

PORT HASTINGS PLAN AREA MUNICIPALITY OF THE COUNTY OF INVERNESS

MUNICIPAL PLANNING STRATEGY

Approved: Port Hastings Area Advisory Committee, August 18, 1997

Approved: Inverness County Planning Advisory Committee, September 3, 1997

Public Hearing: October 8, 1997

Approved: Municipality of the County of Inverness Council, October 14, 1997

Approved: Minister of Housing and Municipal Affairs, December 9, 1997

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CHAPTER 1 – INTRODUCTION

The Strategy

The Municipal Planning Strategy for Port Hastings Plan Area has been prepared by the Council of the Municipality of the County of Inverness according to The *Planning Act*, 1989, Chapter 346, Revised Statutes of Nova Scotia, amended 1992. The Strategy applies to all lands within the boundary of Port Hastings Plan Area as indicated on the Context Map.

Although this Strategy was prepared under the auspices of the Council of the Municipality of the County of Inverness and the Planning Advisory Committee, the Area Advisory Committee was specifically established for Port Hastings, in accordance with the *Planning Act*. The Area Advisory Committee invited the participation of the community residents through invitations to open houses and all committee meetings.

The purpose of this Strategy is to guide the decisions of Council with respect to the regulation of land use development and the provision of public services and facilities within the Plan Area. The general goal of the Strategy is to encourage orderly growth and development of the Port Hastings Plan Area to reflect the aspirations of the citizens. Also, it is desirable to maintain and enhance Port Hastings' position as a tourist centre within the Strait of Canso region. In order to support these goals, the Strategy has identified certain objectives and accompanying policies which are directed toward their achievement. Council will implement these policies in several ways, as outlined in the Implementation Section of this Strategy (see Chapter 7).

In adopting a Municipal Planning Strategy, Council does not commit itself to undertake any of the projects described therein but is prevented from undertaking 'any development within the scope of the planning strategy in any manner inconsistent or at variance therewith' (The *Planning Act*, Section 45). Thus, even though all projects cannot be immediately implemented, it is intended that the actions of Council will reflect the priorities as set out in this Strategy.

The main body of the Municipal Planning Strategy consists of a number of statements of policy each of which is prefaced by explanatory material. Maps that are specifically referred to in the policy statements and are included in this document shall constitute part of the Municipal Planning Strategy. Most importantly, this includes the Generalized Future Land Use Map (Schedule B) which is a graphic representation of the land use designations that are to be developed in accordance with the policies of this Strategy.

Goals

This Municipal Planning Strategy details the methods and procedures formulated and formally adopted by Council for the purpose of organizing development and land use activity within the Port Hastings Plan Area. Through policy statements in this Strategy, the following goals for the Plan Area are clarified and implemented:

- To provide a framework and process which will protect and stabilize the various characteristics of the community.
- To control land use and development in a manner that will preserve, protect and enhance the natural and built environments of the community.

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- To maintain, improve and expand municipal services and facilities to acceptable standards to the extent of the Municipality's capabilities.
- To set policies which direct development to appropriate locations within the community.

Provincial Context

Port Hastings and the surrounding area is located on the eastern shore of the Strait of Canso on Cape Breton Island immediately adjacent to the Canso Causeway which joins the island to mainland Nova Scotia. The Plan Area is approximately 280 kilometres east of Halifax and 140 kilometres west of Sydney. Antigonish, with its commercial and education facilities is approximately 55 kilometres to the west.

Local Context

Included in the Plan Area are small communities referred to as the Port Hastings 'village' (not designated a 'village' under the Village Act but the reference is used to clarify a specific area), Lexington, New Town, Charles MacLean Road, Pleasant Hill, Davis Drive and a section of Long Stretch Road. The Port Hastings Plan Area is immediately adjacent to the Town of Port Hawkesbury and in close proximity to the Point Tupper Industrial Park. All lands within the boundaries of the Port Hastings Plan Area total approximately 11.33 square miles (29.46 square kilometres). Of this total area only approximately 2.33 square miles (6.06 square kilometres) is presently cleared for development. This estimate includes land uses such as residential, commercial, institutional, industrial, etc. along with agricultural and other cleared but undeveloped lands. Transportation routes and power transmission right-of-ways account for a further 17 hectares (289 acres).

The majority of this developed land is located within Port Hastings 'village', along Highway No. 104 towards Port Hawkesbury and in the vicinity of Pleasant Hill. Ribbon development also occurs along portions of Highway No. 19 towards Port Hood. Much of the uncleared land within the Plan Area boundary is developable with the exception of those areas which are sensitive because of steep slopes or the proximity to watercourses.

Population

The population of the Plan Area is estimated at 825. Because the study area boundary has been determined for the purposes of the Municipal Planning Strategy, previous population statistics are unavailable. Furthermore, the rate of residential growth of the community has been considerably less in the past decade as compared to the preceding fifteen years. This is shown by the number of residences constructed in Port Hastings in the past twenty years (refer to Table 1).

Table 1

Date of Construction	# Constructed	Total Residences
1983 - 1986	2	176 (1986)
1979 - 1983	13	174 (1983)
1974 - 1978	23	161 (1978)
1964 - 1973	53	138 (1973)
Prior to 1964	85	85 (1963)

Source: 1987 Port Hastings Planning Questionnaire

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Future population levels are difficult to predict given the economic situation in the area. If employment levels remain steady, there will likely be minimal growth in population. However, if new development, particularly of a large industrial nature, is to occur, the population could enter a period of growth.

CHAPTER 2 - RESIDENTIAL DEVELOPMENT

Residential Development

The predominant land use within the Port Hastings Plan Area is residential. This development has occurred primarily in the 'village' area with linear development expanding along Highway No. 19 toward Port Hood, No. 104 to Port Hawkesbury, Pleasant Hill Road and Long Stretch Road.

Single detached dwellings are the most prevalent form of residential development, with mobile homes and some multiple unit dwellings located throughout. Located within the areas of residential development are also non-residential uses which complement the residential character and contribute to the integrity of the community. These include institutional uses such as a church, post office and firehall and recreational uses. In the rural areas located further from the core area, uses such as forestry uses, stables and barns also exist in close proximity to residential development. The bulk of development activity has taken place within the 'village' area and as a result, little vacant land remains, directing future development toward the lower density areas.

The major difficulty in the expansion of lands suitable for development is the unavailability of municipal services, both sewer and water. Where sewer services are available, the system is at capacity. In areas located further from the 'village' area and with low density development, the installation of services may be both unnecessary and unfeasible. In other locations, such as along Pleasant Hill and Charles MacLean Roads, servicing may be needed to fulfill the needs of the neighbourhood as well as permit the development pattern to continue. All development presently obtains water from individual wells, resulting in the need to protect the environment against hazards that may contaminate the water supply.

