Preamble

A Municipal Planning Strategy and Land Use By-law is a document which enables municipalities to assume the primary authority for planning within their respective jurisdictions, consistent with their urban or rural character through the adoption of municipal planning strategies, land-use by-laws and subdivision by-laws consistent with the policies and regulations of the Province. The process which Council has established to create this Plan and By-law is a consultative process which has ensured the right of the public to have access to information and to participate in the formulation of these documents. Through this process the public's right to be notified and heard prior to land use planning decisions has been respected.

This document reflects the rural character of the planning area in that it allows traditional uses of land to continue without changing the manner in which they operate. Central Richmond is a rural area adjacent to Lower River, the Basin and the Atlantic Ocean. This area, rich in natural beauty, is not considered compatible with intensive heavy industrial development. Therefore the over-riding principle of this Plan and By-law is to protect the water-courses by excluding heavy industrial uses from the Plan area and by establishing restrictions on certain residential, commercial and medium intensity industrial land uses. These principles have been established as a result of lobbying efforts directed at Richmond County Council.

CHAPTER 1 – SETTING

A. Introduction

This Municipal Planning Strategy for the Central Richmond Planning Area has been prepared in accordance with the provisions of the Municipal Government Act (consolidated to May 29th, 2002), Chapter 18, and Statutes of Nova Scotia. This Municipal Planning Strategy is a legal document, a policy document and a framework for development. Where land and development issues are dealt with in a strategy, such issues shall be implemented through the Land Use By-law.

This Municipal Planning Strategy (MPS) and the Land Use By-law (LUB) have been prepared under the guidance of the Community's Planning Advisory Committee. In keeping with similar processes used in Isle Madame and St. Peter's, the Planning Advisory Committee established an Area Advisory Committee, which was given the responsibility for public participation and the preparation of the two documents. Preparation of these documents by the Rural Cape Breton District Planning Commission began in 2001. The Central Richmond Area Advisory Committee invited residents' participation by conducting mail-outs, public meetings and open houses to support the planning process and by providing information on the Rural Cape Breton District Planning Commission website.

This Municipal Planning Strategy is intended to guide the decisions of Council with respect to regulating development within the Central Richmond Planning Area. This Plan area is rural in nature, providing a rural lifestyle within close proximity to local industry and the ocean. The primary goal of this Strategy is to encourage the protection of Lower River and the Basin by restricting uses that have an adverse impact on this watercourse.

Other important goals include encouraging economic growth through tourism, sustaining local commercial operations, and providing regulations that support the availability of residential housing stock for local industry. Therefore, to foster these objectives, a list of policies has been prepared for adoption. The implementation of these policies is carried out through the creation of a Land Use By-law and the Municipal Subdivision Bylaw. The Land Use By-law sets out specific zones and establishes a list of permitted uses and appropriate lot standards. The Municipal Subdivision By-law controls the subdivision of land not only within the Planning Area, but also in the entire Municipality of the County of Richmond.

Maps referred to in the policy statements, the Generalized Future Land Use Map (Map 1) and the Land Use By-law Map (Schedule A) are included in this document and constitute part of this Strategy. The more prominent map, the Generalized Future Land Use Map, is a graphic representation of the land use designations that have been developed in accordance with the policies of this Strategy. Schedule A, the Land Use By-law Map identifies the locations of the various zones.

By adopting this Strategy, Council is not committing to undertake any project described herein; however, it is prevented from undertaking "any development within the scope of this Planning Strategy in a manner inconsistent or at variance therewith" (*The Municipal Government Act*). Therefore, Council's actions are intended to reflect the priorities set out in the Municipal Planning Strategy.

B. Context

(1) Provincial Context

Located in Richmond County, the Central Richmond Plan area covers a physical land area of approximately 110 square kilometers. Bisected by Highway #104, the Plan area is located approximately 12 kilometres from the Canso Causeway and approximately 4 kilometres from the Town of Port Hawkesbury. Highway #104 is the main transportation route linking Central Richmond with Sydney, which is 100 kilometres to the east.

(2) History

Named in honour of Sir Charles Lennox, fourth Duke of Richmond and Lennox, who was Governor General of British North America 1818-1819, Richmond County was created in 1835. Richmond County comprises that territory formerly known as the Southern District, which was established in 1824 at the time Cape Breton Island was divided into three districts. The boundaries of the Southern District were defined at the time of its establishment. Those same boundaries were determined to be the boundaries of Richmond County by statute in 1847.

The Central Richmond Plan area is characterized by its member communities and their relationship to the water. The more identifiable settlements include Evanston, Whiteside, Walkerville, Grantville, Hureauville, Lower River Inhabitants and surrounding areas. The western-most boundary of the Plan area begins at Kempt Road (Highway #4) runs southward through Highway Number #4 to the Atlantic Ocean. Running east from this line, the Plan area ends in Grande Anse to the north and in the general vicinity of Highway #320 to the south (see the attached Generalized Future Land Use Map, Map 1).

