CHAPTER 1 – INTRODUCTION

1. Municipal Planning Strategy

This Municipal Planning Strategy for the Isle Madame Plan Area, located within the Municipality of the County of Richmond, has been prepared according to the provisions of the *Municipal Government Act*. This Plan Area serves the entire series of islands, referred to as Isle Madame or the Island, as defined by the Generalized Future Land Use Map (Schedule 'A').

In keeping with other Municipal Planning Strategies and Land Use By-laws that have been prepared for the Municipality of the County of Richmond, an Area Advisory Committee (AAC) was established and held the responsibility for the development of this Strategy, the preparation of related documents, and the associated public participation program. This process has also received guidance and review from the Municipality's Planning Advisory Committee (PAC). Currently, the Richmond County PAC is the advisory body for all planning matters within the County.

This Municipal Planning Strategy is intended to guide the decisions of Council with respect to regulating development within the Isle Madame Plan Area. The goal of this Strategy is to reflect the aspirations of citizens by providing an environment which protects and enhances the existing community while encouraging economic and social growth. The policies adopted by Council in this document are intended to foster this goal. The implementation of these policies is carried out in several ways, the most important being the Land Use By-law. It establishes the specific zones, lists the permitted uses and appropriate lot standards as well as presents the general standards applicable throughout the Plan Area. Maps referred to in the policy statements are included in this document and constitute part of this Strategy.

In adopting this Strategy, Council is not committed to undertake any project described herein, but in accordance with the *Municipal Government Act*, cannot act in a manner that is inconsistent with the Strategy. It is intended, therefore, that the actions of Council reflect priorities set out in this Strategy.

2. Background to the Plan

The municipal planning process in Richmond County started when Council adopted a public participation process on September 14th, 1992. In early 1993, students in the Masters of Urban and Rural Planning Program at the Technical University of Nova Scotia (predecessor to Dalhousie University's School of Planning) conducted a four month study of Isle Madame. Their published Urban and Rural Development Planning Report on the island has provided much of the background information for this Municipal Planning Strategy and Land Use By-law, for which preparation commenced in the Summer of 1994. The services of the Rural Cape Breton District Planning Commission (now the Eastern District Planning Commission) were provided to assist the Isle Madame Area Advisory Committee and the Richmond County Planning Advisory Committee in the preparation of the Plan, which was adopted by Council on April 14th, 1998.

The *Municipal Government Act* requires that every Municipal Planning Strategy identify by policy when, or under which circumstances, a Plan shall be reviewed. As quite some time had passed since the Plan was first adopted, in June 2010 Richmond County Council directed the Eastern District Planning Commission to work with the Richmond Planning Advisory Committee to review the policies and regulations contained within the Strategy and Land Use By-law. In the Fall of 2010 a series of open house meetings were held in communities throughout Isle Madame to obtain feedback in regards to current land use planning issues and desires in the Plan Area. This Municipal Planning Strategy and accompanying Land Use By-law contains policies adopted in 1998 as well as new and amended land use policies reflecting the evolving nature of the Isle Madame region.

Map 1 – Provincial Context

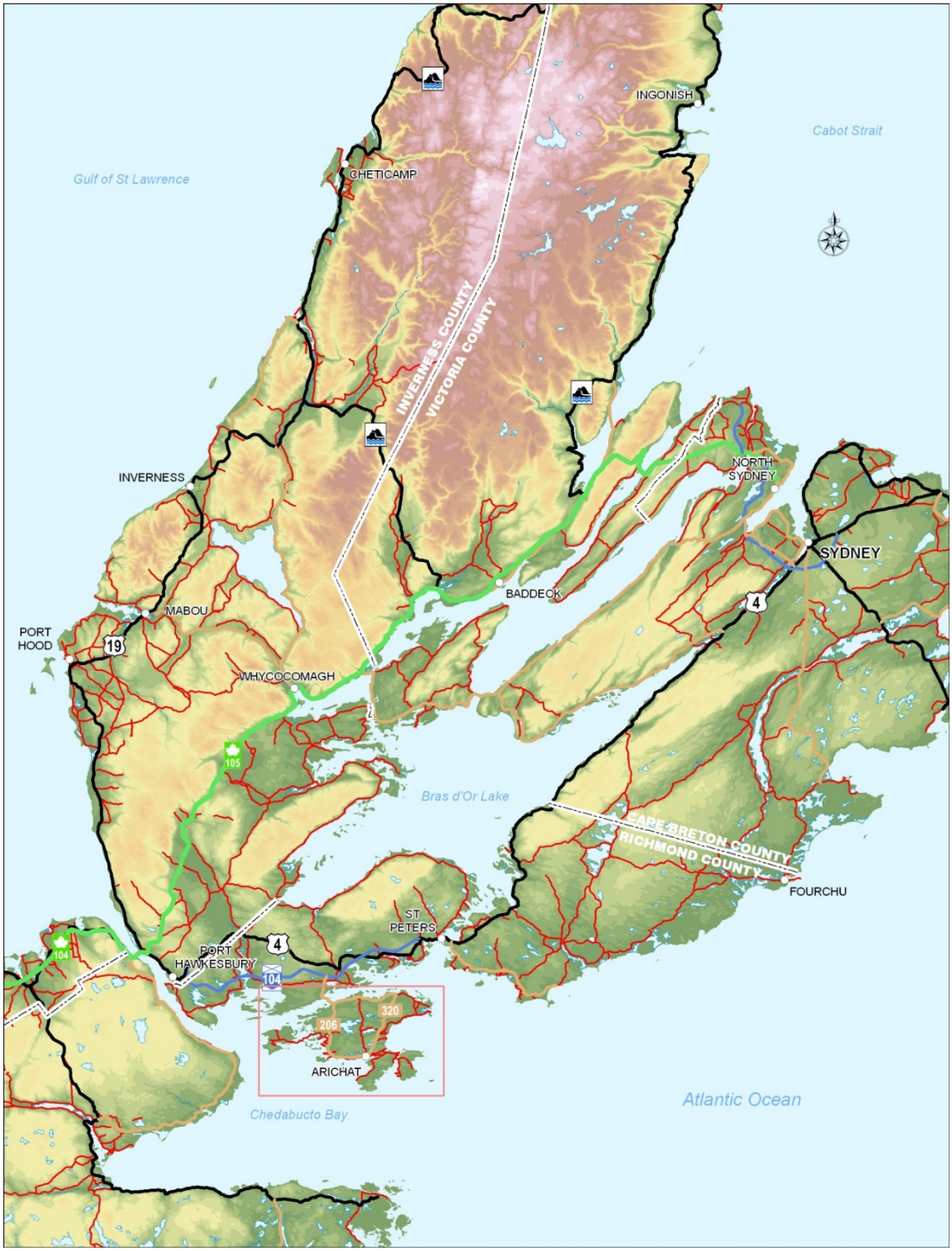
3. Context

a) Provincial - Isle Madame is an island located off the southwestern shore of Cape Breton Island in the Atlantic Ocean. (Map 1) The island is located approximately 60 kilometres from the Canso Causeway and 130 kilometres from Sydney. The scenic Fleur-de-Lis Trail passes through the island and connects it to Route 104, the main transportation route linking communities on the eastern side of Cape Breton Island. Refer to the Local Context Map (Map 2) for a more accurate detail of the island's location in relation to Cape Breton Island.

b) Local - The Isle Madame Planning Area consists of all of Isle Madame, Petit-de-Grat Island and Janvrin's Island and contains a number of communities including Arichat, West Arichat, Petit-de-Grat, D'Escousse and Poulamon as well as linear or ribbon development along the highways and coastlines of the island. A sizable portion of the island is owned by private wood lot owners supplying pulp wood to the NewPage Corporation mill in Point Tupper. The residents of the island are increasingly turning toward tourism and a variety of other industries and small businesses. Making the best use of both human and natural resources of the island is particularly important with the downturn of the fishing industry.

4. History

Isle Madame was first settled in the early 1700s. In 1713, a permanent settlement now known as Arichat was established beginning the rapid economic rise of Isle Madame. In 1752, the population of the island totaled 125 people of French, English, and Irish descent and Arichat Harbour was becoming an international trading port. By 1801, Arichat itself had a population of 1,520 people and 192 ships, making Isle Madame a major trading and business centre. The growth of the island persisted through the 1830s when the population of Arichat surpassed 2,000 and continued on until it peaked around the time of



Map 2 – Local Context

Confederation. With Confederation came the loss of free trade with the United States and this had a major impact on Isle Madame. The island's importance as a trading port entered a period of steady decline and through the twentieth century, the island has relied on the ebbs and flows of the Atlantic fishery. Today, Isle Madame has been significantly affected by the collapse of the fishery. Residents of the island, however, refuse to give up. A new spirit of community cooperation in economic and social development has rekindled the enthusiasm of island residents, bringing renewed faith in the community's future.

5. Population

Just as the economy peaked in the mid-nineteenth century, so too did the population of the island. In 1871, just four years after Confederation, the population of Isle Madame was 6,157. In the decades that followed, a slow but steady decline took hold until the population of the island hit 3,825 in 1951. From 1951 until 1971, the island experienced a "baby boom" which occurred after World War II and some expansion in the Atlantic fishery and peaked at close to 5,000 in 1966.

Since then however difficult economic times, including the downturn of the Atlantic fishery as well as changing demographic trends led to a slow steady population decline. From 1991 to 2006 the population of Isle Madame declined from 4,333 to 3,455, a decline of 20%. This pattern of depopulation is not unique to Isle Madame, as the population or Richmond County as a whole declined by about 11% over the same period and many coastal communities throughout Atlantic Canada are experiencing a similar situation. Of Isle Madame's population, approximately half are located within the denser and municipally serviced communities of Arichat and Petit-de-Grat, with approximately a fifth located in West Arichat, another fifth located in the D'Escousse/Pondville area and the remaining tenth located in the more rural parts of the island.

The median age of Isle Madame's residents, according to the 2006 Census, was 46, which is approximately 4 years above the provincial median of 41.8. This is consistent with other rural communities where many young people leave their community to seek employment or educational opportunities in larger centres (although some return of younger adults to Isle Madame has been noted in recent years). Isle Madame is also unique in that approximately half the population speaks French as a mother tongue and the Acadian cultural influence remains strong throughout the island. About two thirds of the region's population is bilingual. Compared with the provincial average, a very high proportion of Isle Madame residents have been in the community for a long time, with over 80% living at the same address five years ago and fewer than 2% of residents are immigrants.

6. Building and Housing

In 2006 Isle Madame's 3,455 residents lived in 1,383 private dwellings. According to those Census figures, 1,125 of the dwellings were constructed before 1986 and 255 between 1986 and 2006. 76.4% of private occupied dwellings on Isle Madame were single family dwellings, 15.6% were semi-detached houses, 2.2% were rowhouses or duplex apartments, 1.8% apartments in buildings with fewer than five storeys and 4% in "other dwellings" which includes mobile homes. About 86% of dwellings are owned, with an average value of $101,729, which is about two thirds of the provincial average of $158,000. The median monthly rent of $401 which is also about two thirds the provincial median rent of $641.

