discovery of the "Great Seam of Coal", by John Campbell in 1865. Settlement in the area, known successively as Gairloch Road, Acadia Mines, Acadia Village and Westville, sprung up in the immediate vicinity of mining operations. Gairloch Road, running from New Glasgow to Gairloch, later became Westville's Main Street.

The Acadia Mine opened in 1866 as did the Drummond and Black Diamond Mines, the latter two being operated by the Intercolonial Coal Company which was incorporated that same year. In 1868 a census showed the population of the area as 300. On May 25, 1868, a public meeting was held to establish a name for the growing community and Westville was chosen. In 1871 St. Philip's Presbyterian Church was built; 1873 saw the beginning of construction of the Roman Catholic Church and Carmel Presbyterian Church; the Drummond School was erected in 1875. When two railways were constructed between 1868 and 1871, connecting the fledgling mines to a shipping pier on the Middle River, it became much easier to transport coal to market. With easy access to shipping and a favorable market, coal production increased substantially in the area and by 1875 the community grew to a population of 2,500. Residents of Westville voted 273 – 208 in favor of incorporation in August of 1894.

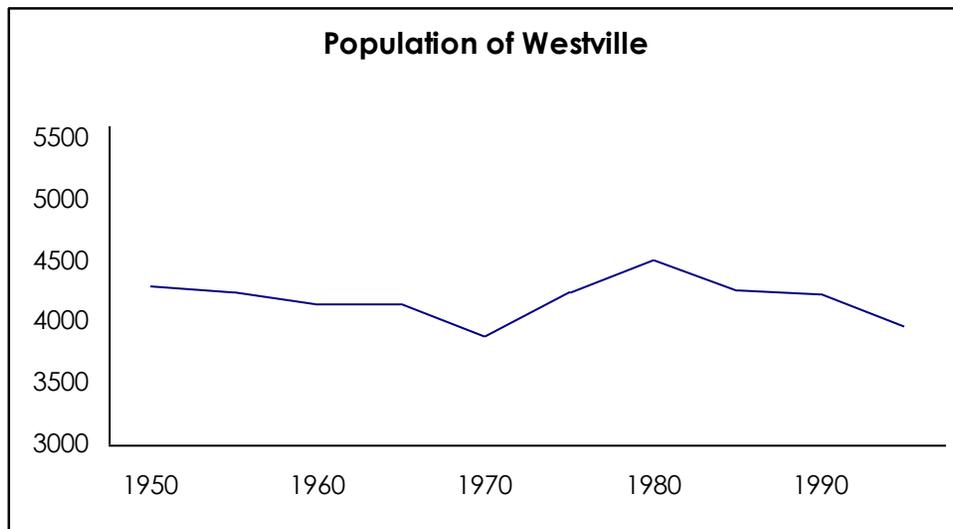
Today, with a population of just under 4,000 and a land area of approximately 3459 acres (1400 hectares) the Town has a population density of 1.16 people/acre (2.8 people/ha); the lowest of the County's five towns. While the Town's low population density figures are understandable given the large rural component of the Town, it should be noted that a significant portion of the Town is currently occupied by reclaimed land and land which had been set aside as future coal reserves. Furthermore, a number of large properties in Westville lack proper street frontage and are not easily developed. The latter situation is borne out of a history of uncontrolled growth and an irregular street pattern, a feature of the Town which prompted historian Rev. George Patterson to comment that the Town was laid out in the "most admired disorder". However, using the proper planning tools, such as flag lots, much of the Town has become accessible to new development.

At present, Westville is a primarily residential community which, together with neighbouring Stellarton, Trenton, and New Glasgow, forms part of the third largest urban area in Nova Scotia. The character of the community is predominantly residential and single unit homes are the most common form of development in the community. Because the community has limited commercial and industrial development, the Town is largely reliant on other municipalities for employment and services; a situation which has led to some concern about the Town's lack of commercial or industrial assessment to help pay the cost of providing municipal services to residents.

Westville's future lies in its ability to attract new development, particularly industrial and commercial development. Given the abundance of land, the availability of servicing and infrastructure, the proximity of the Town to the new Trans-Canada Highway, and the quality of life in the Town, Westville is ideally poised to offer an attractive environment for new growth.

## POPULATION

Westville's population grew steadily as the coal industry developed in the area. The "Lowell's Dominion of Canada Directory" of 1871 gives the population of Westville as 1,000. According to the 1881 census the population had grown to 2,202. The Town's population has remained fairly stable over the past century, ranging from 3,900 to 4,500 persons. Recent figures indicate Westville's population is currently experiencing a slow decline, declining from a high of 4,515 in 1981 to 4,271 by 1986, and to 3,976 by 1996. A similar population decline is occurring in other Pictou County towns, and can be attributed to both a decline in the local economy and the centralization of services in larger urban areas. Given these population trends it is not expected that the town will experience significant population growth over the next few years. These trends have influenced the objectives and policies contained within this document.



source: Statistics Canada

## COMMUNITY OBJECTIVES

Aside from a final chapter on implementation and the Generalized Future Land Use Map, the remainder of this strategy is broken down into eight chapters representing each of Westville's policy areas: general provisions, municipal infrastructure, residential, commercial, industrial, institutional, recreation, and environment. Objectives and policies are presented for each of the nine policy areas in their corresponding chapters. The primary objectives for each policy area are as follows:

### General Provisions

To ensure that the overall interest of the community, specifically the development of an attractive, safe, healthy, and prosperous community, is a priority when regulating the development, reconstruction, expansion, alteration, maintenance, or recommencement of a land use or a structure.

### Municipal Infrastructure

To improve the functioning and quality of sanitary sewers, sewage treatment, solid waste collection and disposal, and water supply and distribution services; to ensure that such services are provided and managed in an efficient and economical manner which will meet existing

and future needs of the community; to establish an adequate and well maintained system of public streets which provides for an efficient flow of traffic and safe convenient access to existing and future areas of development; and to ensure that a coordinated approach is taken in the planning, upgrading and extension of municipal infrastructure in the planning and approval of new development.

### **Residential**

To provide a variety of housing types; to promote Westville as a desirable place to live; to preserve the character of existing neighbourhoods by encouraging attractive and appropriate design of multiple unit and mobile unit development; and to encourage residential development to occur in areas that are serviced with municipal water, sewer and infrastructure.

### **Commercial**

To encourage the development of business and commercial uses to serve the Town, visitors, and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to protect and encourage the viability of the downtown as a shopping area, an employment base, and as the community's focal point; and to encourage new highway oriented commercial development adjacent to the Trans-Canada Highway.

### **Industrial**

To promote Westville as a viable location for new industrial development; to take advantage of Westville's proximity to highway transportation infrastructure by designating those lands which are easily accessible from the Trans-Canada Highway as Resource Industrial, Business Park, and Highway Commercial Designations and by accommodating a wide variety of light industrial uses in these designations;

### **Institutional**

To ensure that institutional uses are conveniently located and accessible to the community and its residents; and, to ensure that new institutional uses are compatible with any adjacent residential neighbourhoods.

### **Recreation**

To provide and maintain a variety of recreational spaces, facilities and programs to meet the year round recreational needs of the community.

### **Implementation**

To ensure that the policies in this Municipal Planning Strategy are implemented in a consistent manner; to ensure that all development proposals, the Land Use By-law and all other planning and development decisions of Council and Planning Advisory Committee are consistent with the intention of the policies contained in this Strategy; to ensure that public awareness and active participation in the planning process is encouraged.



## 3

## GENERAL PROVISIONS

This section is intended to provide policy statements to support and implement general provisions in the Land Use By-law. This section deals with structures and uses that may have implications and relating to concerns such as safety and appearance. These implications affect the community as a whole. Council's desire to encourage the development of an attractive and safe community requires that Council regulate structures and uses that have an impact on surrounding land uses and, as such, are general development concerns pertaining to no one specific zone.

### OBJECTIVES

**To ensure that the overall interest of the community, specifically the development of an attractive, safe, healthy, and prosperous community, is a priority when regulating the development, reconstruction, expansion, alteration, maintenance, or recommencement of a land use or a structure.**

### POLICIES

#### ***Accessory Structures and Uses***

A use, separate building, or structure which is situated on the same lot as and which is incidental to the principle use of the property is considered to be an accessory structure or use. Garages, decks, or other structures which are connected to the main building are not accessory uses. Instead they are part of the main building and are subject to the requirements pertaining to the main building. In order to maintain an orderly pattern of development and to allow for the efficient provision of infrastructure services, accessory structures shall not be used as dwellings.

Council's primary concern with respect to accessory uses is that they do not visually detract from the appearance of the community, and that they do not hinder adjacent land owners in the enjoyment of their properties. Accessory uses should be separated from adjoining properties enough to maintain a degree of privacy between the lots. This separation should also provide enough room to allow maintenance of the accessory structure from the lot on which it is situated. Council also intends to limit the size of accessory structures in order to minimize their visual impact. Council intends to permit, as-of-right, minor accessory uses which are insignificant in terms of their potential impact on surrounding land uses, including such structures as retaining walls, clothes-line poles, and garden trellises.

#### **Policy G-1: Not for Human Habitation**

Accessory structures shall not be used for human habitation.

#### **Policy G-2: Impact on the Community**

It shall be the intention of Council to minimize the impact of accessory uses and structures on adjacent properties and the surrounding neighbourhood.

#### **Policy G-3: Where Permitted**

Where a lot in Westville is occupied by a use permitted by this Planning Strategy, that use may include accessory uses and structures provided that the Land Use By-law establishes regulations pertaining to the location of the accessory structure on the lot, as well as its size and height.

**Policy G-4: Accessory Uses and Structures Permitted as-of-right**

Accessory uses such as retaining walls, fences under 1.2 metres (4 feet), clothes-line poles, and garden trellises will be permitted as-of-right throughout the Town.

**Policy G-5: Corner Vision Triangle**

It shall be the intention of Council to regulate the placement and height of structures in the corner vision triangle of street intersection. To ensure that development on corner lots does not result in the obstruction of sight lines on public streets and right of ways, the Land-Use By-law shall set out restrictions on the placement and height of structures including but not limited to fences, signs, vegetation, retaining walls. Etc.