C. Goals and Objectives

This Municipal Planning Strategy is a planning document which details the methods and procedures formulated and formally adopted by Council for the purpose of organizing development and land use activity including municipal services. The policies in this Strategy are statements of Council's intentions to clarify and implement the goals as listed in the following manner:

It shall be the goal of Council:

(1) That this Municipal Planning Strategy provides a framework and a process whereby the unique characteristics of the community can be protected and stabilized.

(2) To control land use and development in a manner that will preserve, enhance and protect both the natural and man-made environments of the community.

(3) To improve, expand and maintain municipal services and facilities according to acceptable standards and to the extent of the community's financial capabilities.

(4) To encourage economic development by permitting a wide range of Residential, Commercial and Medium Industrial uses in the Plan area.

CHAPTER 2 - LAND USE POLICIES

1. The Village Community

The Village community is designated “Village General” on Map 1 of this Municipal Planning Strategy. This area is comprised of the communities of Evanston and Whiteside. The designation boundaries have been established to coincide with the extent of the centralized water and sewer systems. In this designated area, lot sizes are smaller and more compact. In addition, frontage requirements for lots in this area are intended to approximate an urban form of development as apposed to its rural counterpart.

This Village General area is developed predominantly with single detached residential dwellings (including mobile homes). A few notable exceptions are the Strait Richmond Hospital and the Richmond Education Center. This area is largely devoid of commercial uses. However, existing conditions for the construction or conversion of small scale commercial operations, such as low impact retail, still remain viable within the community. As such, it has been decided that these areas would best benefit from general policies that seek to permit a large number of uses that vary in sensitivity with a particular emphasis on regulating, and in certain instances prohibiting uses with a higher degree of negative impact to adjacent water courses.

In this regard, this Municipal Planning Strategy makes more extensive use of the Development Agreement process as a means of regulating the functions and placement of structures in an effort to offset problems that may arise with land use compatibility. In addition, on site mitigation measures such as buffers and setbacks, as set out in the Land Use By-law, also serve to limit potentially negative impacts to more sensitive uses, such as residential.

At the present time there is little demand for additional commercial/institutional uses in this area and given the limitation of available land, it is deemed that no specific separation of these uses is required in the Village General Designation at this time. If however, an increase in demand for additional commercial uses arises and land use compatibility issues become more urgent, it is anticipated that the necessary constraints can be implemented through the five-year review process when and if deemed necessary. Thus, the basis for this Planning Strategy is to provide maximum flexibility while establishing restrictions on uses that have the potential to produce negative impacts to watercourses in the area. In this regard, two separate zones have been created in the Village General designation - the Village Residential (VR-1) zone and the Village General (VG-2) zone. Heavy industrial uses including biosolid spreading, storage and sludge processing are prohibited in all Plan areas. In addition, with the exception of properties listed in Appendix “G”, a special requirement for all uses located along the watercourse has been imposed, which requires that all uses be set back from the high water mark.

The Village Residential (VR-1) zone

The Village Residential (VR-1) zone is located along a portion of Lower River from the limit of the Community of Evanston south to and including, Proctor's Cove and Ferry Point and farther, extending south to the community of Whiteside, including Upper MacNamara's Cove (see Detailed Zoning Map). Given the increase in density because of the availability of central water and sewer systems, this location is considered more vulnerable to negative impacts and thus requires a stricter adherence to regulation in order to avoid potentially noxious uses. As such, industrial uses are prohibited along the river in the Village Residential (VR-1) zone.

Any form of Residential use is permitted in the Village Residential (VR-1) zone, however, certain restrictions apply: Multiple Dwellings in excess of four dwelling units and Tourist Cabin developments may also be approved but must enter into a Development Agreement with the Municipality. In addition, all forms of Commercial, Recreational, and Institutional uses are permitted in the Village Residential (VR-1) zone. Mobile Home Parks, Campgrounds, and Industrial uses are all prohibited in the Village Residential (VR-1) zone.

The Village General (VG-2) zone

The Village General (VG-2) zone is located immediately adjacent to the Village Residential (VR-1) zone along both sides of the main street in the communities of Evanston and Whiteside, to the extent of the existing sewer main. Any form of Residential, Commercial, Recreational and Institutional use is permitted within the Village General (VG-2) zone with the following exceptions or restrictions: Mobile Home Parks in the Village General (VG-2) zone are permitted by way of Development Agreement in accordance with the Land use by-law and the Richmond County Mobile Home Park By-law. All forms of Commercial uses are permitted in the Village General (VG-2) zone however Campgrounds and Tourist Cabin Developments are permitted by way of Development Agreement only. Alternatively, medium intensity industrial uses such as those identified on Appendix A of the Land Use By-law, will also be considered permitted uses by way of Development Agreement.

A. Village General Policies

Policy 1.1 It shall be the policy of Council to designate the portion of the Plan area that is serviced with central water and sewer in the Central Richmond Planning Area, "Village General", as shown on the Generalized Future Land Use Map, Map 1.

Policy 1.2 It shall be the policy of Council to establish in the Land Use By-law a Village Residential (VR-1) zone and a Village General (VG-2) zone that will be used to implement the Village General designation.

