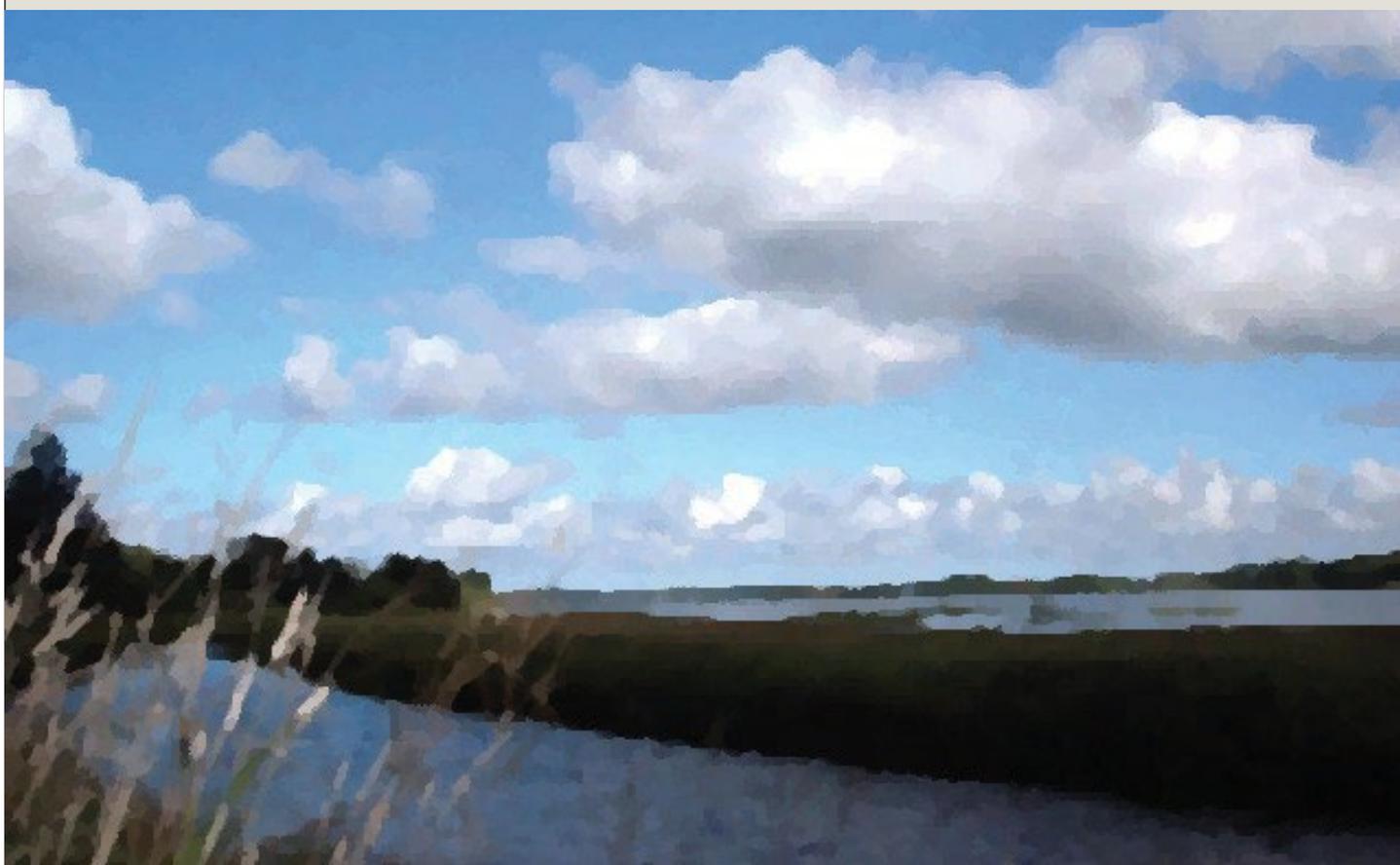


WEST RIVER  
ANTIGONISH HARBOUR  
MUNICIPAL PLANNING STRATEGY



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MUNICIPALITY OF THE COUNTY OF ANTIGONISH

# **West River Antigonish Harbour**

## **Municipal Planning Strategy**

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# CHAPTER 1: INTRODUCTION

## 1.1 The Strategy

The Municipal Planning Strategy for the West River Antigonish Harbour Plan Area has been prepared in accordance with the provisions of the *Municipal Government Act*, Chapter 18 of the Revised Statutes of Nova Scotia (as amended) and gives the Municipality of the County of Antigonish the authority to regulate land use planning and development within its boundaries. The *Act*, among other things, enables the County to adopt a Municipal Planning Strategy. A 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.

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.

## 1.2 Purpose

Section 213 of the *Municipal Government Act* states that:

*The purpose of a Municipal Planning Strategy is to provide statements of policy to guide the development and management of the municipality or a part of the municipality and, to further this purpose, to establish:*

- *Policies which address problems and opportunities concerning the development of land and the effects of the development;*
- *Policies to provide a framework for the environmental, social and economic development within a municipality;*
- *Policies that are reasonably consistent with the intent of Statements of Provincial Interest; and*
- *Specific programs and actions necessary for implementing the Municipal Planning Strategy.*

The Municipal Planning Strategy has been prepared in order to:

- Guide the decisions of Council with respect to the regulation of development and the provision of public services and facilities;
- Provide for orderly growth and development, which will preserve and improve the living environment for the community;
- Enhance the County’s position as a regional centre in the northeastern portion of mainland Nova Scotia;
- Protect the natural and built environments from the disruptions caused by uncontrolled development;
- Provide a variety of services to maximize social benefits for the communities without placing an unnecessary financial burden on the residents.

This Municipal Planning Strategy develops these goals into policies that are affected through a variety of means outlined in the Implementation section (Chapter 5).

### **1.3 Planning Process**

This Municipal Planning Strategy replaces the Antigonish County Plan that was adopted by Council in May of 1996. The boundaries of this Municipal Planning Strategy and the Antigonish County Planning Strategy are the same with the exception of the Interim Central Plan area that covers lands west of the Antigonish Harbour (including the communities of Antigonish Landing, Lanark, Harbour Centre and Jimtown). This area is now incorporated into the West River Antigonish Harbour Plan Area.

The West River Antigonish Harbour Municipal Planning Strategy has been prepared under the guidance of the community's Area Advisory Committee. Area advisory committees consist of local Councillors and members of the public representing the local Plan Area. Under the *Municipal Government Act*, area advisory committees are tasked with advising Municipal Council as a whole in the preparation or amendment of planning strategies, land use by-laws, subdivision by-laws and general planning matters. The purpose of the West River Antigonish Harbour Area Advisory Committee was to provide the local expertise required to develop a planning document that reflects the wishes of the Antigonish communities. Throughout the planning process, the Committee has reviewed all portions of this Strategy. The Committee will be involved with any subsequent amendments to this Strategy or the implementing Land Use By-law, which may be necessary from time to time. Area Advisory Committee meetings are open to the public and everyone is welcome and encouraged to attend.

### **1.4 Goals of the Strategy**

- To maintain environmental quality, particularly with respect to ground water supplies for domestic use.
- To encourage new residential, commercial and industrial development to occur in a manner that complements the rural character and natural beauty of the area.
- To preserve and enhance the character of the area's residential areas by preventing the encroachment of commercial or industrial development into those areas, while permitting small-scale neighbourhood oriented businesses and unobtrusive home occupations.
- To recognize the importance of the relationship between Antigonish Town and County for the economic, physical and social development of the area and to co-operate with the Town of Antigonish in matters of mutual interest and concern.
- To promote development where services are available while maintaining the prevailing character of the community.
- To maintain, improve and expand municipal services and facilities to acceptable standards to the extent of the Municipality's financial capabilities.
- To encourage the provision of safe and efficient road networks.
- To rationalize capital expenditures so as not to cause undue financial hardship upon the Municipality.

## CHAPTER 2: PLANNING CONTEXT

### 2.1 *Physical Setting*

The West River Antigonish Harbour Plan Area is comprised of land that is located between the Central Antigonish Planning Area and the Antigonish Harbour in the east all the way out to Browns Mountain in the west. The Planning Area surrounds the Town of Antigonish and includes the communities of: North Grant, Sylvan Valley, Brierly Brook, Pleasant Valley, West River, Beech Hill, Greenwold, Post Road, Cloverville, Clydesdale, William's Point, Saltsprings, Purlbrook, Pitchers Farm, Lanark, Harbour Centre, Glen Road, Antigonish Landing and Jimtown.

The Plan Area includes all the land located around the Town of Antigonish and reaches as far down as Gaspereaux Lake (see Location Map), and as far north up the coast as Jimtown. The majority of lands in the Plan Area are rural in nature and are not serviced with sewer and water services. The parts of the plan area in close proximity to the Town of Antigonish generally do have services and are also under more intense development pressure.

### 2.2 *History*

The histories of the Planning Area and the Town of Antigonish are interrelated. Before the development of the Town, Antigonish District was very much an agricultural and rural community. Indeed, this holds true today with rural farms in the outlying areas.

The Mi'kmaq aboriginal people were the first inhabitants of area now known as Antigonish County many centuries ago. The first Europeans were of French origin and explored the area in the mid-17<sup>th</sup> Century. The Town of Antigonish, or "river of fish with many waters", was sited due north of its present location and was known as Town Point or Dorchester.

Some of the early communities first settled within the Planning Area include West River (1795), The Glen Road (1820), Pleasant Valley (1823) and North Grant (1824).

St. Francis Xavier University was established in 1853 and offered the only post-secondary education in the region for many decades. It was and continues to be an integral part of what makes Antigonish an interesting and diverse place to live. Attached to St. Francis Xavier University is the Coady Institute which attracts international students from many different countries and offers international development courses.

Apart from the University, agriculture and tourism are still two of the main economic sectors in the West River Antigonish Harbour Area. In addition, artisan based retail is a growing economic sector. The Plan Area contains the main retail and service area in the Municipality of the County of Antigonish.

The current plan area includes parts of five districts and was created in 1996 with the first Antigonish County Municipal Planning Strategy, which later became known as the West River Antigonish Harbour Plan Area. The West River Antigonish Harbour Plan Area is the most densely populated area in the Municipality, as well as having the most commercial area.

### 2.3 Demographics

The population of Antigonish County in the 2011 Census was 14,692, an increase from 14,239 in 2006. Precise figures for the West River Antigonish Harbour Plan Area are not readily available, as Antigonish County is divided into two Census Subdivisions (A and B). Census Subdivision A encompasses all of the West River Antigonish Harbour Plan Area, and incorporates all land to the west of the South River, which includes the western part of the Central Plan Area, including the community of Lower South River and development along Dunmore Road. The population of Subdivision A was 8,253 in 2011, up from 7,730 in 2006, which is an unusual rise of 6.8% in the last census period. This could be a reflection of the increase in residential development in the area around the Town of Antigonish. For the last four national censuses the population of Census Subdivision A has grown slowly and steadily (See Figure A).

Population levels appear to be affected by location, with areas of the County farther from the Town experiencing greater population declines. Further, a general trend of population aging was present throughout the County. While median ages in both Census Subdivisions (40.8 in Subdivision A and 39.3 in Subdivision B) were lower than the provincial median of 41.8, the median age across the County is increasing at a faster rate than the provincial average. This is represented by an increase of approximately 6 years of median age in both Subdivisions A and B in the 10 years preceding the 2006 Census as opposed to an aging of about 5 years Province-wide. This trend has long term planning implications for recreation needs, schools, transportation and even housing needs, because an ageing population may have different housing and health care needs than a younger one.

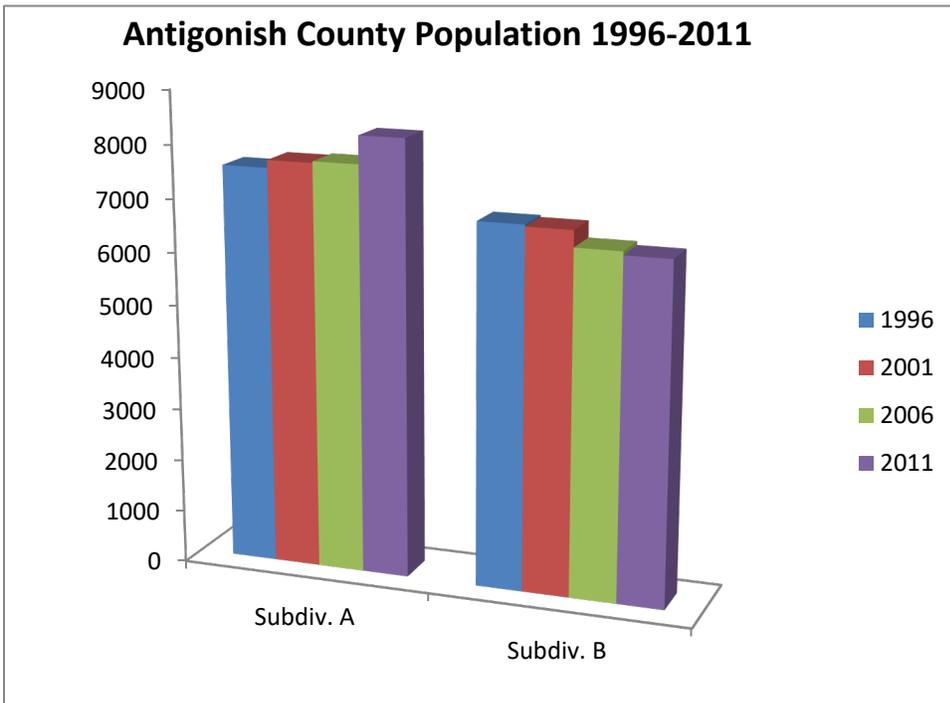


Figure A: Population of the two Antigonish County Census Subdivisions (Census Canada).

When compared to Nova Scotia as a whole, a lower proportion of the population of Antigonish County are immigrants to Canada. A greater proportion of County residents lived at the same address five years ago when compared to mobility figures for the rest of the Province. Further, more residents (roughly

90% County-wide) are third-generation (or higher) Canadians. These statistical figures indicate that there is a relatively low population turnover in Antigonish County, and many residents have a longstanding family attachment to the region.

The 2011 statistics for Census Subdivision A, which includes all of the West River Antigonish Harbour Plan Area, indicate that only 8.4% of private dwellings are apartment buildings and 9.8% are considered “other dwellings”, a category that includes: duplexes, semi-detached houses, and row houses. The moveable dwellings category, which includes mini homes, make up 18.4% of the total number of dwellings. Single-detached dwellings make up 71.8% of the total dwellings in Census Subdivision A, and the total is 3,225 dwelling units. While single-detached dwellings are the primary residential type in the County, an increasing aging population may result in demand for other housing types into the future. With the general population declining and low immigrant population there may be a need for alternative housing types for senior citizens, such as town houses, apartments or condominium developments.