**Policy G-6: Outdoor Storage and Display**

It shall be the intent of council to regulate or prohibit outdoor storage and display of goods, machinery, vehicles, building materials, waste materials, aggregates, and other such items within all zones except in the highway commercial and light industrial zones. To improve the physical appearance of these land uses, where permitted, provision shall require outdoor storage sites to ensure they are screened with landscaping or structures.

**Fences**

It is Council's intention that, because of their limited impact on surrounding land uses, fences under 1.2 metres (4 feet) will be permitted as-of-right throughout the Town. However, where a fence is required to be built by the Municipal Planning Strategy and Land Use By-law, a development permit will be required to ensure the structure is constructed according to the standards set out in the by-law. Because of their potential impact on adjacent properties and safety concerns, it is Council's intention that a development permit will be required for fences which are higher than 1.2 metres (4 feet).

**Policy G-7: Fences**

It shall be the intention of Council to regulate fences which are in excess of 1.2 metres (4 feet) or which are required under Westville's Municipal Planning Strategy or Land Use By-law.

**Signs**

Signs can have a significant impact upon the aesthetic character of the Town. In some circumstances, signage can be distracting and poses safety concerns to both pedestrian and vehicular traffic safety. In an attempt to maintain an aesthetically pleasing environment, minimize adverse impacts on adjacent properties, and reduce safety concerns, Council feels that certain limits need be placed on the use of signs. Accordingly, the Land Use By-law shall regulate the type, size, location, and number of signs permitted in various zones in the Town, and shall prohibit certain signs in all zones for reasons of safety or aesthetics.

Council also intends to generally prohibit commercial signs in residential areas to maintain the character of residential neighbourhoods. Exceptions to this general rule will include signs for neighbourhood commercial uses and home occupations as well as temporary or special uses in accordance with the pertinent provisions in the Land Use By-law.

Signs used by residents to advertise yard sales, property identification signs, real estate signs, and other similar signs, which are common in a residential area shall be permitted as-of-right. Such signs shall not require a development permit.

**Policy G-8: Signs**

It is the intention of Council to place limits on signs and other forms of public display through specific provisions in the Land Use By-law. Certain signs shall be prohibited in all zones and others shall be permitted as-of-right in all zones. Other signs shall be regulated as to type, material, size, location, and number in the Land Use By-law.

**Parking**

Council's primary objective with regard to parking is to ensure that each development provides sufficient off-street parking spaces to meet its needs and that these parking facilities are designed to provide year round and safe accommodation of vehicles.

**Policy G-9: Off-Street Parking Requirements**

Provisions shall be included in the Land Use By-law which shall set out requirements for off-street parking involving four or more vehicles, location of driveways, and standards regarding their design. All development proposing to locate in Westville shall be required to provide off-street parking or, under certain circumstances, a cash equivalent and shall be subject to the above mentioned provisions.

**Policy G-10: Provision of Parking**

It shall be the intention of Council to ensure that adequate parking is available to support retail activity in the downtown.

**Policy G-11: Cash-In-Lieu**

It shall be the intention of Council to accept cash-in-lieu of on-site parking in those areas zoned "Downtown Business" (C1) in the Land Use By-law. Funds so received shall be used to purchase, construct, and maintain public parking facilities. The amount of the required payment to the Town shall be determined by formula contained in the Land Use By-law. Businesses zoned "Downtown Business" (C1) will not be required to provide parking.

**Temporary and Special Uses**

Throughout any community there are activities going on which are associated with new development and the normal activities of residents. "Temporary uses" refer to those uses and structures which are associated with new construction activity in the Town. Such uses include construction sheds for the housing of personnel, tools, or materials, offices, or signs which are located on the construction site while the work is proceeding. These uses are normal components of construction activity and Council does not intend to restrict their use in the Town. Council will, however, require that temporary uses be removed from the construction site shortly after work is completed.

The term "special uses" refers to those signs, banners, structures, and other structures which are used during special events such as elections or festivals. As with temporary uses, Council will permit these uses in the Town on a temporary basis. Council will require that special uses be discontinued shortly after the special event is concluded.

**Policy G-12: Temporary Structures**

Temporary structures used in conjunction with a construction or subdivision project (for which a development permit has been issued), including offices, scaffolding, signs, and structures for the storage of equipment and material shall be permitted in the Town.

**Policy G-13: Special Uses**

Special uses and structures such as signs, banners, display booths, and other similar structures shall be permitted in the Town in conjunction with an election, festival, celebration, or other special event. No development permit shall be required for such uses.

**Policy G-14: Duration of Temporary Use**

The temporary uses or special uses referred to in Policies G-12 and G-13 shall not be permitted to remain in the Town for more than 30 days following completion or discontinuation of construction (in the case of a temporary use), or the special event is concluded (in the case of a special use).

**Illumination**

In order to prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly flood lights, Council will require that placement of lighting be regulated in the general provisions section of the Land Use By-law.

**Policy G-15: Outdoor Lighting**

It shall be the intention of Council to require that all illuminated signs or outdoor lighting be so placed to direct the illumination away from adjoining properties and streets through provisions in the Land-Use By-law, in order to prevent conflicts between adjacent uses resulting from indiscriminate placement of outdoor lighting, particularly, flood lights.

**Swimming Pools**

Swimming pools which, because of associated safety problems, require additional regulations. These regulations are necessary to provide a degree of safety to the general public and specifically to young children. The Land Use By-law will require that all swimming pools be enclosed by a building, structure, fence, or a combination thereof, having a minimum height as set out in the Land Use By-law; and that access to a swimming pool may be gained through a self-latching gate which can be secured when the pool is not being used. Setbacks shall be included in the Land Use By-law and intended to provide for safe movement around the pool. Specific requirements for swimming pools shall be set out in Westville's Swimming Pool By-law.

**Policy G-16: Swimming Pools**

In order to provide a degree of safety to the general public, regulations shall be included in the Land Use By-law pertaining to the location of swimming pools on a lot and the construction of a fence around a swimming pool. Further regulations for swimming pools shall be included in a Swimming Pool By-law to ensure that such pools are properly located and sufficiently protected to ensure the safety of neighbourhood residents, particularly small children.

**Policy G-17: Swimming Pool By-law**

It shall be the intention of Council to support the regulations set out in Westville's Swimming Pool By-law.

**Changes to Non-Conforming Uses or Structures**

Non-conforming uses are usually commercial or industrial uses which are no longer permitted in residential areas but are allowed to legally remain because they legally existed prior to the adoption of the Land Use By-law. Council supports the continued operation of non-conforming uses however, Council must also consider and protect the overall interests of the community. Therefore, Council will consider alterations and changes to non-conforming uses or structures, but only by development agreement. A successful, expanding business should locate in a

permitted area where benefits such as larger potential customer base, reduced servicing potential, and less restrictive land use requirements exist.

**Policy G-18: Non-Conforming Uses or Structures by Development Agreements**

It shall be the intent of Council to consider allowing the alteration, reconstruction, re commencement, and change of use of non-conforming structures or non-conforming uses of land within the boundaries of the existing lot containing the use by development agreement, according to the provisions of Section 242 of the *Municipal Government Act*. In considering a development agreement for non-conforming use or non-conforming structure, Council shall have regard to the following:

- 1) that the architectural design, including the scale of any building and its exterior finish is compatible with adjacent uses;
- 2) the total area used for outdoor storage and adequate provisions for year-round artificial or natural screening;
- 3) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;
- 4) that the use, is not obnoxious by virtue of noise, odor, dust, vibration, smoke, or other emission;  
that adequate provisions are made for the acceptable maintenance and appearance of the use;
- 5) that the hours of operation of the use would not interfere with or create undue problems for the residents of the surrounding area; and
- 6) the proposal meets all the pertinent policies of this Strategy.



## 4

## MUNICIPAL INFRASTRUCTURE

The provision of Municipal Infrastructure is a crucial component in the economic development of a community and the quality of life afforded to its residents. This portion of the Municipal Planning Strategy deals with matters pertaining to water supply, storm and sanitary sewers, sewage treatment, solid waste, transportation, and the extension of such services to new development.

### OBJECTIVES

**To improve the functioning and quality of sanitary sewers, sewage treatment, solid waste collection and disposal, and water supply and distribution services; to ensure that such services are provided and managed in an efficient and economical manner which will meet existing and future needs of the community; to establish an adequate and well maintained system of public streets which provides for an efficient flow of traffic and safe convenient access to existing and future areas of development; and to ensure that a coordinated approach is taken in the planning, upgrading and extension of municipal infrastructure in the planning and approval of new development.**

### POLICIES

#### General

While the cost of new municipal infrastructure is normally incurred by the developer, the cost of maintaining these new streets and services is shouldered by the municipality. Rather than extending infrastructure to service new development, new development should be concentrated, or intensified, within areas already serviced by streets and municipal water and sewer. This is a more cost effective manner in which to accommodate additional growth, a more efficient use of land, and provides for the maximum use of existing municipal infrastructure. The majority of properties within the Town are in relatively close proximity to existing municipal infrastructure. For those areas that are currently unserved, Council intends to restrict development to non-intensive uses with larger lot sizes.

The Town's general approach to the extension of infrastructure services is to require that the developer, who is benefiting from the extension, bear the financial responsibility of providing services. The Town will provide maintenance services to new infrastructure installations once they are deeded to the Town.

An additional concern of Council is the effect the street layout of a new subdivision may have on the existing street pattern. New subdivisions should integrate their street layout with that of adjacent established areas to ensure that an arterial or collector street within the subdivision does not connect to an existing local street which is not capable of carrying the increased traffic load. Where a new development abuts an existing or planned street, the street layout of the new development should be coordinated with any existing or planned intersections, ensuring that collector or arterial streets meet at intersections rather than create 'jogged' or misaligned intersections.

#### Policy MI-1: Development of Unserved Lands

It shall be the intent of Council to limit unserved development by establishing requirements in the Land Use By-law that restrict the range of uses in areas not served by centralized service to non-intensive forms of development and by requiring larger lot sizes for development having on-site servicing systems. Proposals for unserved development also require the approval of the Provincial Department of Environment.