Since 2004, Eastern District Planning Commission building figures indicate that most construction on Isle Madame was residential in nature and that numbers have remained relatively steady over the last few years. The table below indicates total building permits issued by fiscal year in the residential and industrial/commercial/institutional sectors. New residential figures include new mobile homes (which incorporate close to half of new homes built in the plan area over this period) and all the figures exclude demolitions and permit renewals. It is not unusual to see continued home construction in areas where the population has been declining, given that average household size has also been declining for many years nation-wide. Many new residential dwellings are built for older residents downsizing, in addition to seasonal residents coming in from elsewhere as well as young families starting out or upgrading.

Table 1: Building Permits on Isle Madame, 2004-10

	04-05	05-06	06-07	07-08	08-09	09-10
New Residential	19	10	19	11	13	9
Residential Alteration	46	69	51	44	57	56
New ICI	3	1	3	3	2	4
ICI Alteration	6	1	2	4	6	6

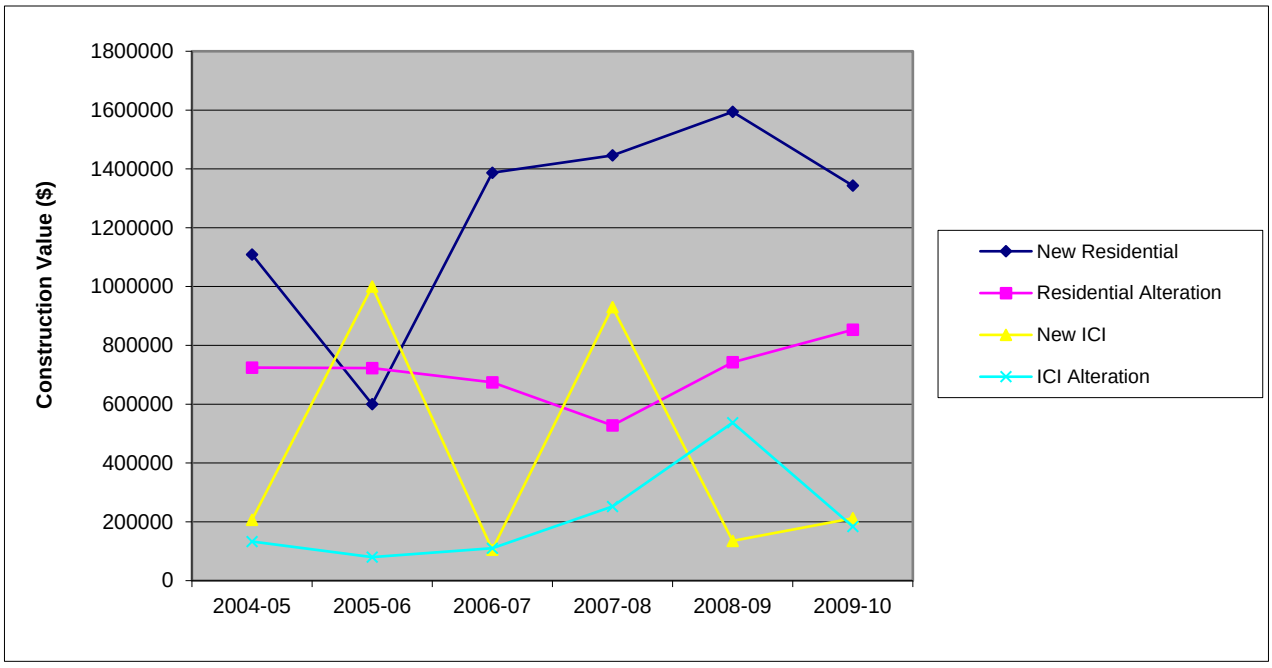
It should be noted that fluctuations in numbers occur over time influenced by outside factors. A significant drop in new residential construction in 2005-06 for instance coincided with a lockout at the Stora-Enso (now NewPage) mill. While the total number of building permits for residential alterations, garages and additions was high, the total construction value those years, as indicated on Table 2, was not. Likewise federal economic stimulus programs encouraging home renovations may have contributed to an increase in residential alterations since 2009. The spikes in new industrial/commercial/institutional construction relate to large individual projects (solid waste transfer station building in West Arichat in 2006 and the Telile studio in 2007).

Table 2: Construction Value 2004-10

7. Employment

According to the 2006 Census, the total labour force in Richmond Subdivision C, which exclusively incorporates Isle Madame, was 1,655. Of this, the largest occupational group was in the trades, transport and equipment operator industry, which comprised 415 workers. The sales and services (including retail) industry employed 280 people, business, finance and administration employed 260 and manufacturing employed 225. While fishing, traditionally the mainstay of the Isle Madame economy employed fewer than 100 people, according to the Strait-Highlands Regional Development Agency's figures, the Premium Group (which includes fish packing and processing facilities) is the Island's largest employer, with around 130 workers (with over 200 during peak season). The other largest employers on Isle Madame include St. Anne Nursing Centre with about 65 employees, Clearwater in Cap Auguet with a peak of 65 and Samson Enterprises (boatbuilding) with about 35 workers.

Isle Madame has a large commuter population, as in 2006 only 46% of the workforce which had a fixed workplace address worked on the island. An additional 19% worked elsewhere in Richmond County (which includes the industrial plants of Point Tupper) and 32% worked in a different



county in Nova Scotia, which would largely incorporate commuters to Port Hawkesbury. The unemployment rate in 2006 of 12.2%, was much lower than the 19.9% it was in 1991, but higher than the provincial rate of 9.1%.

Table 3: Selected Economic Indicators, 2005

	Isle Madame	Richmond County	Nova Scotia
Median Individual income, $	$19,614	$18,748	$22,815
Median Household Income, $	$42,278	$40,188	$46,605
Unemployment Rate, % (2006)	12.2%	16.6%	9.1%

8. Goals and Objectives

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

It shall be the goal of Council:

(1) *That the Municipal Planning Strategy provides a framework and a process whereby the various attributes of the community can be protected and stabilized.*

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

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

(4) *To set policies which direct Industrial and Commercial developments to more appropriate locations within the community rather than the ad hoc approach allowed in the past.*

CHAPTER 2 – LAND USE DESIGNATIONS AND ZONING POLICES

1. Land Use Designations

With regard to settlement, Isle Madame is comprised of a series of tightly-knit communities which are located along the coast within various naturally sheltered ocean harbours and areas. Two of these communities, Arichat and Petit-de-Grat, are relatively large, more densely settled, have important historical relevance to the growth and development of Isle Madame, and are commercial and institutional centres for the Island as a whole. Other than on the Petit-de-Grat Island side of Petit-de-Grat, both communities are serviced by central sewer and/or water. Equal in importance to Arichat and Petit-de-Grat, the other communities on the Island possess significant historical relevance and share many of these same characteristics. In addition to the communities, there are individual buildings and much smaller pockets of settlements located along the coast and within the interior of the Island. These areas have significant social ties and activities; however, what might set these areas apart is that they hold special physical attributes such as natural landscapes comprised of pastural lands, forests, marshes, beaches, coastlines, and interior waterbodies. Finally, there are natural areas such as parks, special conservation areas, open space and areas that are especially susceptible to coastal forces.

Given this, one manner in which to conceptualize Isle Madame is within a framework of three tiers. The purpose of this approach is to: (i) define the urban and rural communities; (ii) identify the most appropriate objectives for the development of these areas and the means for best reaching these objectives; (iii) supply a framework for renewal and development which might be undertaken by representative Island and Citizen Groups or the Municipality.

Policy L-1.1 *It shall be the policy of Council to establish a Village designation, as illustrated on the Generalized Future Land Use Map.*

Policy L-1.2 *It shall be the policy of Council to establish a Rural Area designation, as shown on the Generalized Future Land Use Map.*

Policy L-1.3 *It shall be the policy of Council to establish, within hazard lands, water supply areas and important recreation areas, an Open Space designation, as shown on the Generalized Future Land Use Map.*

2. Village Designation, Zones and Permitted Land Uses

The communities of Arichat and Petit-de-Grat are the primary commercial and service centres on the island. They contain the broadest mix of land uses, and as they are serviced by piped municipal sewer and/or water, they have the greatest potential for expansion.

One of the objectives of this Planning Strategy is to ensure that development occurs in an orderly manner that benefits the residents of a community and contributes to their quality of life. For this reason, the zones within the Village designation will be based on existing land uses, but will focus on ensuring that the future growth of the communities of Arichat and Petit-de-Grat is beneficial to the community.

Eight zones have been defined to achieve the objective of balancing the existing pattern of land uses with a vision of how the communities should develop.

The predominant land use in these areas is residential, and two residential zones will be created to recognize areas of lower density residential development and higher density residential development. Because there is a mix of residential and commercial uses in Arichat, the Village Mixed Use (VMU) zone will be used to recognize much of this area. Outside of the Village Mixed Use zone, the Village Low Density Residential (VR-1) zone will permit a range of residential uses. The Village Residential Multiple Unit Dwelling (VR-2) zone will be used into recognize those higher density residential uses and other uses compatible with residential development which are located outside the Mixed Use Zone. Future proposals for residential development which are of higher density than those permitted in the Village Low Density zone will require a rezoning. Existing Industrial uses will be recognized through the Village Light Industrial (VLI) Zone, while the Village Recreation Open Space (VO) Zone will be used to protect recreational facilities and spaces for recreational use. A Mobile Home Park (MHP) Zone will be created to accommodate any future mobile home parks proposed for the area which meets zone standards and those set out in the Richmond County Mobile Home Park By-law.

2.1 Village Low Density Residential

A Village Low Density Residential Zone will be created to recognize and protect the predominant form of residential development within the Village designation. This zone will apply to serviced areas immediately east and west of Arichat's central core as well as the majority of Boudreauville's built up area. While this zone intends to preserve a predominantly low density residential form of development, a number of other uses which generally would not have an adverse impact on residential neighbourhoods will also be permitted.

Policy L-2.1.1 *Within the Village designation it shall be the policy of Council to establish a Village Low Density Residential (VR-1) Zone, which permits the following types of uses and those which are similar in nature to: agricultural uses; boarding houses; churches and cemeteries; community centres and halls; cottages and cottage establishments; day care centres; residential dwelling units including single detached units and single detached units with an apartment unit; semi-detached units; duplexes; multiple unit dwellings and; mobile homes; recreational uses and wharves and boathouses.*

Policy L-2.1.2 *It shall be the policy of Council to consider rezoning of lands fronting on Route 320 north of the designated area, Route 206 west of the designated area, lands fronting on the Lennox Ferry Road (Authority # 458) north of the designated area and lands fronting on Cape Auget Road (Authority # 417) south of the designated area, and lands on Petit-de-Grat Island which are presently zoned Rural General (RG) and designated Rural Area to the Village Low Density Residential (VR-1) Zone, upon the installation of either central water or sewer services. The Village designation shall be extended when Council deems it advisable, but need not be extended when the VR-1 Zone is extended.*

2.2 Village Multiple Unit Residential

The second residential zone created within the Village designation is the Village Multiple Unit Residential Zone. The purpose of this zone is to accommodate larger scale residential development. While only a small number of properties currently retain this zoning, it is anticipated that with changing demographics, including an aging population as well as an understanding of the need to provide affordable housing, there will be increased demand in the future for more multi-unit residential dwellings. As such, new multi-unit residential dwellings of up to twelve (12) units will be permitted upon the rezoning of the land, where larger lot size, landscaping and other requirements will be in place to mitigate potential impacts on surrounding low density residential uses.