Table 1: Housing Types in Antigonish Subdivision A

<b>Type of Dwelling</b>	<b>Number</b>
Single-detached house	2,315
Apartment building with 5 or more storeys	0
Movable dwelling	595
Other dwelling	315
Semi-detached house	30
Row house	15
Apartment, duplex	120
Apartment building with fewer than 5 storeys	150
Total number of occupied private dwellings	3,225

Statistics Canada, 2011.

## **2.4 Employment**

Antigonish County’s workforce is divided between those who work within the County, those who work in the Town of Antigonish, and those who work in neighbouring counties and towns. Major employers in Antigonish County include St. Martha’s Hospital and St. Francis Xavier University, both of which are located within the Town, as well as the retail and service sector both in the Town and County. Generally, the regions of the County furthest from the Town see rural employment types predominate, such as agriculture, forestry and the tourism industry. In the West River Antigonish Harbour Plan Area there are many families that may have one member working in the Town, while the other works elsewhere in the County or in a neighbouring community, such as Guysborough County or the towns of Mulgrave or Port Hawkesbury.

The 2006 unemployment rate in both Subsections A and B of Antigonish County declined from 2001 levels, with a rate of 9.4% (11.5% in 2001) in Subsection A and 9.0% (15.1% in 2001) Subsection B. There is some contrast in median family income in the different regions of the County. Subsection A, which is located close to the Town and has a stable population, had a median family income of \$62,883 in 2006.

Meanwhile Subsection B, which is located farther from the Town and a declining population, had a median family income of \$54,629 in 2006. This compares to the Provincial figure of \$55,412 in 2006.

## **Chapter 3: LAND USE POLICIES**

### **3.1 Rural Development**

The West River Antigonish Harbour Plan Area contains both “urban” and “rural” components which include two distinct forms of development: moderately dense and serviced development located close to the Town and unserviced development dispersed throughout the rest of the Planning Area. The rural parts of the Plan Area, incorporating five municipal districts, are very diverse in terms of landscapes and land uses and extend as far as Pleasant Valley and North Grant in the north, West River in the west, Pitchers Farm and Purlbrook in the south and Williams Point in the east.

Much of the rural part of the Plan Area is used for agricultural purposes and farming communities have been active in the area for over 200 years. Forestry has also been historically important and continues to this day. The West River and Rights River drain large parts of the Plan Area and have created an estuary where they meet the ocean at the head of Antigonish Harbour. The Plan Area also includes a lengthy coastline in the Williams Point area and up to Mahoney’s Bay. Along highways and closer to the Town of Antigonish the rural landscape has taken on an increasingly residential characteristic.

The scenic beauty of the rural areas is very much part of the attraction for homeowners in the Planning Area. Residents appreciate the rolling hills, brooks and trees that grace the area and value the natural heritage and hundreds of years of human history present in the community, attributes that have been identified by residents as the biggest assets in the rural community. The biggest challenges include servicing restraints, riparian and coastal erosion and urban sprawl. To this end, Council will designate the rural areas of the West River Antigonish Harbour as Rural Development which will generally include the unserviced portions of the Plan Area. The policies contained in this chapter will ensure the management of appropriate growth and preservation of the rural landscape and culture and to address the challenges present in the communities.

**Policy L-1.1**     **It shall be the policy of Council to establish a Rural Development Designation as shown on the Generalized Future Land Use map. The rural development designation is intended to support a more rural approach to development, including supporting mixed uses, agriculture and other land based livelihoods that require larger lots and generally rely on private services.**

#### **3.1.1 Rural General**

Most land within the Rural Development Designation will be zoned Rural General (RG) and this zone will incorporate the bulk of the land uses currently occurring in the rural parts of the Plan Area including agriculture, forestry, fisheries and related uses, low density residential, low impact commercial uses and institutional. It is Council’s intention that these and similar uses which have a low impact and are compatible with a rural setting be permitted in this zone and that the policies contained within this Strategy and the zone requirements of the Land Use By-law ensure that any development is in keeping with the goal of preserving the natural and cultural environment of the area.

The efficient use of the Municipal sewer and water system is a matter of Provincial Interest and accordingly, with existing sewer and water infrastructure in Antigonish County nearing capacity, it is Council’s intention to consider any expansion of the current system very sparingly. Directing the bulk of

new residential development to areas already serviced by municipal water and sewer maximizes the efficiency of existing infrastructure and encourages residents to live close to services. Nevertheless, in recent years, the rural parts of the Plan Area have developed an increasing residential flavour. While people have always made their homes in rural areas, being involved in local industries such as agriculture, a large number of residents have subsequently built homes outside of established settlements and commute to work in the Town of Antigonish or elsewhere. People often identify outdoor recreation opportunities, inexpensive real estate, desire for a large property and 'peace and quiet' as reasons for moving into rural areas. Given the coastal proximity, scenic vistas and varied landscapes, Antigonish County is an attractive place to live. Aside from mini home parks, which are addressed elsewhere in this Plan, rural residential development occurs typically as ribbon style development along highways and medium to large lot subdivision developments where several houses are built on a local road which intersects the main highway. In general, Council would like to discourage the former model of development and encourage the latter (which will be addressed in the Rural Residential section) while recognizing that there will continue to be demand for single family development on large lots outside the serviced area.

Concerns with ribbon style development along highways include traffic safety and access, given the many residential driveways feeding onto the highway. Furthermore this style of development takes on an appearance of sprawl, which can have a negative aesthetic impact on the landscape. As such, it is Council's intention that the subdivision of land and new development in the Rural Development Designation occur in such a manner that respects and protects the rural character of the land and to that end a Rural General zone will be created to encompass the low density unserved parts of the Plan Area. In order to meet this objective, large minimum lot size requirements (in excess of what would be permitted under Category 1 of the Department of Environment's On-Site Disposal Systems regulations, or about 29,063 square feet) will be established, as well as large front yard requirements to push development farther back from the collector highways. This also serves to discourage piecemeal fragmentation of important resource lands such as agriculture. On local roads front yard requirements will be reduced.

To further reduce ribbon development on provincial collector roads, such as Highways #245, #337 and #7, much larger frontages will be needed which will limit the number of new driveways being built on these collector roads. Council would rather see developers build private roads connecting to the collector roads in order to keep the ribbon development in check in the West River Antigonish Harbour Plan Area.

**Policy L-1.2**      **Within the Rural Development Designation it shall be the policy of Council to establish a Rural General (RG-1) Zone in the Land Use By-law which permits the following and similar types of uses: agricultural uses including commercial livestock operations and related uses, forestry and related uses, fishery and related uses, single detached dwellings, institutional uses and recreational uses, and boarding and guest houses.**

**Policy L-1.3**      **It shall be the policy of Council to establish in the Land Use By-law in the Rural General (RG-1) Zone large lot size requirements in addition to large frontage requirements to discourage ribbon development and maintain the rural character of the area.**

**Policy L-1.4**      **Notwithstanding Policy L-1.3, it shall be the policy of Council to reduce the frontage requirements for new lots in the Rural General (RG-1) Zone when the subject lot fronts a Local Road as defined in the Land Use By-law.**

**Policy L-1.4.1** It shall be the intention of Council to permit commercial storage facilities in the Rural General (RG-1) zone according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;
- b. whether the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, there services are adequate for RG-1 zone uses;
- c. the total area used for outdoor storage and adequate provisions of artificial or natural screening devices;
- d. that adequate buffering, including landscaping, setback distances and berms where appropriate are maintained to minimize effects on/from adjacent land uses;
- e. that adequate lighting, parking, outdoor storage and erosion/stormwater control measures are demonstrated and well designed;
- f. whether the proposed development is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emissions;
- g. whether the location of the proposed development creates any major traffic problems; and,
- h. whether the proposed development is consistent with the criteria for a development agreement, as found in Policy I-1.12.

### **3.1.2 Agriculture**

Agriculture is a predominant land use in Antigonish County with 226 farms in the County according to the 2006 Statistics Canada Census of Agriculture. Approximately 36 of these farms are located within the Planning Area. Farms have traditionally played an important role in the County and continue to do so today as witnessed in the percentage of those employed in the industry and its spinoffs. While Antigonish County does not have the same amount of fertile cropland as found elsewhere in Nova Scotia, some areas of the West River Antigonish Harbour area do possess fertile soils, particularly along floodplains. This includes some lands designated as Class 2 farmland, which is considered prime agricultural land. Aside from fruit farming, there is relatively little cropland in Antigonish County and the bulk of farmland is used for beef cattle ranching, dairy production and hay farming.

In recent years throughout Nova Scotia and including Antigonish County, the profile of the farm has evolved from what is traditionally known as the family farm to a larger scale more industrial venture. While the total number of farms in Antigonish County declined by 9 between 2001 and 2006, the average size of the farm increased by roughly one hectare to 128.4 and the average gross farm receipts per farm increased by almost \$11,000 to \$109,061. The overall decline in the number of farms can be attributed to consolidations of farms (to create larger farms) and to some farmers selling their land for development or other purposes. The average age of a farm operator in Antigonish County in 2006 was 51.5, which is approximately 10 years older than the median age of the general population.

One of the issues surrounding agriculture is the proximity of residential development to farm operations. In the West River Antigonish Harbour area, several rural subdivisions have been constructed in recent

years, some of them adjacent or nearby to operating farms. Quite often people move out to the countryside because of the scenic beauty and rural nature of the area, of which farms are a part. However, in certain cases, residents argue that the enjoyment of property is interfered with by the noise or odour of the farm operations, in particular, intensive livestock operations, which involve the keeping of a large number of animals in a confined space. Conversely, some argue that valuable agricultural land is wasted because of encroaching residential development and that farmland should be protected from urban sprawl.

The *Municipal Government Act* identifies the protection of “agricultural land for the development of a viable and sustainable agriculture and food industry” as a vital provincial interest and any new planning documents must be reasonably consistent with this. Council shares this view and is of the opinion that farmland is a valuable asset in the West River Antigonish Harbour area and that the agricultural sector should be supported and remain an integral part of the region’s future, particularly given the increasing market trends towards ‘eating local’ in addition to the visual attractiveness of rolling farm and pastureland in the County. It is Council’s intention that where possible, agricultural practices are protected. This can be done through large lot sizes that discourage non-farm development in these areas and setting out separation distance requirements between farm and non-farm uses, as will be explained below. Nonetheless, Council at this time does not intend to prohibit all residential building in the West River Antigonish Harbour Area on farmland at this time as concern has been raised about limiting the development rights of farmers who may wish to develop part of their lands in the future for uses other than agricultural ones. The issue of farmland protection is however an important and potentially quite contentious, and Council would like to consider it further, either through a County-wide planning exercise or the investigation of regulations or incentives. As part of this Planning Strategy the agricultural soils of the West River Antigonish Harbour Plan Area have been mapped (see Map B) to give Council a better understanding of where the better agricultural soils are located and therefore to encourage new development to other parts of the Plan area.

In the meantime, in order to protect farmers from nuisance complaints from neighbours, Council will require that new and expanded intensive livestock operations meet the setback and separation distance standards contained within the “Nova Scotia Agriculture Manure Management Guidelines” and the “Guidelines for Siting and Management of Hog Farms in Nova Scotia.” As Council believes that intensive agriculture uses are most appropriately situated in areas with low population density, new and expanded operations will only be permitted within the Rural General (RG-1) Zone. Council also recognizes the benefits of domestic food production and will continue to allow smaller scale agriculture, including the keeping of small numbers of farm animals on lots in all zones, subject to the requirements of the Manure Management Guidelines. While using a Land Use By-law to strictly regulate the number of animals to be kept on a lot for domestic use is problematic from an enforcement perspective, guidelines will be set out in the Land Use By-law outlining the number of animals that could be ideally situated on a lot depending on lot size. While these guidelines are voluntary, they are intended as a resource for landowners interested in hosting farm animals and are intended to ensure that the keeping of livestock is sustainable from an environmental perspective (the manure does not contaminate wells) and that the impact of the animals on neighbours by way of noise, smell or sound is minimized.

**Policy L-1.5** It shall be the policy of Council to require farm buildings associated with new or expanded intensive livestock operations within the Rural General (RG-1) Zone to be set back from all lot lines, residences, roads, watercourses and wells and all agriculture uses to operate in accordance with the “Nova Scotia Agriculture Manure Management Guidelines” and where applicable, the “Guidelines for Siting and Management of Hog Farms in Nova Scotia.”

**Policy L-1.6** It shall be the policy of Council to include guidelines in the Land Use By-law in any zone where agricultural uses are permitted, based on lot size, regarding the keeping of small numbers of farm animals and conforming, where applicable, to the Nova Scotia Agriculture Manure Management Guidelines.

**Policy L-1.7** It shall be the policy of Council to provide maps of the best soils for agriculture in the Plan Area. These maps will provide the basis for guiding future policy for the preservation of the most fertile agricultural soils in the Plan Area.

### ***3.1.3 Rural Residential***

While market forces indicate that residential growth will likely continue into the future and Council supports such development, it is nonetheless Council's preference that new residential development beyond the serviced boundary occur as much as possible in a manner that respects the rural setting. This includes maximizing the efficiency of services and protecting the visual integrity of the County's landscape. One way of doing this is to encourage new home construction in well-designed rural subdivisions where residential uses predominate and to ensure that the number of access points to main highways is minimized. Currently there are a number of such semi-rural subdivisions in the Plan Area, which normally consist of up to a dozen single family dwelling lots, usually fronting on a local street and vary in size from about half an acre to up to five acres. These local roads connect to regional highways and offer quick access to the Town. While the grouping of residences allows development at a somewhat higher density, the concentration of new residential development reduces the potential for conflicts between new residential and existing or expanded agricultural land uses. With this pattern of development, any municipal servicing costs would be cheaper and it encourages the development of nearby commercial businesses or recreation opportunities to service residents. Significantly, the development of residential lots on local streets results in one or two road access points to the main highway rather than the many driveways fronting on the highway as would be typical in a traditional ribbon style of development. This results in significant improvements to traffic flow and safety and also reduces the visual impact of development on the landscape for the passing motorist.

With the intention of promoting efficient small scale residential development in unserved areas, Council will create a Rural Residential (RR-1) Zone within the Rural Development Designation and permit within that zone single family dwellings, small scale commercial uses and recreation and open space uses. Within these more concentrated developments, smaller lot sizes would be permitted compared to what is allowed in the Rural General Zone. Existing rural residential subdivisions will be zoned as such and new proposed rural residential subdivisions consisting of at least four lots will be permitted through the rezoning to RR-1. To encourage residential development not fronting on collector roads, Council will allow smaller lot sizes compared to what is allowed in the Rural General Zone and allow only two of these lots to have frontage on any collector road, as will be defined in the Land Use By-law. This increased density will make the provision of new public or private roads more financially feasible.

**Policy L-1.8** It shall be the policy of Council to establish within the Rural Development Designation a Rural Residential (RR-1) Zone in the Land Use By-law, which permits the following and similar types of uses: single family dwellings, semi-detached dwellings, bed and breakfasts, recreational uses and small retail stores.