**Policy MI-2: Infrastructure Costs for New Development**

It shall be the intent of Council pursuant to Westville's Subdivision By-law, to require that all infrastructure costs associated with new subdivisions be the responsibility of the developer. Standards and procedures for construction of services shall be set out in the Subdivision By-law.

**Policy MI-3: Maintenance and Improvement of Municipal Infrastructure**

It shall be the intention of Council to identify a list of projects related to maintenance, and improvement of municipal Infrastructure services on a yearly basis associated with budgeting procedures.

**Policy MI-4: Integration of Street Network**

It shall be the intention of Council to, whenever possible, encourage new subdivisions to integrate their street layout with that of adjacent established areas, ensuring that an arterial or collector street within the subdivision does not connect to an existing local street.

**Policy MI-5: Intersection Alignment**

It shall be the intention of Council to, whenever possible and where new development abuts an existing or planned street, encourage the coordination of intersections, ensuring that collector or arterial streets meet at intersections rather than create 'jogged' or misaligned intersections.

**Water Supply**

Initially constructed in the late 1960s, Westville's water supply system has not aged well. The cast iron water mains are subject to frequent breaks and high leakage. Westville's history as a mining town has left much of the Town undermined and susceptible to subsidence. The active nature of the ground in Westville coupled with the rigid nature of the cast iron piping are likely the leading cause for the frequency of breaks and the high rate of leakage in the Town's water supply system.

Westville used to draw its water supply from the Middle River of Pictou. In 1997, Westville water supply system was connected to the Town of New Glasgow's water supply. Forbes Lake, located approximately ten kilometres south of New Glasgow near Churchville, Pictou County, is now the source of both Towns' drinking water in addition to several areas within the County and also parts of the Town of Trenton. Water is distributed by gravity main from the reservoir to the treatment plant in Plymouth. A new treatment facility at the reservoir is currently under construction and will be completed by late 2000.

The maximum capacity of the Westville's current water supply system is 400,000 imperial gallons per day (g.p.d.) , with average daily demand at approximately 300,000 g.p.d.. Westville's water supply is fully metered and it is evident that much of the average daily demand is lost due to leaks in the water supply system, both within the mains and also in the individual service connections themselves.

In order to provide a quality and efficient water utility, Council recognizes the importance of undertaking improvements to aging and damaged water supply lines. Council also wishes to support, where financially feasible, expansions to the existing water supply system to accommodate future growth and also to ensure that residents of Westville have access to a safe and reliable water supply. Because expansion of the existing system will increase long-term maintenance costs it is important to maximize the use of existing infrastructure before expansions to the system are considered.

**Policy MI-6: Water Supply**

It shall be the intention of Council to maintain an adequate and high quality water supply for the Town of Westville.

**Policy MI-7: Fire Protection**

It shall be the intention of Council to ensure adequate water supply for fire protection is available to all areas of the Town of Westville.

**Policy MI-8: Utilization of Existing Services**

It shall be the intention of Council to encourage the use of existing infrastructure before expansions to the system are considered.

**Policy MI-9: Improvements**

It shall be the intention of Council to finance improvements and extensions of water services when it is economically feasible.

***Sewage Collection and Disposal***

The Town of Westville is service by separate sanitary and stormwater sewers. Unlike a combined system, which is burdened with excess stormwater during heavy rainfall or during a rapid thaw, Westville's separate sanitary sewer is unaffected by large amounts of runoff and does not contribute to overflows of untreated sewage when the capacity of a combined system is exceeded. Westville's sewage is treated by the East River Pollution Abatement System, a division of the Pictou County District Planning Commission. Situated in New Glasgow, the treatment plant provides secondary treatment before discharging effluent into the East River. In addition to treating wastewater from the Town of Westville, this plant serves New Glasgow, Trenton, Stellarton and portions of Pictou County. The Treatment Plant began operation in 1975 and has a capacity of 6 million gallons per day (27 million litres per day).

**Policy MI-10: New Storm and Sanitary Sewer**

It shall be the intention of Council to require separate storm and sanitary sewers for new development.

**Policy MI-11: Stormwater Management**

It shall be the intention of Council that, wherever possible and financially feasible, measures be taken to reduce the amount of wastewater going into Bear Brook during periods of peak flow.

**Policy MI-12: Utilization of Existing Services**

It shall be the intention of Council to maximize the use of existing sanitary sewer by encouraging new growth in those areas where services are already available.

**Policy MI-13: Operation and Maintenance**

It shall be the intention of Council to ensure adequate capacity exists for future growth by ensuring the proper operation and maintenance of the existing system.

**Policy M1-14: Improvements**

In order to accommodate future growth, it shall be the intention of Council to upgrade the existing sewer system, particularly the lack of capacity on the Acadia Street sewer line, given consideration of the availability of finances and the opportunity for coordination with other maintenance or construction projects.

### **Solid Waste Management**

Westville, in conjunction with the Town of New Glasgow operate a two stream garbage truck which carries out a bi-weekly collection of domestic solid waste. Disposal occurs at the Mt. William Solid Waste Disposal facility which is operated by the Pictou County Solid Waste Management System, a division of the Pictou County District Planning Commission.

#### **Policy MI-15: Solid Waste Disposal**

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County Solid Waste Management System to provide a regular and efficient waste management collection program which meets or exceeds provincial standards and to maintain a safe and efficient site for its disposal.

### **Recycling**

The Town of Westville, together with the Town of New Glasgow operate a two stream garbage truck which, in addition to garbage collection, also carries out a bi-weekly collection of recyclable materials. The recycling program, initiated in 1991, involves a bi-weekly collection of recyclables from, schools, municipal buildings, senior citizens complexes, and every dwelling under four (4) units. The recyclable materials are currently sent to Colchester County for processing as a cost effective alternative to constructing and managing a recycling facility within Pictou County. However, if the current arrangement becomes too costly, other options may have to be examined such as building and operating a recycling facility.

#### **Policy MI-16: Recycling**

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County District Planning Commission to provide a regular and efficient recycling program.

### **Composting**

Effective December 1, 1998, provincial regulations require that organic material no longer be accepted at landfill sites. As a result, Pictou County District Planning Commission has constructed a facility that will compost organic materials. A door to door bi-weekly collection of compostable materials began in the summer of 1999.

#### **Policy MI-17: Composting**

It shall be the intention of Council to continue to co-operate with the other municipalities in Pictou County through the Pictou County District Planning Commission System to provide a regular and efficient composting program.

### **Transportation**

The transportation network is a fundamental component of a community's urban structure. Not only does transportation infrastructure provide for the movement of people and goods but the presence of an effective and well maintained transportation infrastructure is integral in the economic vitality of a community. The location of nodes in a transportation system, interchanges on the Trans-Canada Highway for example, have a significant impact on land use planning and the potential for development associated with significant transportation nodes should be explored. In Westville, the transportation network incorporates a system of streets, highways, and rail transportation.

#### **Policy MI-18 Transportation Infrastructure**

It shall be the intention of council to, where financially feasible, to maintain and improve the Town's transportation infrastructure.

**Pedestrian Network**

In addition to the service provided by streets and other infrastructure in the movement of people and goods, the role of the pedestrian network should be recognized as an important and vital component of a transportation system. The pedestrian network includes sidewalks, paths, walkways, and recreational trails. A pedestrian network which provides a pleasant and safe environment will help ensure high volumes of pedestrian traffic in downtown retail areas, provide an alternative to automobiles, and provide opportunities for recreation. Council recognizes the popularity of trails developed in neighbouring municipalities and the potential for Westville to connect to this recreational trail system.

**Policy MI-19: Pedestrian Walkways**

It shall be the intention of Council to ensure a network of pedestrian walkways is established to provide safe and convenient pedestrian circulation.

**Policy MI-20: Creation of Pedestrian Walkways**

It shall be the intention of Council to co-operate with landowners to implement a system of pedestrian walkways throughout the Town and to explore opportunities for connections to trail systems in neighbouring municipalities.



## 5

**RESIDENTIAL DEVELOPMENT**

Residential neighbourhoods contribute to a sense of community which is vital to the social and economic well being of the Town. Socially, residential development means increased numbers of people supporting community activities. Economically, the Town benefits from the increased assessment base and tax revenues, and local businesses benefit from the increased market potential and the increased labour pool.

Westville's residential development consists primarily of single unit dwellings which are located on both large rural lots fronting on arterial or collector roads and smaller lots near the downtown. There are some two unit dwellings, several multiple unit dwellings, and two mobile home parks with a third poised for development. Council wishes to encourage new residential development and to promote Westville as a desirable place to live.

The trend towards smaller families, smaller households, and an aging population indicate a demand for smaller, more affordable housing accommodations. It is Council's responsibility to ensure that a variety of housing options are available that meets the needs of every citizen but at the same time does not adversely impact the residential character of the Town. Council recognizes this by allowing multiple unit dwellings by development agreement.

Much of Westville's residential land consists of large acreage properties with frontage on arterial or collector roads. In order to develop these lots through traditional subdivision methods would require the installation of new roads, water, sewer, and storm services which can be cost prohibitive to the land owner, who often just wishes to subdivide the property for family members who want to continue living in Westville. To recognize this situation, Council intends to permit subdivisions that create "flag lots" which are properties shaped in a flag configuration with the "pole" having a minimum frontage and width of thirty feet on the public road and the "flag" portion situated behind the main property. The flag portion of the lot must meet the minimum requirements (i.e. setbacks) of the zone. This is a form of infill development which seeks to maximize the use of existing roads, water, sewer and storm services thereby minimizing the cost of maintaining these services for the Town.

In recent years, the residents of Westville have been very vocal about the status of mobile homes. Many residents desire to live in mobile homes on their own property rather than in a mobile home park. Other residents are very concerned with the transient nature of mobile homes and the fact that their architectural character does not complement traditional single unit dwellings. As a way to balance these two viewpoints, Council shall permit newer mobile dwelling units, referred to as mini-homes, to locate in residential neighbourhoods provided that they are located on a permanent foundation and situated so that the long side of the unit is parallel to the road frontage. Mini-homes shall be required to meet minimum standards under the National Building Code.