Policy 1.3 It shall be the policy of Council to permit the following and similar types of uses within the Village Residential (VR-1) zone which are identified but not limited to, any residential (including mobile homes with a minimum end width of 14.0 feet), commercial, institutional, or recreational use subject to the following additional provisions: Multiple Dwellings in excess of four dwelling units and Tourist Cabin developments shall be permitted by way of Development Agreement in accordance with the Land Use By-law and Policy A-5 of this Municipal Planning Strategy.

Policy 1.4 It shall be the policy of Council that campgrounds, Mobile Home Parks and all Industrial uses shall be prohibited from the Village Residential (VR-1) zone.

Policy 1.5 It shall be the policy of Council to permit the following and similar types of uses within the Village General (VG-2) zone which are identified but not limited to, any residential (including mobile homes with a minimum end width of 14.0 feet), commercial, institutional, or recreational use subject to the following additional provisions: Multiple Dwellings in excess of four dwelling units, Tourist Cabins, Campgrounds, Mobile Home Parks and all Medium-intensity Industrial uses shall be permitted by way of Development Agreement only, in accordance with the Land Use By-law and Policy A-5 of this Municipal Planning Strategy.

Policy 1.6 It shall be the policy of Council to establish development standards in the Land Use By-law that will be used to provide for orderly development within the Plan Area. The By-law shall set out requirements for such things as lot size, yard requirements, height restrictions and parking. These standards shall apply to all development but different standards may apply to different types of development depending on the sites being serviced or unserviced.

Policy 1.7 It shall be the policy of Council to establish within the Village General designation, parking standards for multiple unit dwellings of five or more dwelling units that are higher than the standard for dwellings with four or fewer dwelling units. This will permit additional parking spaces for visitor parking or in the event that a tenant has more than one automobile.

Policy 1.8 It shall be the policy of Council to establish a minimum separation distance between grouped multiple units and row house dwellings within the Village General designation.

Policy 1.9 It shall be the policy of Council to limit the number of dwelling units in a row house to six within the Village General designation.

Policy 1.10 It shall be the policy of Council to require, in the case of a building containing four or more outdoor parking or service areas, that these areas shall be screened by landscaping or opaque fencing.

Policy 1.11 It shall be the policy of Council to require that outdoor garbage or refuse containers servicing multiple residential, commercial, and industrial uses be screened from the street and from adjacent property owners by a garbage enclosure.

Policy 1.12 It shall be the policy of Council that heavy industrial uses including biosolid spreading, storage and sludge processing shall be prohibited in the Village General Designation.

Policy 1.13 It shall be the policy of Council that a special setback requirement will be required to separate all uses from the high water mark of Lower River and the Basin, except for the properties listed in Appendix G in the Land Use By-law.

(1) Mobile Home Parks in the Village General (VG-2) zone

Mobile Homes traditionally have formed part of the housing stock in the Central Richmond Plan area. In addition to being permitted uses on individual lots, Mobile Homes may also form a cluster arrangement on one lot and be classified as a Mobile Home Park in accordance with the Land Use By-law and the Richmond County Mobile Home Park By-law.

Policy 1.14 It shall be the policy of Council to consider approval of a Mobile Home Park within the Village General (VG-2) zone by way of a Development Agreement, in accordance with the Land Use By-law, the Richmond County Mobile Home Park By-law and Policy A-5 of this Planning strategy. In considering such a Development Agreement, Council shall have regard to the following:

1) the development will be served by centralized water and sewer services, the cost of which will be borne by the developer;
2) the development will not strain the capabilities of the existing services or the extension of existing services;
3) any extension of the mobile home park will not negatively affect the level or quality of services in any existing portion;
4) the landscaping and buffering provisions between the proposal and adjacent land uses is such that it will protect the privacy, and minimize the adverse affects between uses;
5) the landscaping and buffering provisions from the public road to which it has access is such that adverse effects will be minimized;
6) the impact of the mobile home park on external traffic circulation patterns is such that the capacity of the existing transportation network will not be strained; and,
7) there is adequate on-site recreational open space suitable in extent and design to the nature of the development.

Policy 1.15 It shall be the policy of Council to permit more than one main building on a lot for the purposes of creating a Mobile Home Park in the Village General (VG-2) zone.

Policy 1.16 It shall be the policy of Council to require landscaping and buffering between the mobile home park and other uses to minimize any potential land use conflicts.

Policy 1.17 It shall be the policy of Council to regulate the external appearance of mobile homes by requiring that skirting be installed to screen the undercarriage of the mobile home from the street.

(2) Tourist Cabins and Campgrounds

Policy 1.18 It shall be the policy of Council to permit Tourist Cabins and Campgrounds by way of Development Agreement in accordance with the Land Use By-law and Policy A-5 of this Municipal Planning Strategy.

(3) Farm Buildings, Barns, Horse Stables and Kennels

Policy 1.19 It shall be the policy of Council to permit existing farm buildings, barns, horse stables and kennels only within the Village General designation.