Policy L-2.2.1 *Within the Village designation it shall be the policy of Council to establish a Village Residential Multiple Unit Dwelling (VR-2) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Village Low Density (VR-1) Zone; residential dwellings (both new and converted) to a maximum of twelve dwelling units; medical clinics; nursing homes; police, ambulance and fire stations and schools.*

Policy L-2.2.2 *Within the Village Residential Multiple Unit Dwelling (VR-2) Zone, it shall be the intention of Council to establish standards for landscaping between multiple unit residential dwellings and other types of residential uses, with the objective of minimizing land use conflicts.*

Policy L-2.2.3 *Within the serviced portion of the Village designation it shall be the Policy of Council to consider the rezoning of lands presently zoned Village Low Density Residential (VR-1) Zone, to that of Village Residential Multiple Unit Dwelling (VR-2) Zone. In considering such amendments, Council will have regard to the provisions of Policy I-4.3.*

Although there is a willingness to permit a wide variety of uses in most areas of the Village designation, there is some concern that higher density residential development could have a negative impact on adjacent uses. In regards to any proposed multi unit residential developments with more than twelve (12) units, whether new or converted from an existing building, they will be permitted within the Village designation with the exception of on lands currently zoned Village Low Density Residential. However, to ensure compatibility with surrounding uses, any new such development will need to go through the development agreement process.

Policy L-2.2.4 *Within the Village designation it shall be the intention of Council to consider the approval of multiple unit dwellings (both new or conversions) with more than twelve (12) units according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:*

a) the proposal meets the VR-2 Zone standards for multiple unit dwellings;

b) consideration is given to building design and the provision of barriers, berms, fences and or landscaping as part of the residential development to minimize effects on adjacent land uses;

c) the parking areas required on the site are of sufficient size to satisfy the needs of the development and are well designed and

properly related to the building and landscaped areas and adjacent public streets;

d) the development will not involve a building over three (3) stories in height; and

e) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.

2.3 Village Commercial

A commercial centre or central business area not only provides a convenient location for goods and services to be sold, it also serves as a focal point for social interaction. Although a single commercial centre or shopping mall does not currently exist in Arichat or Petit-de-Grat, a number of standalone commercial establishments exist throughout the area. As such, the Village Commercial (VC) zone will be created to recognize existing commercial uses which may not be compatible with surrounding residential development.

Policy L-2.3.1 *Within the Village designation it shall be the policy of Council to establish a Village Commercial (VC) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Village Low Density Residential (VR-1) Zone and the Village Residential Multiple Unit (VR-2) Zone; appliance sales and service establishments; art galleries; automobile repair shops; automobile sales and service establishments and automobile service centres; bakeries; financial institutions; bed and breakfast establishments; beverage rooms and lounges; boat, trailer and snowmobile sales and rentals; building supply and lumber outlets; catering shops; commercial greenhouses; craft beverage facilities, custom workshops (including woodworking and carpentry shops) convenience stores; drug stores; entertainment centres; farmers markets; food and grocery stores; fitness centres; funeral homes; nurseries; hotels and motels; ice cream shops; libraries; liquor stores; marina facilities; museums; parking lots; personal service establishments; photographic studios; post offices; printing establishments; private clubs; professional or business offices; recycling depots; residential dwellings located in the same building as a commercial use; restaurants; retail stores; automated teller machines; taxi and bus stands; television or radio studios; tourist information centres; upholstery shops; veterinary clinics; video rental shops; wholesale establishments and yacht clubs.*

Policy L-2.3.2 *Within the Village Commercial (VC) Zone, it shall be the intention of Council to require special abutting yard requirements where open storage or display, parking or the storage of refuse abuts a residential use.*

Policy L-2.3.3 *Within the Village designation it shall be the policy of Council to consider the rezoning of lands which are presently zoned Village Low Density Residential (VR-1) Zone and Village Residential Multiple Unit (VR-2) Zone, to that of Village Commercial (VC) Zone. In considering such amendments Council will have regard to the following:*

a) the site is capable of meeting the landscaping and parking requirements of the zone;

b) the proposed village commercial use shall abut a public road or street which is also capable of accommodating the increased traffic generated by the development; and

c) the provisions of Policy I-4.3.

2.4 Village Light Industrial

A major source of employment on Isle Madame are the fish plants in Arichat and Petit-de-Grat, as well as in a variety of other light industrial operations. Given their importance to the economy of the region, Council will protect these uses by creating a Village Light Industrial Zone which will accommodate existing fish plants, oil and gas storage, warehousing and other similar uses. However, given that these developments are located in the village core and in close proximity to residential uses, special provisions for outdoor storage and larger separation distances from adjacent residential uses will be required.

Policy L-2.4.1 *Within the Village designation it shall be the policy of Council to establish a Village Light Industrial (VLI) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the*

Village Mixed Use (VMU) zone; bus depots; commercial uses accessory to the main use; fish processing uses; light industrial sales and fabrication establishments; oil and gas storage and distribution facilities and warehousing and storage facilities;

Policy L-2.4.2 *It shall be the policy of Council that rezoning to the Village Light Industrial (VLI) Zone will not be permitted.*

2.5 Village Mixed Use

In the central core areas of Arichat and Petit-de-Grat, commercial and residential uses have traditionally co-existed with minimal land use conflict. This arrangement reflects traditional land use patterns where residences, jobs and basic commercial needs were in close proximity. Larger developments, including the Richmond County municipal offices, St. Anne Nursing Centre and the LeNoir Landing facility also exist in this core and have little impact on surrounding developments. As such, the Village Mixed Use Zone will be created to accommodate a mix of residential and commercial development in the Arichat and Petit-de-Grat village cores.

Policy L-2.5.1 *Within the Village designation it shall be the policy of Council to establish a Village Mixed Use (VMU) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Village Low Density Residential (VR-1) Zone, the Village Residential Multiple Unit (VR-2) zone and the Village Commercial (VC) Zone.*

Policy L-2.5.2 *Since multiple unit dwellings may generate more traffic and produce more noise, standards will be established to ensure there is adequate buffering between multiple unit dwellings within the VMU Zone and less intensive uses. This will minimize any conflict which may occur between multiple unit dwellings and adjacent residential uses.*

Policy L-2.5.3 *Within the Village designation it shall be the policy of Council to consider the rezoning of those lands which are presently zoned Village Low Density Residential (VR-1) Zone, to that of Village Mixed Use (VMU) Zone. Lands zoned Village Low Density Residential (VR-1) will only be considered for rezoning if they are adjacent to the Village Mixed Use Zone. In considering such amendments, Council will have regard for the provisions of Policy I-4.3.*

Although there is some concern about industrial uses and the impact they might have on other land uses (particularly in a serviced area), there is a willingness to see certain types of industrial development in the Village designation. For this reason fish processing uses and light industrial fabrication and sales uses shall also be permitted in the Village Mixed Use (VMU) zone, subject to the terms of a development agreement to be negotiated between the developer and the County.

Policy L-2.5.4 *Within the Village designation it shall be the intention of Council to consider the approval of fish processing uses and light industrial fabrication and sales uses within the Village Mixed Use (VMU) Zone according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:*

a) the proposal meets the Village Light Industrial (VLI) Zone requirements for larger industrial uses;

b) consideration is given to building design and the provisions of barriers, berms, fences, and/or landscaping as part of the industrial development to minimize effects on adjacent land uses;

c) the parking areas on the site are of sufficient size to satisfy the needs of the development and are well designed and properly related to the building and landscaped areas and adjacent public streets; and

d) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.

2.6 Village Agriculture

There is an area of property fronting on Route 320 between Arichat and Petit-de-Grat where there are at least two active farms. To ensure that the farming operations are fully protected, a separate zone, the Village Agricultural (VA) zone, will be established to recognize these uses.

Policy L-2.6.1 *Within the Village designation it shall be the policy of Council to establish a Village Agricultural (VA) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Village Low Density Residential (VR-1) Zone; agricultural uses and forestry uses. The agricultural uses permitted in this area will not be subject to the requirements for agricultural uses in other zones in the Village designation.*

Policy L-2.6.2 *Within the Village designation it shall be the policy of Council to consider the rezoning of lands which are presently zoned Village Low Density Residential (VR-1), to that of Village Agricultural (VA). In considering such amendments, Council will have regard to the following:*

a) the scale of the agricultural operation and the proximity of residential development; and

b) the provisions of Policy I-4.3.

2.7 Village Open Space

Open Spaces such as parks, walking trails and recreational facilities such as ball fields and tennis courts serve a valuable function in a community by providing opportunities for both passive and active recreation. Parks and walking trails provide residents and visitors with an invitation to enjoy the scenery and relax, while athletic fields provide a chance for competition and socializing. To recognize these uses, Council will establish the Village Recreation Open Space Zone.

Policy L-2.7.1 *Within the Village designation it shall be the policy of Council to establish a Village Recreation Open Space (VO) Zone, which permits the following types of uses and those which are similar in nature to: boardwalks; canteens; hiking trails; information stands; marina facilities; recreation uses permitted in the Village Low Density Residential (VR-1) Zone and yacht clubs.*

Policy L-2.7.2 *Within the Village designation it shall be the policy of Council to consider the rezoning of lands to the Village Recreation Open Space (VO) Zone, if those lands are used for recreation or open space uses. In considering such amendments, Council will have regard to the provisions of Policy I-4.3.*

2.8 Mobile Home Parks

While there are currently no mobile home parks on Isle Madame, the possibility exists that one might be developed in the future. As such, a Mobile Home Park Zone will be established to accommodate such a development. In the event that there is a proposal to establish a mobile home park within the Village designation, Council will consider an amendment to the Land Use By-law to rezone to the Mobile Home Park Zone, provided that certain criteria as listed in this Strategy are complied with.

Mobile home park developments require encouragement with regard to all planning aspects, including design, construction and maintenance. Adequate open space, lot sizes, landscaping and servicing systems need to be enforced in order to establish and maintain proper development standards within the zone.