**OBJECTIVES**

**To provide a variety of housing types; to promote Westville as a desirable place to live; to preserve the character of existing neighbourhoods by encouraging attractive and appropriate design of multiple unit and mobile unit development; and to encourage residential development to occur in areas that are serviced with municipal water, sewer and infrastructure.**

## **POLICIES**

### **General**

#### **Policy R-1: The Residential Designation**

It shall be the intention of Council to establish a "Residential" designation on the Generalized Future Land Use Map. This area applies to most of the existing residential development in Town plus the majority of the undeveloped and unserviced rural lands.

#### **Policy R-2: Re-zonings Within The Residential Designation**

It shall be the intention of Council to permit the rezoning of any Residential Single Unit (R1), Residential Two Unit (R2), or Rural Residential (RR) Zoned property in the Residential designation to Residential Single Unit (R1) Zone or Residential Two Unit (R2) Zone by amendment to the Land Use By-law. In considering such a rezoning, Council shall have regard to the following:

- 1) that where the land to be rezoned abuts properties zoned Residential Single Unit (R1), a buffer of single unit dwelling zoned lots, as shown on a tentative or final plan of subdivision or, a 100 foot (30.5 metre) wide buffer of landscaped open space shall be maintained between existing and proposed development
- 2) that streets are not to be considered to constitute part of the buffer and except for individual lot infill, parkland with an area of less than one acre and a depth of less than one hundred (100) feet shall not constitute part of the buffer;
- 3) that municipal services are available or will be installed and capable of supporting the development;
- 4) where new roads are being proposed as part of the development, an evaluation of the proposed road layout and the impacts on traffic circulation in the surrounding area;
- 5) that the impact of existing land uses of the property to be rezoned will not negatively impact on the surrounding area because they are either uses listed as permitted in the new zone or will become non-conforming with adequate buffers provided for adjacent uses; and
- 6) that the proposal is in conformance with Policy IM-11 of this Municipal Planning Strategy.

### **Rural Residential Development**

To recognize the significant amount of unserviced rural lands in Westville and the existence of agricultural type uses, the Rural Residential zone has been established to permit both residential and agricultural type land uses on larger lots. To respond to requests for larger accessory buildings and a wider variety of home occupations on these rural residential properties, Council has set out specific criteria regarding accessory buildings and home occupations to apply to the Rural Residential (RR) zone that differs from other residential zones.

#### **Policy R-3: Rural Residential (RR) Zone**

It shall be the intention of Council to establish a Rural Residential (RR) Zone which applies to the rural unserviced residential lands in Westville. Permitted uses shall include but not be limited to: single detached dwellings; existing two unit dwellings; bed and breakfast establishments and boarding houses not to exceed three rooms to let; special care facilities to a maximum of ten residents; animal hospitals and veterinary clinics; agricultural uses except feed lot operations, bulk storage depots, chicken farms, mini-homes (with special requirements), commercial greenhouses, and agribusiness uses such as a tannery, rendering plant, or equipment sale and rental; forestry uses; stables and kennels; and uses permitted in the Recreation (P) zone. Requirements regarding lot size, accessory buildings, home occupations and other matters shall be set out in the Land Use By-law. Council has permitted mini-homes in the Rural Residential (RR) Zone with additional special requirements.

### ***Single Unit Development***

The existing serviced residential development in Westville consists of both single unit dwelling neighbourhoods and mixed use neighbourhoods comprising of single unit, two unit, and mobile dwellings. In an effort to recognize this and to respond to the concerns of residents regarding the impact of mobile and two unit dwellings in residential neighbourhoods, Council has established the Residential Single Unit (R1) and Residential Two Unit (R2) zones.

#### **Policy R-4: Residential Single Unit (R1) Zone**

It shall be the intention of Council to establish a Residential Single Unit (R1) Zone in the Land Use By-law. Those areas to be zoned Residential Single Unit (R1) include areas of primarily existing single unit dwelling neighbourhoods and surrounding vacant lands with proximity to municipal water and sewer services. Permitted uses in the Residential Single Unit (R1) Zone shall include and not limited to: single detached dwellings; existing two unit dwellings; bed and breakfast establishments and boarding houses not to exceed three rooms to let; special care facilities to a maximum of ten residents; and uses permitted in the Recreation (P) zone. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

### ***Residential Two Unit Development***

To recognize existing mixed use residential neighbourhoods, and the concerns raised with regard to mobile and mini homes, Council has included in the Residential Two Unit (R2) Zone, special architectural requirements respecting to mini-homes. The special architectural requirements are intended to provide a level of permanency to the mobile unit and to be more compatible with single unit and two unit dwellings.

#### **Policy R-5: Residential Two Unit (R2) Zone**

It shall be the intention of Council to establish the Residential Two Unit (R2) Zone in the Land Use By-law. The area to be zoned R2 are the existing serviced residential neighbourhoods which consist of single unit, two unit, mini-home dwellings, and surrounding vacant lands with proximity to municipal water and sewer services. Special architectural requirements for mini-homes dwellings to address age and construction status, permanent foundation, and orientation to road frontage shall be set out in the Land Use By-law. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

### ***Undersized Lots and Flag Lots***

Council recognizes the importance of permitting infill development in Westville because it helps maximize the use of existing municipal services thereby minimizing the Town's service maintenance costs, particularly given the high expense to service the vacant residential lands in Town. Council has given consideration for three types of infill development: one addresses existing undersized lots, another addresses flag shaped lots ("flag lots"). Also, there are some existing properties in Westville with two units or two main buildings which may need to be subdivided in order to be sold as legal lots.

#### **Policy R-6: Existing Undersized Lots**

It shall be the intention of Council to encourage infill housing on existing vacant, serviced lots in the residential designation by including provisions in the Land Use By-law which permit the use of those lots which do not meet the area or frontage requirements of their zone but shall still be required to meet the minimum setback requirements of the zone.

**Policy R-7: Flag lots**

It shall be the intention of Council to encourage infill housing by permitting the creation of flag lots (as defined in the Land Use By-law) in the Rural Residential (RR), Residential Single Unit (R1), and Residential Two Unit (R2) Zones of the Land Use By-law. Requirements regarding street frontage and other matters shall be set out in the Land Use By-law.

**Policy R-8: Two Dwellings on a Single Lot**

It shall be the intention of Council to permit the subdivision of a lot where two residential dwellings or two main buildings are existing on a single lot, to create two new lots which may not meet the area or frontage requirements of the zone of the Land Use By-law.

**Multiple Unit-Development**

Council recognizes the importance of providing a range of housing types in order to accommodate specific market demands. Rising home ownership costs, smaller family sizes, the need and desire for greater mobility and the aging population has increased the demand for multiple unit development. This includes both apartment buildings of a various sizes and townhouses. The vacancy rate in Pictou County for multiple unit buildings for 1998 was estimated to be approximately five percent. There appears to be an increased demand on multiple unit buildings, particularly for seniors housing.

Council also recognizes that multiple unit development is an efficient use of land and municipal services because it provides a greater density of development (i.e. units/acre) and can be less costly to service. However, multiple unit buildings can also have a negative impact on the neighbourhood in terms of traffic, aesthetics, scale, design, and density.

Multiple unit housing can be accommodated in virtually any residential neighbourhood provided that consideration is given to address any negative impacts. This can be achieved by creating a Residential Multiple Unit (R3) Zone which shall apply to existing multiple unit dwellings and regulate expansions, and by permitting new multiple unit development by Development Agreement in appropriate areas (Residential, Downtown Commercial, and Business Park designations that are serviced with municipal services).

**Policy R-9: Residential Multiple Unit (R3) Zone**

It shall be the intention of Council to establish a Residential Multiple Unit (R3) Zone to apply to the existing multiple unit projects in the Town which are located in the Residential designation. The R3 Zone permits but is not limited to the following land uses: existing multiple unit dwellings, uses permitted in the R2 Zone, expansions to existing multiple unit dwellings, recreation uses, and special care facilities to a maximum of ten residents. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

**Policy R-10: New Multiple Unit Dwellings by Development Agreement**

It shall be the intention of Council to permit new multiple unit dwellings, senior's residential complexes, and conversions of single and two unit dwellings to multiple unit dwellings only by development agreement in areas designated Residential, Downtown Commercial, and Neighbourhood Commercial. In considering such development agreements, Council shall have regard to the following:

- 1) lot requirements as set out in the Residential Multiple Unit (R3), Downtown Business (C1), and Neighbourhood Commercial (C2) Zones (as applicable) as a guideline for negotiating details of the project;
- 2) that the design including the exterior finish of all building(s) is complimentary to and architecturally compatible with adjacent land uses;

- 3) that the landscape is preserved in its natural state insofar as practicable by minimizing tree and soil removal;
- 4) screening of outdoor storage areas, utility buildings and other site structures;
- 5) that the property is adequately serviced by municipal water and sewer, and;
- 6) that the proposal can meet all pertinent policies of this Strategy including *Policy IM-11*.

### ***Innovative Housing and Site Design Development***

The Town of Westville has vacant parcels of land located in the residential designation where it may be a more efficient use of the land to utilize innovative housing and site design approaches for single, two-unit, and multi-unit dwellings rather than traditional subdivision approaches.

Innovative housing and site design approaches are partially based upon neo-traditional planning principals. The objective is to create "green developments", and to create "livable space" in terms of scale, aesthetics, passive and active recreation space, undisturbed open space, etc. Two approaches commonly used are 'cluster/open space' and 'small lot' developments (reduction of lot frontage, side yard and lot area requirements). These approaches can be used together or separately.

Cluster/open space is an approach which refers to a variety of site design options which focus on an entire site area rather than individual lots. This approach is to site various residential developments around a common focal point such as a playground, common open space, a natural feature, or road network. This can be achieved by utilizing cul-de-sac streets, loop streets, creative lane-way and driveway configurations, and/or modifications to lot sizes and setbacks.

Small lot development is an approach that allows for efficient use of municipal infrastructure (more lots on street frontage) in exchange for common open space, minimizes sprawl development, and provides an affordable form of housing. This type of development is commonly referred to as "R-0" because traditionally, a side yard has been decreased to 0 feet (0 metres). However, legal and building code concerns have resulted in the need to maintain a minimum two feet (0.6 metres) for a side yard setback.