The Residential designation encompasses the majority of existing residential lands within the 'village', along Highway 104, along Highway 19, northeast of Highway 104, including Charles MacLean and Pleasant Hill Road, Hilltop Estates and Davis Drive Subdivisions and the Long Stretch Road. Within this designation, four zones are established to reflect the existing development as well as direct future development. The Residential 1 (R-1) zone encompasses primarily the area within the 'village' that are serviced with municipal sewer services. The lands zoned Rural Mixed Use (RM-1) are un-serviced and are mainly the low density residential areas. Future residential development will be directed to the Future Residential (R-2) zone, which are presently un-serviced, but adjacent to established residential areas. Mobile home parks will only be permitted within the Plan Area in the Mobile Home Park (MHP) zone after Council considers an amendment to the Land Use By-law provided the criteria for such re-zonings are met.

Policy 1.0 It shall be the intention of Council to designate the central portion of the Port Hastings Plan Area and the surrounding un-serviced and partially serviced areas 'Residential' as shown on the Generalized Future Land Use Map, Schedule B.

The Residential One (R-1) zone will allow for a mixture of residential uses, requiring various lot sizes for different types of developments. This zone will also allow for some uses that are compatible with the residential nature of an area including the following: bed and breakfast establishments, day care centres, recreational uses, senior citizen homes, institutional uses and existing multiple-unit dwellings.

Policy 1.1 It shall be the policy of Council to establish a Residential One (R-1) zone which permits the following and similar types of uses: single detached dwellings including mobile homes; semi-detached dwellings and duplex dwellings; single detached dwellings with one (1) basement apartment; converted dwellings to a maximum of four (4) dwelling units; boarding or rooming houses; bed and breakfast establishments; day care centres; recreational uses; senior citizen homes; institutional uses and existing multiple-unit dwellings.

Consideration is given to the development occurring along Highway No. 105 towards Baddeck. It is intended that a mixture of development be permitted along this highway including the area surrounding Lake Horton. It is intended that this area allow for a mixture of residential, commercial, recreational, institutional and forestry uses to reflect the more varied land uses.

Policy 1.2 It shall be the policy of Council to establish a Rural Mixed Use (RM-1) zone which permits the following and similar types of uses: single detached dwellings including mobile homes; boarding or rooming houses to a maximum four (4) dwelling units; bed and breakfast establishments; recreational uses; limited agricultural and related uses; limited forestry and related uses; animal hospitals; retail shops, business or professional offices, banks and financial institutions, personal service establishments, funeral homes; institutional uses including cemeteries; and stables and barns.

Future Residential Development

With respect to future development within the Plan Area, and in keeping with the present trend of new development occurring along the Pleasant Hill Road, it becomes obvious that new residential subdivisions will continue to occur in this immediate area. It is felt that vacant land which currently exists to the rear of the developed Pleasant Hill properties will be reserved for future residential development. To carry out this intent it is felt that this area be zoned Future Residential (R-2). The Land Use By-law requires large lot sizes within this zone, to accommodate on-site servicing.

Policy 1.3 It shall be the intention of Council to establish a Residential Future (R-2) zone which permits the following and similar types of uses: single detached dwellings; mobile homes; bed and breakfast establishments; and parks and community centres.

If Council decides to proceed with a municipal water and sewer system for parts of the Plan Area, it will then be possible to subdivide land into smaller lots. In the event this occurs, Council will consider an amendment to the Land Use By-law by rezoning the land from Future Residential (R-2) to Residential 1 (R- 1).

Policy 1.4 It shall be the intention of Council to permit the Residential 1 (R-1) zone by an amendment to the Land Use By-law from the Future Residential (R-2) zone upon the installation of municipal water or sewer services and in accordance with the criteria to amend the Land Use By-law, Policy A- 8.

Mobile Homes and Mobile Home Parks

Mobile homes are an important housing source within the community. When a mobile home park is established in the Plan Area, all future mobile homes will be directed to the park but until that time, Council will treat them in a similar manner as single detached dwellings, therefore they will be permitted in the same zones and subject to the same standards as single detached dwellings. Mobile homes shall require skirting.

- Policy 1.5** It shall be the intention of Council to permit mobile homes in all areas zoned Residential 1 (R-1), Future Residential (R-2), Rural Mixed Use (RM-1) until such time that a mobile home park is established.
- Policy 1.6** In addition to the general development standards established in Policy 5.0 of this Strategy, it shall be the policy of Council to regulate the external appearance of mobile homes. Council will consider a rezoning to the Mobile Home Park (MHP) zone when a proposal is presented. To provide guidelines for prospective developers of mobile home parks and to ensure some degree of protection to the existing community, the development will be controlled with regard to all planning aspects, including design and construction. Adequate spacing between homes, lot sizes and servicing systems will be required in order to establish and maintain proper development standards within the zone. Landscaping and buffering provision will also be required to minimize any adverse effects between the mobile home park and other uses.
- Policy 1.7** It shall be the policy of Council to establish a Mobile Home Park (MHP) Zone and to permit within the zone the following and similar types of uses: mobile home park; recreational uses; mobile home park administration offices; commercial establishments incidental to the operation of the mobile home park such as laundromats and convenience stores; and maintenance equipment and storage facilities related and incidental to the operation of the park.
- Policy 1.8** It shall be the policy of Council to require landscaping and buffering between mobile home parks and other uses to minimize any potential land use conflicts.
- Policy 1.9** It shall be the policy of Council to permit more than one main building to be placed within the Mobile Home Park (MHP) Zone.
- Policy 1.10** It shall be the policy of Council to consider approval of a mobile home park within the Residential Designation by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following:
- (a) the development will be served by centralized water and sewer services, the cost of which will be borne by the developer and that it will not strain the capacities of the existing services;
 - (b) any extension of the mobile home park will not negatively affect the level or quality of services in any existing portion;

- (c) the landscaping and buffering provisions between the proposal and adjacent land uses is such that it will protect the privacy, and minimize the adverse effects between the uses;
- (d) the landscaping and buffering provisions from the public road to which it has access is such that adverse effects will be minimized;
- (e) the impact of the mobile home park on external traffic circulation patterns is such that the capacity of the existing transportation network will not be strained; and
- (f) the proposal is consistent with the criteria to amend the Land Use By-law, Policy A8.

Multiple Unit Dwellings

Three multiple unit dwellings are located within the community. These are located along Highway No. 104: one three unit dwelling is within the 'village', east of the Skye Motel; another three units are located on the second floor of the industrial supply store along Highway 104 (4) adjacent to the Charles MacLean Road and a five unit apartment building is located west of Davis Drive. For further detail on location, refer to the Existing Land Use Map, Schedule A.

Council feels that multiple-unit dwellings should only be permitted on properties that can be connected to public water and sewer services. Further, as multiple-unit dwellings can involve elements such as multiple structures, parking areas, landscaping and screening requirements, larger refuse collection areas and amenity areas in order to satisfy evaluation criteria outlined in the Land Use By-law, staff feel that such developments should be subject to Site Plan Approval. This process is less onerous than the Development Agreement Application process, but will allow for more staff input and review when paired with the Development Permit process.

Policy 1.11 It shall be the intention of Council to permit the development of multiple unit dwellings (more than 4 units) within the Plan Area on properties that can be connected to municipal water and sewer services, subject to Site Plan Approval.