- Policy L-1.9** It shall be the policy of Council to establish lot size requirements in the Land Use By-law for the Rural Residential (RR-1) Zone that permit reduced lots sizes compared to other zones within the Rural Development Designation.
- Policy L-1.10** It shall be the policy of Council to permit rezonings to the Rural Residential (RR-1) Zone in areas designated Rural Development subject to the following criteria:
- a. the proposed development consists of a minimum of four (4) new lots and no more than two (2) of these lots having frontage on a collector or arterial road as defined in the Land Use By-law;
  - b. the proposed development is compatible with adjacent uses with respect to scale and use;
  - c. the location and scale of the proposed development does not create any major traffic problems;
  - d. each lot on which the proposed development is sited is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the RR-1 zone use;
  - e. the proposed development is consistent with the criteria to amend the Land Use By-law, Policy I.1.10.

### ***3.1.4 Rural Comprehensive Development District***

While the Rural Residential (RR-1) and Rural General (RG-1) zones and policies address smaller scale unserved residential development, Council anticipates some development pressure for larger scale rural 'estate lot' subdivisions. These developments, if planned properly, can become attractive rural residential neighbourhoods while also helping to maintain the desirable rural character of Antigonish County. Given their larger scale, the potential for negative impacts on the landscape and environment is greater and as such a comprehensive planning approach is important to ensure they complement the surrounding environment and avoid urbanizing the landscape.

A comprehensive development district is one planning tool available to implement broader community design goals, including the integration of unserved residential subdivisions into the rural landscape. This approach encompasses both on and off-site impacts of a development by addressing matters such as infrastructure, services, and the design of the neighbourhood which includes housing design and open space provisions. The comprehensive development district (CDD) is implemented through the development agreement process, which is where the terms of the proposed development are negotiated between the developer and the Municipality to allow any project to be evaluated on an individual basis. For the proponent, a CDD allows the opportunity to build dwellings on smaller lots than would be permitted in the Rural General (RG-1) Zone (subject to Department of Environment requirements). Additionally, the CDD allows some flexibility in private road design, whereas under the Antigonish County Subdivision By-law private roads must be built to public road standards where they provide frontage to more than six lots. For the Municipality, the process gives Council greater control over larger rural residential developments to ensure they meet community goals in matters such as the provision of public greenspaces, both to the benefit of residents and the preservation of important view corridors, geologic or environmentally sensitive spaces, effective architectural design and layout and appropriate provisions for onsite services and stormwater treatment. Furthermore, the CDD approach is flexible enough to incorporate growing demand in Nova Scotia and elsewhere for alternative development forms

outside serviced areas including cluster septic systems and bare land condominiums which are not normally addressed in Subdivision by-laws or traditional prescriptive zoning practices.

As such, it is Council's intention to establish comprehensive development districts as an option for developers looking to create larger subdivisions on rural lands. Through this approach, a Rural Comprehensive Development District (RCDD-1) Zone will be established within the Rural Development Designation. This zone will permit only low density residential and open spaces as of right, with all other uses (including higher density residential) permitted subject to the development agreement provisions of the *Municipal Government Act* and policies of this Strategy. Initially no land within the West River Antigonish Harbour area will be zoned RCDD-1 however as part of the CDD process, land will be rezoned to RCDD-1. While existing rural subdivisions will retain their Rural Residential (RR-1) zoning Council hopes to encourage developers to adopt this approach for larger scale developments.

**Policy L-1.11** It shall be the policy of Council to establish within the Rural Development Designation the Rural Comprehensive Development District (RCDD-1) Zone which permits the following and similar types of uses: residential uses subject to the Rural General (RG-1) Zone requirements and recreation uses.

**Policy L-1.12** It shall be the policy of Council to permit the Rural Comprehensive Development District (RCDD-1) Zone through amendment to the Land Use By-law. Council shall consider such a rezoning provided it is consistent with the criteria to amend the Land Use By-law, Policy I-1.10.

**Policy L-1.13** It shall be the policy of Council to permit residential uses of a higher density and ancillary commercial and institutional uses within the Rural Comprehensive Development District (RCDD-1) Zone according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. the proposal is consistent with the intent and policies of the Municipal Planning Strategy and no development shall compromise or overwhelm the rural residential development focus of the zone or rural character of the Rural Development Designation;
- b. notwithstanding the private road provisions of the Antigonish County Subdivision By-law, the proposed pedestrian and vehicle distribution networks within and adjacent to the proposed development, including the manner in which the proposed roadways within the development are linked to the existing road network are adequate to accommodate the traffic generated from the proposed development;
- c. notwithstanding the open space provisions of the Antigonish County Subdivision By-law, an adequate supply of open space is provided within the proposed development to ensure that:
  - i. any environmentally or geologically sensitive lands are protected;
  - ii. the rural character of the local area is protected, including through the preservation of important viewsheds; and
  - iii. a suitable amount of recreation space is provided to residents of the development;

- d. the adequacy of the property to support any private or clustered septic systems;
- e. the adequacy of the property to provide an adequate and safe water supply as determined by a hydrogeological assessment;
- f. where the property is located on a significant watercourse, adequate access to that watercourse is maintained for all future residents of the development and the general public;
- g. the proposal is consistent with the evaluation criteria for development agreements, Policy I-1.12.

**Policy L-1.14** Subject to Policy L-1.14, when considering a development agreement within the Rural Comprehensive Development District (RCDD-1) Zone, Council may require the agreement include information relating to:

- a. the land uses proposed and the locations of the development within the RCDD-1 site;
- b. the general phasing of the development;
- c. matters of subdivision of lands within the RCDD-1 site;
- d. the distribution and function of proposed community facilities, including playgrounds, trails, day cares, private amenity space, trails and public open spaces;
- e. architectural controls, including external appearance and design of structures;
- f. site controls including spacing of buildings, fencing and landscaping;
- g. stormwater controls;
- h. additional information as specified in Policy I-1.12 or as required by the Development Officer.

### ***3.1.5 Mini Home Parks***

In the West River Antigonish Harbour Plan Area there are two different mini home parks and one other property that has the Mini Home Park zone. There is one just west of Highway 7 on Greenhill Drive and another one at the eastern end of the Plan Area on Silver Birch Drive near the South River Road exit of the old Highway 104. Mini homes are a modern form of prefabricated housing that cannot be moved once placed, as opposed to traditional mobile homes. These mini homes can be more affordable than traditional single-detached housing, making them ideal for entry-level or downsizing homeowners.

Existing mini home parks in the planning area will be zoned Mini Home Park (MHP-1). This zone permits mini home parks as well as associated offices, recreational uses, maintenance and storage facilities, and outlines landscaping and buffering requirements. While Council recognizes the benefits that mini home parks bring to residents of the area who may not otherwise be able to afford or maintain a conventional house and lot, Council feels that mini home parks should be designed to ensure that adequate open space, lot sizes, landscaping and municipal servicing systems are in place. Further, new mini home parks should be designed in such a manner so as to better integrate them into surrounding communities. This means that any new mini home park or an expansion to existing parks will be approved by Council and will go through the development agreement process. This will ensure

that the proposal meets the Mini Home Park zone requirements and is designed in such a manner so as to address any site specific impacts the park may have.

**Policy L-1.15** Within the Rural Development Designation it shall be the policy of Council to establish a Mini Home Park (MHP-1) Zone within the Land Use By-law that permits the following and similar types of uses: mini home parks; public recreational uses including parks and playgrounds; and offices and storage facilities ancillary to mini home park uses.

**Policy L-1.16** It shall be the policy of Council to consider approval of a new mini home park or an expansion to an existing mini home park within the Rural Development and Residential Designations according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposal meets the MHP-1 zone requirements;
- b. whether the development is serviced by municipal sewer and water services and that it will not strain the capacities of those services;
- c. whether the capacities of local schools, recreation facilities and parks will be strained by the development;
- d. whether there is adequate on-site recreational open space, suitable in extent and design to the nature of the development;
- e. whether the site plan provided shows adequate internal lot sizes for each proposed lot;
- f. whether the location of the proposed development creates any major traffic problems;
- g. whether consideration has been given to park design and the provision of barriers, berms, fences, and/or landscaping to minimize the impacts on/from adjacent uses; and,
- h. whether the proposal is consistent with the evaluation criteria for development agreement, found in Policy I-1.12.

**Policy L-1.17** It shall be the policy of Council not to consider rezoning lands to the Mini Home Park (MHP-1) Zone.

### ***3.1.6 Tourist Commercial***

The natural features of the West River Antigonish Harbour Plan Area, including extensive protected beachfront, harbours, rivers and scenic rural landscapes make it a very inviting destination for tourists. In recent years there has been interest throughout Antigonish County in providing tourist accommodations in rural areas. This includes the conversion of single family dwellings to bed and breakfast establishments, which often have a minimal impact on surrounding uses, to building clusters of rental cottages (often in coastal areas or along rivers) or campgrounds, which often include accessory retail uses and can have a greater impact on neighbouring properties and land uses. While Council is generally supportive of tourist commercial uses, there are concerns that intensive tourist developments may not be compatible with surrounding uses in many parts of the planning area. These concerns include the mass and scale of the proposed development in the rural context, impacts on surrounding uses, traffic concerns and the adequacy of private servicing for the development, including sewage disposal.

Given their intention of regulating large-scale tourist commercial developments, Council will establish a Tourist Commercial Zone, and will permit tourism-related uses through amendment to the Land Use By-law in order to guide these developments within the Rural Designation. Retail uses associated with tourism, tourist cottages with up to five (5) units and tourist guest homes with up to five (5) rooms (or any combination of the two adding up to five) will be permitted in this zone. As operators often live on the same lot as their tourist commercial developments, single-detached dwellings will also be permitted. Given the size, scale and potential impacts on surrounding properties and watercourses, it is the intention of Council that tourist developments with six or more cottages, larger tourist guest homes and campgrounds only be permitted through development agreement.

Any existing tourist commercial operation will be considered a permitted use within the Rural General zone. This ensures the operation is protected, though any expansion to the development could only proceed through the rezoning or development agreement process, depending on the size of the expansion. As tourist commercial developments can have a significant impact on neighbouring residents, Council believes that such developments should be appropriately landscaped when located adjacent to an existing residential use. While the Tourist Commercial Zone regulates tourist commercial uses within the rural development designation, tourist commercial uses will be permitted in any zone in the Rural Development designation, subject to Tourist Commercial requirements.

**Policy L-1.18** Within the Rural Development Designation, it shall be the policy of Council to establish a Tourist Commercial (TC-1) Zone in the Land Use By-law that permits the following and similar types of uses: single family dwellings; tourist cottages; and retail uses ancillary to tourist campgrounds.

**Policy L-1.19** It shall be the policy of Council to permit the rezoning of lands from Rural General (RG-1) zone to Tourist Commercial (TC-1) zone.

**Policy L-1.20** It shall be the policy of Council to permit retail uses associated with tourism and new tourist cottage developments totaling up to five (5) accommodation units in areas designated Rural Development, as shown on the Generalized Future Land Use Map by amendment to the Land Use Bylaw. In evaluating such proposals, Council shall have regard to the following:

- a. whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;
- b. whether adequate landscaping and buffering is in place or proposed in order to minimize any adverse impacts the development may have on adjacent uses; and,
- c. whether the proposed development is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

**Policy L-1.21** It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Tourist Commercial (TC-1) Zone where a tourist use abuts an existing residential use.

**Policy L-1.22** It shall be the policy of Council to consider approval of new campgrounds and tourist commercial developments totaling five (5) or more accommodation units within the Rural Development designation according to the development agreement provisions

of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposed development meets the standards of the TC-1 zone;
- b. whether the height, bulk, lot coverage and appearance are orderly and compatible with adjacent land uses;
- c. whether consideration has been given to site design and the provision of barriers, berms, fences and/or landscaping to minimize effects on adjacent land uses;
- d. that the required parking areas satisfy the needs of the particular development and are well designed and landscaped;
- e. whether there is adequate on-site recreational open space suitable in extent and design to the nature of the development; and,
- f. whether the proposal is consistent with the evaluation criteria for development agreement, as found in Policy I-1.12.

### **3.1.7 Coastal Development**

Council recognizes that, due to environmental concerns regarding the coast such as sea level rise, specific requirements related to coastal development should be implemented. According to the *State of Nova Scotia's Coast Report (2009)*, the average sea level rose in Nova Scotia by 30 centimetres over the duration of the 20<sup>th</sup> Century. This could have been caused by a combination of mean sea level rise since the last ice age, a warming climate and regional land subsidence. The Report also states that over the next century, continued sea level rise in Nova Scotia could range from 70-140 centimetres. When considered with an anticipated increase in major storms (especially tropical and post-tropical storms in the fall, and extra-tropical storms in the winter), sea level rise could lead to increasingly powerful storm surges and result in significant impacts on people, property, infrastructure, wildlife and ecosystems.

Sea level rise and storm surges also contribute to coastal erosion, a phenomenon that is visually evident along many beaches in Antigonish County. While the rate of erosion varies and depends on topography and surficial geology, in some areas (particularly hills with soft clay or till underneath), one to two metres of shoreline erode each year. Therefore, adaptation and planning for appropriate land uses in the coastal regions is important. One challenge to successful coastal management planning is the complex intergovernmental framework involved. While coastal zone management in Nova Scotia has traditionally been seen to be within the realm of provincial and federal responsibility, the *Municipal Government Act* allows municipalities the option of developing their own land use policy for low lying, flood-prone or sloped land including coastal land.

Council believes that the best way to address anticipated sea level rise from a coastal land use planning perspective is to establish minimum setbacks for all buildings and accessory uses from coastlines. Recognizing the hazards of both flooding and coastal erosion, Council intends to establish both minimum setback distances from coastal features such as dunes or eroding cliffs, and minimum development elevations from ordinary high water marks. These are intended to help protect any new buildings in the planning area from future coastal forces. Existing buildings and accessory buildings located within these setbacks will be permitted to remain but if they are destroyed (subject to the legal non-conforming structure sections of the *Municipal Government Act*), the rebuilt structure will have to meet the required setback.

**Policy L-1.23** It shall be the policy of Council to establish in the Land Use By-law minimum coastal elevation and minimum coastal setback requirements for all new dwellings and accessory buildings in the Rural General (RG-1), Rural Residential (RR-1) and Tourist Commercial (TC-1) zones.

### ***3.1.8 Local Commercial***

Unlike the larger scale commercial uses, which are located in areas of high traffic and attract a regional clientele, local commercial uses elsewhere in the County usually consist of small operations on smaller lots and serving a local client base. Many of these local commercial establishments are located adjacent to residential areas, and Council would like to ensure that these businesses are compatible with the primarily residential character of these areas. Higher impact commercial uses in the Local Commercial (C-1) zone, such as new automobile sales and service establishments, will only be permitted by development agreement due to the fact that these uses could have a greater impact on adjacent residential uses. Using the development agreement process helps to ensure that Council has a greater degree of control over the development. Furthermore, in order to protect adjacent residential uses from commercial operations, landscape buffering requirements will be set out in the Land Use By-law.