2. The Rural Community

The rural community, designated as "Rural General", is comprised of the communities that lie outside the Evanston/Whiteside areas. In this designated area, residences are serviced with on-site water and sewer systems, requiring that lot sizes be larger than they are in the Village Community. Frontage requirements for lots in this designation are more representative of rural development patterns. Therefore, frontage requirements reflect the standard for lot frontages in rural locations as set out in the Richmond County Subdivision By-law. In this designation, as with most development that lies outside of areas serviced by centralized water and sewer, there is a specific reliance on Department of the Environment approvals.

Within the Rural General designation two zones have been created -- the Rural Residential (RR-1) zone and the Rural General (RG-2) zone. The intent underlying the policies in the Rural General designation is to provide a wide range of permitted land uses with some restriction on the location of medium industrial uses.

The Rural Residential (RR-1) zone which is located along a large portion of Lower River and the Basin, permits medium intensity industrial uses by way of Development Agreement only and in accordance with Land Use By-law which regulates lot size, lot areas, and required setbacks, among other conditions. Alternatively, the Rural General (RG-2) zone permits the location of medium intensity industrial uses "as of right".

All forms of residential, commercial, recreational, institutional and medium intensity industrial uses are permitted in the Rural General designation with the following restrictions: medium-intensity industrial uses are permitted in the Rural Residential (RR-1) zone by way of a Development Agreement. In the Rural Residential (RR-1) zone and the Rural General (RG-2) zone, Mobile Home Parks, Campgrounds and Tourist Cabin Developments are permitted by way of Development Agreement. Heavy industrial uses are prohibited in all Plan areas including biosolid spreading, storage and sludge processing. In addition, with the exception of properties listed in Appendix "G", a special requirement for all uses located along the watercourse has been imposed which requires that all uses be setback from the high watermark.

Additionally, in accordance with the Provincial Policy Statement regarding Drinking Water, all uses deemed to produce a potential adverse effect to the Landrie Lake Water Supply area are also prohibited (the boundary of this area is shown on the Generalized Land Use Map, Map 1).

B Rural General Policies

Policy 2.1 It shall be the policy of Council to designate the portion of the Plan area that is not serviced with central water and sewer in the Central Richmond Planning Area, "Rural General", as shown on the Generalized Future Land Use Map, Map 1.

Policy 2.2 It shall be the policy of Council to establish in the Central Richmond Land Use By-law a Rural Residential (RR-1) zone and a Rural General (RG-2) zone that will be used to implement the Rural General designation.

Policy 2.3 It shall be the policy of Council to permit the following and similar types of uses within the Rural Residential (RR-1) zone which are identified but not limited to, any residential (including mobile homes), commercial, institutional, recreational or medium-intensity industrial use, subject to the following restrictions: tourist cabins, campgrounds, mobile home parks and medium-intensity industrial use may be permitted by Development Agreement in accordance with the Land Use By-law and Policy A-5 of this Municipal Planning Strategy.

Policy 2.4 It shall be the policy of Council to permit the following and similar types of uses within the Rural General (RG-2) zone which are identified but not limited to, any residential, commercial, institutional, recreational use or medium-intensity industrial use.

Policy 2.5 It shall be the policy of council to prohibit all heavy industrial uses including biosolid spreading, storage and sludge processing in the Rural General Designation of the Central Richmond Plan Area.

Policy 2.6 It shall be the policy of Council to establish development standards in the Land Use By-law which will be used to provide for orderly development within the Plan Area. The By-law shall set out requirements for such things as lot size, yard requirements, height restrictions and parking. These standards shall apply to all development but different standards may apply to different types of development depending on the sites being serviced or unserviced by centralized water and sewer.

Policy 2.7 Multiple dwellings in excess of four dwelling units may be permitted by way of Development Agreement in accordance with the Land Use By-law and Policy A-5 of this Municipal Planning Strategy.

Policy 2.8 Within the Rural General Designation, parking standards for multiple unit dwellings of four or more dwelling units will be higher than the standard for dwellings with three dwelling units or less. This will permit additional parking spaces for visitor parking or in cases where a tenant has more than one automobile.

Policy 2.9 In the case of a building containing four or more outdoor parking or service areas shall be screened by landscaping or opaque fencing.

Policy 2.10 It shall be the policy of Council, except for the properties listed on Appendix "G" in the Land Use By-law, that a special setback requirement will be required to separate all uses from the high watermark of Lower River and the Basin.

(1) Mobile Home Parks in the Rural General Zone

Mobile Homes are considered to form an important residential housing component in the unserviced portion of the plan area. As such, a single Mobile Home is a permitted use on an individual lot. However, Mobile Homes may also be located on a larger individual lot in a cluster formation as a Mobile Home Park, in accordance with the Land Use By-law and the Richmond County Mobile Home Park By-law.