Finally, a duplex is located along the Charles MacLean Road. Council is of the opinion that duplexes, semidetached dwellings and basement apartments located in single detached dwellings should be permitted as an optional means of housing in the Plan Area. It is intended that the basement apartment concept be achieved by the internal conversion of a single detached dwelling in any Residential 1 (R-1) zone.

Policy 1.12 It shall be the intention of Council to permit duplex and semi-detached dwellings and basement apartments in conjunction with single detached dwellings (maximum of two units in each dwelling) in the R-1 zone.

Building Condition and Improvement

The majority of the buildings within the Plan Area are in good condition. They have a solid structure, a stable foundation, chimneys are in safe condition and the appearance is satisfactory. Some buildings require a higher degree of repair and mobile homes were included in the fair category. This category accounted for approximately a third of the residences. The remaining buildings account for those listed

in the poor category. For the most part, these buildings require major repairs to foundations, structural reinforcements, chimney repairs and improved site appearance. In some instances it would be in the best interests of the community to demolish the building.

With respect to the fair and poor categories, the municipal Council should utilize programs which assist individuals in improving the conditions of their residences. Council should be prepared to investigate the benefits of home improvement programs and if positive results are forthcoming, to seek the necessary funding from other levels of government.

Policy 1.13 It shall be the intention of Council to continue to investigate the benefits of housing improvement programs for the residents of the Plan Area.

The National Building Code and Dangerous and Unsanitary Premises By-law have been adopted by the County. These two By-laws are enforced under the jurisdiction of Council, through the Rural Cape Breton District Planning Commission. Council should endeavour to enforce the two By-laws in a timely and fair manner. From time to time a review of the contents of each By-law should be conducted to ensure they reflect the conditions and needs within the County.

Policy 1.14 It shall be the intention of Council to encourage the upkeep of existing residential buildings in the community by continuing to administer the Building By-law, the Dangerous and Unsanitary Provisions of the *Municipal Act* and the Minimum Housing Standards By-law for the municipality and to revise each document when deemed necessary.

Complementary Land Uses

Within the Residential designation, several non-residential developments will be permitted. Institutional land uses contribute to the function and attractiveness of a community and therefore, should be permitted as-of-right within the residential zones. Two examples of this are schools and churches which are commonly found in residential neighbourhoods. The major institutional land uses in the Plan Area involve lands owned and used by three levels of government. These uses consist of the post office and the tourist bureau. From a private development point of view, other institutional uses include the United Church, the fire hall, the museum and several cemeteries.

Recreational space located throughout residential areas also enhances the local living environment and is quite abundant within the Plan Area. A large outdoor complex, the Port Hastings and District Recreation Park operated by a local service club, is located on a site abutting New Town Road.

Policy 1.15 It shall be the intention of Council to permit institutional uses such as schools; churches; government buildings; museums; fire halls and cemeteries in all zones within the Residential designation on the Generalized Future Land Use Map, Schedule B.

Policy 1.16 It shall be the intention of Council to permit both private and public recreational uses such as tot lots and mini parks in the Residential designation on the Generalized Future Land Use Map, Schedule B.

Home Occupations

Any occupation, trade or profession carried out by the occupant of the dwelling and is secondary use to the residential use is considered a home occupation. These are a benefit to both the operator, with lower start-up and operating costs, and the public by having required good and services provided locally. Home occupations will be permitted as-of-right but will have to comply with specific requirements as stated in the Land Use By-law to protect the residential areas in which they are located. Within the Residential 1 (R-1) zone, they will only be permitted to operate within the dwelling, while in the Rural Mixed Use (RM-1) and Future Residential (R-2) zones they will be permitted within the dwelling as well as any accessory building. Properties which contain a home occupation will be permitted to have signage but these will be limited in size and location.

Policy 1.17 It shall be the policy of Council to permit home occupations within residential zones provided the scale of the operation and its external appearance are compatible with the residential environment. Home businesses of a larger scale shall be permitted subject to conditions for lot coverage and number of vehicles.

Policy 1.18 It shall be the policy of Council to regulate signage and outdoor storage pertaining to home occupations.

Kennels, Stables and Barns

It is the position of Council that no kennels, stables and barns shall be permitted in areas zoned R-1 or R-2. However, Council is also of the opinion that stables and barns are fitting with the character of a rural area. Therefore, these will be permitted uses in the areas zoned Rural Mixed Use (RM-1).

Policy 1.19 It shall be the intention of Council to prohibit kennels in the Plan Area. Stables and barns shall not be permitted in the R-1 and R-2 Zones. Stables and barns shall be permitted in the Rural Mixed Use (RM-1) Zone provided the use is located a minimum distance from adjacent residential buildings and within a size limitation as specified in the Land Use By-law.

CHAPTER 3 - COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Mixed Use Development

Port Hastings offers an adequate level of goods and services to the residents of the Plan Area. As Port Hastings is adjacent to the Town of Port Hawkesbury, a wide variety of retail goods and services are readily available. Generally, commercial land uses in the Port Hastings Plan Area are at two locations, as shown on the Existing Land Use Map, Schedule A. These two areas consist of:

- the commercial uses surrounding the rotary in Port Hastings 'village'; and
- the commercial strip along a portion of Highway No. 104, towards Port Hawkesbury.

Existing industrial activity in Port Hastings and surrounding area consists of a truck repair shop along Highway No. 104, a Residential Concrete Product sales outlet along Highway No. 105, a construction machinery and truck depot off Highway No. 19, a small storage area to the northeast of Highway No. 105, the Strait of Canso Canal and Causeway which separates the Island from the Mainland and the Port Hawkesbury Airport.

If the present character of the Plan Area is to be maintained, heavy industrial land uses should be considered undesirable. Heavy industrial development would be more appropriately directed to the Point Tupper area. However, certain types of light industrial activity could be beneficial to the Plan Area's economy and desirable if properly segregated from the residential neighbourhoods. Commercial and industrial development close to the airport would not interfere with the quality of the present living environment. Should offshore related activity occur, the Port Hawkesbury Airport would be ideal for servicing the industry. The runway is fully paved and facilities such as on-site fuel services are available to people requiring flying services. A private aviation weather station operates during the weekdays and there is distance measuring equipment, remote communications outlet and an authorized approach UNICOM. The terminal has lounge facilities and a flying school maintained at the airport.

Policy 2.0 It shall be the intention of Council to designate several areas 'General Development' as shown on the Generalized Future Land Use Map, Schedule B.

Policy 2.1 It shall be the policy of Council to establish a Mixed Use (C-1) Zone within the General Development designation that permits the following and similar uses: retail establishments; business or professional offices; restaurants; entertainment centres; banks and financial institutions; personal service establishments; taverns and lounges; tourism establishments with less than 35 rental rooms; automobile service stations (including car washes); automobile, boat, trailer, snowmobile and bicycle sales and service establishments; funeral homes; public parks; garden and nursery sales and supplies establishments; airports and uses related to the operation of the airport; warehousing and manufacturing facilities which do not involve the production of toxic wastes or chemicals; public works depots; building materials sales and supplies establishments; trucking sales and service establishments; service industries single detached dwellings, including mobile homes subject to special provisions; dwelling units and multiple-unit dwellings, subject to site plan approval; and, recycling facilities.