Small lot housing is becoming increasingly popular because these properties are similar in price to conventional semi-detached homes but have the added benefits such as private front and back-yards. They also have almost the same amount of living space as conventional single unit dwelling. This type of development offers a good alternative for seniors who still want their own home but do not wish to maintain a large lot. The above benefits can only be achieved through creative, detailed housing designed to fit the unique dimensions of these smaller lots.

This new form of innovative housing and site design is an approach that Council is willing to entertain provided that certain criterion can be met regarding servicing, architectural design, building orientation, recreation and natural open space, and landscaping and buffering provisions.

#### **Policy R-11: Innovative Housing and Site Design**

It shall be the intent of Council to consider innovative housing and site design development for single unit, two unit, mobile unit, and/or multiple unit development that may include flexibility to street and road standards for lots serviced by municipal water and sewer and located within the residential designation by development agreement. In considering a proposal, Council shall have regard to the following:

- 1) the adequacy and usability of public and/or private passive and active recreation space;
- 2) provision of natural undisturbed open space;

- 3) adequacy and arrangement for vehicular traffic including road widths and road grades;
- 4) the adequacy and arrangement of pedestrian access and circulation including the separation of pedestrians from vehicular traffic;
- 5) the provision of specific architectural detailing and design;
- 6) the provision for attractive streetscape design;
- 7) provision and details of landscaped areas; and
- 8) where small lots are proposed, lots having a minimum frontage of 34 feet (10.4 metres) on private or public road, and a minimum lot area of 3400 ft<sup>2</sup> (315.9 m<sup>2</sup>) assurance that design and orientation are suited to fit the lot dimensions and grades;
- 9) compliance with Policy IM-11 of this Municipal Planning Strategy.

### **Mobile Home Parks**

Rising home ownership costs associated with conventional single unit detached dwellings have resulted in an increase in the number of people accepting mobile dwellings as a viable alternative, if not for a lifetime, then as a starter or retirement home. Council permits mobile homes in the Residential Two Unit (R2) and Rural Residential (RR) Zones subject to special architectural requirements. Normally, however, mobile homes are constructed without a permanent foundation and due to their long and narrow shape, can be sited on smaller lots where services, land requirements, setbacks and other aspects of their construction can be customized to meet their needs and design characteristics. Council recently adopted a Mobile Home Park By-law to address these design characteristics. There are two existing mobile home parks in Westville, with a third poised for development.

#### **Policy R-12: Mobile Home Parks**

It shall be the intention of Council to establish the Residential Mobile Home Park (RMHP) Zone in the Land Use By-law. Existing mobile home parks and an area south of Cowan Street, in the west end of Town, shall be zoned Residential Mobile Home Park (RMHP). Permitted uses in the mobile home park shall include but not be limited to: mobile homes, mini-homes, mobile home park offices, mobile home sales structures, recreation uses, and home occupations. Mobile home parks shall meet the requirements of the Mobile Home Park By-law. Lands designated Residential may be rezoned to Residential Mobile Home Park (RMHP) subject to the following requirements:

- 1) the development is proposed for an area of land sufficient to meet the minimum park size established in the Land Use By-law and all the requirements of the Mobile Home Park By-law;
- 2) the road network is capable of handling any increase in traffic volumes resulting from the development
- 3) the site is, or will be as part of the development, serviced with municipal sewer and water services; and
- 4) the proposal can meet all pertinent policies of this Strategy including Policy IM-11.

## 6

## COMMERCIAL DEVELOPMENT

An important element in the viability of any community is the health of its economy. A healthy economy spurs new commercial development and sustains existing businesses, creating a significant source of tax revenue for municipal coffers. Commercial development also increases employment opportunities and the range of services available to the community and surrounding areas.

By establishing Westville as an attractive place for both existing and potential commercial development to conduct business, Council will ensure that the community enjoys a measure of prosperity. However, uncontrolled and unplanned commercial growth can have a negative impact on the community, especially when careful consideration is not given to the location of new businesses. In addition to causing land use conflicts with established residential areas, businesses located indiscriminately throughout the community can have the effect of weakening Westville's traditional downtown commercial area. It is more desirable that new commercial development focus on the downtown, where a number of businesses together will, collectively, create a destination for retailing and services.

While the decline of Westville's downtown can, in part, be attributed to competition from neighbouring communities and, in particular, shopping mall development, much of the blame can be placed on the lack of attention paid to aesthetics. In order for a downtown shopping street to be successful in attracting retailers and customers, particular attention should be paid to the physical elements which make up the streetscape. Well maintained buildings, streets, sidewalks, and signage are essential components of a downtown with a positive image. Other important elements in a successful downtown include; having shops oriented to the street, easily accessible parking, a comfortable environment for pedestrians, and emphasis placed on design elements like landscaping, street furniture, signage, and architecture. In order to attract much needed new development to Westville, Council recognizes it must be accommodating to new development proposals. Concern for streetscape design and aesthetics, therefore, will not be paramount when Council assesses new development proposals. However, Council recognizes the importance of these design elements and will strive to improve upon the downtown with these issues in mind, particularly if the fiscal situation of the Town should improve.

With the Province of Nova Scotia successfully promoting itself as a major tourist destination both nationally and internationally, Council recognizes the importance of promoting the Town's overall development as a community with a high quality of life for residents and visitors alike. Council shall encourage specialty shops that can serve a specific market and tourist markets to complement the existing commercial shops and services which currently give Westville its community focus. Lands adjacent to the Cowan Street interchange on the Trans-Canada Highway have great potential for new commercial development and, in addition to the downtown core, should serve as a focus of commercial activity, oriented to highway commercial development. While highway commercial development can, in the long run, will likely compete with and have a negative impact upon downtown commercial development, Council nevertheless recognizes the potential of the Cowan Street interchange and wishes to promote development in this area in order to generate a much needed increase in Westville's tax base.

In addition to the downtown and highway commercial areas, there are also two types of commercial uses permitted to locate in residential neighbourhoods. These are neighbourhood commercial uses and home occupations. Council recognizes these as a fundamental

component to the Town's liveability by serving the needs of residential neighbourhoods and allowing small businesses get off the ground before moving to a more appropriate commercial location. However, Council feels it is vital to protect the viability of the downtown and therefore limits the types of uses permitted as neighbourhood commercial and home occupations.

## **OBJECTIVES**

**To encourage the development of business and commercial uses to serve the Town, visitors, and surrounding areas; to ensure that commercial uses are located and designed to minimize intrusion upon existing residential neighbourhoods; to protect and encourage the viability of the downtown as a shopping area, an employment base, and as the community's focal point; and to encourage new highway oriented commercial development adjacent to the Trans-Canada Highway.**

## **POLICIES**

### ***Downtown Commercial***

The downtown area of Westville is focused on Main Street, which is formed by the convergence of North Main Street, Cowan Street, Drummond Road, Church Street, and South Main Street. These streets form the backbone of the road network in Westville and where they meet is the natural focus of the Town and has been the traditional location of commercial and community activity in the Town. This area comprises the downtown of Westville and incorporates Main Street south of Cowan Street and Church and South Main Streets north of Irving Street. Council wishes to permit re-zonings of those properties adjacent to the Downtown Commercial Designation in order to accommodate the expansion of its downtown, yet still require a process that permits public input so the residents can be involved with such changes.

#### **Policy C-1: Downtown Commercial Designation**

It shall be the intention of Council to designate the area comprised of those properties along Main Street south of Cowan Street and Church and South Main Streets north of Irving Street as Downtown Commercial on the Generalized Future Land Use Map. The boundaries of the Downtown Commercial designation are flexible, allowing properties adjacent to this designation to rezone to Downtown Commercial (C1) without having to amend the Municipal Planning Strategy.

#### **Policy C-2: Downtown Business (C1) Zone**

All properties within the Downtown Commercial designation shall be zoned Downtown Business (C1) in the Land Use By-law. Permitted uses in the Downtown Business (C1) Zone shall include but not be limited to the following: general retail excluding mobile home sales, automobile, and other vehicle sales; drugstore/pharmacy; banks and financial institutions; bet and breakfast establishments/boarding houses; day care centre; restaurants; health service clinics; hotels and motels; offices; parking lots and structures; personal service shops; pet grooming establishments; postal or courier service; service and repair shops (excluding automotive and small engine repair); taxi stands; theatres and cinemas; tourist information centres; existing licensed liquor establishments (lounge); wholesale not to exceed 5000 ft<sup>2</sup> (464.5 m<sup>2</sup>); existing multiple unit dwellings; existing residential uses subject to the R2 Zone requirements; recreation facilities; institutional uses; and residential uses to a maximum of two units in commercial buildings.

#### **Policy C-3: Multiple Unit Dwellings by Development Agreement**

It shall be the intention of Council to permit multiple unit dwellings with or without commercial uses in the Downtown Commercial (C1) Zone by development agreement. In considering a development agreement, Council shall have regard for the criteria set out in Policy IM-11.

## **Neighbourhood Commercial**

Commercial development in residential areas has been considered appropriate because the scale and types of use of neighbourhood commercial businesses are intended to provide a service to the residents in the neighbourhood in which the business is located and/or which provide specialty services. The operation of these businesses should be small in scale, should not generate large volumes of traffic, should not require large parking areas with minimal loading facilities and outdoor storage. They should not have a serious impact on the residential nature of the neighbourhood nor negatively impact other commercial areas within the Town. To ensure a consistent residential streetscape, neighbourhood commercial uses will be discouraged from occurring side by side in a continuous strip.

Existing neighbourhood commercial areas are located in areas designated Residential on the Generalized Future Land Use Map and are zoned Neighbourhood Commercial (C2) on the Zoning Map. The existing uses shall be subject to the requirements of the Neighbourhood Commercial Zone (C2). Other existing commercial uses in residential neighbourhoods are either zoned Neighbourhood Commercial (C2) to reflect their current use, or are non-conforming and subject to the pertinent provisions of the Municipal Government Act. New neighbourhood commercial uses shall require a development agreement.