Policy 2.11 It shall be the policy of Council to consider approval of a Mobile Home Park within the Rural General designation by way of a Development Agreement in accordance with the Land Use By-law, the Richmond County Mobile Home Park By-law and Policy A-5 of this Planning Strategy. In considering such a Development Agreement, Council shall have regard to the following:

1) the development will be served by centralized water and sewer services, or will receive approval from the Department of Environment and Labour for an on-site system able to accommodate the proposed development:
2) all costs will be borne by the developer;
3) the development will not strain the capabilities of the existing services or the extension of existing services;
4) any extension of the mobile home park will not negatively affect the level or quality of services in any existing portion;
5) the landscaping and buffering provisions between the proposal and adjacent land uses is such that it will protect the privacy, and minimize the adverse affects between uses;
6) the landscaping and buffering provisions from the public road to which it has access is such that adverse affects will be minimized;
7) the impact of the mobile home park on external traffic circulation patterns is such that the capacity of the existing transportation network will not be strained; and,
8) there is adequate on-site recreational open space suitable in extent and design to the nature of the development.

Policy 2.12 It shall be the policy of Council to permit more than one main building on a lot for the purposes of creating a Mobile Home Park in the Rural Residential (RR-1) and Rural General (RG-2) zones within the Rural General designation.

Policy 2.13 It shall be the policy of Council to require landscaping and buffering between the mobile home park and other uses to minimize any potential land use conflicts.

Policy 2.14 It shall be the policy of Council to regulate the external appearance of mobile homes by requiring that skirting be installed to screen the undercarriage of the mobile home from the street.

(2) Tourist Cabins and Campgrounds

One of the guiding principles of the Central Richmond Plan is to encourage tourism through commercial and recreational activities by permitting tourist cabins and campgrounds in the Rural Residential and Rural General designations. These uses are subject to Department of Environment and Labour approval.

Policy 2.15 It shall be the policy of Council to permit Tourist Cabins and Campgrounds subject to Development Agreement, in accordance with the Land Use By-law and Policy A-5 of this Planning Strategy.

Policy 2.16 It shall be the policy of Council to consider an amendment to this Municipal Planning Strategy and Land Use By-law from the Rural General designation to the Village General designation if at any time in the future, full or partial municipal services are extended to the Rural Residential designation as per the criteria to amend the Land Use By-law Policy A-4 of this Municipal Planning Strategy.

(3) Landrie Lake Watershed

In accordance with the Statement of Provincial Interest Regarding Drinking Water, all uses deemed to have an adverse effect on the Landrie Lake Watershed will be prohibited.

Policy 2.17 It shall be the policy of Council to prohibit all uses deemed to have an adverse effect on the Landrie Lake Watershed.

Policy 2.18 It shall be the policy of Council, except for the properties listed on Appendix “G” in the Land Use By-law, that a special setback requirement will be required to separate all uses from the high watermark of Lower River and the Basin.

CHAPTER 3 – SERVICES

1. Municipal Services

A. Municipal Water and Sewer

The village of Evanston and portions of Whiteside are served by a central water and sewerage system that was installed in the early 1970's. The source of supply for the water system is the Shannon Lake Watershed, approximately 10 km from the community. Water flows by gravity to a reservoir and in turn, from the reservoir to the distribution system. The distribution system consists of mains varying in diameter from 10 inches to 1 inch.

The Evanston Sewerage System is comprised of two sewage pumping stations, approximately 9000 feet of sewer main piping, 36 utility holes and a sewage treatment plant. The system currently serves approximately 80 households. The sewage treatment plant consists of a small concrete head works chamber, a steel aeration chamber and clarifier unit, trickling filter and chlorine contact chamber. The plant is more than 30 years old.

The non-serviced portions of the Plan areas are serviced through on-site well and septic systems. The Grantville area is exploring the option of a Wastewater Management District to address concerns about malfunctioning on-site systems.

Policy 3.1 It shall be the policy of Council to encourage infilling of vacant land so that the Municipal Water and Sewerage Systems can be better utilized.

Policy 3.2 It shall be the policy of Council to explore and, where possible, encourage the implementation of Waste Water Management Districts as an alternative to centralized sewage treatment systems.

2. Protective Services

A. Police Protection

The RCMP provides police protection for Richmond County, including the Central Richmond Plan Area. Detachments are located in Arichat, Port Hawkesbury and St. Peter’s.

Policy 3.3 It shall be the policy of Council to continue providing police protection to the residents of the Central Richmond Plan Area.

B. Fire Protection

The Central Richmond Plan Area is served by two Fire Departments. With 26 personnel, the West Bay Road Volunteer Fire Department services the settlements of Cleveland, Grantville, Hureauville, south to and including Lower River Inhabitants. The 23-member Louisdale Volunteer Fire Department services the remainder of the Plan area.

Policy 3.4 It shall be the policy of Council to continue supporting the West Bay Road and Louisdale Volunteer Fire Departments by providing fire protection to the residents of the Central Richmond Plan Area.

Policy 3.5 It shall be the policy of Council to hold annual discussions with the officials of the Louisdale Volunteer Fire Department. These discussions shall include but not be limited to the needs of the department with respect to both manpower and equipment.