Policy 2.2 It shall be the policy of Council to establish separate lot requirements for commercial and industrial uses within the Mixed Use (C-1) zone.

In order to provide some degree of protection to the community, proposed buildings within the Mixed Used designation in excess of 10 000ft² and new hotels or motels in excess of thirty five (35) rental rooms shall be subject to the development agreement process.

Policy 2.3 It shall be the policy of Council to consider buildings in excess of 10 000 ft² and new hotels or motels in excess of thirty five (35) rental rooms within the Mixed Use zone by development agreement as provided for by the *Planning Act* and the criteria established in Policy A-10. Development in the Plan Area has expanded dramatically over the last 20 years, reflecting the direct relationship between the growth of Port Hastings and the industrial development in nearby Point Tupper.

Although there is a sufficient range of goods and services available in Port Hastings and Port Hawkesbury, additional development would be a benefit to the residents in the area. Generally, there is a lack of choice and prices are often higher than in other nearby areas. Therefore, an increase in establishments would offer a greater variety of goods and services at more competitive prices than presently exist. However, any further operations should encouraged to locate within the existing areas designated General Development as shown on the Generalized Future Land Use Map, Schedule B.

Policy 2.4 It shall be the intention of Council to promote further infilling of commercial uses such as retail shops, offices, financial services and personal service uses in those areas designated 'General Development' on the Generalized Future Land Use Map, Schedule B.

Other areas within the Plan Areas are also capable of supporting non-residential development. The land along Highway No. 105 in the area zoned Rural Mixed Use (RM-1) on the Generalized Future Land Use Map, Schedule B is largely undeveloped and could support limited commercial development. Policy 2.5 It shall be the intention of Council to permit limited commercial uses within areas zoned

Rural Mixed Use (RM-1)

On lands abutting Highway No. 19 and surrounding the airport, Council shall consider commercial or industrial uses, provided that the proposed development complies with the appropriate criteria for a development agreement.

Policy 2.6 It shall be the intention of Council to consider a development agreement to permit uses in the Mixed Use (C-1) zone for areas designated Residential along Highway No. 19 in accordance with the criteria for a development agreement, Policy A-10.

Policy 2.7 It shall be the intention of Council not to prezone the 'Airport Industrial Park' Mixed Use (C-1) except existing sites. The remaining area will be zoned RM-1 and will be considered through an amendment to the Land Use By-law, in accordance with Policy 2.15 and the criteria to amend the Land Use By-law, Policy A-8.

Services within the Plan Area inevitably change over time as the requirements of the community evolve. A recent example of this is the alteration of the Port Hastings school to the offices for the Strait Regional

District School Board. Government facilities and utilities are permitted to be established in any location of the Plan Area. Should any of these properties be sold to be used for another use, some protection and control should be given to residents and the community. As such, any reuse of a government facility within the Residential 1 (R-1) or Rural Mixed Use (RM-1) zone shall be subject to the development agreement process.

Policy 2.8 It shall be the policy of Council to consider the reuse of government facilities and utilities within a R-1 or RM-1 to any use permitted in the C-1 zone through the development agreement process as provided for in the *Planning Act* and the criteria established in Policy A-10.

Waterfront Development

There is limited amount of marine industrial land available on the waterfront. This area is serviced by a rail line but does not have highway frontage. The ideal use would be development benefiting from rail access and/or water frontage that does not require large parcels of land, nor access to a public street and does not create an unpleasant obstruction to the view of the Strait of Canso.

With the potential for offshore oil and gas activity occurring, it can be foreseen that industrial sites along the waterfront and near the airport could play a vital role in future development of Inverness County and in particular Port Hastings. It is foreseen that certain marine related uses will likely occur along the waterfront. This area will also allow for shipping and small scale fishing activity.

Policy 2.9 It shall be the intention of Council to designate areas 'Industrial Waterfront' as shown on the Generalized Future Land Use Map, Schedule B.

Policy 2.10 It shall be the policy of Council to establish a Industrial Waterfront (M-1) zone which permits the following and similar uses: fishing and other marine related uses, off-shore oil exploration facilities and shipping facilities.

Policy 2.11 It shall be the policy of Council to consider an application to rezone lands adjacent to the Strait of Canso presently zoned Conservation Open Space to Industrial Waterfront (M-1) provided the proposed use meets the following criteria:

- (a) waterfront or rail access is required;
- (b) frontage on a public street is not required;
- (c) no development will be permitted on an area of land with a slope greater than 15 percent;
- (d) the view of the waterfront from Highway 104 is not subsequently obstructed; and
- (e) the proposal is consistent with the criteria to amend the Land Use By-law, Policy A-8.

General Provisions

There are several additional matters that should be taken into consideration when allowing commercial development to occur in the Port Hastings Plan Area. These pertain to signage, outdoor storage and display and abutting yards. Presently, none of these items have created problems in the area, however, safeguards should be taken so that they will not present a problem in the future. The Land Use By-law will contain regulations regarding to the type, size, and number of signs which would be allowed for each use, the amount of outdoor storage and display that will be permitted and setbacks between residential and non-residential uses.

Commercial waste bins can be both unsightly and a cause of litter. Council intends to adopt regulations requiring commercial operators to erect fences around these bins thereby screening them from public roads and walkways and preventing the waste from being carried to adjacent properties.

Policy 2.12 It shall be the intention of Council to regulate signs or advertising devices and amount of outdoor storage and display on adjacent lands when a non-residential use abuts a residential use.

Policy 2.13 It shall be the intention of Council that where a commercial or industrial use abuts a residential use, the non-residential use must comply with specific yard requirements as specified in the Land Use By-law in order to protect the residential property from potential land use conflicts.

Policy 2.14 It shall be the intention of Council to require the screening of waste bins in the General Development designation.

Hazardous Products

There has been some concern expressed by the residents with respect with the type of development which might occur in a proposed industrial park. The main concern is the possibility of having an industry which either stores or produces toxic chemicals or waste. Therefore, it is strongly recommended that safeguards should be taken to regulate these types of uses in an Industrial Park.

Policy 2.15 It shall be the intention of Council not to consider an application for rezoning for a proposed use that either stores or produces toxic waste or chemicals within the Plan Area.

Parking

Parking poses no problem to the Port Hastings Plan Area at the present time as sufficient off-street parking facilities are provided with each commercial or industrial use. It is suggested that the present practice of onsite parking continue.

Policy 2.16 It shall be the intention of Council to require off-street parking for all commercial or industrial development intending to locate in the Port Hastings Plan Area. However, where there is a change of use involving a property that existed prior to the coming into

effect of the Land Use By-law, where additional parking is required, but cannot be provided, the new use shall be exempt from having to provide the additional parking.