An increasing amount of interest has been expressed for having a mixed use commercial zone that would allow an integration of residential and commercial uses in the same zone. The desire is to have more of a “village” feel in a new residential development by allowing some of the properties to have retail stores and professional offices in close proximity to medium and low density housing. A mixed use commercial/residential zone allows for different building forms and a mixture of low income and medium income housing in the same neighbourhood.

The Province of Nova Scotia has made the issue of affordable housing a top priority and one of the Statements of Provincial Interest. This Planning Strategy addresses this very important issue by a variety of means. One way is through the Local Commercial (C-1) zone that encourages developers to provide types of housing and a variety of multiple unit options from which to choose. The Local Commercial zone permits a number of different multiple unit residential building forms as well as a variety of neighbourhood commercial uses, such as professional offices, veterinary services and convenience stores.

**Policy L-1.24** It shall be the policy of Council to establish within the Rural Development Designation a Local Commercial (C-1) Zone and to permit within this zone commercial uses that are smaller in scale and are more compatible with residential uses.

**Policy L-1.25** It shall be the policy of Council to permit rezonings to the Local Commercial (C-1) Zone in areas designated Rural Development and Commercial subject to the following criteria:

- a. The proposed development is compatible with adjacent residential uses with respect to scale and use;
- b. The location of the proposed development does not create any major traffic problems;
- c. The lot on which the proposed development is sites is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the C-1 Zone;

- d. The proposal meets the implementation criteria listed in Policy I-1.10.

**Policy L-1.26** It shall be the policy of Council to consider approval of automobile sales, automobile service stations within the Local Commercial (C-1) Zone according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- The proposed use meets the C-1 Zone Requirements;
- The height, bulk lot coverage, use, and appearance of any buildings are compatible with adjacent land uses;
- Consideration is given to building design and the provision of barriers, berms, fences and/or landscaping as part of the development to minimize effect on adjacent land uses;
- The parking and storage areas on each site are sufficient size to satisfy the needs of the particular development; that they are well designed and properly related to the building, landscaped areas and adjacent public streets;
- The proposal is consistent with the evaluation criteria for development agreements found in Policy I-1.12.

### **3.1.9 Light Industrial**

Council believes that other industrial uses such as sawmills and uses related to road construction exist better in rural areas and should therefore be permitted in the rural parts of the planning area. Council has provided for these uses by creating the Industrial (I-1) Zone. Existing uses shall be zoned I-1 and new ones shall be permitted by rezoning to this zone subject to criteria designed to direct these uses to suitable locations and to reduce the possibility of pollution from on-site sewage disposal systems.

**Policy L-1.27** Within the Rural Development Designation the policy of Council shall be to establish a Light Industrial (I-1) Zone in the Land Use By-law that includes all the existing Industrial zoned property, in addition to the following and similar types of uses: assembly; building supply operations; warehousing, exterior display courts, trucking depots and construction operations.

**Policy L-1.28** Within the Rural Development Designation it shall be the policy of Council to consider the rezoning of lands which are presently zoned Rural General (RG-1) zone to the Light Industrial (I-1) zone. In considering such amendments Council will have regard to the following:

- a. the site meets the minimum lot requirements for the I-1 zone in the Land Use By-law;
- b. the proposed site abuts a public or private road which is capable of accommodating the increased traffic generated by the development; and
- c. the provisions of Policy I-1.10.

**Policy L-1.29** It shall be the policy of Council to establish within the Light Industrial (I-1) zone site-plan approval requirements regarding landscaping, buffering, pedestrian and vehicular access, outdoor storage, lighting, parking and erosion/stormwater control.

**Policy L-1.30** It shall be the policy of Council to set out in the Land Use By-law restrictions in the Light Industrial (I-1) zone on the open storage of goods not for sale, equipment or waste in the front yard, side yard abutting a street or in side or rear yards of a property that abut an existing sensitive use.

## 3.2 Residential Development

The Planning Area is unique in that it contains both “urban” and “rural” components. The form of residential development in the Planning Area is of two distinct types: moderately dense and serviced development located close to the Town, and un-serviced, low-density development dispersed throughout the rest of the Planning Area. Greenwold, for example, with its access to central services and proximity to the Town is quite different from North Grant, which has un-serviced lots and a location in the countryside. The zoning requirements should therefore reflect the different characteristics of these communities.

### 3.2.1 Residential

In terms of housing type, the majority of the residential development is the conventional single-detached dwelling. Mobile homes outside of mobile home parks are considered as single-detached dwellings. According to census data, the overwhelming majority of single-detached dwellings are owned, as opposed to being rented.

Due to the signing of water and sewer agreements between the Town and the County, there have been more residential lots in the Planning Area located within close proximity to the Town. Generally, land development patterns are characterized by residential lots situated along collector roads in close proximity to the Town boundaries. There are also a handful of rural unserviced subdivisions with loop streets and cul-de-sacs.

The scenic beauty of the rural area is very much part of the attraction for homeowners in the Planning Area. Residents appreciate the rolling hills, brooks and trees that grace the area. To this end, Council intends to ensure that development occurs in a manner that enhances the environment.

**Policy L-2.1 It shall be the policy of Council to establish a Residential Designation and apply it to lands as shown on the Generalized Future Land Use Map.**

**Policy L-2.2 Within the Residential Designation, it shall be the policy of Council to establish a Residential (R-1) zone in the Land Use By-law, which shall permit the following and similar types of uses: bed and breakfast establishments to a maximum of 5 rooms; religious institutions and cemeteries; medical clinics; converted dwellings containing a maximum of two (2) units; community and activity centres; day care facilities; duplexes; funeral homes; institutional use; recreational uses; senior citizen housing; single-detached dwellings; and semi-detached dwellings.**

This zone will permit low density residential uses such as single-detached dwellings, converted dwellings to a maximum of 2 units, duplexes and land uses that are typically compatible with a quiet residential neighbourhood. These compatible uses may include religious institutions, cemeteries, schools and seniors’ housing. Bed and Breakfast establishments shall also be allowed, although they will be limited to a maximum of 5 rooms so as to keep them to a scale appropriate to a low-density neighbourhood.

In order to minimize sprawl into the neighbouring countryside, Council has expressed a preference for infill development on vacant land within the lands designated residential. Further, Council’s intention is that expansion of the Residential Designation should only occur when a need can be demonstrated and as long as the capacity of community or municipal services is not exceeded. Council would like the majority of new residential development to occur in the areas that already have central services.

- Policy L-2.3** It shall be the policy of Council to encourage residential development that is orderly and compact and that does not strain or exceed the capacity of community services and facilities.
- Policy L-2.4** It shall be the policy of Council to encourage infill development on vacant lands within the residential designation.
- Policy L-2.5** It shall be the policy of Council to permit the Residential (R-1) Zone by amendment to the Land Use Bylaw on lands in the Rural Development designation upon the installation of municipal sewer or sewer and water services and in accordance with the following:
- a. the development does not strain or exceed the capacity of community services and facilities;
  - b. the amendment proposal meets the criteria to amend the Land Use By-law, found in Policy I-1.10.

### *3.2.2 Secondary Dwelling Units (One Main Dwelling Unit Per Lot)*

- Policy L-2.6** It shall be the policy of Council to permit secondary dwelling units, such as garden suites, in the Residential (R-1) Zone, subject to requirements established in the Land Use By-law.

### *3.2.3 Converted Dwellings*

Converted dwellings are usually single-detached buildings that have been converted to contain more dwelling units than the building contained prior to the conversion. Converted dwellings can play an important role in providing affordable rental accommodation, and offer more variety to the housing market.

While Council recognizes the benefits of converted dwellings, it is vital that they remain compatible with the established residential communities where they are often found, particularly with respect to the physical appearance of the structure and unit density (often associated with traffic volume concerns). To that end, Council shall permit converted dwellings to a maximum of two units in the Residential (R-1) Zone, and shall require that no exterior alteration be done to the structure that would increase the size of the structure, with the exception of those required to meet the requirements of the Building Code. Conversions to three or more units shall be considered multiple-unit development and shall require a rezoning of the property to the Multiple Unit Residential Zone.

- Policy L-2.7** It shall be the policy of Council to permit converted dwellings in the Residential (R-1) zone to a maximum total of two units, and to set out in the Land Use By-law provisions regarding the appearance of these units.

### *3.2.4 Multiple Unit Residential*

Multiple-unit dwellings, such as condominiums, apartment buildings, grouped dwellings on a lot, townhouses and row houses provide an additional housing option within the West River Antigonish Harbour planning area as well as a source of affordable housing. Changing demographics particularly an aging population, may bring on a greater demand for a variety of housing types to meet changing needs, such as an increase in the number of residents wishing to remain independent in their communities, but

in smaller, clustered accommodations with shared amenities. Higher-density residential uses are also more efficient in terms of land, water and sewer service consumption. Council is supportive of multiple-unit residential developments and will establish the Residential Multi-Unit Zone within the Residential Designation in order to accommodate new and future developments.

Converted dwellings, grouped dwellings, townhouses, row houses and any other multiple-unit residential dwellings with four or fewer units will only be permitted by an amendment to the Land Use By-law to rezone the property to the Residential Multi-Unit Zone, provided the site is appropriate for the proposed use. Some of the factors affecting the adequacy of the site are: water and sewer capability, off-street parking availability, existing and resulting traffic volumes, the size of the property and the appropriateness of the proposal in the context of existing development. Multiple-unit dwellings with five or more units will only be permitted by development agreement. This is in order to ensure that, in addition to the factors mentioned above, the site meets specific design and landscaping requirements. The development agreement process also allows staff to work with a proponent to address any concerns that local residents may have concerning a proposed development in the hamlet area.

**Policy L-2.8** Within the Residential Designation, it shall be the policy of Council to establish a Residential Multi-Unit (R-2) Zone in the Land Use By-law that permits the following and similar types of uses: converted dwellings that contain dwelling units; grouped dwellings and limited multiple unit dwellings; townhouses; and all uses permitted in the Residential (R-1) Zone subject to the requirements of the R-1 Zone.

**Policy L-2.9** It shall be the policy of Council to consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation. In evaluating such proposals, Council shall have regard to the following:

- a. whether the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;
- b. that the location of the proposed development does not create any major traffic problems;
- c. that the proposed development is to be served by municipal sewer or sewer and water and that it will not strain the capacities of those services;
- d. that the capacities of local schools and parks will not be strained;
- e. whether the parking area proposed on the site is of a sufficient size to satisfy the needs of the particular development, is well designed, and is properly related to building and landscaped areas;
- f. whether the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

**Policy L-2.10** It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Residential Multi-Unit (R-2) Zone where a multiple-unit residential development abuts a residential, recreational or institutional use.

**Policy L-2.11** It shall be the policy of Council to set out in the Land Use By-law requirements for amenity space for multiple-unit residential buildings.

**Policy L-2.12** It shall be the policy of Council to consider approval of grouped dwellings and multiple-unit dwellings, townhouses, and converted dwellings within the Residential Designation according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposal meets the R-2 zone requirements;
- b. whether the height, bulk, lot coverage and appearance of any building is compatible with adjacent land uses;
- c. whether consideration has been given to building design and the provision of barriers, berms, fences and/or landscaping as part of the residential development to minimize the effects on adjacent land uses;
- d. whether the parking area proposed on the site is of a sufficient size to satisfy the needs of the particular development, is well designed, and is properly related to any buildings, landscaped areas and adjacent public streets;
- e. whether there is adequate on-site amenity space, suitable in extent and design to the nature of the development; and
- f. whether the proposal is consistent with the evaluation criteria for development agreements, found in Policy I-1.12.

### **3.2.5 Home Occupations**

Home Occupations, also known as home-based businesses, are prevalent throughout the Planning Area and can include everything from craft stores to professional offices. These businesses provide essential personal services to the surrounding community. Council recognizes the contribution these enterprises make to the community and the growing part the home-based business sector plays in the Nova Scotia economy.

Home occupations can provide numerous benefits for both home workers and the community and if properly integrated into good land use planning policies, they can do so with no negative impacts for the surrounding neighbourhood. Home occupations provide people with alternative arrangements to minimize commuting costs and time, and allow people to spend more quality time with their families.

Council does not want to deter nor discourage anyone from operating a business from their home. Nevertheless, it is vital that the residential character of the community be preserved as well. To this end, Council shall establish provisions in the Land Use By-law with respect to types of use, floor space, dwelling appearance, outdoor storage and display, signs, number of assistants and parking to protect against potential conflict with adjacent residential uses. This is especially true for the more built-up areas adjacent to the Town of Antigonish.

The more sparsely-populated places within the Planning Area require less stringent guidelines for Home Occupations because of the decreased densities. Therefore, in the Rural Development designation, less stringent guidelines for Home Occupations shall be set out.

**Policy L-2.13** It is the intention of Council to allow a home occupation in a dwelling or accessory building in all zones where residential dwelling units are a permitted use and to establish requirements in the Land Use By-law with regard to the following:

- a. the scale of the home occupation is limited in size;

- b. there is no exterior mechanical equipment (except that required by the residential use);
- c. adequate parking is provided;
- d. there is a limitation on the number of employees;
- e. any advertising device is small in size;
- f. outdoor storage and display are prohibited; and,
- g. the business can be conducted unobtrusively.

### ***3.2.6 Local Commercial***

Council will allow potential rezonings from Residential to Local Commercial to be permitted as there is often a need for amenities located close or within primarily residential neighbourhoods, such as convenience stores or hair salons.

**Policy L-2.14** It shall be the policy of Council to include within the Residential Designation a Local Commercial (C-1) Zone and to permit within this zone commercial uses that are smaller in scale and are more compatible with residential uses.

**Policy L-2.15** It shall be the policy of Council to permit rezonings to the Local Commercial (C-1) Zone in areas designated Residential subject to the following criteria:

- a. The proposed development is compatible with adjacent residential uses with respect to scale and use;
- b. The location of the proposed development does not create any major traffic problems;
- c. The lot on which the proposed development is situated is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the C-1 Zone;
- d. The proposal meets the implementation criteria listed in Policy I-1.10.

### ***3.2.7 Open Space***

The Municipality is aware of the need for open spaces for recreational and leisure activities within the Plan Area. Parks and recreational spaces should be preserved for the enjoyment and overall health of the neighbourhood residents. Please see Section 3.7 for more on open space and recreation policies.

**Policy L-2.16** It shall be the intention of Council to permit rezoning lands to Open Space (O-1) zone within the Residential Designation.

### 3.3 Commercial Development

Commercial growth in the West River Antigonish Harbour area has traditionally occurred along the highways leading into the Town of Antigonish. These businesses, in general, provide goods and services that are of a type and nature where a highway location provides visual exposure to the motoring public. Currently concentrations of commercial activity in the Planning Area exist on Highway 4 just east of Greenwold and in two areas on the Trans-Canada Highway 104; one just west of the Town and the other roughly two kilometres east of the Town. There are also a number of existing residences located in these commercial areas. Several commercial businesses are also scattered elsewhere in the planning area, particularly in the Sylvan Valley neighbourhood north of the Town and along the Highway 7 corridor south of the Town.