C. Health Care

The primary health care facility for residents of the Central Richmond Plan Area is the Strait-Richmond Hospital in Evanston on Route 104, west of Isle Madame.

Policy 3.6 It shall be the policy of Council to support the principle of community-based health care.

3. General Policies

A. Public and Private Utilities

Utility companies provide an essential service and often are faced with having to locate equipment or transmission lines throughout all sectors of the community. As with other plan areas within the community, Council does not wish to place undue hardship on these utility companies; therefore, utility companies will be permitted within all zones in the Plan Area. Further, these utility companies will be exempt from the regulations of the by-law.

Policy 3.7 It shall be the policy of Council to permit public and private utilities in all zones within the Plan Area, and to require a development permit to be issued for each use.

B. Government Buildings and Facilities

Government Buildings and Facilities also provide essential services. As is the case with public and private utilities within the community, Council does not wish to place undue hardship on the locations of Government Buildings and facilities. Therefore, these uses will be permitted in all zones within the Plan Area and further, they will be exempt from the regulations of the by-law.

Policy 3.8 It shall be the policy of Council to permit Government Buildings and Facilities in all zones within the Plan Area.

Policy 3.9 It shall be the policy of Council to permit the creation of a by-law that exempts Government Buildings and Facilities from Land Use By-law regulations.

B. Parking

Off-street parking space is abundant in Central Richmond. In light of this situation, Council is of the opinion that provisions should be contained in the Land Use By-law requiring individual developments to provide on-site parking.

Policy 3.10 It shall be the policy of Council to establish in the Land Use By-law proper parking standards for all developments within the Central Richmond Plan Area.

D. Signs

Signage size and location are not considered issues of primary concern in Central Richmond. Therefore, no controls will be placed on the size and location of signs at this time. However, if circumstances change, consideration will be given to amending the Land Use By-law to include a section pertaining to signage.

Policy 3.11 It shall be the policy of Council to consider at some future date, amendments to the Land Use By-law, which will establish a requirement for the appropriate size, number and placement of signs within the Plan Area.

E. Subdivision of lots for Cairns, Monuments, Wharves, Fish Sheds and other similar uses.

Council is of the opinion that the erection of monuments, wharves, fish sheds, boat houses and other similar uses should be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for on-site sewage disposal systems. The maximum lot area for such lots shall be 465 square metres (5,005 square feet).

Policy 3.12 It shall be the policy of Council that the erection of monuments, wharves, fish sheds, boat houses and other similar uses shall be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for an on site sewage disposal system. The maximum lot area for such lots shall be 465 square metres (5,005 square feet).

F. Private Roads

The Municipality adopted a Subdivision By-law on September 13th, 1999. Included in this By-law is the provision for the development of private roads and the ability to subdivide land along these roads.

Policy 3.13 It shall be the policy of Council to permit the development of private roads in accordance with the Richmond County Subdivision By-law.

G. General Development Standards

The Land Use By-law contains development standards that pertain to physical development within the Plan Area. These standards are intended to provide for orderly and safe development while simultaneously achieving optimum use of the municipal services.

Policy 3.14 It shall be the policy of Council to establish in the Land Use By-law, the following land or development standards to promote orderly and safe development:

a) minimum lot size requirements, minimum yard requirements and maximum height restrictions for each zone; these standards may vary from zone to zone;
b) parking requirements which may vary according to the proposed use of the land;

c) parking lot requirements which, for pedestrian and vehicular safely reasons, shall include provisions with respect to the size, number and location of driveway accesses and to the deflection of illumination of the parking lot away from adjacent lands;
d) provisions respecting temporary buildings, temporary uses and special occasions (festivals and fairs);

H. Stables, Barns and Kennels

There is a number of uses related to animals (both farm and domestic) within the Plan Area. To date, these uses (barns, horse stables and kennels) are not numerous and have had a relatively minor impact on the serviced and unserviced areas in Central Richmond. However, the introduction of new stables, barns and kennels into the more densely populated areas of Evanston and Whiteside may become problematic as a result of negative or unwanted impacts. Therefore, only existing uses within the Village General designation will be recognized as permitted uses. As such, no new farm buildings, stables, barns, or kennels will be permitted within the Village General designation. There will be no limitation of these uses in the Rural General designation.

Policy 3.15 It shall be the policy of Council to permit existing farm buildings, barns, horse stables and kennels only within the Village General designation.

Policy 3.16 It shall be the policy of Council to permit barns, horse stables, and kennels of any size in the General Rural Designation.

I. Conversion of Former Institutional Buildings

There are a few existing and former institutional uses located within the plan area including the Strait Richmond Hospital, the West Richmond Education Centre, and the St. Francis De Sales church. Over time, these types of facilities may cease to operate due to declining population or other factors.

Given the ongoing housing crisis in the province and limited range of housing options in the area, it is desirable to allow additional flexibility for the adaptive reuse of these types of buildings once the use ceases operating, for residential purposes. These buildings are often suitable for conversion into higher density residential uses, due to the typical scale of the buildings and their history of higher intensity use and traffic. Therefore, the conversion will not be limited by the number of dwelling units permitted by the zone in effect.