Building Heights

With respect to heights of buildings and structures, particularly those facing the Strait of Canso and those adjacent the airport, it is felt that controls should be placed on industrial development in the Plan Area. For instance, the properties adjacent to the airport should be given height controls to help ensure the safety of air traffic which use the runway facilities. Therefore, it is felt that height controls be placed on all industrial uses within a specific area for all uses surrounding the airport, with the exception of the control tower at the airport which may exceed the height requirements.

It is also important to maintain the scenic quality of the Strait from the road and therefore for properties adjacent to the Strait, specific height controls be implemented.

Policy 2.17 It shall be the policy of Council to require height controls for all buildings adjacent to the Strait and once proper authority is delegated by the Federal Department of Transport, to require height controls, for everything other than the control tower, within a specified radius of the airport runway.

Future Development

If substantial commercial growth occurs in certain parts of the Plan Area, problems could develop with respect to the present water supply and sewage disposal systems. This could make it necessary for Council to also consider the provision of municipal sewer and water services for these commercial areas provided that it is within the Municipality's financial capability.

Policy 2.18 It shall be the intention of Council to closely monitor the effect commercial and industrial development may have on the present water supply and sewage disposal system.

Policy 2.19 It shall be the intention of Council to consider the installation of municipal services to serve the residential, commercial and industrial development along Highway No. 104 when the funds become available and the demand warrants its expenditure.

Municipal services do not lead to either the waterfront (site adjacent to the Skye Motel) or the proposed industrial park (adjacent to Highway 105) but are considered by Council to be necessary for further industrial development. Therefore in considering future industrial development in the Port Hastings Plan Area, the provision of waste disposal from the proposed industrial sites, either as a central municipal service or an on-site package treatment system, will be required. It is also conceivable that linkage to a water supply in the form of a central municipal service or a deep well providing an adequate water source will be required.

Policy 2.20 It shall be the intention of Council to require water supply and sewage disposal systems either by way of a municipal system or an on-site system to service the Airport Industrial Park and the waterfront area adjacent to the Skye Hotel. Approvals must be given by the Department of Environment for any on-site systems.

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Any further considerations for other industrial development in the Plan Area should be subject to a detailed study by Council to determine the need and the most suitable location for such developments. If required, an amendment to the Municipal Planning Strategy and Land Use By-law may be necessary.

Policy 2.21 It shall be the intention of Council when appropriate to undertake a detailed study to determine the actual need and most suitable location for any additional industrial development (beyond the designated areas as shown on the Generalized Future Land Use Map, Schedule B). Should additional lands be required, an amendment to the Municipal Planning Strategy may be necessary.

CHAPTER 4 - OPEN SPACE DEVELOPMENT

Open space is a major element of community design and form, and is regarded as a valuable community asset. The open space classification of land includes public and private uses in the categories of:

- lands reserved for recreational purposes,
- lands used as conservation for environmentally sensitive areas which should not be developed because of their susceptibility of flooding, and proximity to water supplies and water courses;
- land which could be used for water supply (those surrounding Lake Horton).

Recreational Open Space

Recreational open space can be of two types: active and passive. Presently, recreational facilities such as tennis courts, a ball diamond, playground and outdoor rink are available for use by the residents of the Port Hastings Plan Area. These facilities which are owned and operated by the local community club are located in the Port Hastings and District Recreation Park abutting New Town Road.

Policy 3.0 It shall be the intention of Council to designate recreational areas as 'Recreation' as shown on the Generalized Future Land Use Map, Schedule B.

Policy 3.1 It shall be the intention of Council to establish a Recreation Open Space (O-1) zone which permits the following and similar types of uses: recreational uses including but not limited to parks; playgrounds; picnic areas; baseball diamonds; indoor and outdoor rinks; athletic fields; tennis courts; golf courses; swimming pools; marinas; community centres and buildings associated with and subsidiary to the recreation use.

Policy 3.2 It shall be the intention of Council to encourage the various clubs and organizations to provide a program of continual maintenance for all recreational facilities in Port Hastings. Occasionally, the fire hall is used for winter recreational programs coordinated through the Municipality's Recreation Department. Activities including Gaelic singing, square dancing, and bingo are provided in the community on a user pay basis. The outdoor rink is also available for recreational skating. For summer recreational programs, the Municipality encourages the Port Hastings community clubs to apply for federal and provincial grants which provide funds for hiring individuals to organize programs for minor ball, tennis, etc. The facilities are not being used to full potential and it is felt that the Municipality, in conjunction with the community clubs, should continue to develop its active recreational programs.

Policy 3.3 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 Plan Area.

The community is fortunate to be located adjacent to Port Hawkesbury where many of the Town's recreational facilities (swimming pool, tennis club, gymnasium, curling club, indoor arena, etc.) are available for use by the residents of Port Hastings and surrounding area.

Policy 3.4 It shall be the intention of Council to continue to hold discussions with the Port Hawkesbury Town Council and Recreational Committee on the use of the Town's recreational facilities by the residents of Port Hastings.

Vast areas of open space in the form of forested areas, fields, lakes, unused logging roads, etc. can be used to provide recreational facilities for the residents ranging from passive park areas to hiking trails. The development of vacant lands as passive parks, if strategically located, could enhance the location of Port Hastings as the entrance to/exit from Cape Breton Island for both residents and visitors alike.

The Historical Society, a private organization, has obtained lands from the Canadian National Railroad through a 99 year lease agreement for the establishment of a small park adjacent to the rotary between Highway No. 104 and Highway No. 19. This land, although ideally situated has not been developed to its full potential and it is now felt that a concerted effort should be undertaken to develop this park site. If completed the park would improve and enhance the gateway to the Island.

Policy 3.5 It shall be the intention of Council to encourage the Historical Society to develop the park adjacent to the rotary between Highway No. 104 and Highway No. 19.

Conservation Open Space

Within the Plan Area, there are exposed coastal areas along the Strait of Canso; the Long Pond Sand Bar being the major area of concern. This coastal area is very sensitive to any development other than passive recreational activities and should be protected. As a guide to future development, it is advisable to control development on this exposed coastal area.

Policy 3.6 It shall be the intention of Council to designate an area 'Conservation' as shown on the Generalized Future Land Use Map, Schedule B.

Policy 3.7 It shall be the intention of Council to establish a Conservation Open Space (O-2) zone which permits the following and similar type of uses: conservation related uses; passive recreational activities; and public and private parks involving no buildings.

Policy 3.8 It shall be the intention of Council to limit development on the exposed coastal area along the Long Pond Sand Bar as shown on the Generalized Future Land Use Map, Schedule B, to passive recreational activities and conservation related projects.

The final area to be zoned Conservation Open Space (O-2) is the strip of land situated between Highway 104 and the shores of the Strait of Canso. Development of this area of land is inhibited by slopes greater than 15%, however, the railroad track and the shoreline could open up the area for marine industrial related activity. The inability to provide public street frontage or access by subdividing this land makes it almost impossible to develop. Therefore, the lot frontage and area requirements will be excluded from land development along the shoreline. This area has been designated 'General Development' on the Generalized Future Land Use Map, Schedule B. The area will be zoned Conservation Open Space (O-2) until such time as a need for limited marine industrial development occurs. Council will, at that time, give consideration to amending the Land Use By-law to zone the lands as Marine Industrial (M-1).