With the development of the Highway 104 By-pass around the Town of Antigonish, under construction during the plan review process, Council anticipates significant opportunities for future commercial development near the new highway interchanges. This development, with the existing large format retail development on the original Trans-Canada Highway approaches into the Town, serves a regional client base as well as the passing tourist trade. Other businesses located throughout the rest of the Planning Area are, for the most part, smaller and unobtrusive in that they do not create serious land use conflicts with adjacent properties. These businesses provide important services to residents in the area who would otherwise have to come into Town.

Council's intention is to designate existing and anticipated future commercial development as "Commercial" on the Generalized Future Land Use Map. Areas to be designated Commercial include existing commercial development along the Post Road, east and west of the Town, as well as some lands around the future interchanges of the new Highway 104 by-pass. Council has identified these areas as favourable for future development and the Commercial Designation is intended to encourage new businesses to locate there. This will help ensure that commercial growth is directed to appropriate areas so as not to conflict with existing Residential neighbourhoods.

**Policy L-3.1** It shall be the policy of Council to designate lands Commercial as illustrated on the Generalized Future Land Use Map to encompass existing commercial development and anticipated future commercial development.

#### 3.3.1 Local Commercial

**Policy L-3.2** It shall be the policy of Council to include within the Commercial Designation a Local Commercial (C-1) Zone and to permit within this zone commercial uses that are smaller in scale and are more compatible with residential uses.

**Policy L-3.3** It shall be the policy of Council to permit rezonings to the Local Commercial (C-1) Zone in areas designated Commercial subject to the following criteria:

- a. The proposed development is compatible with adjacent residential uses with respect to scale and use;
- b. The location of the proposed development does not create any major traffic problems;
- c. The lot on which the proposed development is sites is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the C-1 Zone;

- d. **The proposal meets the implementation criteria listed in Policy I-1.10.**

### **3.3.2 General Commercial**

Aside from the commercial development located in the Trans-Canada Highway corridor adjacent to the Town of Antigonish, there are several other commercial developments located throughout the Plan Area. These developments include small clusters of businesses at the intersection of Highway 4 and Beech Hill Road, on Highway 245 in Sylvan Valley, on Highway 7 just south of the Trans-Canada Highway By-pass, and within residential nodes distributed throughout the plan area. Council's intention is to zone these business clusters as General Commercial (C-2).

In addition, Council would like new developments to reflect the character and architectural styles of the Antigonish area. More attractive and higher quality developments are desirable, and all buildings should be designed to an architectural style that is compatible with the forms found in Antigonish. New commercial developments will be strongly encouraged to follow the architectural design guidelines found in the Land Use By-law. Better quality signage and lighting is also encouraged for new developments in the Plan area. New development will be required to adhere to the architectural design guidelines found in the Land Use By-law wherever possible. These guidelines are meant to ensure that new commercial developments have a distinctive and recognizable architectural style that is based on a style found in the Antigonish area.

Council would also like to see better site design that includes safer access to sites and commercial buildings for pedestrians, cyclists and motorists. New developments will also need to incorporate boundary free entrances and walkways for people with disabilities.

**Policy L-3.4 It shall be the policy of Council to establish within the Land Use By-law a General Commercial (C-2) Zone within the Commercial Designation and to permit within this zone a number of commercial uses, as outlined in the Land Use By-law.**

**Policy L-3.5 It shall be the policy of Council to require that all new development in the General Commercial zone comply with the Access Management Strategy of the Department of Transportation concerning the Highway 104 By-pass.**

**Policy L-3.6 It shall be the policy of Council to permit a rezoning to General Commercial (C-2) zone within the Commercial Designation subject to the following criteria:**

- a. **The proposed development is compatible with adjacent residential uses with respect to scale and use;**
- b. **The location of the proposed development does not create any major traffic problems;**
- c. **The lot on which the proposed development is sites is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the C-2 Zone;**
- d. **The proposal meets the implementation criteria listed in Policy I-1.10.**

**Policy L-3.7 It shall be the policy of Council to establish within the General Commercial (C-2) Zone site-plan approval requirements regarding landscaping, buffering, pedestrian and vehicular access, outdoor storage, lighting, parking and erosion/stormwater control.**

**Policy L-3.8** It shall be the policy of Council to establish within the General Commercial (C-2) Zone architectural design guidelines for new commercial developments.

**Policy L-3.9** It shall be the policy of Council to consider approval of automobile sales and automobile service stations within the General Commercial (C-2) Zone according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- The proposed use meets the C-2 Zone Requirements;
- The height, bulk lot coverage, use, and appearance of any buildings are compatible with adjacent land uses;
- Consideration is given to building design and the provision of barriers, berms, fences and/or landscaping as part of the development to minimize effect on adjacent land uses;
- The parking and storage areas on each site are sufficient size to satisfy the needs of the particular development; that they are well designed and properly related to the building, landscaped areas and adjacent public streets;
- The proposal is consistent with the evaluation criteria for development agreements found in Policy I-1.12.

### **3.3.3 Large Scale Commercial**

The largest expanse of existing commercial development in the Plan Area is along the Post Road corridor just west of the Town of Antigonish. This area consists of several large format retailers, (including Wal-Mart, Atlantic Superstore and Staples) and a number of gas stations, shops and restaurants. This commercial area acts as a regional magnet, drawing shoppers from a large geographic area as well as passing motorists. Roughly two kilometres east of the Town along the original Highway 104 is another cluster of commercial development. These developments are characterized by heavy dependence on automobile access and off-street parking, large setbacks from the highway and are generally heavy traffic generators. By nature of location, these commercial areas are very visible to travellers and with the completion of the Highway 104 By-pass around the Town, the Post Road (old 104) route has become an important access and gateway to the Town of Antigonish.

Given the unique characteristics, issues and opportunities regarding such development, it is the intention of Council to create the Large Scale Commercial (C-3) Zone within the Commercial Designation to incorporate all highway oriented commercial development along the Post Road/ Highway 104 corridor. While the lands designated Commercial on the Generalized Future Land Use Map encompass all development commercial lands in the Plan Area, including along the old Highway 104 corridor, they also include a quantity of currently undeveloped land, usually near the By-pass interchanges. Initially, Commercial zones will cover those properties currently used for, or considered appropriate for, highway-oriented commercial development. Council's intention is that future highway-oriented commercial development be directed to lands designated Commercial and that Council maintain control over the size, use and nature of these gateway developments through the development agreement process. Council also encourage development with high quality site design that provide more attractive, more efficient and safer parking lots, vehicle entrances and pedestrian access. Council strongly encourage that development follow the site design guidelines provided in the Land Use By-law.

Council recognizes the economic benefits commercial developments in the gateway area bring to the County and the region. While the Town and County of Antigonish are separate municipal units, they are closely integrated in many ways. Development in the gateway area should look to accommodate services and businesses that would otherwise not be able to locate in the established town commercial districts, such as the Main Street, due to their size and access requirements. Strong connectivity to the town will be established visually, using streetscape design elements, and physically, by accommodating an efficient transportation system.

The gateway areas provide visitors coming into the town via the Trans-Canada Highway with their first impression of the community. As such, urban design and site design in the gateway zones will be considered high-priority for developments and re-developments in this part of the County. Urban Design Guidelines shall be created specifically for the Commercial zones, outlining standards for site design, building design, lighting and signage. In order to implement these guidelines, Site Plan review shall be required for development in the Commercial zone.

The commercial areas along the Trans-Canada Highway are operationally dependent on the proximity and access to the highway. Currently, these commercial areas experience a high volume of traffic and congestion near frequently visited sites that may impede the primary function of the route if not managed. A potentially dangerous situation is created when there are numerous entrances and exits off the highway, increasing the potential for collisions. While construction of the By-pass will remove some of the traffic from the former Highway 104, the highway will still serve as an arterial access route for the County and Town and Council will support development that preserves the arterial nature of the road.

Council's intends to address traffic and access concerns by restricting access to the former Highway 104 and Post Road, in accordance with the Nova Scotia Transportation Infrastructure Renewal (NSTIR) guidelines for access. These guidelines set out minimum separations between driveway accesses, and restrict driveway accesses within specific distances from interchanges and signalized intersections. Not only are these guidelines intended to improve traffic flow; they will help to maintain the functional integrity of the interchanges and maintain vehicular safety.

**Policy L-3.10** It shall be the policy of Council to establish within the Commercial Designation a Large Scale Commercial (C-3) Zone and to permit large scale commercial developments within this zone.

**Policy L-3.11** It shall be the policy of Council not to consider a rezoning to the Large Scale Commercial (C-3) Zone.

**Policy L-3.12** It shall be the policy of Council to have Site Design Guidelines to guide new development in the Large Scale Commercial (C-3) Zone. The Site Design Guidelines shall encourage better quality site design through guidelines for site circulation, driveways and site services.

**Policy L-3.13** It shall be the policy of Council It shall be the intention of Council to consider approval of large scale commercial developments within the Commercial Designation according to the development agreement provisions of the *Municipal Government Act* and the provisions of Policy I-1.12. In considering such an agreement, Council shall have regard to the following:

- a. the height, bulk, lot coverage, site location and appearance of any building(s) and whether they are compatible with adjacent land uses;

- b. the provision of barriers, berms, fences, and/or landscaping that shall be used to screen and minimize the impact of the development on adjacent residential or institutional land uses. Elements of the proposed development that the Development Officer considers to be incompatible with the residential or institutional land use shall be located as far as possible from that land use (i.e. loading facilities, waste receptacles, compactors);
- c. the proposed development shall retain existing vegetation where possible and appropriate;
- d. where a proposed development abuts a public roadway, including Highway 104, a combination of building design, hard and soft landscaping shall be used to maintain a degree of visual interest and attractiveness for passing motorists and, where applicable, pedestrians. The scale of any such landscaping feature and building design element shall be appropriate to the scale of the roadway onto which it fronts;
- e. the proposed development shall be designed to provide active transportation facilities internally, and to provide linkages to external sidewalks and pathways into neighbouring areas;
- f. the proposed development shall be designed to be pedestrian-friendly by means of locating buildings in close proximity to one another, providing defined building entrances, and providing well-lit sidewalks and paths between buildings and throughout the site;
- g. the proposed development shall include parking areas that are of sufficient size to satisfy the needs of the particular development and that:
  - i. do not dominate the relationships between the proposed buildings, adjacent land uses, and adjacent public streets; and,
  - ii. incorporate adequate landscaping in the form of landscaped islands and end aisle treatments; and,
  - iii. include storm-water dampening design components, such a porous asphalt pavement and/or bio-swales, wherever possible.
- h. The development must including on-site lighting that:
  - i. uses “cut-off” and “non-visible reflective” type lighting to eliminate glare and light spillage onto neighbouring properties and roadways, ensuring that the source of light (the element) is not be visible from adjacent residential properties; and,
  - ii. uses metal halide, incandescent or fluorescent lighting (white light) in order to provide a better colour rendition and detail. Low-pressure sodium lights are not permitted, as they can distort colour rendition.
- i. the proposed development shall be designed such that any loading facilities and/or outdoor storage of equipment or material not for sale shall not be visible from any public road or adjacent lot and otherwise shall be fully screened, fenced, or designed to minimize any adverse impact on surrounding properties;

- j. the proposed development shall not involve a building that is more than one storey taller in height than the highest building immediately abutting the land subject to development, at the discretion of the Development Officer;**
- k. the proposed development shall be consistent with the evaluation criteria for development agreements, Policy I-1.12.**

### 3.4 Industrial Development

The attraction of new industries is a solid basis for the economic growth of any community. The County's Industrial Commission, which was formed in the early 1980s to attract new businesses to the County, has developed an Industrial Park just outside the Planning Area on the Trans-Canada Highway in Lower South River approximately eight and a half kilometres east of the Town of Antigonish. The Industrial Park contains several landscaped and serviced building lots in an area visible from the Trans-Canada Highway.

By their nature, industrial land uses are incompatible with other uses, generally because of their needs relative to municipal services and roads, but just as often due to their environmental and aesthetic impacts on nearby residential, recreational and institutional uses. Therefore, to ensure that an overall quality environment is maintained, industrial developments abutting such non-industrial uses should be provided with a buffer strip or landscaped area which would act as both a visual and acoustic separation. Special requirements for open storage and yard setbacks will also be set out in the Land Use By-law in order to mitigate any potential negative effects on abutting uses.

Council would like to see future industrial development occur in the Lower South River Light Industrial Park, however, the demand may arise for other similar industrial areas in Antigonish County. In the event that further industrial development at the Strait of Canso was to occur in the future, there may be demand for complimentary industries to locate in the West River Antigonish Harbour Plan Area. Recognizing the economic benefits such a scenario would provide for the Municipality, it is Council's intention to permit and regulate industrial development by creating a Light Industrial (I-1) Zone. Uses permitted within this zone will be both light industrial and commercial, including but not limited to: equipment depots, recovery depots, rental operations, light manufacturing, assembly or warehousing and display courts.

#### 3.4.1 Light Industrial

Council believes that industrial uses such as sawmills and uses related to road construction exist better in rural areas and should therefore be permitted in the rural parts of the planning area. Council has provided for these uses by creating the Light Industrial (I-1) Zone. Existing uses shall be zoned (I-1) and new ones shall be permitted by rezoning to this zone subject to criteria designed to direct these uses to suitable locations and to reduce the possibility of pollution from on-site sewage disposal systems.

**Policy L-4.1 Within the Rural Development Designation the policy of Council shall be to establish a Light Industrial (I-1) Zone in the Land Use By-law that includes all the existing Industrial zoned property, in addition to the following and similar types of uses: assembly; building supply operations; warehousing, exterior display courts, trucking depots, and construction operations.**

As proposed new industrial uses in rural areas may locate some distance from existing industrial parks or developments, they may be more likely to be surrounded by non-industrial uses. Council would like to ensure that such industrial development does not negatively impact surrounding non-industrial uses. As such, all proposed new industrial developments will only be permitted through development agreement, allowing the Municipality a greater control over the development, and ensuring that such development is compatible with adjacent rural uses and does not create hardship on infrastructure or municipal services. Council intends to protect the visual integrity of rural residential areas and streetscapes by restricting open storage of goods and waste in front yards, on side yards abutting street and on side and rear yards that abut sensitive uses, such as residential developments. New industrial

uses adjacent to sensitive uses will also be required to establish landscaping and buffering strips along common lot lines in order to receive a development permit.

### **3.4.2 General Industrial**

Should more demand for industrial land arise in the West River Antigonish Harbour Plan Area, Council would like this expansion to occur in more rural parts of the Plan Area. Slightly more obnoxious uses will be permitted in a General Industrial (I-2) zone rather than the Light Industrial (I-1) zone, which is intended for light industrial, warehousing and assembly uses.