Policy L-2.8.1 *Within the Village designation it shall be the policy of Council to establish a Mobile Home Park (MHP) Zone, which permits the following types of uses and those which are similar in nature to: maintenance equipment and storage facilities related and incidental to the operation of the park; mobile homes, mobile home park, mobile home park offices and mobile home sales; personal service establishments; parks; professional or business offices (as a home occupation) and wharves and boathouses. Within the Mobile Home Park (MHP) Zone, more than one building may be placed on a lot.*

Policy L-2.8.2 *Since mobile home parks may generate more traffic and produce more noise than lower density residential uses, standards will be established to ensure there is adequate buffering between mobile home parks and adjacent residential, commercial, industrial or open space uses. This will minimize any conflicts which may occur between mobile home parks and adjacent uses.*

Policy L-2.8.3 *Within the Village designation, it shall be the policy of Council to consider the rezoning of lands which are serviced by municipal sewer and water services to that of the Mobile Home Park (MHP) Zone. In considering such amendments, Council will have regard to the following:*

a) that the development is served by sewer and water services and that it will not strain the capacities of those services or the capacities of schools and other community services;

b) the site is capable of meeting the landscaping and parking requirements of the zone;

c) the impact of the extension on external traffic circulation patterns; and

d) the provisions of Policy I-4.3.

2.9 Village General Provisions

Development along Veterans Memorial Drive (Lower Road)

Many homes and business have been established along Veterans Memorial Drive (Formerly Lower Road) in Arichat. As many of those lots between the Road and Arichat Harbour are too small to be developed in compliance with the front and rear yard setbacks, it is appropriate there be some flexibility on requirements in this area. As such, a 'conformity with existing setbacks' requirement will be established, whereby if the average front yard setback on a block is less than that required in the zone, any new dwelling can build according to the average front yard setback.

Policy L-2.9.1 *Within the Village designation and notwithstanding the front yard requirements of the given zone, it shall be the policy of Council to allow new development on lots between Veterans Memorial Drive (Lower Road) and Arichat Harbour to be built in conformity with the average front yard setback of existing development within a set area. Properties in this area would also be subject to a reduced rear yard setback. Uses associated with the fishery, boat building or storage and yacht clubs would be exempt from the setback from a watercourse.*

Farm Animals

It is traditional for people living in Arichat and Petit-de-Grat to keep farm animals for their own personal use. Although this usually occurs without any adverse effects on the neighbouring property owners, there is a need to put some restrictions on this use of property in a predominantly residential area.

Policy L-2.9.2 *Within the Village designation it shall be the policy of Council to place restrictions on the keeping of farm animals and the storage of manure where these uses are permitted.*

3. Rural Area Composition, Zones, and Permitted Land Uses

Isle Madame's rural areas comprise the bulk of the region's land mass and the land use planning issues and development concerns are different than they are in Arichat and Petit-de-Grat. While low density residential development (in both small communities and on rural lots) and rural land uses predominate, a variety of commercial, industrial and recreation land uses are also scattered throughout the island. The larger lot sizes and the distances between buildings in these areas mean a variety of uses can generally be accommodated with less risk of land use conflicts. These lands will be designated as Rural Area on the Generalized Future Land Use Map. It is Council's intention that traditional uses such as forestry, fisheries, including aquaculture and other resource industrial uses be supported throughout the designation.

3.1 Rural General

To reflect and support the wide variety of uses in the Rural Designation, Council will establish a Rural General Zone, which will allow all residential, commercial, resource and recreational uses and uses accessory to them. Small scale industrial uses will also be permitted in this zone.

Policy L-3.1.1 *Within the Rural Area designation it shall be the policy of Council to establish a Rural General (RG) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Village Low Density Residential (VR-1) Zone, the Village Residential Multiple Unit Dwelling (VR-2) Zone, the Recreation Open Space (O-1) Zone and the Conservation Open Space (O-2) Zone; all commercial uses; all recreational uses; agricultural uses; airfields and landing strips; a single detached dwelling located on the same lot as a commercial use; aquaculture uses; fishery uses; forestry uses; light industrial fabrication and sales uses; medium industrial uses up to 5,000 square feet in commercial floor area; office or retail uses accessory to any permitted use; personal service establishments; post offices; professional or business offices; recycling depots; residential dwellings located in the same building as a commercial use; resource industrial uses up to 5,000 square feet in commercial floor area; tourist information centres; and wharves and boathouses.*

3.2 Rural Industrial

There are many areas of the Island which because of the absence of nearby homes, would be suitable locations for heavy industrial or other uses which are not compatible with residential areas. As such, it is Council's intention to establish the Rural Industrial Zone to recognize existing heavy industrial uses and to provide for a framework for new ones, where appropriate. This zone will allow all uses permitted in the Rural General Zone in addition to heavy industrial uses, though to minimize land use conflicts, large lot size requirements will be established in the Land Use By-law. Heavy industrial uses include those which receive or treat hazardous products and have the greatest impact on the environment and surrounding uses. Existing rural industrial uses will be pre-zoned as such and new ones permitted through amendment to the Land Use By-law.

Policy L-3.2.1 *Within the Rural Area designation it shall be the policy of Council to establish a Rural Industrial (RI) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Rural General (RG) Zone, and heavy industrial uses.*

Policy L-3.2.2 *Within the Rural Area designation it shall be the policy of Council to consider the rezoning of lands which are presently zoned Rural General (RG) to the Rural Industrial (RI) Zone. In considering such amendments, Council will have regard to the following:*

a) the site is capable of meeting the landscaping and abutting yard requirements of the zone;

b) that the traffic and noise generated by the proposed use will not be of a degree to cause undue disturbance to surrounding areas;

c) the nature of the industrial activity planned for the site and its potential to pose a health risk through the presence of hazardous products, obnoxious industrial processes or the storage of dangerous goods; and

d) the provisions of Policy I-4.3.

To ensure that larger medium industrial and resource industrial uses (defined as those over 5,000 square feet in commercial floor area) have a minimal impact on adjacent land uses, special provisions will also be established in the Land Use By-law requiring that these developments be separated from non-industrial uses. These separation distance requirements will be higher than those established for smaller industrial and resource industrial uses.

Policy L-3.2.3 *Within the Rural Area designation it shall be the policy of Council to establish separation distances between medium and resource industrial uses over 5,000 square feet*

in commercial floor area as well as heavy industrial uses permitted in the Resource Industrial (RI) Zone, and adjacent land uses. These standards will be higher than the separation distance requirements in other zones for smaller industrial uses.

There is an existing scrapyard on Janvrin Island. Although not very attractive, these facilities can operate in a rural area without posing a significant nuisance to adjacent property owners. To lessen the impact of these uses, regulations will be established to provide for the screening of scrapyards from adjacent properties.

Policy L-3.2.4 *Within the Rural Areas designation it shall be the policy of Council to establish requirements for the screening of scrapyards permitted within the Rural Industrial (RI) Zone.*

3.3 Rural Resource

An area which should be protected for future use is the Grand Lake watershed as shown in the Generalized Future Land Use Map, Schedule 'A'. At the present time, the Isle Madame Planning area has central water supply only in the communities of Arichat and Petit-de-Grat. In other areas of the island both residential and commercial uses are serviced by individually owned wells and on-site sewage disposal systems. (For more details refer to Chapter Three, Section 8.) However, a groundwater study was completed around Babins Lake with the findings being disappointing for groundwater potential. In addition, the Nova Scotia Department of Environment's database for test results for drilled wells indicates a low potential for groundwater sources on Isle Madame. The data would seem to indicate that groundwater on Isle Madame is an unreliable source of potable water. Should water services expand to other areas of Isle Madame in the future, Grand Lake would most likely be the source.

As such, it is Council's intention that the Grand Lake watershed will be recognized through the Rural Resource Zone. The purpose of this zone is to protect the quality of the water supply in Grand Lake with the objective of maintaining this waterbody as a possible source to accommodate the future demand for a central water supply within the planning area. As land within the watershed zone is largely in its natural state, it is felt this resource should be protected.

There have been no studies undertaken to indicate whether this water source could be used as a supply for the communities on the island, however, it is important that the potential of this area be protected from potential contamination, particularly from on-site residential septic systems. For this reason, it is felt that the best approach to protecting this area is to require a larger lot size within the watershed which feeds Grand Lake.

The Water Supply (O-3) Zone will not apply to the Grand Lake watershed until such time as further steps are taken to use the areas as municipal water supply for one or more communities on the island. In the meantime, it is Council's intention that development be restricted to that which has a low impact on the lake. The current definition of the area surrounding Grand Lake is the subject of a plotting exercise in which topographic information was used to determine the contour of the land. The high points of the land pattern were determined and a proposed boundary plotted. If, in the future, Council should decide to utilize Grand Lake, then a more detailed study will have to be undertaken to determine actual boundaries and the zone boundaries would change accordingly.

Policy L-3.3.1 *Within the Rural Area designation it shall be the policy of Council to establish a Rural Resource (RR) Zone, which permits the following types of uses and those which are similar in nature to: all uses permitted in the Recreation Open Space (O-1) Zone, Conservation Open Space (O-2) Zone and Village Low Density Residential (VR-1) Zone.*

Policy L-3.3.2 *It shall be the policy of Council to require larger lot sizes within the Rural Resource (RR) Zone.*

In order to protect the watershed of Grand Lake, the storage of hazardous liquids and derelict vehicles will be prohibited. This will provide some protection for the watershed and will reduce the risk of deteriorating water quality due to hazardous and corrosive materials being kept close to watercourses that flow into Grand Lake.

Policy L-3.3.3 *It shall be the policy of Council to prohibit the storage of hazardous liquids, paints, pesticides and derelict vehicles in the Rural Resource (RR) Zone.*

3.4 Mobile Home Parks

While no mobile home parks exist currently in the Rural Area designation, Council recognizes that there may be some demand for this form of housing in the future. As such, in the event that there is a proposal to establish a mobile home park within the Rural Area designation, Council will consider an amendment to the Land Use By-law to rezone land to Mobile Home Park (MHP) provided that the land is municipally serviced and that certain criteria as listed in this Strategy are complied with.

Mobile home park developments require encouragement with regard to all planning aspects, including design, construction and maintenance. Adequate open space, lot sizes, landscaping and servicing systems need to be enforced in order to establish and maintain proper development standards within the zone.

Policy L-3.4.1 *Within the Rural Areas designation, it shall be the policy of Council to consider the rezoning of lands which are serviced by central sewer and water services to the Mobile Home Park (MHP) Zone. In considering such amendments, Council will have regard for the following:*

a) that the development is serviced by sewer and water services and that it will not strain the capacities of those services or the capacities of schools or parks;

b) the effect which any extension would have upon the level or quality of services in the park;

c) the site is capable of meeting the landscaping and parking requirements of the zone;

d) the impact of the extension on external traffic circulation patterns; and

e) the provisions of Policy I-4.3.

3.5 Rural Area General Provisions

In order to better manage development and growth in the Rural Area designation, as well as protect adjacent land uses, it is Council's intention to establish certain planning provisions which apply to particular land uses within each zone of the Rural Area designation.

Multiple Unit Residential

As is the case in the Village designation, it is necessary to place some additional controls on larger multiple unit residential developments in the Rural Area designation. Although it may not appear that there is much potential for such developments in the rural areas of the island, the demand for rental housing, (particularly for seniors) may create a demand for this form of housing. The conversions of existing buildings (such as the school in D'Escousse being converted to apartments) creates the opportunity for existing structures to be turned into apartments units for at a lower cost than to build a new building. The development of small scale water and sewage treatment facilities has also opened up the possibility of servicing multiple unit residential developments without requiring they be connected to municipal services.