Policy 3.9 It shall be the intention of Council to zone the shore line of the Strait of Canso with the Conservation Open Space (O-2) zone. Council will consider amending the Land Use By-law to Marine Industrial (M-1) when the demand for industrial waterfront development has been identified and subject to Policy 2.11 and the criteria to amend the Land Use By-law, Policy A-8.

Policy 3.10 It shall be the policy of Council not to require public street access, lot frontage and area requirements for land holding adjacent to the Strait of Canso and located to the rear of properties fronting along Highway No. 104 (4).

CHAPTER 5 - COMMUNITY SERVICES AND INFRASTRUCTURE

Police Protection

The Municipality utilizes the services of the RCMP located in the Town of Port Hawkesbury to provide police protection. This detachment provides police protection for the Town of Port Hawkesbury and the portion of Inverness County as far north as Port Hood and east to Whycomagh. Other detachments are located in the communities of Inverness and Chéticamp which provide protection for other areas of the County.

Policy 4.0 It shall be the intention of Council to encourage the efforts of the RCMP in providing police protection within the Port Hastings Plan Area.

Fire Protection

The Plan Area is served by the Port Hastings volunteer fire department with a brigade of 30 personnel. The station is located on Victoria Road, just off the rotary and consists of two bays for the storage of trucks (2 water and 1 equipment) and other related equipment on the first floor. Large portions of the first and second floors are used as a hall and a community meeting centre. In addition, there is a small meeting room located on the second floor. The volunteer unit operates under a grant from the Municipality with the remaining required funds being raised by the volunteer members.

Policy 4.1 It shall be the intention of Council to support the efforts of the Port Hastings volunteer fire department in providing fire protection within the Port Hastings Plan Area.

Policy 4.2 It shall be the intention of Council to hold annual discussions with the officials of the Port Hastings and other volunteer fire departments. These discussions shall include, but not be limited to, the needs of the department in relation to both manpower and equipment.

Refuse Collection

The Municipality of Inverness provides the residents of Port Hastings and surrounding area with solid waste collection once a week on a contractual basis. The commercial establishments have garbage collection more frequently, as much as three times a week. The solid waste is collected by truck and transported to the municipal dump site. It is the municipality's intention to continue with the present practice of having refuse collected on a contractual basis.

Policy 4.3 It shall be the policy of Council to maintain refuse collection through the Municipality's Garbage Collection By-law.

Government Buildings and Facilities

Government buildings and facilities may be needed in the Port Hastings area, but it is difficult to determine where they would be best located to serve the community. Council is of the opinion these uses should be permitted within any zone of the Plan Area to ensure the essential services are provided

in the most efficient and convenient manner. Various levels of government currently maintains the post office and tourist information bureau.

Policy 4.4 It shall be the policy of Council to permit government buildings and facilities in all zones within the Plan Area.

Water

At the present time, there is no central water system in the Port Hastings Plan Area. All domestic and commercial requirements are met through the use of individually owned wells. However, results from a bacteriological examination of individual water supplies in Port Hastings 'village' reveal the water quality in dug wells is very poor. Therefore, Council should closely monitor the water quality of the area and if necessary take action to find an alternative supply. One possible means of improving the water source (on individual property) would be through the use of drilled wells where the water table can be reached at greater depths.

Policy 4.5 It shall be the intention of Council, with the assistance of the Nova Scotia Department of Environment and Health to continue to monitor the quality and quantity of water in the numerous wells within the 'village' of Port Hastings.

Lake Horton, in previous planning strategies, has been identified as a possible water supply. It has been shown, however, that the cost of developing this resource as well as the water quality of the lake makes it unfeasible to use Lake Horton as a water supply. It has been determined that should the need arise Port Hastings could purchase water from the Town of Port Hawkesbury. Therefore, it has been determined that development should not be further restricted in the Lake Horton area.

Policy 4.6 It shall be the intention of Council to investigate the purchase of water from the Town of Port Hawkesbury should the need arise.

Sewer

In Port Hastings, only the 'village' is serviced by a municipal sewer system. The existing sanitary sewage collection and treatment system has handled an average flow of 27,500 i.g.p.d. (imperial gallons per day). The treatment plant presently has a capacity rating to 29,000 i.g.p.d. and therefore has reached capacity. The distribution system provides approximately 2.2 kilometres of pipe with varying sizes. It is a gravity type of system which is centrally collected for treatment before being discharged into the Strait of Canso. A number of seasonal establishments are located in Port Hastings 'village' which add to the hydraulic loading of the treatment plant during the summer months when the tourist season is at its peak. The collection system generally provides good service to the community. However, during the summer months, overloading problems have been experienced at the sewer treatment plant.

Outside of the 'village' area, developments use private septic tank and sewage disposal systems as a method of discharge with the exception of homes in the Hilltop Estates and Davis Drive Subdivisions which are serviced by separate systems owned and operated by the Municipality. If further development occurs in the Plan Area or if infilling on existing lots occurs in the future, it is possible that problems could develop with respect to the present sewage disposal system (private septic tanks and

disposal fields). If this occurs, Council may be faced with having to provide municipal sewer services to these areas as well.

Policy 4.7 It shall be the intention of Council to closely monitor the sewage disposal systems in the Port Hastings Plan Area. It would be desirable to have two separate systems of central sewer disposal to service all land within the Plan Area. The suggested systems are as follows: the first system would require upgrading of the village's present sewer system and the installation of a water system. The second system would service Pleasant Hill, Charles McLean Road, Highway No. 104 and the Hilltop and Davis Drive Subdivisions. With possible cooperation from the Town of Port Hawkesbury this system could be connected with the town's existing facility provided adequate capacity exists. It is understood that the Town's system might not have capacity at the treatment plant to handle the extension proposed by the Council.

Policy 4.8 It shall be the intention of Council to investigate the need and feasibility of providing municipal sewer within the Port Hastings Plan Area.

Private Roads

The Municipality's Subdivision By-law allows for private roads to be incorporated in the subdivision of land and for development to have frontage on a private road. It is felt that this should continue and should be regulated by the Subdivision By-law.

Policy 4.9 It shall be the intention of Council to allow subdivision of lands on private roads within the Port Hastings Plan Area subject to the Municipality of the County of Inverness Subdivision By-law.

Public and Private Utilities

Public and private utilities are commonly located throughout any community. These utilities provide vital communication, transportation, power and water services and often have to place equipment or transmission lines in all sections of the community. In order not to place undue hardships on these utilities within the community they are to serve, Council will permit these uses in all zones within the Plan Area.

Policy 4.10 It shall be the policy of Council to permit public and private utilities in all zones within the Plan Area and require a development permit for any such use.