Policy 3.17 It shall be the policy of Council to permit former institutional buildings to be converted into dwelling units where the number of dwelling units are not otherwise permitted by the zone in effect.

Policy 3.18 It shall be the policy of Council to include provisions in the Land Use By-law to ensure conversions pursuant to Policy 3.17 do not negatively impact the surrounding neighbourhood.

CHAPTER 4 - IMPLEMENTATION

A. General

The Municipal Planning Strategy for the Central Richmond Planning Area is the primary policy document providing the framework by which the future growth and development of the Plan Area shall be encouraged, controlled, and coordinated. The policies of the Strategy will be implemented through a variety of means, but generally through the powers of Council as provided by the Municipal Government Act, and other statutes as they may apply.

Policy A-1 In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of ongoing planning through its Planning Advisory Committee and Area Advisory Committee. Such a program may include aspects of public information and participation; and various further studies respecting such matters as the drafting or revision of Municipal By-laws which deal with planning issues, and any other issues which council may suggest.

Policy A-2 It shall be the policy of Council to circulate applications for amendment of the Land Use By-law and Development Agreement to the Rural Cape Breton District Planning Commission and provincial government agencies such as the Departments of Transportation and Public Works and Environment for their information and comment, as may be required.

B. Generalized Future Land Use Map

The Generalized Future Land Use Map is the most important map in the Municipal Planning Strategy. It shows desired future land use within the Plan Area as recommended by the strategy. This map includes the following designations:

1) **Village General** which permits low to medium density residential development, commercial development, home occupations, recreation/open space uses, institutional uses, medium to low industrial development in specific locations, public utilities, government buildings and facilities.
2) **Rural General** which permits low to medium density residential development, commercial development, home occupations, recreation/open space uses, institutional uses, public utilities, government buildings and facilities.

C. Land Use By-law

The principal mechanism by which land use policies are implemented is through the Land Use By-law. The Land Use By-law sets out zones, permitted uses, and development standards within the zones and in so doing, reflects the policies of the Municipal Planning Strategy (as required by the Municipal Government Act).

It is not intended that all land shall be pre-zoned as indicated by the policies of this strategy or as indicated on the Generalized Future Land Use Map. Rather, in order for Council to maintain a high degree of control over future development, initial zoning provisions are comparatively restrictive. Development proposals not permitted in the initial zoning will be processed as amendments to the zoning map. However, such amendments will be granted only if they meet the guidelines found within this Municipal Planning Strategy.

D. Amending the Land Use By-law

The Central Richmond Planning Area Land Use By-law is designed to implement this Municipal Planning Strategy, and it is expected that the By-law may be amended from time to time, although in conformity with the Planning Strategy. Examples of situations which may require amendments to the Land Use By-law include:

1) a request by an individual to have the By-law amended; (eg. A mapping amendment or text amendment)
2) a motion by a member of Council to amend the By-law; or
3) a change in the strategy

Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the Municipal Government Act.

Policy A-3 In considering amendments to the Land Use By-law it shall be the policy of Council to:

a) request a report from the Rural Cape Breton District Planning Commission;
b) consideration of the report prepared by the Planning Commission by the Planning Advisory Committee and the Area Advisory Committee with respect to Policy A-4 (Criteria for Amendment to the Land Use By-law), and any other policies of this strategy which affect the proposed amendment or development agreement (Policy A-5);
c) refer the matter to the appropriate government departments (as identified in this strategy) where special expert advice is required;
d) comply with all legal requirements concerning amendments to the Land Use By-law as set out in the Municipal Government Act; and
e) require the applicant to pay the cost for advertising with respect to public notice as provided for in the Municipal Government Act.

E. Criteria for Amendment to the Land Use By-law

Policy A-4 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this strategy, Council shall have regard to the following matters:

a) That the proposal is in conformity with the intent of this strategy;
b) That the proposal is not premature or inappropriate by reason of:
   i) the financial capability of the Community to absorb any costs relating to the development;
   ii) the adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
   iii) the adequacy and proximity of school, recreation, and any other community facilities;
   the adequacy of road networks in, adjacent to, or leading to the development;
   iv) the potential for the contamination of water courses or the creation of erosion or sedimentation.
c) That adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of:
   i) type of use;
   ii) emissions including air and water pollutants and noises;
   iii) height, setback and lot coverage of the proposed building;
   iv) access to and egress from the site and parking;
   v) open storage;
   vi) signs;
   vii) similar matters of planning concern.
   viii) suitability of the proposed site in terms of steepness of grades, and/or location of watercourses is based on appropriate technical advice.

F. Development Agreements

The following condition shall apply as deemed necessary when entering into a Development Agreement, in accordance with the Municipal Government Act:

Policy A-5 As a condition for approval of a Development Permit request for a use other than a permitted use authorized elsewhere in this Strategy, it shall be the intention of Council to require the applicant to enter into a Development Agreement, specifically setting out conditions under which the development may proceed.