Notwithstanding the obvious benefits to the community of such developments, it is necessary to ensure that they do not have a negative impact on the surrounding neighbourhood. For this reason, multiple unit residential developments with more than twelve (12) units, whether they be new or converted from a existing building, will be permitted within the Rural Area designation subject to the terms of a development agreement.

Policy L-3.5.1 *Within the Rural Areas designation it shall be the intention of Council to consider the approval of multiple unit residential dwellings, (both new and conversions) with more than twelve (12) units according to the development agreements provisions of the Municipal Government Act. In considering*

such agreement, Council shall have regard for the following:

a) the proposal meets the VR-2 zone standards for multiple unit dwellings;

b) the parking areas required on the site are well designed and properly related to the building and landscaped areas and adjacent public streets;

c) the development will not involve a building over three (3) stories in height; and

d) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.

Residential developments with more than four units will also be subject to separation distances from adjacent uses, whether they be lower density residential uses or other types of uses.

Policy L-3.5.2 *Within the Rural Areas designation it shall be the policy of Council that residential dwellings with four or more units shall be separated from adjacent lower density residential properties to reduce the impact of these uses.*

Small Scale Industrial Uses

Land uses associated with traditional industries such as fishing and forestry, or newer resource industries such as aquaculture, have long co-existed with the homes and communities on Isle Madame. When such uses move beyond harvesting to processing and fabrication however, it is necessary to ensure that existing residential development is not adversely affected.

For this reason medium industrial and resource industrial uses with a commercial floor area of 5,000 square feet or less are permitted as-of-right within the Rural Area designation. It is not seen as desirable, however, to exclude larger uses of this type from the Rural Areas designation. Larger medium industrial and resource industrial uses with more than 5,000 square feet in commercial floor area shall therefore be permitted in the Rural Area designation subject to the terms of a development agreement.

Policy L-3.5.3 *Within the Rural Areas designation it shall be the policy of Council to permit medium industrial or resource industrial uses having a commercial floor area of 5,000 square feet or more within the Rural General (RG), Rural Resource (RR) or Rural Industrial (RI) Zones according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:*

a) the proposal meets the Rural Industrial (RI) Zone requirements for larger industrial uses;

b) consideration is given to building design and the provision of barriers, berms, fences, and/or landscaping as part of the industrial development to minimize effects on adjacent land uses;

c) the parking areas on the site are of sufficient size to satisfy the needs of the development and are well designed and properly related to the building and landscaped areas and adjacent public streets; and

d) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.

Minimum separation distances will be used to separate light industrial uses, medium industrial uses or those industrial uses associated with resource industries from existing residences, watercourses and community facilities. These uses include industrial uses associated with resource industries such as boat building and fish or shellfish processing uses, as well as light industrial fabrication and sales. These separation distances will apply to such uses having a commercial floor area of 5,000 square feet or less.

Policy L-3.5.4 *Within the Rural Area designation it shall be the policy of Council that resource industrial uses, light industrial fabrication and sales facilities and medium industrial uses shall be separated from adjacent properties to reduce the impact of these uses.*

Large Scale Campgrounds

While at the time of this Plan there are no currently operating commercial campgrounds on Isle Madame, Council recognizes that they provide an important source of accommodation, particularly given the Municipality's increasing emphasis on

outdoor tourism. For that reason, they will be permitted anywhere within the Rural Area designation, subject to the development agreement process. This requirement is in place to ensure any new large scale campground is compatible with the surrounding land uses, buffered adequately and is an attractive addition to Isle Madame's landscape.

Policy L-3.5.5 *Within the Rural Area designation it shall be the policy of Council to permit large scale campgrounds within the Rural General (RG), Rural Resource (RR) or Rural Industrial (RI) Zones according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:*

a) the site is well drained and free of stagnant ponds;

b) a landscaped buffer of 25 feet is in place from all lot lines which shall include trees planted or retained when the large scale campground abuts a residential use. Within this buffer, no campsites, roadways (except those which connect to the public road), garbage disposal, recreational, service or administrational uses shall be permitted;

c) a minimum of five (5) percent of the overall site is reserved for playgrounds, sports, games or similar recreational uses;

d) any commercial uses within the development are subject to the commercial requirements for the given zone;

e) the proposal meets all the requirements of the Tourist Accommodations Regulations made under Section 18 of the Tourist Accommodations Act;

f) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.

Policy L-3.5.6 *Within a large scale campground development, it shall be the policy of Council to permit one dwelling unit, including office space.*

Small Scale Campgrounds

In addition to commercial campgrounds on Isle Madame, Council recognizes that there are significant recreational opportunities for residents to establish their own campgrounds for family and friends. It is not possible to administer such uses subject to who uses them, but traditionally they have been smaller in scale, without the recreational amenities that larger commercial parks would have. Small scale campgrounds of two to five camping units will be permitted within specific zones in the Rural Area designation, subject to the zone requirements. Special requirements for small scale campgrounds will help minimize the impact on adjacent properties. Furthermore, it is not the intention of the Municipality to regulate the parking of licensed and registered vehicles.

Policy L-3.5.7 Within the Rural Area designation it shall be the policy of Council to permit small scale campgrounds within the Rural General (RG) or Rural Resource (RR) Zones.

Recreational Vehicles as Seasonal Dwellings

While is not the intention of the Municipality to regulate the parking of licensed and registered vehicles, there are recreational vehicles that are being used as dwellings. Council recognizes that the province is currently experiencing a housing crisis and recreational vehicles provide opportunities as potential temporary or seasonal dwellings, particularly those looking for immediate basic shelter.

Recreational vehicle use as a dwelling will be permitted within specific zones in the Rural Area designation subject to the zone requirements. Special requirements for recreational vehicles being used as a dwelling will help minimize impact on adjacent properties. Recreational vehicles seeking to be treated as a Single Unit Dwelling will require On-Site Sewage Disposal Approval from the appropriate governing body (currently the Nova Scotia Department of Environment and Climate Change).

Policy L-3.5.8 Within the Rural Area designation it shall be the policy of Council to permit the use of recreational vehicles as a seasonal main dwelling or seasonal accessory dwelling within the Rural General (RG) or Rural Resource (RR)

Zones subject to On-Site Sewage Disposal Approval.

4. Open Space Designation, Zones, and Permitted Land Uses

The Open Space designation is being used to identify three types of resources which should be recognized and protected. This includes:

a) lands used for recreational activities of various types;

b) lands reserved for conservation due to potential hazards; and

c) lands within the watershed of a municipal water supply area.

4.1 Recreation Open Space

Isle Madame is currently served by a range of recreational facilities owned and operated by community groups, church organizations and non-profit corporations. Rather than become involved in owning and operating these facilities, Council provides support to these groups and the facilities they operate through the Richmond County Recreation Department.

Recreation areas can be of two types: active and passive. Presently, recreational facilities such as baseball diamonds, playgrounds, tennis courts, beaches, boat launching facilities, walking trails and a rifle range are available within the planning area. These facilities, (with the exception of the beach in Pondville and the rifle range, which are operated by the Department of Natural Resources) are owned and operated by a variety of community groups and organizations. These groups depend for the most part on volunteers, and raise money from a variety of sources including fund-raising events.

Policy L-4.1.1 *Within the Open Space designation it shall be the policy of Council to establish a Recreation Open Space (O-1) Zone, which permits the following types of land uses and those which are similar in nature to: all uses permitted in the Conservation Open Space (O-2) Zone; accessory buildings to a beach; canteens; information stands; marinas and picnic facilities and rifle ranges.*

Policy L-4.1.2 *It shall be the intention of Council to encourage the various clubs and organizations to provide a program of continuous maintenance for all recreational facilities in Isle Madame.*

Policy L-4.1.3 *It shall be the intention of Council to encourage the community clubs to work in conjunction with the Municipality's Recreation Department to develop additional recreational programs for residents in the planning area.*

Vast areas of open space in the form of forested areas, fields, lakes, unused logging roads, etc. can be used to provide recreational facilities ranging from passive parks to hiking trails. The development of vacant lands as passive parks, if strategically located, could enhance the potential for Isle Madame as a location for both active and passive recreation activities for both residents and visitors alike.

Policy L-4.1.4 *It shall be the policy of Council to consider changing the designation and rezoning lands within the Rural designation to the Recreation Open Space (O-1) Zone where the landowners express a willingness to have their property recognized as such. In considering such amendments, Council will have regard for the provisions of Policy I-4.3.*

4.2 Conservation Open Space

The coastal area of Isle Madame is very sensitive to any development other than passive recreational activities and should be protected. There are certain geographical features or habitats on the island that are particularly vulnerable, including wetlands, saltwater marshes and sand dunes as well as lands that have been identified as being subject to flooding or subsidence or otherwise hazardous for development by virtue of soil conditions or topography. As such, it is Council's intention to limit development on such areas as deemed necessary.

Policy L-4.2.1 Within the Open Space designation it shall be the policy of Council to limit development on the exposed coastal areas and hazard lands as shown on the Zoning Maps (Schedules 'B' and 'C'). The By-law shall carry out this policy by establishing a Conservation Open Space (O-2) Zone, which permits the following types of uses and those which are similar in nature

to: boardwalks and nature interpretation stands; conservation projects; and walking or hiking trails.

4.3 Water Supply Protection

At present, the main water source for the serviced communities of Arichat and the western portion of Petit-de-Grat is Babins Lake, located just to the north of Arichat. Babins Lake is in turn drawing water from several small lakes adjacent to the village of Arichat. Because of the proximity of the water supply to the community, it is important that steps be taken to protect the water supply from contamination. In 2010, Dillon Consulting completed a study which outlined the precise boundaries of the Babins Lake watershed and it is Council's intention to zone these lands Water Supply so as to restrict any development which might cause harm to the water supply.

Although the availability of sewer services in this area allows for the safe disposal of sewage, there is still a risk of a cumulative impact on the waters supply of too much development in this area, even if that development is compatible with the existing residential development.

For this reason, the permitted uses in this zone will be limited to low density residential uses (those residential uses permitted in the Village Low Density Residential zone). The minimum lot size in this area will also be increased, with the objective of limiting the impact of on-site sewage disposal on the watershed.