In addition to the lighter manufacturing uses permitted in the Light Industrial Zone, the General Industrial (I-2) zone will permit more intensive land uses such as: salvage yards; scrap yards; recycling depots; industries related to primary resources; and agricultural processing industries. Due to the more obnoxious nature of these land uses, new industrial developments and expansion of existing industrial developments will be negotiated by Council through the development agreement process.

**Policy L-4.2** Within the Rural Development Designation the policy of Council shall be to establish a General Industrial (I-2) zone in the Land Use By-law that permits the following and similar types of uses: manufacturing; construction operations; recycling depots; scrap yards; salvage yards; and similar types of uses.

**Policy L-4.3** It shall be the policy of Council to permit general industrial uses in areas designated Rural Development according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;
- b. whether the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, these services are adequate for I-2 zone uses;
- c. the total area used for outdoor storage and adequate provisions of artificial or natural screening devices;
- d. that adequate buffering, including landscaping, setback distances and berms where appropriate are maintained to minimize effects on/from adjacent land uses;
- e. that adequate lighting, parking, outdoor storage and erosion/stormwater control measures are demonstrated;
- f. whether the proposed development is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission; and,
- g. whether the proposed development is consistent with the criteria to amend the Land Use By-law, as noted in Policy I-1.10

**Policy L-4.4** It shall be the policy of Council to set out in the Land Use By-law restrictions in the General Industrial (I-2) zone on the open storage of goods not for sale, equipment or

**waste in the front yard, side yard abutting a street or in side or rear yards of a property that abut an existing sensitive use.**

### **3.4.3 Landfill**

The Municipal Landfill is located in the Planning Area at Beech Hill Road. It is the intention of Council that it be zoned Landfill (I-3) zone. The Landfill was opened in 1991 when the James River Landfill site had reached its capacity. The Landfill is one of two licensed operations in the Province of Nova Scotia. Its lifetime capacity is approximately 25 years. It is stringently regulated according to Department of the Environment guidelines, with regular monitoring of the water chemistry being carried out.

**Policy L-4.5 Within the Rural Development Designation the policy of Council shall be to establish a Landfill (I-3) zone in the Land Use By-law that permits a landfill site.**

**Policy L-4.6 It shall be the policy of Council not to consider a rezoning to the Landfill (I-3) Zone.**

### **3.4.4 Business Park**

The southern portion of Antigonish, bordered by South River Road and Beech Hill Road has been developed in a manner which has blended the traditionally separate commercial, industrial, and rural uses. To ensure that the evolving fusion of uses is appropriately addressed, Council has permitted the creation of a Business Park Designation and Business Commercial (BC-1) zone. The intention of this zone is to allow for a mix of developments while setting out provisions in the *Land Use By-law* for the more intensive uses. To reduce the potential for these uses affecting nearby developments, landscaping and buffering provisions will be required to be satisfied.

**Policy L-4.7 It shall be the policy of Council to establish a Business Park Designation as shown on the Generalized Future Land Use map. The designation is intended to support a mix of industrial, commercial, transportation, and storage uses. Developments in this designation will be required to meet landscaping and architectural design requirements to ensure consistency and prevent obnoxious lot designs.**

**Policy L-4.8 Within the Business Park Designation it shall be the policy of Council to establish a Business Commercial (BC-1) Zone in the Land Use By-law which permits the following and similar types of uses: building supply, equipment depots, display courts, construction operations and rentals, light industrial manufacturing or assembly, warehousing, transportation and maintenance depots, automobile services, gas stations, garages, storage facilities, professional offices, wholesale or retail sales, and offices necessary to the administration of permitted uses.**

**Policy L-4.9 It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Business Commercial (BC-1) Zone.**

**Policy L-4.10 It shall be the policy of Council to consider rezonings to the Business Commercial (BC-1) Zone in areas designated Business Park subject to the following criteria:**

- a. the proposed development is compatible with adjacent uses with respect to scale and use;**

- b. the location and scale of the proposed development does not create any major traffic problems;**
- c. the proposed development is adequately served by a centralized sewer system and/or centralized water system or if on-site services are to be used, these services are adequate for the proposed use;**
- d. that adequate buffering, including landscaping, setback distances and berms where appropriate are maintained to minimize effects on/from adjacent land uses;**
- e. whether the proposed development is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;**
- f. the proposed development is consistent with the criteria to amend the Land Use By-law as per Policy I-1.10.**

### 3.5 Floodplain

Parts of the planning area in the County are subject to flooding due to the location at the confluence of three rivers and the proximity to Antigonish Harbour. In 1984, the Canada-Nova Scotia Flood Damage Reduction Program (F.D.R.P.) designated floodway and floodway fringe areas of Brierly Brook, Rights River and West River in and around the Town of Antigonish. Unfortunately, only a small portion of the Planning Area was included in this program; however, Council would like to take advantage of this information by controlling future development in these flood prone areas.

The floodway is the part of the flood risk area over which flood waters flow most often. Water in the floodway flows deep and fast and can cause severe damage. The floodway is expected to flood completely on average once in 20 years; that is, there is a 5% chance of being flooded in any given year.

Within the area designated as Floodplain, there is the floodway fringe. The floodway fringe is the part of the flood risk area that has a higher elevation and is therefore outside of the floodway. Water flow in this part of the floodplain is generally shallow and slow. The floodway fringe can be expected to flood completely every 100 years; that is, there is a 1% chance of being flooded in any given year. This is a very conservative estimate because the majority of the reports on Climate Change in Nova Scotia suggest that, the 1:100 year flood event thirty years ago may be a much more frequent occurrence in 2013. Some climatologists suggest the 1:100 year flood event from the 1980s now has much greater chance of happening today than it did thirty years ago. (Climate Change Nova Scotia, 2012)

There are five main types of flooding that can occur and the Rights River and West River are susceptible to all of these types. A document entitled: '*Land Investments At Risk – Flooding and Storm Surges*', in 2013, lists the various types of flooding.

**Types of Flooding:**

- Overbank flooding:** This is what most people think of when they hear the word "flood." The water within a river overflows its banks and spreads across the land around it. Caused by: heavy rain, or melting snow.
  
- Flash floods:** Typically happen within six hours after a weather event and are identified by a quick rise of fast-moving water.
  
- Ice jam flooding:** During the winter months, lakes and rivers are often frozen. As they begin to thaw they can cause large chunks of ice to break up and push together causing blockages. This causes a build-up of water that will flood surrounding areas.
  
- Coastal flooding:** This occurs along the edges of oceans, and is mostly due to storm surges and wave damage. Waves from the following types of storms cause significant damage when they reach the shore. Includes: Hurricanes, tsunamis and tropical storms
  
- Manmade Issues:** Any development can change water movement.

The F.D.R.P. recommends that all structures be prohibited from locating in the floodway area and that structures be permitted in the floodway fringe only if they are flood-proofed. Flood-proofing a structure is accomplished by not having any openings (e.g. windows and doors), below the elevation at which flood waters rise into any habitable part of the structure. Council's intention is to set out flood-proofing requirements in the Land Use By-law.

Council recognizes the recreational and agricultural potential of lands located close to watercourses. Temporary structures related to agricultural or recreation uses should only be permitted in the floodplain during the summer months, after the danger of flooding from spring runoff has elapsed. These structures, due to their temporary nature, should not have to be flood-proofed.

Existing single-detached dwellings will be permitted in the Floodplain (F-1) zone as long as they are flood-proofed. Only those alterations to the ground, including filling and changes to the grade, shall be made in accordance with the regulations found in the Land Use by-law. Water and sewage utilities, public works associated with flood control, and recreational, agricultural and conservation-related uses that do not require a structure will also be permitted in this zone.

Council recognizes the need to protect potential home builders of the potential flood risks in the Plan Area. The Province of Nova Scotia has asked Municipalities to provide better policy with regard to flood prone areas in their Statements of Interest. In addition, from the perspective of the private sector very few, if any, insurance companies will insure dwellings against flood damages in a high or moderate flood risk zone.

**Policy L-5.1** It shall be the policy of Council to designate lands that are prone to flooding as "Floodplain" as shown on the Generalized Future Land Use Map.

**Policy L-5.2** It shall be the policy of Council to establish a Floodplain (F-1) zone in the Land Use By-law that shall apply to all lands shown as F-1 on the Zoning Map. The following uses shall be permitted in the Floodplain (F-1) zone: water and sewer utilities except for treatment facilities, public works associated with flood control; temporary structures associated with recreational and agricultural uses; recreational, agricultural and conservation related uses that do not require a permanent structure; and existing single detached dwellings that are engineered to be more flood resistant according to the flood-proofing measures as described in the Land Use By-law.

**Policy L-5.3** It shall be the policy of Council to amend the floodplain mapping as shown in Schedule "A" of the Land Use By-law should the need arise in the future, or upon the completion of a more comprehensive floodplain study.

**Policy L-5.4** It is the intention of Council to prohibit the placement of fill or the altering of the grade in the Floodplain (F-1) zone except where the objective is to provide a dwelling with appropriate flood-proofing provisions.

**Policy L-5.5** Within the Floodplain (F-1) zone it is the intention of Council to set out flood-proofing requirements in the Land Use By-law for permanent structures.

### 3.6 Water Supply

Municipal Council is completely aware of the importance of the water supply recharge area just north of the Town of Antigonish. The Rights River valley between the Antigonish Golf Course and the Rights River is the location of the Rights River Wellfield. This important source of drinking water needs to be protected through zoning and with the Rights River Wellfield Source Water Protection Plan. The Rights River SWPP was completed in September 2009 and it outlines guidelines for the long term protection and management of the Rights River Wellfield.

It is proposed that only those new uses identified by the study that would present little or no risk of contamination to the water supply would be permitted in the Water Supply (WS-1) Zone. The boundary of the protected area for the well development is not static. Through a long-term water quality monitoring program, new information, experience or circumstance, it may be determined that the area may have to be either increased or decreased in size. If so, it is Council's intention that the policies apply to this new expanded or reduced area.

In addition, a portion of the James River Watershed falls within the West River Antigonish Harbour Plan boundary. Given this is an important watershed and would act as an emergency water supply for the Municipality, Council would like to designate the portion of the watershed that falls within the Plan Area as Water Supply Designation.

- Policy L-6.1** It is the intention of Council to establish a Water Supply Designation as they are shown on the Generalized Future Land Use Map.
- Policy L-6.2** Within the Water Supply Designation it is the intention of Council to zone the area near the Rights River deemed to have a potential influence on the water supply wells as Water Supply (WS-1) zone and to permit in this zone only those uses that do not pose a threat to water quality in this zone, such as water treatment, distribution and supply uses. Where possible, the boundary of the Water Supply (WS-1) zone shall follow existing property lines.
- Policy L-6.3** It is the intention of Council to review and amend the Land Use By-law upon any change to the Rights River Well Development and Water Supply Zone to reflect the findings of subsequent studies which provide more certainty as to the location of the boundaries, to ensure that it applies to the entire protected area and addresses all matters of concern for the long term protection of the water supply.
- Policy L-6.4** It is the intention of Council to maintain an ongoing monitoring program for the Rights River Well Development to acquire information on the effects of pumping on the groundwater characteristics and to detect possible points of contamination.
- Policy L-6.5** It shall be the policy of Council to apply the Water Supply (WS-1) zone to the portion of the James River Watershed that lies within the Plan Area.
- Policy L-6.6** It is the intention of Council to adopt and administer an Emergency Response and Contingency Plan to provide a rapid, systematic and effective response to any accidental event which by its nature could have a detrimental effect on the Rights River Well Development.

### 3.7 Open Space and Recreation

Recreation facilities are well supplied in the Town of Antigonish. Residents of the Planning Area have access to and make use of the recreation facilities in the Town, in particular, the Columbus Fields, the Regional Fields, the Antigonish Arena and the facilities at St. Francis Xavier University. According to a recreation study, the presence of good facilities in the town has created a high level of satisfaction not only amongst citizens of the Town, but also amongst residents of the County.

The Antigonish Landing, located in the Antigonish Harbour, is a valuable natural and recreational resource in the County. Established in 1968, the Landing is a Wildlife Management Area and as such is a refuge for birds and other wildlife. The Landing encompasses 345 acres (140 hectares) and provides excellent opportunities for walking and bird watching.

There are also numerous hiking trails in the Plan Area, notably the Fairmont Hiking Ridge Trail. This trail provides tourists and locals alike with spectacular views of Antigonish Harbour. Recreational uses add to the general health of the surrounding community because they encourage active lifestyles. To this end, they shall be permitted in all zones of the Planning Area.

As part of a Subdivision By-law, the County requires that new residential subdivisions of a certain size include a percentage of land set aside for recreational public use. This recreational space must be land suitable for such purposes. Council may also accept cash-in-lieu of the recreational lands to be used to acquire or to make capital improvements to park, playground or public open space uses. This is done to ensure that new residents have access to common lands for outdoor activities, which can add to the quality of life for the neighbourhood. Council's goal is to ensure all new and existing communities are developed with an adequate amount of parkland to enhance the natural and built environment and to provide recreational opportunities for all residents.

**Policy L-7.1**      **Within the Residential Designation Council will establish an Open Space (O-1) zone in the Land Use By-law that permits recreational uses.**

**Policy L-7.2**      **It shall be the intention of Council to permit rezoning lands to Open Space (O-1) zone within the Residential Designation.**

## CHAPTER 4: MUNICIPAL SERVICES

### 4.1 *Sewer and Water*

One of the major issues related to increased growth in the Municipality is the demand for central services in the more densely populated parts of the Planning Area. Such services are expensive to install and maintain. The addressing of service issues in this Strategy will assist in their cost-effective delivery, as well as help to ensure that the Planning Area will experience new growth in an attractive manner.

There are five separate serviced areas in the Planning Area, all of which are adjacent to the Town of Antigonish. The Town supplies water to these areas. Sewage from these areas is treated at the Town's sewage treatment plant. The County owns all of the water and sewer lines located outside of the Town and several trunk sewer lines within the Town, to which some development in the Town is connected.

The County is well aware of the desire for water and sewer main extensions in some of the current un-serviced areas of the County. The cost of providing central services is more expensive where housing density is insufficient. Any decision to install central services would have to be supported by a policy to ensure that infilling occurs to minimize the cost to each household and to the Municipality. The cost-effectiveness of extending services is a key factor in deciding where infrastructure development occurs.

James River, located approximately six kilometres west of the Town, serves as the source of the water supply for the water services in the Town and surrounding area. The water utility is owned and operated by the Town of Antigonish.

The Municipality of the County of Antigonish has developed another water source located north of the Town between the Antigonish Golf Course and the Rights River. These wells have yielded a potable and safe supply.