A Development Agreement shall not require an amendment to the Land Use By-law but shall be binding upon the property until the agreement or part thereof, is discharged by Council. In considering Development Agreements, in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard to the following matters:

That the proposed agreement is in conformance with the intent of this Municipal Planning Strategy and the requirements of all other Municipal By-laws and regulations.

Further that the proposal, which is subject to the Development Agreement, is not premature or inappropriate by reason of:

i) the financial capability of the Municipality to absorb any costs related to the development;
ii) the adequacy of the physical site conditions for private on-site sewer and water systems;
iii) the adequacy of the street or road networks, adjacent to and leading to the development;
iv) the adequacy of municipal fire protection, service and equipment;
v) the inability to satisfy conditions as required by the Department of Environment, where considered appropriate;
vi) the adequacy of the physical site conditions to protect areas where species are deemed to be at risk, in accordance with guidelines established by the Nova Scotia Department of Natural Resources

Further that controls are placed on the proposed development to reduce conflict with any adjacent or nearby land uses by reason of:

i) the type of use;
ii) the height, bulk and lot coverage of any proposed building or structure;
iii) traffic generation;
iv) access to and egress from the site and the distance of these from street intersections;
v) parking;
vi) landscaping;
vii) open storage;
viii) signs;
ix) hours of operations;
x) maintenance of any building(s) and property; and
xi) any other relevant matters of planning concern;
xii) the suitability of the proposed site with respect to steepness of grades, soil and for geological conditions, and to the relative location of watercourses, marshes, swamps, or bogs;
xiii) the terms of the agreement provided, as appropriate for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms.

Council may require that any or all of the following information be submitted by the developer with respect to any proposed development which is to be the subject of a Development Agreement under the appropriate sections of the Municipal Government Act:

A site plan showing the following information:

1. the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing water courses, vegetative cover, size and location of lands;
2. the proposed location, height dimensions and use of all buildings or structures proposed to be built or erected on the lands;

3. the type and amount of site clearing required, if any, and provisions proposed for good site drainage and servicing with water and sewage disposal;
4. information as to the hours of operation;
5. information as to the architectural design, scaled plans, profiles, grade elevations and cross sections;
6. information as to the provisions for an appropriate natural buffer strip and maintenance of the natural buffer strip;
7. such further information as Council may require in order to properly assess the compliance with other policies in the strategy.

G. Action Not Requiring a Strategy Amendment

Policy A-6 Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the strategy are satisfied.

H. Development Officer

Policy A-7 In accordance with the Municipal Government Act it shall be the policy of Council to continue the services of the development officer of the Rural Cape Breton District Planning Commission who shall administer the Land Use By-law and shall, where appropriate, grant development permits.

I. Variances from the By-law

Policy A-8 In addition to the general powers granted in the Municipal Government Act, the Act also empowers the development officer to grant “variances” from the Land Use By-law. Specifically, the development officer may vary the percentage of land that may be built on, the sizes of yards, courts and other open spaces, lot frontage, and lot area. Should the development officer grant a variance he/she must serve notice of this action in accordance with the Municipal Government Act, and his/her action may be appealed to Council by anyone served with such notice.

J. Subdivision Control

Subdivision in the County of Richmond is presently controlled by a Subdivision By-law adopted by Council on September 13th, 1999. The By-law applies to all subdivision of land within the County. At present the By-law contains the provision which allows for the creation of private roads.

Policy A-9 It shall be the policy of Council through the development officer to administer the Subdivision By-law.

K. Other Municipal By-laws

Policy A-10 It shall be the policy of Council to review from time to time and, when necessary, to amend its Municipal Building By-law (Provincial Building Code, 1990), and Unsightly Premises By-law. The Building By-law regulates the structural requirements for new buildings and the Unsightly Premises By-law prevents property from becoming unsightly.

L. Building Inspector

Policy A-11 It shall be the policy of Council, to continue the services of the Building Inspector employed by the Rural Cape Breton District Planning Commission, whose duty it will be to enforce the Municipal Building By-law, the Minimum Standards By-law and the Unsightly Premises By-law.

M. Strategy Amendments

Policy A-12 Chapters 1 to 4 of this strategy and all associated maps constitute the official Municipal Planning Strategy for the Central Richmond Planning Area. An amendment to this strategy shall be required;

i) where any policy intent is to be changed;
ii) where a desired Zoning By-law Map, Schedule A, does not conform to the Generalized Future Land Use Map; and can be shown through studies to be desirable;
iii) where detailed area or functional strategies are desired to be incorporated into this Strategy.

Policy A-13 Strategy amendments shall require the approval of the Minister of Municipal Affairs and shall be carried out in accordance with the provisions of the Municipal Government Act.

N. Action Not Requiring a Strategy Amendment

Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the strategy are satisfied.

O. Strategy Review

In accordance with the Municipal Government Act, this strategy may be reviewed when either the Minister of Service Nova Scotia and Municipal Relations or Council deems it necessary, but in any case, the review shall be commenced within five years from the date of the coming into force of the planning strategy or the date of the last review.