Policy L-4.3.1 *Within the Open Space designation it shall be the policy of Council to establish a Water Supply (O-3) Zone, which will apply to all lands within the Babins Lake watershed. This zone shall protect the integrity of the watershed by limiting development to low impact uses on large lot sizes. Within the Water Supply (O-3) Zone, Council shall permit the following types of uses and those which are similar in nature to: agricultural uses ; all uses permitted in the Conservation Open Space (O-2) zone; existing residential dwellings; logging and silviculture; mobile homes; recreational trails; single detached dwellings; single detached dwellings with an apartment unit; the existing campground as shown on the existing land use maps; and water supply and distribution uses.*

Policy L-4.3.2 *It shall be the policy of Council to require that structures be set back from the edge of a lake or watercourse within the Water Supply (O-3) zone.*

Policy L-4.3.3 *It shall be the policy of Council to require that a treed buffer be maintained around the edge of the watercourses and waterbodies within the Water Supply (O-3) zone. Paths and walking trails may be cleared within the treed buffer for the purposes of passive recreation.*

Policy L-4.3.4 *It shall be the policy of Council to restrict the keeping of farm animals and the storage of manure and pesticides within the Water Supply (O-3) zone.*

Policy L-4.3.5 *Within the Open Space Designation it shall be the intention of Council to consider the approval of multiple-unit dwellings and grouped dwellings according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:*

- ***a)*** *the proposal meets the Village Residential Multiple Unit (VR-2) zone standards for multi-unit dwellings;*
- ***b)*** *the proposal meets the Water Supply (O-3) zone standards for multi-unit or grouped dwellings;*
- ***c)*** *the development is served by municipal sewer and water services and will not strain the capacities of those services;*
- ***d)*** *the parking areas required on the site are well designed and properly related to the*

building and landscaped areas, and adjacent public streets;

e) *the development will not involve a building over three (3) storeys in height;*

f) *the development complies with any requirements found in the Richmond County Source Water Protection Plan; and*

g) *the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.*

CHAPTER 3 – GENERAL POLICIES

1. Accessory Apartments

Accessory apartments or a second living unit or apartment in a house is a common housing form throughout the province. There are several advantages to be realized from having a second unit in a home. Firstly, there is the creation of a housing unit which is typically more affordable than a standalone dwelling unit. The owner of the house can either use the second unit for a family member such as a parent or an older child, or they can rent the unit to generate additional revenue for their household. In areas where second units have not been permitted, large numbers of these units have been built illegally without complying with the building code.

Policy G-1.1 *It shall be the policy of Council to permit one accessory unit per dwelling throughout the plan area, subject to building code requirements.*

2. Multiple Unit and Row House Dwellings

Multiple unit dwellings (dwellings with five or more units) and grouped dwellings (two or more dwellings containing two or more units on the same lot) can be accommodated within the plan area, but steps must be taken to ensure that such developments are not so densely built that they do not fit in with the existing neighbourhood. For this reason, restrictions will be placed on the density of these types of developments.

Policy G-2.1 *It shall be the policy of Council to limit the density of multiple unit dwellings, and grouped dwellings anywhere these uses are permitted throughout the plan area.*

Although this plan attempts to permit a wide range of different types of residential units throughout the plan area, multiple unit or grouped dwellings as defined in the Land Use By-law will not be permitted unless they are serviced by a central water and sewer system.

Policy G-2.2 *It shall be the policy of Council to prohibit the development of multiple units and grouped dwellings unless they can be serviced by central sewer and water systems.*

3. Two Buildings on a Lot

~~There are circumstances where residents have found it necessary to build two dwellings on one lot. Although this is not a desirable situation in the long term (the second home can not be sold separately unless the lot can be subdivided), within the Plan Area two main dwellings on one lot will be permitted provided the lot is large enough to be subdivided in compliance with the lot requirements of the zone and the Subdivision By-law (which includes adhering to the Department of Environment's on-site servicing requirements). A boundary survey may be required by the development officer where necessary to ensure lot size and setback requirements can be met~~.

The construction of a second dwelling on a single lot is a housing approach that has become increasingly common across Nova Scotia. Allowing two dwellings on one lot provides homeowners with greater flexibility – whether to accommodate extended family, generate rental income, or support aging in place. Within the Plan Area, two main dwellings on one lot will be permitted.

Policy G-3.1 *Within the Plan Area it shall be the policy of Council to permit the construction of two main dwellings on one lot. ~~provided the~~*

~~*lot is large enough to be subdivided in compliance with the requirements of the Zone and the Richmond County Subdivision By-law*~~

4. Home Occupations

Throughout the plan area there are businesses which are operated in homes, garages or in accessory buildings. These home based businesses provide a source of income (often the primary source) for a household, allow residents to work from home and usually include little or no outdoor storage, limited use of signs and no activity which would be detrimental to the surrounding neighbourhood. Council wants to ensure that various types of home occupations can continue to be operated out of homes on Isle Madame. Standards will be established to ensure that home occupations have a minimal impact on adjacent land uses.

Policy G-4.1 *It shall be the policy of Council to permit home based businesses in all zones and to establish standards to ensure that home occupations do not have a negative impact on adjacent residential uses.*

5. Municipal Roads and Private Roads

While most roads in Richmond County are owned and maintained by the provincial Department of Transportation, the Department is no longer assuming the responsibility for new roads. As such, all new road construction will have to be undertaken by either the municipality, (in case of new public roads) or by the owners (in the case of private roads). The same is true for the repair and servicing (snow removal, garbage pick-up) on these roads. Given the the fact that there has been a substantial number of lots created on private roads in Richmond County in recent years, it can be assumed that a significant proportion of new residential development in the future will occur on private roads.

There are a number of concerns regarding subdivision on private roads. The Richmond County Subdivision By-law requires that a 66 foot wide right-of-way be established for all new private roads as well as certain grade requirements. While the intersection of the proposed private road with the existing public road must be approved by the Department of Transportation, there currently exists no requirement that the private road actually be built. Where private roads are built, there has been a trend in some areas that the municipality eventually assumes ownership of the road. While residents may initially be aware that they are responsible for maintaining new private roads and accept the fact that the municipality will not provide services such as garbage pick-up, over time there will probably be a number of residents who demand the same level of services that other residents (on public roads) receive. Though this sounds like a reasonable argument, if the roads are not initially built to an acceptable standard, the municipality may be faced with a substantial cost in trying to improve the road after the developer has sold the lots and pocketed the profits. Continued development on private roads without sufficient safeguards therefore poses a potential hazard for all taxpayers.

Policy G-5.1 *It shall be the intention of Council to allow subdivision of lands on private roads within the Isle Madame Plan Area subject to the Municipal Subdivision By-law.*

6. Setback from a Watercourse or Shoreline

Isle Madame has a varied and complex series of shorelines and watercourses. The coastline includes shores that directly face the Atlantic Ocean and others which are sheltered by the Lennox Passage and numerous inlets. The interior of the Island is characterized by a large number of lakes, ponds, rivers, streams, and brooks. Shorelines are a defining characteristic of Isle Madame and are important from a resource (including fisheries and aquaculture), recreation and aesthetic standpoint. As such, supporting and improving these areas is essential. For inland water bodies, Council will establish building setback provisions given that if significant vegetation is removed, watercourses can be significantly affected through siltation damage.

For coastal shorelines, issues relating to sea level rise and coastal degradation must also be addressed. Over the last century, it is estimated that the overall sea level in Nova Scotia has risen by about 30 centimetres, caused by a combination of climate change and general land subsidence. While the impacts of this are still being studied and indeed vary across the island depending on

location and geology, it is estimated that over the next century, sea level rise is expected to accelerate to 70-140 centimetres. While there remains some debate as to the extent of the human cause of this trend, it can nonetheless be assumed that the sea level will rise into the future, which would have an impact on people, infrastructure, wildlife and ecosystems. The most immediate of these impacts occurs when storm surges from Atlantic storms in the fall and winter (including occasionally and very destructively, tropical cyclones during the hurricane season) was away sections of coastline. These effects are generally more pronounced on the eastern end of the Island where some cliffs have been found to erode an average of 1 metre (3 feet) per year. To protect landowners and developers, vertical and horizontal buffers will be established from the shoreline in which no new buildings or accessory buildings can be built. Horizontal setbacks require that any new construction must be a certain distance from the inner edge of the coastal feature (ie. edge of the beach or cliff), measured at the time of construction and vertical setbacks require that any new construction be built a certain elevation above the ordinary high water mark.

Policy G-6.1 *It shall be the policy of Council to require that buildings and structures that are not directly related to water activities (such as fishery and aquaculture facilities boathouses, wharves, boardwalks, and yacht clubs) be set back from an interior watercourse.*

Policy G-6.2 *It shall be the policy of Council to establish in the Land Use By-law coastal elevation and distance setback requirements for all new buildings and accessory buildings that are not directly related to water activities.*

7. Infilling on Central Sewer and Water Services

Central sewer and water services are available in Arichat and the western portion of Petit-de-Grat. Council wants to encourage infilling (development of existing lots in serviced areas) as a means of making the best use of these services, which have been installed and maintained at considerable cost.

Arichat and Petit-de-Grat share the same water treatment plant, but are serviced by separate wastewater treatment plants. These facilities were all constructed in the early 1970's, and while the piping is generally thought to be in good condition, a number of improvements to pumping stations have been identified as priorities. While Arichat and Petit-de-Grat are serviced by water from Babins Lake, Grand Lake has been identified as a potential future water supply for other communities on Isle Madame.

Policy G-7.1 *It shall be the intention of Council to encourage infilling in communities which have municipal water and sewer services.*

8. On-site Sewage Disposal (Department of Environment Regulations)

The major source of environmental damage in Isle Madame is malfunctioning septic tanks. These failures are sometimes the result of design, installation, or misuse of the system as well as environmental conditions. The soils on Isle Madame are often unsuitable for septic systems, or are only suitable when such systems have been modified. The major impacts of inadequate or malfunctioning septic systems are contaminated wells, shellfish closure areas, and noticeable odour during the spring and summer months. For this reason, the Municipality is studying the viability of using Grand Lake as a water supply for more densely populated communities such as D'Escousse and West Arichat.

The regulations of the Department of Environment respecting on-site sewage disposal are the main administrative devices in determining lot suitability for the installation of septic systems. Because soil characteristics limit the ability of conventional septic systems to adequately treat sewage effluent and because of the high cost of central sewer systems, alternatives must be found to the current method of on-site sewage disposal. Such alternatives could be used to encourage growth in the existing serviced areas.

Policy G-8.1 *It shall be the intention of Council to investigate alternative methods of sewage disposal other than the traditional on-site septic systems currently being used. Council will request the co-operation of the Department of Environment in its efforts to identify alternative methods of sewage disposal.*

9. Solid Waste Collection and Recycling

Richmond County provides weekly curbside collection of waste and recyclables from all properties fronting on public roads and private roads which have been incorporated into collection routes. Since 2003, Richmond County has required (the first municipality in Nova Scotia to do so) that all waste placed at the curbside be in a clear transparent bag, to allow collection staff to ensure that compostable material and recyclables were not being directed to the landfill. A backyard composting program was also instituted. Additionally, in 2005 a full time staff person was hired by the County to carry out roadside inspection of waste, direct waste diversion education programs and participate in community cleanups. As a result of these initiatives, by 2006-07, 51% of waste produced by residents and in the institutional, commercial and industrial sector was diverted from the landfill, either by way of recycling or composting, the highest rate of waste diversion in the Province. Richmond County intends to continue its waste management education program through compliance certificates for businesses, continued curbside inspections and school classroom visits and lectures with the intention of continuing to reduce the amount of refuse directed to regional landfills.