The development of these wells is crucial in providing another potable water source for the Municipality. One of the objectives of this Planning Strategy is to protect water quality within the area of the Rights River well development. As such, steps must be taken to protect the aquifer in order to ensure the availability of the resource for present and future generations. Preserving the quality of the water source is Council's priority. As these wells are located nearby existing residential development in both the Town and County, care must be taken to ensure that the critical aquifer recharge area is free from any contaminating influences.

Thus, an aquifer protection plan has been developed in order to address environmental concerns, namely, to protect the well field from sources of contamination. The plan is a necessary part of an efficient, effective long-term water resource management program. The Rights River Aquifer Protection Plan outlines guidelines for the long-term protection and management of the aquifer. Integral to this approach is the identification and regulation of potentially hazardous activities that could adversely impact wells or the well field itself.

A boundary for the critical recharge area of the well development has been established. The total area is 31.5 hectares, of which 25.5 hectares has been identified as being part of the Rights River floodplain. The policies prohibiting development in the floodway provide suitable protection for the concerns related to the water supply protection zones of influence, or the areas of immediate influence of the various production wells at Rights River, have been calculated from the available hydraulic data. Within these zones of influence, activities and/or land uses will be assessed in relation to known contaminant generating capacity. The most critical zone of influence is entirely within the floodway. In order to protect the water supply, Council has decided to establish land use policies that would apply to the entire area.

- Policy CS-1.1** It is the intention of Council to consider expansions to the existing sewer and water systems only to locations deemed advisable by Council and when a clear need is demonstrated.
- Policy CS-1.2** It is the intention of Council to establish and maintain an ongoing monitoring program for the Rights River Well Development to acquire information on the effects of pumping on the ground water characteristics and to detect possible point of contamination.
- Policy CS-1.3** It is the intention of Council to adopt and administer an Emergency Response and Contingency Plan to provide a rapid, systematic and effective response to any accidental event which, by its nature, could have a detrimental effect on the Rights River Well Development.

## **4.2 Transportation**

Transportation is a key element in the shaping of land uses throughout the Municipality. The most important transportation link in the Planning Area is the road network. In the Municipality, there are four classifications of roads as determined by the Department of Transportation and Communications: controlled access highways, arterial roads, paved collector roads and local roads. The road network in the Planning Area consists of paved and unpaved roads that extend from the Town and continue into other areas of the County.

All public roads in the Planning Area are currently listed and maintained by the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR). As part of the municipal service exchange, however, the County will be responsible for the maintenance of certain public roads. Roads are costly to both build and maintain. As such, it is in the interest of the Municipality to evaluate any proposal for new public roads in the Planning Area to ensure that the construction and maintenance of these new roads is cost effective for the Municipality and the taxpayers.

A major transportation issue in the Planning Area is the twinning of the Trans-Canada Highway. A new by-pass section of the Trans-Canada highway is being constructed. The first phase was completed in 2012, and involves the section between Addington Forks and the area just east of Beech Hill Road. A second phase of twinning will extend the by-pass to Taylor's Road, just east of Lower South River. This by-pass means that highway traffic will no longer need to stop at intersections, as happened with the previous highway arrangement, when passing through Antigonish. Once the by-pass is complete, the former Highway 104 (Post Road) will become a local arterial road, with access separation and standards still regulated by NSTIR.

Private roads are prevalent throughout the West River Antigonish Harbour Plan Area. Private roads are not owned or maintained by the Municipality of the County of Antigonish and do not fall under the Municipality's responsibility for services. The responsibility for services, such as snow removal, is that of the property owners who have dwellings on lots with frontage along a private road. Private roads should be avoided in areas where municipal sewer services are available, as private road design and maintenance could interfere with the orderly operation of municipal services. Only if special controls such as development agreements are in place, to ensure a high quality of a constructed private road, may such roads be exceptionally considered in serviced areas.

Council would like to see private road owners associations be created for new private roads in the County so that all the landowners could share the responsibility for the maintenance and upkeep of the private

road. Council wishes to prevent potential home owners from buying a home imprudently that is located on a private road and erroneously assuming that the Municipality will maintain the private road.

**Policy CS-1.4 It is the intention of Council to establish a road network within the Planning Area that is safe, cost effective and attractive to the County and the motoring public.**

**Policy CS-1.5 It is the intention of Council to prohibit the creation of private roads in serviced areas and to define exceptions to this rule in the municipal Subdivision By-law.**

#### ***4.2.1 Active Transportation***

Council is supportive of active transportation initiatives in the West River Antigonish Harbour Plan Area. Council is aware that an Active Transportation Plan is being developed currently for parts of the West River Antigonish Harbour Plan Area and is supportive of this plan in its efforts to promote an active, healthier community.

**Policy CS-1.4.1 It is the intention of Council to establish an Active Transportation plan detailing routes and linkages for safe active transportation networks within the Municipality.**

#### ***4.3 Government Buildings and Facilities***

Council may, from time to time allow a government or agency to provide a public building or facility within the West River Antigonish Harbour Plan Area. Government and agency buildings can benefit the public by providing social, emergency and other types of services and should be allowed anywhere. However, at this time, it is very difficult to determine the type or location of such a facility. Therefore, Council is of the opinion that government buildings and facilities be permitted in all zones.

**Policy CS-1.6 It is the intention of Council to permit government buildings and facilities in all zones subject to the requirements of that particular zone.**

#### ***4.4 Public and Private Utilities***

Utilities, including those related to communications, gas and electricity, provide essential services to residents. Often these utilities involve equipment, buildings or transmission lines in order to operate. Council does not wish to place undue hardships on these utilities; therefore, these uses will be permitted in any zone within the plan area.

Alternative sources of energy and heating are encouraged by Council. Energy sources such as wind and solar power are growing in Antigonish County. Small and large scale wind turbines are permitted in the West River Antigonish Harbour Plan Area subject to the zoning by-laws and the *Land Use By-law for the Municipality of the County of Antigonish Concerning the Regulation of Wind Turbine Development*. Wind turbines are private electricity-generating utilities and are subject to different setbacks depending on the size and scale of the turbine. Large scale wind turbines of 2 Mw and over are required to go through the public rezoning process.

**Policy CS-1.7 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.**

## 4.5 Education

English students in Antigonish County are served by the Strait Regional School Board, while the *Conseil Scolaire Acadien Provincial* serves over 200 French speaking students from Kindergarten to Grade 12. The Strait Regional School Board has two schools in the Plan Area. Both Saint Andrew Junior School and the Antigonish Education Centre are located on Appleseed Drive. While there is no post-secondary institution in the Plan Area, St. Francis Xavier University is located nearby within the Town of Antigonish.

**Policy CS-1.8 It shall be the policy of Council to monitor development within the Planning Area to support the Strait Regional School Board in order to:**

- **Help ensure a suitable teacher/student ratio is maintained;**
- **Encourage the maintenance of a high standard of education;**
- **Ensure that land is available for educational institutions and balancing development to help the student populations remain stable;**
- **Ensure that land designations and zoning allow for appropriate uses on land adjacent to schools.**

## 4.6 Recreation Facilities

The Antigonish County Recreation Department endeavours to maintain and improve existing recreational and community facilities throughout Antigonish County. A variety of indoor and outdoor recreation facilities are located in the West River Antigonish Harbour planning area including community halls, a curling club, outdoor skating rinks, soccer fields, and ball fields. Many of these facilities host organized and informal activities, which include programs run by the County as well as those run by other community groups such as sports leagues, 4-H, and youth service clubs. Council is committed to encouraging the broad use of the recreation facilities by a variety of users.

**Policy CS-1.9 It shall be the policy of Council to continue to support the maintenance and improvement of recreational facilities for the residents of Antigonish County.**

**Policy CS-1.10 It shall be the policy of Council to continue to support local groups and organizations involved in promoting recreation in the County.**

## 4.7 Protective Services

The Royal Canadian Mounted Police provide police protection for Antigonish County, including the Central Antigonish planning area. The local RCMP detachment is located on Fairview Street in the Town of Antigonish.

Council would like to cooperate with the RCMP to incorporate Crime Prevention Through Environmental Design (CPTED) principles into new developments in the plan area. CPTED is part of a comprehensive approach to crime prevention. By emphasizing modifications to the physical environment, it complements community-based policing, Block Watch, and social programs that address some of the root causes of criminal behaviour. The physical design of a neighbourhood can drastically reduce the potential for criminal activity. Crime prevention tactics such as maximizing residents' ability to view public spaces is just one of the CPTED principles.

**Policy CS-1.11** It shall be the policy of Council to support on an ongoing basis the efforts of the Royal Canadian Mounted Police in providing police protection to the West River Antigonish Harbour Planning Area and to cooperate with the RCMP to incorporate Crime Prevention Through Environmental Design (CPTED) principles for new neighbourhoods.

#### ***4.8 Fire Protection***

The West River Antigonish Harbour Planning Area is served by the Antigonish County Volunteer Fire Department and the Antigonish Town Volunteer Fire Department. Often more than one department responds to fire calls and other emergencies in a given district, and fire departments from more than one district will often respond to larger emergencies. The Antigonish County Volunteer Fire Department is well equipped to handle fire emergencies in the Plan Area and has added a new piece of equipment to their existing fleet of fire vehicles.

**Policy CS-1.12** It shall be the policy of Council to continue supporting the efforts of the Antigonish County Volunteer Fire Department and the Antigonish Town Volunteer Fire Department in providing fire protection to both the residential and business community.

## **4.9 General Development Policies**

### **4.9.1 Home Occupations**

Home occupations, otherwise known as home-based businesses, are widespread throughout the planning area. These businesses, which are either located in the proprietor's home or an accessory building, provide important employment opportunities and may include domestic or household art studios, home day cares, personal service shops, professional offices and offices for trades professionals. Home based businesses benefit their local area by enhancing the local economy, encouraging neighbourhood interaction, and reduce commuting and traffic allowing operators to benefit from low start up and operating costs, an independent work environment and flexibility not found with traditional employment. In addition, home occupations allow start-up businesses to become established without the expense of off-site location overhead. They can also serve as a secondary profession for homeowners, which in turn can bolster the local economy.

Home occupations are intended to operate within a building that functions primarily as a residential dwelling, often being found in a residential neighbourhood. Due to the close proximity of neighbouring dwellings, open storage and outdoor displays associated with home occupations will be prohibited in the Residential Designation. Council also intends to establish strict sign regulations regarding home occupations due to the effect that commercial signage can have in residential neighbourhoods.

**Policy CS-2.1 It shall be the policy of Council to permit home occupations in single detached dwellings or accessory buildings provided these businesses are accessory to the residential use of the property, have no external effects or emissions, and do not detract from the residential nature of the dwelling or neighbourhood. Home occupations shall be permitted in the Rural General (RG-1) and Residential (R-1) zones, provided they meet the requirements as established in Part 7 of the Land Use By-law.**

**Policy CS-2.2 It shall be the policy of Council to regulate signage and prohibit open storage or outdoor displays for home occupations.**

### **4.9.2 Illumination**

The role of site lighting is two-fold; lighting is a necessity for safe passage in the dark, but can also be used to highlight features on a site or building for identification or aesthetic purposes. Adequate lighting levels and coverage, as well as the type of light-source, is important for safety reasons but should not result in excessive lighting that becomes a nuisance when spilling off of the site that it is intended to serve. Indiscriminate lighting can have an adverse effect on surrounding flora and fauna and wash out the stars in the sky. Given the rural nature of the plan area, excessive site lighting, such as that caused by non-cut-off wall pack fixtures or non-directional pole-mounted lighting, can be uncomfortable for drivers coming into hamlet areas from the un-lit countryside.

**Policy CS-2.3 It shall be the policy of Council to establish requirements in the Land Use By-law to address the impacts of any outdoor illumination on adjoining properties, adjacent streets and the night sky.**

### 4.9.3 Mines and Quarries

Mining and quarries are not considered land uses that can be controlled under the *Municipal Government Act*. While Council recognizes the economic benefits of resource extraction, it proposes that the impacts of any such development, as well as any associated uses, be minimized for surrounding residential development.

**Policy CS-2.4** It shall be the policy of Council to permit uses associated with mines, quarries and gravel extractions in all zones provided they are on the same lot as the main use. These uses shall be subject to the requirements of the General Industrial (I-2) Zone. Uses associated with mines and quarries fall under the *Mineral Resources Act, 1990, c.18, s.1* (as amended) and all mining in the plan area requires the proper provincial permits and licenses from the Nova Scotia Department of Natural Resources.

### 4.9.4 Sign Regulations

Signage can be found everywhere, and plays a significant role in place-making. Signage provides direction for drivers and pedestrians by identifying communities, highways, roadways, businesses, buildings and their uses. Signage is also used for advertisements, both for business and activities. Words, numbers, colours and symbols all play a role in modern signage design.

Signs can be ground-mounted, hung on buildings, temporary and free-standing in front of a building or along a roadway, found within building windows, or incorporated into awnings. In the West River Antigonish Harbour Planning Area, signage must incorporate good design and quality, providing pertinent details without extraneous clutter.

**Policy CS-2.5** It shall be the policy of Council to regulate the size, type and number of signs in all areas of the Planning Area in order to ensure that they are safe, as well as compatible with the architectural style of the community.

Council is aware that visibility of a commercial use is a site-specific variable. Some commercial properties located close to the Trans-Canada Highway may require higher and larger signage so that the travelling public can make decisions to leave the highway prior to their off-ramp. Commercial properties located on a hill overlooking a highway would only need minimal signage and still be visible to the passing public. With this in mind the size and height of signs in Commercial areas will be regulated on a site-by-site basis. The Land Use By-law will include an “as-of-right” height which will be the base height for signage. In addition to this there would be a second sign size and height which would be available to developers in close proximity to the Trans-Canada Highway. Finally there would be a third sign standard which would be available through the variance provisions of the Municipal Government Act.

**Policy CS-2.5A** It is the policy of Council to have special height and size provision for commercial signage in close proximity to the Trans-Canada Highway.

### 4.9.5 Temporary and Special Uses

Throughout most communities there are activities that are associated with new development or construction projects. There is often a need for small construction sheds, offices and storage facilities associated with this development. These uses are considered normal components of the construction industry and Council does not intend to limit their use in the planning area. However, Council will require that temporary use (structure) be removed from the site shortly after construction work is completed.

Festivals and tourist promotional campaigns are also a normal component of life within the planning area and “special uses” such as signs, banners, display booths and other associated structures that are used during these special events have become a necessity. Council sees no problem with allowing these uses within the planning area on a short term basis though will require the discontinuation of these uses when the special event is concluded.

**Policy CS-2.6** It shall be the policy of Council to allow temporary uses and structures used in conjunction with a development, construction or subdivision projects, including offices, storage buildings, scaffolding or signs in the Plan Area. Council shall require that such temporary uses or structures be removed within a specified time following the completion of the project that they are associated with. A Development Permit shall not be required for a temporary use.

**Policy CS-2.7** It shall be the policy of Council to allow for temporary uses and structures such as signs, banners, display booths and other similar structures within the Plan Area, provided these uses or structures are used in conjunction with a festival, celebration or any other special event. Council will require that such special uses or structures be removed within a specified time following the completion of the event with which they are associated. A Development Permit shall not be required for a special use or structure associated with a festival or celebration.