CHAPTER 6 - GENERAL POLICIES

General Development Standards

The physical development within the Plan Area is controlled using general development standards. They are used to provide for the orderly and safe development of the community while achieving optimum use of municipal services.

Policy 5.0 It shall be the policy of Council to establish, in the Land Use By-law, the following land or development standards:

- (a) minimum lot size and yard requirements and maximum height restrictions for each zone, which may vary from zone to zone;
- (b) parking requirements which may vary according to the proposed use;
- (c) parking lot requirements which shall include provisions with respect to size, number and location of driveway accesses and the deflection of parking lot illumination away from adjacent land uses;
- (d) signage requirements which shall address the number, placement and size of signs;
- (e) provisions concerning temporary buildings, temporary uses, and special occasion uses; and
- (f) provisions for the operation of home occupations.

Loading Space Exemption

Loading spaces are required for commercial and industrial uses where there is frequent shipping, loading or unloading of goods. Council recognized that in some cases, this requirement cannot be met. Therefore, proposals to be situated on existing vacant undersized lots which cannot comply with the requirements shall be exempt from the loading space requirements.

Policy 5.1 It shall be the policy of Council to allow new commercial or industrial uses to occur on an existing vacant undersized lot where such use cannot comply with the loading standards of the Land Use By-law.

Outdoor Storage

Outdoor storage associated with a dwelling or accessory building is a natural and accepted characteristic of residential development. This type of outdoor storage, such as wood piles or the storage of equipment associated with the maintenance of the dwelling or accessory building will not be restricted by Council. However, open storage not associated with the dwelling will not be permitted, such as the storage of construction material or equipment.

Policy 5.2 It shall be the policy of Council to restrict outdoor storage in a residential zone to that which is consistent with the use of a dwelling or accessory building.

Permitted Encroachment in Yards

Policy 5.3 It shall be the policy of Council to regulate the types, locations and maximum distance of projections from main buildings in all zones within the Plan Area.

Signage

Signage is a concern in the Port Hastings area, as it is the entrance and exit to Cape Breton for tourists. It is important that there is a positive and uncluttered visual impact while still informing travellers of the services and sites available. Consideration must be made on the placement, type, and size of the signage to prevent the haphazard signage which often occurs along a highway. Council is of the opinion that controls should be placed on all signs to be erected within the Plan Area. A development permit will be required for all signs within the Plan Area to ensure safety and maintenance standards are complied with.

Policy 5.4 It shall be the policy of Council to control signage within the Plan Area by regulating the proximity to any adjacent residential areas, the number of signs existing on a property and the size, location and lumination of the sign.

Setback from a Waterbody

There are a number of brooks and streams leading to and from lakes in the Plan Area. In order to protect the quality of water in both the lakes and streams, it seems appropriate to require a set back from these bodies of water.

Policy 5.5 It shall be the intention of Council to require a special setback from the various water bodies (streams, brooks and lakes) within the Port Hastings Plan Area.

Temporary and Special Uses

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

The term 'special uses' refers to signs, banners, display booths, and other structures which are used during special events such as elections or festivals. As with temporary uses, the Council sees no problems associated with allowing those uses in the Plan Area on a short term basis. Council will require that the special uses be discontinued shortly after the special event has concluded. A development permit shall be required for both temporary and special uses.

Policy 5.6 It shall be the intention of Council to permit temporary structures used in conjunction with a construction or development project, including offices, equipment and material storage buildings, scaffolding, or signs within the Plan Area provided a development

permit has been issued. Council will require that any temporary use be removed within a specified time period upon completion of the project.

Policy 5.7 It shall be the intention of Council to permit special uses and structures such as signs, banners, display booths, and other similar structures in the Plan Area in conjunction with an election, festival, celebration, or other special event provided a development permit has been issued. Council will require that any special use or structure be removed within a specified time period upon completion of the project.

CHAPTER 7 - IMPLEMENTATION

General

The Municipal Planning Strategy for the Port Hastings 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 co-ordinated. The policies of the Strategy will be implemented through a variety of means, but generally through the powers of Council as provided by The *Planning Act*, The *Municipal Act* and other statutes as may apply.

Policy A-1 In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of ongoing planning through the Inverness County Planning Advisory Committee and the Port Hastings Area 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 as Council may suggest.

Policy A-2 In order that development control decisions may be based on expert advice beyond that which the Planning Advisory Committee is able to supply, applications for amendment of the Land Use By-law shall be directed to the Rural Cape Breton District Planning Commission and other agencies such as the Departments of Environment, Transportation and Communications and Public Works for their information and comment, as may be required.

Strategy Amendments

Policy A-3 Chapters 1 to 7 of this document and all associated maps constitute the official Municipal Planning Strategy for the Port Hastings Plan Area.

An amendment to this Strategy shall be required:

- (a) where any policy intent is to be changed;
- (b) where a desired Land Use By-law amendment does not conform to the Generalized Future Land Use Map, Schedule B; and can be shown through studies to be desirable;
- (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 the *Planning Act*;
- (e) where policies of this Strategy are altered to coincide with policies of other planning strategies; and
- (f) where the boundaries of the Plan Area are altered to coincide with the boundaries of future Plan Areas. Policy A-4 Strategy amendments shall require the approval of the Minister of Municipal Affairs and shall be carried out in accordance with the provisions of the *Planning Act*.

Actions Not Requiring a Strategy Amendment

Policy A-5 Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map, Schedule B 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 the intention of all other policies of the strategy are satisfied.

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

- request by an individual to have the By-law amended (e.g. a map or 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 fully comply with all legal requirements set out in the *Planning Act*.

Policy A-6 In considering amendments to the Land Use By-law it shall be the policy of Council to:

- (a) request a report from the Rural Cape Breton District Planning Commission;**
- (b) refer the matter to the appropriate government departments where special expert advice is required;**
- (c) request the Port Hastings Area Advisory Committee and the Inverness County Planning Advisory Committee consider the report prepared by the Planning Commission with respect to Policy A-8 (Criteria for Amendment to the Land Use Bylaw), and any other policies of this Strategy which affect the proposed amendment;**
- (d) comply with all legal requirements concerning amendments to the Land Use By-law as set out in the *Planning Act*; and**
- (e) require the applicant to pay the cost for advertising with respect to public notices as provided for in the *Planning Act*.**

It is not intended that all land shall be pre-zoned as indicated by the policies of this Strategy or as indicated on the Generalized Future Land Use Map, Schedule B. 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 would not be permitted in the initial zoning will be processed as amendments to the zoning map, Map 1. However, such amendments will be granted only if they meet the guidelines found within this Municipal Planning Strategy. Categories of uses not to be pre-zoned include:

- Mobile Home Park (MHP) zone;
- Mixed Use (C-1) along Highway 104 (4) and Highway 19; and
- Marine Industrial (M-1) zone.