While the Richmond Waste Management Facility in West Arichat handled residential waste in the past, those landfilling operations wound down in 2005 though the facility continues to operate as a provincially licensed Construction and Demolition Debris Disposal Site. Currently residential waste is sent to the facility in West Arichat where it is transferred and trucked to Guysborough County. The Municipality still needs to conduct closure work to stabilize the old landfill.

Policy G-9.1 *Is shall be the policy of Council to continue to support the existing waste management education program with the goal of reducing the amount of solid waste directed to landfills.*

As the province diverts a larger portion of solid waste of various types away from landfill sites, recycling depots of various types will be needed to handle these products. As the recycling depots currently being operated are taking a very small number of items (beverage containers), these facilities have been permitted in a number of zones throughout the plan area. As recycling depots or similar facilities begin handling more products, Council will want to re-examine the impact these facilities may have on adjacent uses.

Policy G-9.2 *It shall be the policy of Council to re-examine recycling depots based on the type of waste products being handled, and to amend the Land Use By-law based on the compatibility of these facilities with adjacent land uses if necessary.*

10. Economic Development and Community Improvement

The goal of ensuring the economic and social future of the island is one shared by all residents of Isle Madame, and will require the joints efforts of all its communities. Many projects to enhance the island have been undertaken by a wide range of groups, particularly community groups and not-for-profit corporations with a strong interest in preserving and enhancing their communities. Council will continue to support these efforts and encourages the various communities on the island to work together to identify opportunities for community improvement and economic development.

Policy G-10.1 *It shall be the policy of Council to encourage community groups on Isle Madame*

to continue to undertake projects to improve their communities and to co-operate to identify opportunities for economic development.

It is important to provide some guidance regarding the design of on-site signage. Given that business owners need to develop signs which they feel best convey to customers the nature of goods and services they sell, it is not desirable to develop a fixed set of rules regarding the design, materials, colour, etc. Instead, a set of guidelines will be developed to provide businesses with some direction in designing signs which are appropriate for their businesses, and at the same time are compatible with the scale and architecture of Isle Madame.

Policy G-10.2 *It shall be the policy of Council to develop a set of guidelines for on-site signage. These guidelines will be suggestions for the design, material and appearance of signs that is useful and compatible with the architecture of Isle Madame.*

There is also some discussion of the need for a standardized off-site signage program, which would specify the design, material and appearance of off-site signage. Similar programs are in place in many areas of both the United States and Canada, with the objective of better serving the traveling public with information, and at the same time lessening the impact of signage on the landscape. Council is interested in studying this possibility, but requires the assistance of the provincial government in regulating off-site signage, and the input of local businesses who would benefit from such an initiative. Additionally, there have been concerns that derelict signs throughout Isle Madame or signs advertising businesses that no longer exist can both mislead visitors as well as be an eyesore. While these signs are often located on provincial highway rights-of-way and thus outside municipal jurisdiction, Council will work with landowners and the Department of Transportation to encourage the removal of these signs from public roads.

Policy G-10.3 *It shall be the policy of Council to work with the provincial government and the business community on Isle Madame to establish standardized off-site signage within the Isle Madame Plan Area.*

Policy G-10.4 *It shall be the policy of Council to work with landowners and the provincial Department of Transportation to encourage the removal of derelict or obsolete signs along public roads.*

11. Parking

Although off-street parking does not currently pose a problem, Council is of the opinion that there should be provisions in the Land Use By-law to ensure that all developments provide adequate off-street parking facilities.

Policy G-11.1 *It shall be the policy of Council to establish requirements for proper off-street parking for all developments within the Isle Madame Plan Area.*

12. Temporary and Special Uses

New development and construction often requires the use of small storage sheds, equipment and offices. These uses are considered a normal part of the construction process and Council does not intend to restrict their use in the Plan Area, though Council will require that any temporary use be removed soon after the construction project has been completed.

Special uses refers to display booths and other associated structures which are used during special events and celebrations and are also temporary in nature. Likewise, Council does not wish to restrict these uses within the plan area, and will require their removal when the event has concluded. A development permit will be required for temporary uses associated with development and construction/renovation work. A development permit will not be necessary for special uses associated with special events or celebrations.

Policy G-12.1 *It shall be the policy of Council to allow temporary structures in development or construction projects, including equipment, scaffolding, sheds and offices within the Plan Area. Council will require that a temporary use be removed within a specific time period upon completion of the project. A development permit shall be required for a temporary use.*

Policy G-12.2 *It shall be the policy of Council to allow for special uses such as signs, display booths or other related structures within the Plan Area. A development permit shall not be required for a special use.*

13. Government Buildings

There are several government buildings in Isle Madame, including post offices, the municipal building and court house in Arichat, the RCMP barracks in West Arichat, the NSLC store in Arichat, and the Department of Transportation depot. While buildings which are for government use will be allowed in all zones except the Conservation/Open Space zone, it is desirable that uses not requiring significant amounts of land be located in the existing settlements to take advantage of existing infrastructure and to assist in developing identifiable community centres which will serve as focuses for economic and social activity.

Policy G-13.1 *It shall be the policy of Council to permit government buildings in all zones within the Plan Area except in those areas zoned Conservation Open Space or Water Supply.*

14. Public and Private Utilities

Utilities provide an essential service (communications, electricity, gas transportation, water) and often have to locate equipment or transmission lines in various sections of a community. So that undue hardship is not placed on these utilities, these uses will be permitted within all zones except for the Conservation Open Space zone.

Policy G-14.1 *It shall be the policy of Council to permit public and private utilities in all zones within the plan area except in the Conservation Open Space zone. A development permit is required for each use.*

15. Police Protection

The Royal Canadian Mounted Police provide police protection for Richmond County including Isle Madame. The Richmond County District RCMP is staffed by eleven officers and two public servants and maintains an office in Arichat. Backup detachments are located in St. Peter's and Port Hawkesbury.

Policy G-15.1 *It shall be the policy of Council to continue to provide police protection to the residents and the business community within Isle Madame.*

16. Fire Protection

Fire protection services are provided to Isle Madame by the volunteer fire department located in Arichat on Route 320. The Department currently has 30 members and three trucks: a 1000 gallon pumper, a 1500 gallon tanker and a rescue unit. The Department also possesses the Jaws of Life which are used for emergency vehicle extrications on the Island. Fire hydrants are available in Arichat and in Boudreauville and on the north side of Petit-de-Grat, north of the bridge. The fire department is funded by a municipal tax levy.

Policy G-16.1 *It shall be the policy of Council to continue to support the Isle Madame Volunteer Fire Department in providing fire protection to the community.*

17. Health Care

The primary health care facilities for residents of the island are the St. Anne Community and Nursing Care Centre in Arichat and the Strait-Richmond Hospital in Evanston on Route 104 west of Isle Madame. The Strait Richmond Hospital is administered by the Guysborough Antigonish Strait Health Authority. The St. Anne Community and Nursing Care Centre is administered by its own board.

Policy G-17.1 *It shall be the policy of Council to support the principle of community-based health care.*

18. General Development Standards

The Land Use By-law contains development standards which pertain to physical development within the Plan Area. The purpose of these standards is to provide for orderly services.

Policy G-18.1 *It shall be the policy of Council to establish, in the Land Use By-law, the following land or development standards to promote orderly and safe development:*

a) minimum lot size requirements, minimum yard requirements and maximum height restrictions for each zone, but these standards may vary from zone to zone;

b) parking requirements which may vary according to the proposed use of the land;

c) parking lot requirements which, for pedestrian and vehicular safety reasons, shall include provisions with respect to the size, number and location of driveway access and the deflection of illumination of the parking lot away from adjacent lands;

d) provisions respecting temporary buildings, temporary uses and special occasions (festivals and fairs); and

e) provisions for the operation of a home occupation.

19. Annual Meetings

The purpose of the Municipal Planning Strategy is to guide the decisions of Council with respect to the regulation of private and public development and to continue to provide both public services and facilities to the residents within Isle Madame. In order to maintain a healthy rapport between the Municipality and the various local agencies that administer services to the community, Council shall encourage proper monitoring of public services through annual discussions in the community.

Policy G-19.1 *It shall be the policy of Council, through its Planning Advisory Committee, to hold annual discussions with local agencies concerning both Municipal and Protective services in the Plan Area.*

20. Heritage Properties

The preservation of older buildings, particularly those with some historical or architectural significance, is an important goal for any community. Such buildings remind us of our history and the shared experiences which have created the communities in which we live. The County of Richmond has a Heritage Property By-law which creates a Municipal Registry of Heritage Properties, as well as a Heritage Advisory Committee which has the responsibility of recommending properties to be added to the Registry.

Policy G-20.1 *It shall be the policy of Council, through the Heritage Advisory Committee to register properties in the Municipal Registry of Heritage Properties where property owners are willing to have their properties registered. Council shall also investigate alternatives to registration and the role they can play in preserving buildings of historical significance.*

CHAPTER 4 – IMPLEMENTATION

1. General Implementation

The Municipal Planning Strategy for the Isle Madame Plan Area is the prime policy document providing the framework by which the future growth and development of the Plan Area shall be encouraged, controlled, and coordinated. The Policies of the Strategy will be implemented through a variety of means, but generally through the powers of Council as provided by the *Municipal Government Act* and other statutes as they may apply. In order that Council may act in an effective manner, it is essential that a number of organizations and agencies are utilized by the Municipality.

Policy I-1.1 *In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of*

ongoing planning through its Planning Advisory Committee. Such a program may include aspects of public information and participation, further study respecting such matters as the drafting or revision of Municipal By-laws which deal with planning issues, and any other issues which Council may suggest.

Policy I-1.2 *In order that development control decisions may be based on expert advice beyond that which the Planning Advisory Committee is able to supply, it shall be the policy of Council to circulate applications for amendment of the Land Use By-law to the Eastern District Planning Commission and provincial government agencies, such as the Department of Transportation and Department of Environment for their information and comment as may be required..*

2. Development Control and Building Inspection Services

Implementation of the Municipal Planning Strategy and Land Use By-law is extremely important. This includes approving the manner in which land is divided or consolidated, the way in which it is developed, and ensuring that any construction associated with the development is sound.

Policy I-2.1 *It shall be the policy of Council to retain the services of a Development Officer, whose duty it will be to administer the Land Use By-law.*

Policy I-2.2 *It shall be the policy of Council to retain the services of a Building Inspector, whose duty it will be to enforce the National Building Code and other relevant legislation and by-laws.*

3. Generalized Future Land Use Map

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

- Village
- Rural Areas
- Open Space

4. Land Use By-law

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

4.1 Amendment to the Land Use By-law

It is expected that the Land Use By-law will be amended from time to time, although in conformity with the Strategy. Examples of situations which might create the need to amend the Land Use By-law include:

- a request by an individual to have the By-law amended (e.g. a map amendment or a text amendment):
- a motion by a member of Council to amend the By-law; or
- a change in the Strategy.

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

Policy I-4.1 *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 Richmond Planning Advisory Committee consider the report prepared by the Planning Commission with respect to Policy I-4.3 (Criteria for Amendment to the Land Use By-law), and any other policies of this Strategy which affect the proposed amendment:

c) refer the matter to the appropriate individual government department (as identified in the 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 costs for advertising for public notice as provided for in the Municipal Government Act.