### **Policy C-4: Neighbourhood Commercial (C2) Zone**

It shall be the intention of Council shall to establish the Neighbourhood Commercial (C2) Zone in the Land Use By-law. Existing neighbourhood commercial uses shall be zoned Neighbourhood Commercial (C2) and be subject to the requirements of the Neighbourhood Commercial (C2) Zone. Permitted uses in the Neighbourhood Commercial (C2) zone include: variety/ convenience stores, personal service shops, offices, postal outlets, health office/clinics, service and repair shops (excluding automotive and small engine repair), rental shops, residential uses in commercial buildings to a maximum of two units, and uses permitted in the R2 Zone.

### **Policy C-5: Multiple Unit Dwellings by Development Agreement**

It shall be the intention of Council to permit multiple unit dwellings with or without commercial uses in the Neighbourhood Commercial (C2) zone by development agreement. In considering a development agreement, Council shall have regard for the criteria set out in Policy C-9.

### **Policy C-6: New Neighbourhood Commercial Uses by Development Agreement**

It shall be the intention of Council to consider permitting new neighbourhood commercial uses as listed in the C2 Neighbourhood Commercial (C2) Zone in the Residential designation by development agreement. In considering a development agreement, Council shall have regard for the following :

- 1) lot requirements as set out in the Neighbourhood Commercial (C2) zone as a guideline for negotiating details of the project (this does not exclude existing undersized lots from consideration);
- 2) the proposed use is not immediately abutting an existing neighbourhood commercial use;
- 3) the impact of the proposed use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance to and exit from the site;
- 4) the business, or equipment used in it, is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission;
- 5) there is no outdoor storage or display except for ice cube storage and propane tanks intended for retail sale which are less than 20 pounds (9.1 kg);
- 6) adequate space is available on the lot for both the residential and commercial parking requirements;
- 7) that adequate provision is made for the ongoing acceptable maintenance and appearance of the property and grounds;

- 8) the hours of operation shall not interfere with or create undue problems for the residents of the surrounding area; and
- 9) the proposal meets all the pertinent policies of this Strategy including Policy IM-11.

### **Highway Commercial**

This designation is intended for commercial development designed to accommodate automobile or travel-related commercial uses and other businesses which are not compatible in the downtown by virtue of size, traffic and parking generation, outdoor storage requirements, etc. However, given the new Trans-Canada Highway/Cowan Street interchange, Westville has the opportunity to attract new highway oriented commercial development, specifically the area along the southern side of Truro Road (Route #4) between Cowan Street and the potential extension of Office Street. This area consists of both serviced and unserviced land, either vacant or a mixture of residential and commercial land uses. The portion of serviced land shall be zoned Highway Commercial (C3), with rezoning of the remaining designated lands as the need arises.

Council strongly encourages the development of this area and has therefore provided a broad range of permitted uses in the Highway Commercial (C3) Zone. If this increased range of uses results in direct competition between the Downtown Commercial (C1) and Highway Commercial (C3) Zones, Council may wish to re-evaluate the range of permitted uses in the Highway Commercial (C3) Zone and reaffirm the downtown's traditional role as the focus of retailing, services, and community functions in Westville.

#### **Policy C-7: Highway Commercial Designation**

It shall be the intention of Council to designate lands along the southern side of Truro Road (Route 4) from Cowan Street to the potential extension of Office Street as Highway Commercial on the Generalized Future Land Use Map. The boundaries of the Highway Commercial designation are flexible, allowing properties adjacent to this designation to rezone to Downtown Business (C1) without having to amend the Municipal Planning Strategy.

#### **Policy C-8: Highway Commercial (C3) Zone**

It shall be the intent of Council to establish the Highway Commercial (C3) Zone in the Land-Use By-law which shall include those lands along the southern side of Truro Road (Route 4) from Cowan Street to approximately 200 feet (60.1 metres) east of existing water and sewer services. Existing highway commercial uses in the Residential designation shall be zoned Highway Commercial (C3). Permitted uses in the Highway Commercial (C3) Zone shall include but not be limited to: C1 zone uses; assembly uses; auto body shops; automobile sales, service, and rental; bulk storage facilities; commercial clubs; commercial recreation uses; commercial uses utilizing heavy equipment or vehicles; convention centre; custom workshops; funeral parlours; garden markets; licensed liquor establishments; small engine and equipment repair; wholesale uses; recreation uses; residential uses in commercial buildings to a maximum of two units; existing residential uses subject to the R2 zone; and institutional uses. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

#### **Policy C-9: Mixed Use Development**

It shall be the intention of Council to permit mixed commercial/multiple residential uses in the Highway Commercial (C3) zone by development agreement. In considering a development agreement, Council shall have regard for the criteria set out in Policy IM-11.

### **Business Park**

Council recognizes that certain types of commercial and light industrial development are not well suited to either the Downtown Commercial or Highway Commercial Designations. In order to ensure that Westville is poised to welcome a wide range of development opportunities, it is essential that the Town set aside lands which are suitable for commercial and light industrial development.

Despite the large amount of undeveloped land in the Westville, much of it is in close proximity to low density residential development. As a result of potential land use conflicts, the availability of land for commercial and light industrial development is limited. Land within the Town Westville, adjacent to the Stellarton Industrial Park, has been set aside for future light industrial development for several years. While this area is not adjacent to any existing residential development, it currently has neither road access nor municipal services and the Provincial Government, the owner of the Park, has indicated it has no plans to expand the Park or to extend municipal services. It is Council's intention to set aside the reclaimed land along the south side of Drummond Road for the potential development of commercial and light industrial activities. Because this area is serviceable, it has road access, and very few residential properties are within close proximity, it is ideally suited for commercial and light industrial development.

#### **Policy C-10: Business Park Designation**

It shall be the intention of Council to designate lands within the Town Westville, adjacent to the Stellarton Industrial Park and the reclaimed land along the south side of Drummond Road as Business Park on the Generalized Future Land Use Map.

#### **Policy C-11: Business Park (C4) Zone**

It shall be the intent of Council to establish the Business Park (C4) Zone in the Land-Use By-law which shall include those lands within the Town Westville, adjacent to the Stellarton Industrial Park and the reclaimed land south of Drummond Road, extending south from Drummond Road approximately 1900 feet (580 metres), and extending east from Foxbrook Road approximately 2230 feet (680 metres). Permitted uses in the Business Park (C4) Zone shall include but not be limited to offices, service industries, warehousing, light manufacturing and assembly operations, veterinary clinics, auto body shops, bulk storage facilities, commercial clubs, commercial recreation uses, commercial uses utilizing heavy equipment or vehicles, institutional uses, wholesale uses, recreation uses, small engine and equipment repair, and automobile sales, service, and rental. Requirements regarding lot size and other matters shall be set out in the Land Use By-law.

### **Home Occupations**

Home occupations are small product and service related businesses that have been increasing in popularity as a result of advances in technology and a slower economy. They are an attractive option for many people because they reduce the costs associated with starting a new business and also allow for people to work in familiar surroundings. The concern with such activities have to do with ensuring the character of the dwelling and neighbourhood are preserved. The business should be clearly secondary to its use as a home and no nuisance should be created for the neighbours. Home occupations shall be permitted in all residential zones subject to specific criteria.

#### **Policy C-12: Home Occupations Permitted**

It shall be the intention of Council to permit home occupations in all residential zones. Home occupations shall be clearly accessory to the use of the building as a dwelling and shall meet the requirements set out in the Land Use By-law.

**Policy C-13: Home Occupations in the Rural Residential (RR) Zone**

It shall be the intention of Council to set out special provisions for home occupations in the Rural Residential (RR) Zone which give consideration to larger lot sizes, accessory buildings, and parking as set out in the Land Use By-law.

## 7

## INDUSTRIAL DEVELOPMENT

The industrial sector is important for the economic health of any community because it provides a high rate of direct tax revenue and also generates indirect tax revenue through a multiplier effect. For example, increased disposal income results in a greater demand for housing for employees and also increases consumption of goods and services. However, the social, environmental, and aesthetic environment impacts on the Town have to be weighed against the economic benefits when considering industrial development applications.

Industrial development is the cornerstone of many communities, providing the jobs and the wages which drive economic development and help to build the community. The coal mining industry has, from the development of the first mines in the Westville area in the 1860s right up until more recent strip mining operations, been the most significant component of industrial development in the Town. The decline of the mining industry has certainly had an impact on economic growth in Westville and the Town has assumed more of a 'bedroom' community role, with many residents commuting to Michelin, Trenton Works, or Kimberly-Clark.

While significant coal resources are still available in Westville, the land owner, Pioneer Coal, is currently operating a strip mine in Stellarton and has no immediate plans to begin mining these lands in the near future. Despite the current inactivity in the mining industry, other industrial opportunities are available. The forestry has become an important industry in Westville. A small sawmill operation off Foxbrook Road has grown into a significant industry in its own right. With direct access to the Cape Breton and Central Nova Railway and recent improvements in highway infrastructure, particularly the improvements to the Trans-Canada highway between Truro and New Glasgow, but also the development of MacGregor Avenue, Westville is ideally poised to attract new transportation related industries. Certainly, given the availability of serviced land within close proximity to both the new Trans-Canada Highway interchange on Cowan Street and also accessible to the highway via MacGregor Avenue in Stellarton, Westville offers an attractive location for new industrial development.

Given the viability of highway transportation related industries and services, it is anticipated that new development will be oriented to highway commercial and light industrial uses, more so than the traditional large scale heavy industrial uses. To this end, Council has established the Business Park and Highway Commercial Designations, which will accommodate a wide variety of industrial uses and commercial uses. Other industrial development, particularly the traditional coal mining industry and other resource based industries will be accommodated in the Resource Industry Zone and Designation.

### OBJECTIVES

**To promote Westville as a viable location for new industrial development; to take advantage of Westville's proximity to highway transportation infrastructure by designating those lands which are easily accessible from the Trans-Canada Highway as Resource Industrial, Business Park, and Highway Commercial Designations and by accommodating a wide variety of light industrial uses in these designations;**

### POLICIES

#### **Policy M-1: Industrial Designation**

It shall be the intention of Council to designate those lands owned by Pioneer Coal Limited beginning at, and extending east and south from, a point located approximately 2,300 feet (700

metres) south of Drummond Road and 1115 feet(340 metres) east of Foxbrook Road as Resource Industrial on the Generalized Future Land Use Map. Also, it shall be the intention of Council to designate those properties associated with the sawmill operation at 2541 Foxbrook Road as Resource Industrial on the Generalized Future Land Use Map.