Policy A-7 The following uses or zones shall be considered by amendment to the Land use By-law:

- (a) Future Residential (R-2) zone to Residential 1 (R-1) upon the provision of servicing as indicated in Policy 1.4 and according to Policy A-8;
- (b) lands currently designated Residential Development to Mobile Home Park (MHP) zone as indicated in Policy 1.10 and according to Policy A-8;
- (c) lands currently designated Residential Development and zoned Rural Mixed Use (RM-1) to Mixed Use (C-1) as indicated in Policy 2.4 and according to Policy A-8;
- (d) lands currently designated Mixed Use and zoned Rural Mixed Use (RM-1) to Mixed Use (C-1) as indicated in Policy 2.5 and according to Policy A-8;
- (e) Conservation Open Space (O-2) to Industrial Waterfront (M-1) as indicated in Policies 2.8 and 2.9 and according to Policy A-8.

Criteria for Amendment to the Land Use By-law

Policy A-8 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard to the following matters:

- (a) That the proposal is in conformity with the intent of this Strategy and with the requirements of all other municipal By-laws and regulations;
- (b) That the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer 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 watercourses or the creation of erosion or sedimentation;
- (c) That the proposal conforms to the requirements contained in the Land Use By-law relating to the following:
 - (i) type of use;
 - (ii) height, bulk, and lot coverage of the proposed building;

- (iii) traffic generation, access to and egress from the site and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) similar matters of planning concern.
- (d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.
- (e) Suitability of buffering, and access control to reduce potential incompatibility with adjacent land uses and traffic arteries.

Development Agreements

Development agreements are legally binding documents which are negotiated between Council and the applicant. It provides an approach to development control which is more flexible than the traditional zoning techniques. When preparing such a document, Council shall refer to the items to be included in a development agreement and the evaluation criteria contained in the Municipal Planning Strategy.

Policy A-9 The following uses shall only be considered subject to the entering into of a development agreement:

- (a) within the Mixed Use designation, buildings in excess of 10 000 ft² and new hotels or motels in excess of thirty five rental rooms, as provided for in Policy 2.3;
- (b) within the Residential designation, lands along Highway No. 19, uses permitted in the Mixed Use (C-1) zone, as provided for in Policy 2.6;
- (c) the reuse of existing government facilities and utilities within R-1, RM-1 or C-1 zones to uses permitted in the Mixed Use (C-1) zone, as provided for in Policy 2.8.

Evaluation Criteria and Terms for Development Agreements

Policy A-10 In considering development agreements, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:

- (a) The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal By-laws and regulations;
- (b) The proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of sewer and water services to support the proposed development;
 - (iii) the adequacy and proximity of school, recreation and other community facilities;
 - (iv) the adequacy of road networks adjacent to, or leading to the development;

- (v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and
 - (vi) new multiple dwellings are located on an arterial or collector streets.
- (c) The potential for damage to or destruction of historical buildings and sites.

Policy A-11 It shall be the policy of Council, when considering an application for a development agreement or an amendment to a development agreement that the agreement may include but not be limited to the following:

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

Policy A-12 To aid in the assessment of an application for a development agreement, it shall be the intent of Council to require any or all of the following information, in addition to information relevant to Policy A-11, to be submitted by the applicant:

- (a) information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions,

- natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;
- (b) information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
 - (c) for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;
 - (d) information as to the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;
 - (e) information as to the intended hours of operation, open storage, signs; and (f) information as to the provision for an appropriate buffer.

Municipal Development Officer

Policy A-13 In accordance with the *Planning Act*, it shall be the intention of Council to continue the services of the Municipal Development Officer employed by the Rural Cape Breton District Planning Commission who shall administer the Land Use By-law and shall, where appropriate, grant development permits.

Building Inspector

Policy A-14 It shall be the intention of Council, to continue the services of the Building Inspector employed by the Rural Cape Breton District Planning Commission whose duty it will be to enforce the Building By-law, the Minimum Standards By-law and the Dangerous and Unightly Premises Bylaw.

Minor Variances

Policy A-15 In addition to the general powers granted the *Planning Act*, the Act also empowers the Municipal Development Officer to grant minor variances from the Land Use By-law. Specifically, the Municipal Development Officer may vary the percentage of land that may be built on, the sizes of yards, courts and other open spaces, lot frontage, and lot area. Should the Municipal Development Officer grant a minor variance, notice must be served of this action in accordance with the *Planning Act*, and the minor variance may be appealed to Council by anyone served with such notice.

Subdivision Control

Subdivision in the Municipality of the County of Inverness is presently controlled by a Subdivision By-law adopted by Council on August 7, 1984 and approved by the Minister of Municipal Affairs on February 7, 1985. This has been amended since that time on numerous occasions. The *Planning Act*, through Section 107, provides for the approval of a plan of subdivision with a maximum of two lots which do not meet the lot dimensions and/or area requirements provided that the lots being created are within 90% of these requirements. Council will make use of this provision, subject to the restrictions of Section

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107(2) of the *Planning Act*. Development on these lots will be treated in the same manner as development on existing undersized lots.

Policy A-16 It shall be the intention of Council through the Municipal Development Officer to administer the Subdivision By-law which sets out the subdivider's responsibilities with respect to the construction of roads, and the amount of lands to be dedicated for public use.

Policy A-17 It shall be the policy of Council to permit the Municipal Development Officer to approve a plan of subdivision pursuant to Section 107 of the *Planning Act*.

Other Municipal By-laws

Policy A-18 It shall be the intention of Council to review from time to time and where necessary amend its Building By-law (Provincial Building Code, 1987), and Unsightly Premises By-law. The Building By-law regulates the structural requirements for new buildings and the Unsightly Premises By-law prevents property from becoming unsightly.

Annual Meetings

The purpose of the Municipal Planning Strategy is to guide the decisions of Council with respect to the regulation of public and private development and to continue to provide adequate public services and facilities to the residents of the Port Hastings Plan Area. As such, the services should be monitored and the Municipality should be encouraged to hold annual discussions with the various groups who administer those services.

Policy A-19 It shall be the policy of Council that the Rural Cape Breton District Planning Commission hold annual meetings with the Port Hastings Area Advisory Committee and review the Municipal Planning Strategy and Land Use By-law, so as to monitor the changing needs of the community.

Strategy Review

Policy A-20 In accordance with the *Planning Act*, this Strategy may be reviewed when either the Minister of Municipal Affairs or Council deems it necessary, but in any case, the review shall be commenced within five years from the date of the Planning Strategy coming into force or the date of the last review.

Site Plan Approval

Site Planning is a tool in the Municipal Government Act that enables a municipality to negotiate certain items with a developer as a condition of receiving a development permit. In the Port Hastings Plan Area, multiple-unit residential developments shall be subject to Site Plan Approval as a means to ensure that the layout of any structures, parking, landscaping and screening, refuse collection areas and amenity areas satisfy evaluation criteria outlined in the Land Use By-law. Site Plan Approval will also help to ensure that developments are designed to properly interface with adjacent land uses.

Municipal Planning Strategy

Policy A-21 No development permits for new structures or additions shall be issued for a multiple-unit residential dwelling unless a site plan has been approved by the Development Officer.

Policy A-22 Criteria for the review of Site Plan Approval application shall be established in the Land Use By-law.