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

Policy I-4.2 *The following uses will be considered by amendment to the Land Use By-law:*

a) Extending the Village designation and rezoning from Rural General (RG) to Village Low Density (VR-1) zone according to Policy L-2.1.2.

b) Within the Village designation:

(i) Rezoning from the Village Low Density Residential (VR-1) zone and the Village Multiple Unit Residential (VR-2) zone to the Village Commercial (VC) Zone according to Policy L-2.3.3;

(ii) Rezoning from the Village Low Density Residential (VR-1) zone to the Village Mixed Use (VMU) zone for lands adjacent to the Village Mixed Use zone according to Policy L-2.5.3;

(iii) Rezoning from the Village Low Density (VR-1) zone to the Village Agricultural (VA) zone according to Policy L.2.6.2; and

(iv) Rezoning to the Village Recreation Open Space (VO) zone according to Policy L-2.7.2.

c) Within the serviced portion of the Village designation:

(i) Rezoning from Village Low Density Residential (VR-1) zone to the Village Residential Multiple Unit Dwelling (VR-2) zone upon the provision of central services according to Policy L-2.2.3; and

(ii) Rezoning to the Mobile Home Park (MHP) zone according to Policy L-2.8.3.

d) Within the Rural Areas and Open Space designations:

(i) Rezoning from Rural General (RG) zone to the Rural Industrial (RI) zone according to Policy L-3.2.2;

(ii) Rezoning to the Mobile Home Park (MHP) zone according to Policy L-3.4.1; and

(iii) Extending the Open Space designation and rezoning to the Recreation Open Space (O-1) according to Policy L-4.1.4.

4.2 Criteria for Land Use By-law Amendments

Policy I-4.3 *In considering amendments to the Land Use By-law, in addition to other criteria set out in various policies of this strategy, Council shall have regard to the following matters:*

a) That the proposal is in conformity with the intent of this strategy;

b) That the proposal is not premature or inappropriate for reason of:

(i) the financial capability of the Municipality to absorb any costs related to the development;

(ii) the adequacy of central water and sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems.

(iii) the adequacy and proximity of school, recreation, and any other community facilities;

(iv) the adequacy of road networks in, adjacent to, or leading to the development; and

(v) the potential for the contamination of water courses or the creation of erosion or sedimentation.

c) That adequate requirements are contained in the Land Use By-law to reduce conflict

between the development and any other adjacent or nearby land use by reason of:

(i) type of use;

(ii) emissions including air and water pollutants and noises;

(iii) height, setback and lot coverage of the proposed building;

(iv) access to and egress from the site and parking;

(v) open storage;

(vi) signs; and

(vii) similar matters of planning concern.

d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.

e) Impact of the proposed use on environmentally significant areas as identified through the Richmond County Coastal Resource Mapping Project. The areas to be considered as part of the rezoning criteria shall be limited to aquaculture sites, saltwater marshes, seal haulouts and nesting sites.

5. Development Agreement

Policy I-5.1 *The following uses shall only be considered subject to entering into a development agreement, according to the development agreement provisions of the Municipal Government Act and the appropriate policies of this Strategy:*

a) Within the Village designation:

(i) multiple unit dwellings both new and conversions with more than twelve (12) units within the Village Residential Multiple Unit (VR-2) zone, the Village Mixed Use (VMU) zone, Village Commercial (VC) zone and the Village Light Industrial (VLI) zone, according to Policies I-5.2 and L-2.2.4; and

(ii) fish processing uses and light industrial fabrication and sales uses within the Village Mixed Use (VMU) zone according to Policies I-5.2 and L-2.5.4.

b) Within the Rural designation:

(i) multiple unit dwellings both new and conversions with more than twelve (12) units within the Rural General (RG) zone or the Rural Resource (RR) zone according to Policies I-5.2 and L-3.5.1;

(ii) resource industrial uses and medium industrial uses with a commercial floor area of 5,000 square feet or more within the Rural General (RG) zone, the Rural Resource (RR) zone or the Rural Industrial (RI) zone according to Policies I-5.2 and L-3.5.3; and

*(iii) **large scale** campgrounds according to Policies I-5.2 and L-3.5.5.*

As a condition for approval of a development permit for a use other than a permitted use where authorized elsewhere in this Strategy, it shall be the intention of Council to require the applicant to enter into a Development Agreement with the County, specifically setting out conditions under which the development agreement may proceed.

A Development Agreement shall not require an amendment to the Land Use By-law but shall be binding upon the property until the agreement or part thereof is discharged by Council.

Policy I-5.2 *In considering Development Agreements, in addition to all other criteria as set out in various policies of this Strategy. Council shall have regard to the following matters:*

a) That the proposed agreement is in conformance with the intent of this strategy.

b) That the proposal is not premature or inappropriate by reason of:

(i) the financial capability of the Municipality to absorb any costs related to the development;

(ii) the adequacy of central water and sewer services and utilities or if sewer services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;

(iii) the adequacy and proximity of school, recreation and any other community facilities;

(iv) the adequacy of road networks in, adjacent to or leading to the development;

(v) the potential for the contamination of water courses or the creation of erosion or sedimentation; and

(vi) the adequacy of municipal fire protection services.

c) That controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land use by reason of:

(i) type of use;

(ii) height, bulk and lot coverage of any proposed building;

(iii) traffic generation, access to and egress from the site;

(iv) parking;

(v) landscaping;

(vi) open storage;

(vii) signs;

(viii) the hours of operation;

(ix) maintenance of any building(s) and property; and

(x) any other relevant matters of planning concern.

d) that the proposed site is suitable in terms of steepness of grade, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility of flooding.

e) the impact of the proposed use on environmentally significant areas as identified through the Richmond County Coastal Resource Mapping Project. The areas to be considered as part of the development agreement process shall be limited to aquaculture sites, saltwater marshes, seal haulouts and nesting sites.

6. Amending the Municipal Planning Strategy

Policy I-6.1 *Chapters 1 to 4 of this Strategy and all associated maps constitute the official Municipal Planning Strategy for the Isle Madame Plan Area. An amendment to this Strategy shall be required:*

a) where any policy intent is to be changed;

b) where a desired amendment to the Land Use By-law does not conform to the Generalized Future Land Use Map;

c) where detailed area or functional strategies are desired to be incorporated into this Strategy;

d) where the Strategy is in conflict with applicable provincial land use policies or regulations, in accordance with Section 198 of the Municipal Government Act.

e) where policies of this Strategy are altered to coincide with policies of other planning strategies; or

f) where the boundaries of the Plan Area are altered to coincide with boundaries of future Plan Areas.

Policy I-6.2 *Strategy amendments shall require the approval of the Minister of Service Nova Scotia and Municipal Relations and shall be carried out in accordance with the provisions of the Municipal Government Act.*

7. Action not Requiring a Strategy Amendment

Since the Generalized Future Land Use Map is not intended to be a precise representation of future land use patterns, 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-7.1 *Areas immediately adjacent to a given land use designation in the Generalized Future Land Use Map may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the Strategy are satisfied.*

8. Subdivision

The subdivision of land within all parts of Richmond County, including Isle Madame, must conform to the Richmond County Subdivision By-law, which was revised and became effective April 7, 1995.

The By-law describes the manner and standards by which lots may be divided, while additionally providing certain provisions for the creation of private roads. The Isle Madame Municipal Planning Strategy and Land Use By-law provide a means through which subdivision regulations have been tailored to fit the particular circumstances and more comprehensive issues surrounding the development of the Island. Any subdivision application must meet the provisions of the Subdivision By-law and this Municipal Planning Strategy and Land Use By-law.

Policy I-8.1 *It shall be the policy of Council to retain the services of a Development Officer, whose duty it will be to approve plans of subdivision.*

Policy I-8.2 *It shall be the policy of Council that the regulations of the Land Use By-law respecting subdivision, roads, and private roads be utilized in conjunction with the Municipal Subdivision By-law.*

(Also see Section 5 of General Policies, "Municipal Roads and Private Roads").

While the requirements of the Land Use By-law are often more strict than the Municipal Subdivision By-law, it is the desire of Council that lots which are slightly beneath the requirements of the Land Use By-law be considered in the same manner as in areas which are unplanned. Section 279 of the *Municipal Government Act* allows for the approval of lots which do not meet the standards for frontage and/or area, yet meet no less than 90% of these requirements.

Policy I-8.3 *It shall be the policy of Council to permit the Development Officer to approve a plan of subdivision pursuant to Section 279 of the Municipal Government Act.*

The original land grants have left many narrow land parcels, particularly along the coast of the Island. Subdivision of these lots has been possible because of the clauses of the Municipal Subdivision By-law which have allowed lots to be created without frontage. Eliminating the ability of landowners to subdivide these lots would restrict development, particularly in the more developed areas of the island, and result in more low-density development with all lots fronting on the road. For this reason, the current Subdivision By-law provision permitting the creation of an additional lot without frontage will be included in this By-law. There will be a requirement, however, that each lot without sufficient road frontage must have an easement for right-of-way and access, which is clearly granted by deed.

Policy I-8.4 *It shall be the intention of Council to permit the creation of one additional lot without lot frontage pursuant to Section 12 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.*

Policy I-8.5 *It shall be the intention of Council to allow for the subdivision of lots for the purpose of removing encroachments.*

Given the long history of the fishery on Isle Madame, it is important that traditional uses associated with that industry not be adversely affected by the plan. Wharves and fish sheds located along the shoreline are often built on lots which are too narrow and close to the water to be approved under the Municipal Subdivision By-law. As a result, ownership of these lots is sometimes a problem. The Land Use By-law will allow for the creation of small lots for these fishery uses, or for the erection of plaques and monuments. These lots will not be eligible for on-site sewage disposal systems, and will not be used for human habitation.

Policy I-8.6 *It shall be the intention of Council to permit the subdivision of lots intended specifically to be used for wharves, fish sheds and other fishery related uses, as well as for the erection of plaques and monuments. Lots*

created under this provision will be subject to a smaller minimum lot size than that required within each zone. These lots will not be used for human habitation, and will not be eligible for an on-site sewage disposal system.

Policy I-8.7 *It shall be the intention of Council to permit the subdivision of an area of land which was in existence on the effective date of this municipal planning strategy, for the purposes of creating as many lots as there are main buildings.*

Policy I-8.8 *It shall be the intention of Council to permit the subdivision of lots on an island which does not contain public or private roads, provided that each lot meets the requirements of the Municipal Subdivision By-law for subdivision on an island.*

9. Variances

The *Municipal Government Act* 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 size of yards, courts and other open spaces, lot frontage, and lot area. Usually this is done in cases where the development meets the overall intent of a requirement within the Land Use By-law but cannot satisfy its exact specification. Should the Development Officer grant a Variance, notice of this action must be in accordance with the *Municipal Government Act* and may be appealed to Council by anyone served with such a notice.

Policy I-9.1 *In accordance with the Municipal Government Act, it shall be the policy of Council to empower the Development Officer to issue a Variance.*