**Policy M-2: Resource Industrial (M1) Zone**

It shall be the intention of Council to establish the Resource Industrial (M1) Zone in the Land Use By-law. Lands designated on the Generalized Future Land Use Map as Resource Industrial shall be zoned Resource Industrial (M1). Permitted uses in the Resource Industrial (M1) Zone include but are not limited to: mining operations, manufacturing, processing, assembly, forestry uses, recycling, storage, warehousing, and distribution.

**Policy M-3: Buffering**

Where an industrial use is located on lands adjacent to residential development, such use(s) shall be required to take appropriate measures to reduce the visual impact of any aspect of the industrial use. Such measures may include fencing and/or landscaping.

## 8

**INSTITUTIONAL**

Institutional uses include community facilities such as schools, churches, daycare centres, government uses, health care and special care facilities, and cultural facilities. Council recognizes the vital role institutional facilities perform in any community and it intends to encourage new institutional development and ensure that it is readily accessible to the residents of Westville. Because new institutional uses can create significant land use conflicts, particularly with regard to compatibility with neighbouring uses, new institutional uses in the Residential Designation will be required to go through a rezoning process so that Council has the opportunity to address any potential land use conflicts. In the Downtown Commercial, Highway Commercial, and Business Park designations, where a new institutional use is less likely to create any land use conflicts, institutional uses shall be permitted as-of-right. Existing institutional uses shall be zoned Institutional and also listed as permitted uses in the Downtown Commercial (C1) Highway Commercial (C3) and Business Park (C4) Zones.

**OBJECTIVES**

**To ensure that institutional uses are conveniently located and accessible to the community and its residents; and, to ensure that new institutional uses are compatible with any adjacent residential neighbourhoods.**

**POLICIES****Policy I-1: The Institutional (I) Zone**

It shall be the intention of Council to establish an Institutional (I) Zone in the Land-Use By-law to categorize institutional uses. Uses permitted in the Institutional (I) Zone shall include private, public, and commercial schools and colleges, churches and associated residential uses, convents, cemeteries and associated uses, day nurseries and day care centres, hospitals, homes for special care, group homes, child care facility, family crisis shelters, government offices and facilities, recreational uses, and other uses compatible with an Institutional Zone and/or incorporated under the *Societies Act*, R.S., c. 435, s. 1.

**Policy I-2: Impact on Neighbouring Land Uses**

In order to minimize the impact of institutional uses on surrounding development, Council shall introduce requirements for institutional uses, including restrictions on outdoor storage and display, minimum lot requirements, parking, and special requirements where institutional uses abut a residential zone.

**Policy I-3: Where Permitted**

It shall be the intention of Council to include institutional uses as permitted uses in the Downtown Commercial (C1), Highway Commercial (C3), Business Park (C4), and Institutional (I) Zones.

**Policy I-4: Where Permitted by Rezoning**

Lands designated as Residential and Industrial may be 'rezoned' to Institutional (I) Zone provided:

- 1) the subject property is capable of meeting the Institutional (I) Zone requirements;
- 2) the use can connect to municipal services or utilize on-site sewer and water systems; and
- 3) the proposal meets criteria for By-law amendments contained in Policy IM-11.

**Policy I-5: Accessibility**

It shall be the intention of Council to make every effort, where financially feasible, to make existing public facilities and/or buildings in the Town accessible to the physically challenged.



## 9

**RECREATION**

Parks and recreation facilities are vital parts of a community. People need open spaces where they can enjoy a range of recreational opportunities, from passive recreation such as a quiet park setting where one can find peace and relaxation to active recreation such as ball fields, tennis courts, and walking trails. Provision for a range of recreational opportunities will encourage healthy physical activity and social interaction and appeal to both visitors and residents alike.

**OBJECTIVE**

**To provide and maintain a variety of recreational spaces, facilities and programs to meet the year round recreational needs of the community.**

**POLICIES****Policy P-1: Recreation Zone**

It shall be the intention for Council to establish a Recreation (P) Zone which shall permit a variety of recreation and recreation related uses, including but not limited to conservation uses, monuments, pavilions, band shells, gazebos, picnic areas, playgrounds, playing fields, tennis courts, swimming pools, golf courses, arenas, recreation facilities, trails, community centres, and commercial uses accessory to a Recreation (P) use.

**Policy P-2: Co-operation with Other Municipal Units**

It is Council's intention to cooperate with other municipal units to provide recreational facilities which may be beyond the financial capability of an individual unit and to support the co-operation with other municipal units in the development of a recreational trail system.

**Policy P-3: Recreation Programs**

It shall be the intent of Council to provide programs which maximize the shared use of existing resources to meet the public's recreation needs.

**Policy P-4: Co-operation with Chignecto Regional School Board**

It shall be the intent of Council to continue to encourage the cooperation and interaction with the Chignecto Central Regional School Board and other organizations to provide the widest possible utilization of existing recreational opportunities to the general public.

**Policy P-5: Sources of Funding**

Council shall actively pursue other levels of government for any possible sources of funding and technical expertise available to maintain and improve the Town's recreational facilities and to deliver its programs.



## 10

**IMPLEMENTATION**

This section describes how the policies in this Municipal Planning Strategy will be implemented by Town Council. It establishes the Town's general implementation approach, and indicates how changes to the Strategy and Land Use By-law are to be carried out with respect to procedure and public participation. Implementation of the policies of this Strategy requires the continuous interaction between Westville Planning Advisory Committee, Planning and other municipal staff, the public, and Council.

**OBJECTIVES**

**To ensure that the policies in this Municipal Planning Strategy are implemented in a consistent manner; to ensure that all development proposals, the Land Use By-law and all other planning and development decisions of Council and Planning Advisory Committee are consistent with the intention of the policies contained in this Strategy; to ensure that public awareness and active participation in the planning process is encouraged.**

**POLICIES*****Municipal Planning Strategy***

The Planning Strategy shall be the primary policy document which provides a framework for future planning and development decisions in the Town. The Strategy presents the Town's policy position on planning matters related to land use and development and also general issues related to public participation. The policies in the Strategy shall be implemented through the actions of Council as provided in the Municipal Government Act and any other provincial statutes that may apply. The Municipal Planning Strategy shall accommodate changing circumstances and new information affecting policy by reviewing the Strategy on a regular basis and by providing for policy amendments.

**Policy IM-1: Municipal Planning Strategy**

It shall be the intention of Council to adopt the Municipal Planning Strategy to act as the primary policy document providing a framework to guide future planning and development in Westville. The policies of the Strategy shall be implemented through the powers of Town Council as provided by the Municipal Government Act and any other applicable provincial statutes and municipal by-laws.

**Policy IM-2: Amendments to the Municipal Planning Strategy**

It shall be the intention of Council to consider amendments to the Municipal Planning Strategy when:

- 1) there is a need to change a policy due to additional information, changing conditions or changing public attitudes;
- 2) re-zoning requests supported by Council conflict with the Future Land Use Map;
- 3) there is a conflict with a provincial adopted land use policy; or
- 4) there is a need to replace an original Generalized Future Land Use "base map" or when property line information is updated.

**Policy IM-3: Review of the Municipal Planning Strategy**

It shall be the intention of Council to provide for changing community circumstances by reviewing the Municipal Planning Strategy when Council deems it necessary.

### **Generalized Future Land-Use Map**

The Generalized Future Land-Use Map is the legally binding, map portion of the Municipal Planning Strategy. It indicates where different types of Future development can locate. The generalized land designations on that map shall include:

- 1) Residential
- 2) Downtown Commercial
- 3) Highway Commercial
- 4) Business Park
- 5) Resource Industrial

#### **Policy IM-4: Generalized Future Land Use Map**

It shall be the intention of Council to utilize the lands depicted on the Generalized Future Land-Use Map as the desired general pattern for future development in the Town which are based on the policies set down in the text of this Municipal Planning Strategy.

The Municipal Planning Strategy must also provide a certain degree of flexibility, particularly when determining the boundaries of future land Use Designations on the Future Land Use Map. To provide for flexible Boundaries, Council shall consider requests to re-zone lands abutting a given land Use Designation without undertaking a Municipal Planning Strategy amendment. Where a designation line follows the centre line of a street, lands fronting on said street shall be considered abutting. In considering such requests Council shall ensure that the effect of the rezoning is minor and is consistent with the intention of the Municipal Planning Strategy. In specific cases Council does not want to have flexible boundaries. Flexible and Inflexible boundaries are discussed in Policy and indicated on the Generalized Future Land Use Map.

#### **Policy IM-5: Rezoning of Lands Adjacent to a Designation**

It shall be the intention of Council to consider requests for a Land Use By-law amendment to re-zone lands abutting a given designation on the Future Land Use Map to a zone permitted in that designation without requiring a Municipal Planning Strategy Amendment, provided that the lands abut a flexible designation line.

### **Land Use By-law**

The Land Use By-law provides the instrument used to implement the policies contained in the Strategy. The Land Use By-law is administered by the development officer and sets out zones, permitted uses for each zone, standards for development and requirements for development agreements. Certain types of uses are permitted only by an amendment to the Land Use By-law or by a development agreement. The development standards contained in the Land-Use By-law shall include:

- 1) setbacks from public road rights of ways to provide minimum separation of buildings and vehicular traffic for reasons of safety and pedestrian movements for reasons of privacy,
- 2) setbacks from side and rear lot lines to maintain separation of buildings for fire safety and privacy;
- 3) minimum lot area and frontage requirements to regulate the maximum density of development,
- 4) maximum building height for specified development types to reflect the capability of available fire-fighting equipment and regulations regarding fire prevention in the National Building Code;
- 5) lists of permitted uses in each zone to reflect historical development trends;
- 6) general compatibility among the uses listed, and special needs common to a group of uses (e.g. need for large lots to allow for outdoor storage as in the case of most highway commercial uses)

The Land-Use By-law shall also contain other provisions to deal with specific development concerns and shall include: general provisions applicable in all zones to regulate parking, signs, accessory uses and buildings, etc. and special provisions applicable in specified zones concerning abutting yard requirements, outdoor storage, landscaping, etc.