## CHAPTER 5: IMPLEMENTATION

### 5.1 *Municipal Planning Strategy*

The Municipal Planning Strategy is a policy document that provides the framework by which future growth and development in the planning area is encouraged and coordinated. The policies of this 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 I-1.1** This Municipal Planning Strategy shall be implemented by means of the powers given to the Council by the *Municipal Government Act, 1998, c 18, s 1 (as amended)*.

**Policy I-1.2** In addition to employing specific implementation measures, it shall be the intention of Council to maintain an ongoing monitoring and planning process through its Planning Advisory Committee, which shall include the drafting or revision of planning by-laws related to planning issues, a review of questions related to the environmental effects of public works or development, and any other issues related to the growth and development of the Planning Area.

**Policy I-1.3** In order that development control decisions are based on expert advice beyond that which the Planning Advisory Committee is able to supply, it shall be the intention of Council to circulate applications for amendment of the Land Use By-law and for development agreements to the Eastern District Planning Commission and appropriate provincial government agencies for their information and comment as may be required.

### 5.2 *Generalized Future Land Use Map*

The Generalized Future Land Use Map shows the future land use designations within the planning area, which have been established by policies within this Strategy. This map illustrates the following designations:

- *Rural Development Designation*, which permits uses typically found in rural areas including agriculture, forestry, tourist commercial, mini home parks and low density residential developments.
- *Residential Designation*, which generally incorporates low density residential with municipal servicing, as well as multiple-unit residential.
- *Commercial Designation*, which accommodates all commercial uses, from large scale businesses to local commercial uses.
- *Floodplain Designation*, outlines where the flood prone areas are located near the Town.
- *Water Supply Designation*, illustrates the location of the aquifer that supplies the plan area with potable water. Land uses are restricted in order to protect this valuable water supply.

### 5.3 *Municipal Planning Strategy Amendments*

**Policy I-1.4** It shall be the intention of Council to require amendments to the policies and maps of the Municipal Planning Strategy under the following circumstances:

- a. where a policy intent is to be changed;
- b. where the Municipal Planning Strategy is in conflict with applicable provincial land use policies or regulations in accordance with the *Municipal Government Act*;
- c. where a requested amendment to the Land Use By-law is in conflict with this planning strategy and there are valid reasons for the amendment; or,
- d. where a secondary planning strategy is to be incorporated into the Municipal Planning Strategy.

**Policy I-1.5** Strategy amendments shall require the approval of the Minister of Municipal Affairs and shall be adopted in accordance with the provisions of the *Municipal Government Act*.

#### **5.4** *Actions Not Requiring a Planning Strategy Amendment*

Since the Generalized Future Land Use Map is not intended to be a precise representation of the configuration of future land use patterns within the planning area, it is wise to provide some flexibility for those land uses on the boundary or fringe areas for which plan amendments might otherwise be required.

**Policy I-1.6** It shall be the policy of Council that areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for a rezoning to a use that is similar in nature to the given designation without requiring an amendment to this Strategy, provided that the general intent of all other policies of the Strategy are satisfied.

**Policy I-1.7** It shall be the policy of Council that, in the event that land within the Rural Development Designation is connected to sewer or sewer and water services, consideration be given to approve the rezoning of land from a zone in the Rural Designation to a zone in the Residential Designation without requiring an amendment to the Strategy, provided that the intents of all other policies of the Strategy are satisfied. Council may also consider such rezonings, where suitable, when servicing has been approved but not yet completed.

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

The West River Antigonish Harbour Land Use By-law is the means by which the land use policies contained in this Municipal Planning Strategy are implemented. The Land Use By-law establishes zones, identifies their location on the Zoning Map, indicates the uses permitted within the zone and outlines the standards required for development.

The intention is not that all land be pre-zoned at the outset as indicated by the policies of this strategy, or as indicated on the Generalized Future Land Use Map. In order that Council may maintain a high degree of control and be able to monitor future development, initial zoning provisions will be relatively restrictive. Development proposals that would not be permitted by the initial zoning will be processed as amendments to the zoning map and considered only if they meet the guidelines found within this Municipal Planning Strategy.

- Policy I-1.8** It shall be the intent of Council that the following uses, within the designations specified, shall be considered only by amendment to the land-use by-law:
- a. tourist commercial uses according to Policy L-1.19;
  - b. rural residential uses according to Policy L-1.10;
  - c. rural comprehensive development district uses according to Policy L-1.12;
  - d. residential uses according to Policy L-2.5;
  - e. multiple unit residential uses with four (4) or fewer units according to Policy L-2.9;
  - f. local commercial uses according to Policies L-1.25, L-2.15 and L-3.3;
  - g. general commercial uses according to Policy L-3.6;
  - h. light industrial uses according to Policy L-4.2; and
  - i. open space uses according to Policy L-7.2.

## **5.6 Amending the Land Use By-law**

From time to time it may be necessary to amend the Land Use By-law, although the amendment must always conform to the intent of the Municipal Planning Strategy. Examples of situations that may create the need to amend the Land Use By-law include:

- a request by an individual to amend the by-law;
- a motion by a member of Council to amend the by-law; or,
- an amendment to the Municipal Planning Strategy that creates a situation where the Land Use By-law is no longer in conformance with the strategy.

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

- Policy I-1.9** In considering amendments to the Land Use By-law it shall be the policy of Council to:
- a. request a report from the Eastern District Planning Commission;
  - b. request the Planning Advisory Committee and the Area Advisory Committee to consider the report prepared by the Planning Commission with respect to Policy I-1.10 (Criteria for Amendment to the Land Use By-law), and any other policies of this Strategy that affect the proposed amendment;
  - c. refer the matter to the appropriate individual municipal and provincial 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 the public notice, as provided for in the *Municipal Government Act*.

## **5.7 Criteria for Amending the Land Use By-law**

An amendment to the Land-Use By-law can have a significant impact on fiscal and land use matters in the Planning Area and Municipality. With this in mind, the *Municipal Government Act* requires that a Municipal Planning Strategy prescribe the criteria to be used by Council when considering an amendment to the Land-Use By-law.

- Policy I-1.10** In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:
- a. Whether the proposal conforms with the intent of this Strategy and with the requirements of all other Municipal by- laws and regulations;
  - b. Whether the proposal is premature or inappropriate by reason of:
    - i. the financial capability of the Municipality to absorb any costs relating to the development;
    - ii. the adequacy of sewer and water services to support the development;
    - iii. the adequacy and proximity of school, recreation and other community facilities;
    - iv. the adequacy of road networks adjacent to, or leading to the development;
    - v. the potential for the contamination of watercourses or the creation of erosion or sedimentation; or,
    - vi. the potential for damage to or destruction of historical buildings and sites.
  - c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:
    - i. the type of use;
    - ii. setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;
    - iii. traffic generation, access to and egress from the site, and parking;
    - iv. open storage;
    - v. signs;
    - vi. provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
    - vii. the location of the development so as not to obstruct any natural drainage channels or watercourses;
    - viii. sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.
  - d. Suitability and costs of the proposed development in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.

## **5.8 Development Agreement**

A development agreement is a legal agreement between Council and an applicant that regulates and controls the manner in which a property is to be developed. The agreement provides an approach to development control that is more flexible than the traditional zoning techniques and is better able to address site-specific conditions. The *Municipal Government Act* regulates the procedures and conditions required for development by way of agreement. When preparing such a document, Council shall refer to the items to be included in a development agreement and the evaluation criteria contained the Municipal Planning Strategy.

**Policy I-1.11** The following uses shall be considered subject only to the entering into of a development agreement:

- a. tourist cottages or cabins totaling six (6) or more accommodation units and campgrounds according to Policy L-1.22;
- b. rural comprehensive development district according to Policy L-1.13;
- c. multiple unit residential uses with five (5) or more dwelling units according to Policy L-2.12;
- d. automobile sales and service stations in the local commercial zone according to Policy L-1.26;
- e. large-scale commercial developments subject to Policy L-3.10
- f. new mobile home parks and expansions to existing mobile home parks according to Policy L-1.16;
- g. general industrial uses according to Policy L-4.3;
- h. commercial storage facilities according to Policy L-1.4.1.

## **5.9 Evaluation Criteria and Terms for Development Agreements**

**Policy I-1.12** In considering development agreements, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:

- a. Whether the proposal is in conformance with the intent of this Strategy and with the requirements of all other applicable municipal by-laws and regulations;
- b. Whether the proposal is premature or inappropriate by reason of:
  - i. the financial capability of the Municipality to absorb any costs relating to the development;
  - ii. the adequacy of sewer and water services to support the proposed development;
  - iii. the adequacy and proximity of school, recreation and other community facilities;
  - iv. the adequacy of road networks adjacent to, or leading to the development;

- v. the potential for the contamination of watercourses or the creation of erosion or sedimentation; and
- c. Whether the development has potential for damage to or destruction of historical buildings and sites.
- d. An erosion and sedimentation control plan prepared by a qualified individual or company;
- e. A storm water management plan prepared by a qualified individual or company.

**Policy I-1.13** It shall be the policy of Council that, when considering an application for a development agreement or an amendment to a development agreement, the agreement may include but not be limited to the following:

- a. the specified use and size of the structure or an expansion to an existing structure, and the maximum floor area of additional or accessory uses;
- b. the location of any structures within the development;
- c. the percentage of land area that may be built upon and the size of yards, courts or other open spaces;
- d. the external appearance of any proposed buildings, the compatibility with adjacent structures;
- e. access to streets and parking;
- f. the landscaping or buffering of development, including fencing, trees, shrubs, walkways and outdoor lighting;
- g. signs;
- h. the location of any open storage and the screening of any open storage areas from adjacent roadways and sensitive land uses;
- i. hours of operation;
- j. the on-going maintenance of the development;
- k. minimum lot sizes;
- l. the minimum area of land required for any class of use or size of structure;
- m. regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out;
- n. the maximum density of the population within the development; and
- o. any other similar matter that may be addressed in a Land Use By-law that Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.

**Policy I-1.14** Council may require that any or all of the following information be submitted by the developer or property owner with respect to any proposed development that is subject to a development agreement:

- a. details of the existing 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 lands;
- b. details of the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
- c. for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;
- d. details of the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;
- e. information regarding the intended hours of operation, open storage, signs; and
- f. details regarding the provision of an appropriate landscape buffer or visual barrier, if required.

### ***5.10 Development Agreement and Amendment Process***

- Policy I-1.15** In considering development agreements or amendments to the Municipal Planning Strategy or Land Use By-law, it shall be the intention of Council to:
- a. request a report from the Eastern District Planning Commission;
  - b. refer the matter to the Planning Advisory Committee for their recommendation with respect to the appropriate policies of this Strategy that affect the proposed development agreement or amendment.

### ***5.11 Notice to Property Owners***

- Policy I-1.16** In considering amendments to the Land Use By-law, it shall be the policy of Council that property owners on lots abutting the subject property be notified of the proposal by mail, with all costs of notification covered by the applicant.

### ***5.12 Building Inspector***

- Policy I-1.17** It shall be the policy of Council to continue the services of the Municipal Building Inspector, whose duty it will be to enforce the National Building Code of Canada.

### ***5.13 Development Officer***

- Policy I-1.18** In accordance with the *Municipal Government Act*, it shall be the intention of Council to appoint a Development Officer who shall administer the Land Use By-law. Further, in accordance with the *Municipal Government Act*, Council shall also appoint the Development Officer to administer the Subdivision By-law.

### ***5.14 Variance***

In addition to the general powers granted in the *Municipal Government Act*, the Development Officer is empowered to grant variances from the Land Use By-law. Specifically, the Development Officer may vary

the percentage of land that may be built upon, the size of yards and other open spaces, lot frontage and lot area. Should the Development Officer grant a variance, he or she must serve notice of this action in accordance with the *Municipal Government Act*. A decision on a variance may be appealed to Council by anyone served with such notice.

**Policy I-1.19** 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, a notice of this action must be served in accordance with the *Municipal Government Act*. Anyone served with such notice may appeal a decision regarding the variance to Council.

**Policy I-1.19A** It is the policy of Council to allow for the variance of sign height and area based on visibility of the sign from the Trans-Canada Highway. Should the Development Officer grant a variance, a notice of this action must be served in accordance with the *Municipal Government Act*. Anyone served with such notice may appeal a decision regarding the variance to Council

### **5.15 Site-Plan Approval**

In addition to the general powers granted in the *Municipal Government Act*, the Development Officer is empowered to grant site-plan approval. Should the Development Officer grant site-plan approval, he or she must serve notice of this action in accordance with the *Municipal Government Act*. A decision on site-plan may be appealed to Council by anyone served with such notice.

**Policy I-1.20** In addition to the general powers granted in the *Municipal Government Act*, the Act also empowers the Development Officer to grant site-plan approval from the Land Use By-law. Should the Development Officer grant site-plan approval, a notice of this action must be served in accordance with the *Municipal Government Act*. Anyone served with such notice may appeal a decision regarding the variance to Council. A site-plan approval may deal with the following:

- a. the location of any structures on the lot;
- b. the location of off-street loading and parking facilities;
- c. the location, number and width of driveway accesses to streets;
- d. the type, location and height of walls, fences, hedges, trees, shrubs, ground cover or other landscaping elements necessary to protect and minimize the land-use impact on adjoining lands;
- e. the retention of existing vegetation;
- f. the location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- g. the type and location of outdoor lighting;
- h. the location of facilities for the storage of solid waste;
- i. the location of easements;
- j. the grading or alteration in elevation or contour of the land and provision for the management of storm and surface water;
- k. the type, location, number and size of signs or sign structures;
- l. provisions for the maintenance of any of the items referred to in this section.

### **5.16 Subdivision**

Subdivision is the division of land into two or more parcels or the consolidation of two or more lots. In order to regulate subdivision and set standards for water and sewer services, street construction and public land dedication, the Municipality has adopted a Subdivision By-law.

**Policy I-1.21** It shall be the policy of Council, through the Development Officer, to administer the Subdivision By-law in accordance with the *Municipal Government Act*.

### **5.17 Subdivision of Landlocked Parcels**

**Policy I-1.22** It shall be the policy of Council to permit the creation of one additional lot without lot frontage pursuant to Section 19 of the Subdivision By-law, subject to such lot having an easement for right-of-way and access, granted by deed and registered at the Registry of Deeds, and where the portion of that right-of-way easement crosses the railway right-of-way, a license for right-of-way and access from the railway shall be sufficient.

### **5.18 Strategy Review**

In accordance with Section 214(2) of the *Municipal Government Act*, this Strategy may be reviewed either when the Minister of Municipal Affairs or Council deems necessary.

**Policy I-1.23** In accordance with Section 214(2) of the *Municipal Government Act*, the Municipal Planning Strategy may be reviewed when Council deems advisable or when requested by the Minister of Municipal Affairs.