**Policy IM-6: Land Use By-law**

It shall be the intention of Council to utilize the Land Use By-law as the primary implementation device for policies of the Westville Municipal Planning Strategy. The By-law shall state, both in text and map form, the zones, permitted uses, and development standards which reflect the policies of the Strategy and the provisions of the Planning Act. The Zoning Map forms part of the Land Use By-law and shall represent the geographical extent of all zones in the Town of Westville.

**Land Use By-law Administration**

The following policies pertain to the administration of the Land Use By-law:

**Policy IM-7: Administration of the Land Use By-law**

It shall be the intention of Council that the development officer, employed by the Pictou County District Planning Commission or one appointed by Council to act as its development officer, shall administer the land-use By-law and issue development permits.

**Policy IM-8: Municipal Development Officer**

It shall be the intention of Council that the development officer shall be guided by any practices and procedures resolution adopted by Council and by the Policies in this Municipal Planning Strategy and by any pertinent statutory provisions set down in the Municipal Government Act (e.g. procedures for minor variances and requirements for non-conforming structures) when administering the Land Use By-law.

**Amendments to the Land Use By-law**

Periodically, application is made to amend the Land Use By-law. There are three types of Land Use By-law amendments: (1) text amendments (e.g. changes to a definition or development standard); (2) zoning map amendments (changes to the zoning); or (3) text and/or map changes required to implement a Municipal Planning Strategy amendment. These amendments can be undertaken by an individual or by Town Council.

**Policy IM-9: Creation of New Zones**

It shall be the intention of Council to amend the Land-Use By-law to allow additional zones or additional permitted uses in specified zones provided that the additional zones or uses are in keeping with the intention and policies of this Strategy.

**Policy IM-10: Amendments to the Land Use By-law**

It shall be the intention of Council to amend the Land Use By-law without amending the Municipal Planning Strategy provided that:

- 1) the amendment is consistent with the intention and policies of this Strategy;
- 2) the amendment (i.e. rezoning) application applies to lands appropriately designated by flexible lines on the Generalized Future Land-Use Map or to lands immediately adjacent to lands so designated to allow the use or uses desired by the applicant requesting Council to amend the By-law, notwithstanding where policies of this Strategy indicate otherwise.

### **Land Use By-law Amendment and Development Agreement Evaluation Criteria**

The Municipal Government Act sets out the required procedure for considering applications to amend the Land Use By-law and for a development agreement. When Council is considering an application for either a Land Use By-law amendment or a development agreement there are certain common factors to be considered. These factors include: whether the proposal is consistent with the policies of the Strategy, the compatibility of the proposal with adjacent uses, and the feasibility of the proposal in terms of impact on municipal services and resources.

A development agreement is a legal agreement between Council and a property owner. In such agreements, a wide range of factors may be addressed that goes beyond what may be considered under standard zoning practices. The use of these agreements can more properly address the concerns of adjacent landowners, and provides a greater degree of flexibility to the developer in fitting the neighbourhood. A development agreement is binding upon a property until the agreement or part thereof is discharged by the Town. Development agreements provide an opportunity for Council to exercise a greater degree of control over many aspects of a development proposal such as use, design, and architectural detail.

#### **Policy IM-11: Criteria for Amendments and Development Agreements**

It shall be the intention of Council, in considering an amendment to the Land-Use By-law, Development Agreements, and amendments to Development Agreements, to have regard, (in addition to all other criteria as set out in various policies of this Municipal Planning Strategy), to the following matters:

- 1) that the proposal is consistent with the intention of the Municipal Planning Strategy and the requirements of the Land-Use By-law and all other Town By-laws and regulations;
- 2) that the proposal is not premature or inappropriate by reason of:
  - a) the financial capability of the Town to absorb any capital or operating costs related to the development,
  - b) the adequacy of municipal sewer and water services, or if services are not provided, the adequacy of the physical site conditions for private on-site sewer and water systems,
  - c) the adequacy of street networks in and adjacent to the development regarding congestion and traffic hazards and the adequacy of existing and proposed access routes;
  - d) the adequacy, capacity and proximity of schools, recreation and other community facilities,
  - e) incompatibility with adjacent uses and the existing development in the area in terms of the use and bulk;
  - f) extensions to or enlargement of municipal services of facilities while other such services of facilities remain underutilized;
- 3) the suitability of the proposed site in terms of environmental constraints such as steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps, or bogs. For purposes of this Municipal Planning Strategy any lands comprising twenty-five (25) percent of the lot area with a slope gradient of twenty (20) percent or greater shall be considered "steep";
- 4) the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms;
- 5) that provisions are made for buffers, or any other control to reduce the impact of the proposed development where incompatibilities with adjacent uses are anticipated;
- 6) that the development does not precipitate or contribute to adverse environmental impacts in the area as a result of air, water, soil, or noise pollution;
- 7) creating a scattered development pattern which requires extension to municipal and community services;

- 8) the presence of significant natural features or historical buildings and sites;
- 9) that any equipment used is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emissions.
- 10) In the case of Development Agreements to ensure compatibility or reduce potential conflicts with adjacent uses, such agreements may relate to, but are not limited to the following:
  - a) the type of use, density and phasing;
  - b) traffic generation, access to and egress from the site, and parking;
  - c) open storage and landscaping;
  - d) provisions for pedestrian movement and safety;
  - e) provision and development of open space, parks, and walkways;
  - f) drainage, both natural and subsurface;
  - g) signs;
  - h) the hours of operation; and
  - i) the compatibility of the architectural design of the structure(s) in terms of external design and external appearance with adjacent uses.

**Policy IM-12: Prescribed Information**

To provide Council with a clear indication of the nature of the proposed development and to assist the evaluation of applications for Municipal Planning Strategy Amendments, Land Use By-law Amendments, and development agreements, it shall be the intention of Council to require the proponents to provide the following information:

- 1) an overall concept plan showing the location of all proposed land uses;
- 2) location, area, shape, landscaping and surface treatment of all public and private open spaces and parking areas;
- 3) information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands;
- 4) information regarding natural drainage of the site;
- 5) information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
- 6) information as to the type and amount of site clearing required, if any;
- 7) information as to proposed provisions for good site drainage and servicing with water supply and sewage disposal;
- 8) information as to proposed access and egress to and from the lands and estimated traffic flows to be generated;
- 9) information as to intended hours of operation;
- 10) information as to the architectural design, including renderings, scaled site plans, profiles, grade elevations and cross sections;
- 11) information as to provision and maintenance of appropriate buffers;
- 12) a deed description commonly known as a schedule "A".

### **Subdivision By-law Regulations**

The Town of Westville presently has a Subdivision By-law, which was adopted in 1989. The By-law establishes regulations for the division, re-subdivision, and consolidation of land and sets out standards for the construction of new roads and the installation of sewer and water services, open space dedication, cash in lieu of land dedication and other requirements in accordance with the provisions for subdivision of land in the Municipal Government Act. The following policies relate to subdivision provisions included in the Land Use By-law and address lots having less than the required frontage and/or area, as provided for in the Town's Land Use By-law.

#### **Policy IM-13: Administration of the Subdivision By-law**

It shall be the intention of Council that the development officer, employed by the Pictou County District Planning Commission or one appointed by Council to act as its development officer, shall administer the subdivision By-law.

#### **Policy IM-14: Contents of the Subdivision By-law**

It is Council's intention that the Town of Westville Subdivision By-law reflects the intention and policies of this Strategy. The Subdivision By-law includes:

- 1) standards for road construction;
- 2) standards for the installation of services;
- 3) requirements for the developer to install services and construct roads to specified standards;
- 4) requirements for dedication of open space or cash-in-lieu;
- 5) other requirements in accordance with the permissive content provisions of the Municipal Government Act.

### **Creation of Lots With Less than Required Lot Area or Frontage**

In some circumstances, The Development Officer may receive applications to create lots with less than the required lot areas or frontage. The following policies relate to subdivision provisions included in the Land Use By-law and address lots having less than the required frontage and/or area, as provided for in the Town's Land Use By-law.

Lots which have been granted Subdivision approval under the following criteria as per the Town's Subdivision By-law and Land Use By-law, may be used for a purpose permitted in the zone in which the lot is located and a building(s) may be erected on the lot, provided all other applicable provisions in this By-law are satisfied.

#### **Policy IM-15: Encroachments**

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, where a development component of a permanent nature such as a structure, driveway, well, or on-site sewage disposal system is encroaching in or upon an immediately adjacent area of land, the Development Officer may approve a final plan of subdivision to the extent necessary and practical to remove the encroachment, provided that the minimum lot area and frontage requirements are met or not further reduced.

**Policy IM-16: Subdivision of lot with two main buildings**

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, the Development Officer may approve a final plan of Subdivision showing the same number or fewer lots as there are main buildings and a remainder lot, if any, where an area of land contains more than one main building which were built or placed prior to the adoption of the previous Land Use By-law dated September 1984, for which no approval was requested provided that each lot has a minimum lot frontage of 20 feet (6.1 metres).

**Policy IM-17: Re-approval of existing undersized lots**

In accordance with the Municipal Government Act and the Town's Subdivision By-law and Land Use By-law, the Development Officer may approve a final plan of subdivision altering the boundaries of two or more areas of land where no additional lots are created and each lot has not had its lot area or lot frontage reduced.

**Public Participation Program**

To ensure that the planning process represents broader community interests, the Town intends to provide for public input on all planning and development decisions in Westville. In addition to the requirements for public participation set out in the Municipal Government Act, the Town will provide additional opportunities for public consultation including public information on planning and development activities, and community feedback through mechanisms such as public meetings.

**Policy IM-18: Public Participation**

It shall be the intention of Council to make available, all approved and up to date minutes from Council and Advisory Committees, and all Town By-laws, regulations, Municipal Planning Strategy and Land Use By-law, and background planning studies to inform the public on Town activities and plans.

