

MEMORANDUM

To: **Richmond Planning Advisory Committee**
Richmond County Council

From: **Planning Staff (EDPC)**

Date: **September 19, 2023**

Reference: **Review of Recreational Vehicle Provisions within the Isle Madame Planning Area**

Background:

The Eastern District Planning Commission received a number of complaints with respect to campgrounds setting up on Grand Lake without proper permitting. In August 2022 Staff completed site visits and identified six separate properties with multiple recreational campers located on the property. The zoning around Grand Lake is the Rural Resource (RR) Zone. Within the Rural Resource (RR) Zone campgrounds are permitted but by development agreement.

To negotiate a development agreement staff would use the criteria set out in Policy L-3.5.5 and Administration Policy I-5.2 as set out in the *Isle Madame Plan Area Municipal Planning Strategy*. To summarize, the negotiation of a development agreement is a lengthy and costly process that would be imposed on landowners looking to privately enjoy their land with family and/or friends.

In response to discussions with landowners who have campgrounds located on their properties, Staff were asked by the Richmond County Planning Advisory Committee to examine the land use by-law with the intention of making a distinction between a small private campground and a commercial campground.

Amendments to the Isle Madame Plan Area Land Use By-law and Municipal Planning Strategy were brought to a Planning Advisory Committee Meeting April 25, 2023. The file was advertised for Public Hearing and the Public Hearing took place on June 20, 2023, with minor alterations to the proposed amendments. There were submissions speaking for and against the proposed amendments. Ultimately, Staff were directed by Council to bring the file back to PAC to address some of the concerns raised during the Public Hearing.

Analysis:

During the Planning Advisory Committee Meeting April 25, 2023, there was discussion regarding one of the proposed special requirements for semi-permanent recreational vehicles and recreational vehicles to be used as seasonal or accessory dwellings. It was decided that the requirement to “have coverings for all windows to reduce light pollution” for semi-permanent recreational vehicles and recreational vehicles to be used as seasonal or accessory dwellings would be removed. The proposed amendments at the time were recommended to Council sans this requirement; in this iteration of the proposed amendments that requirement has been corrected and removed.

During the Public Hearing took place on June 20, 2023 several issues and concerns were raised:

1. Undercarriage skirting was not required for semi-permanent recreational vehicles in campgrounds. However, the Policy accidentally stated this as a requirement.
2. The requirements for sewage disposal and handling were not clear; were holding tanks acceptable for semi-permanent recreational vehicles?
3. “Grandfathering” Existing Campgrounds – Can campgrounds that existed prior to the current Isle Madame Plan Area Municipal Planning Strategy (MPS) and Land Use By-law (LUB) be “grandfathered” into the proposed amendments?

Regarding undercarriage skirting for semi-permanent recreational vehicles in campgrounds, the policy has been amended to remove this requirement.

In relation to sewage disposal and handling requirements it was the intention of Council that recreational vehicles seeking to exist as a dwelling (seasonal or accessory) would be treated as such and require On-Site Sewage Disposal Approval from the Department of Environment and Climate Change (NSECC). Text was added to the proposed MPS amendments to further reinforce and clarify the intention of this requirement.

The intent of the policy is not to require all small-scale campgrounds to put in expensive engineered on-site septic systems though the policy would cover some individuals seeking to go with that option for sewage waste management on their property. However, Staff could not guarantee with certainty at the time that the Nova Scotia Department of Environment and Climate Change issued approvals for holding tanks.

Staff contacted the local regional NSECC office in Port Hawkesbury via phone call June 21, 2023. The NSECC office confirmed that they have previously issued NSEC Approvals for holding tanks for recreational vehicle sewage waste. Staff were further directed to the Nova Scotia On-site Sewage Disposal Systems Technical Guidelines which discuss holding tanks and the requirements for approval of holding tanks. To summarize, NSECC does provide approvals for holding tanks.

For this reason, small scale campgrounds will also be required to have On-Site Sewage Disposal Approval from the Department of Environment and Climate Change (NSECC), but NSECC On-Site Sewage Approval can include NSECC Approval of a holding tank for sewage waste.

“Grandfathering”, also known as a grandfather clause/policy or grandfathered in, is a provision in which an old rule continues to apply to some existing situations while a new rule will only apply to all future cases. For example, existing small-scale campgrounds grandfathered in would not have to meet the proposed requirements if they are adopted such as setbacks and screening requirements.

Presently, the current Isle Madame Plan Area MPS and LUB adopted in 2011 does not permit more than one recreational vehicle on a property unless it is a campground. Therefore, there are two ways in this situation that a property could be grandfathered in:

1. The area was unzoned prior to the adoption of the current Isle Madame Plan Area MPS and LUB which was adopted in 2011
2. Small scale campgrounds as defined in the proposed text amendments were permitted in the preceding MPS and LUB for the area.

The area was not unzoned prior to the adoption of the 2011 Isle Madame Plan Area MPS and LUB. There was a previous Isle Madame Plan Area MPS and LUB that was established in 1998.

Staff conducted an analysis of the Isle Madame Plan Area MPS and LUB adopted in 1998. Based on the analysis of the policy it is the purview of Staff that all campgrounds that existed prior to the adoption of the current Isle Madame Plan Area MPS and LUB shall be grandfathered into those planning documents. Grandfathered properties will be subject to applicable sections of the *Municipal Government Act*.

Conclusion

Staff have reviewed the concerns raised during the Public Hearing and made the corresponding corrections as outlined in this memorandum.

Staff recommend that Richmond County Council approve the proposed amendments to the Isle Madame Municipal Planning Strategy and Land Use By-law to allow for small scale campgrounds and recreational vehicles to be used as a seasonal main dwelling or seasonal accessory dwelling as of right within the Rural General (RG) Zone and Rural Resource (RR) Zone and to insert accompanying definitions.

Appendix A: Amending Pages

A BYLAW TO AMEND THE ISLE MADAME MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy for Isle Madame is hereby amended by:

1. Adding to the header immediately following Policy L-3.5.4 the following text in bold:
Large Scale Campgrounds
2. Adding to the following text and policy immediately following Policy L-3.5.6 the following:
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 personal campgrounds within the Rural General (RG) or Rural Resource (RR) Zones.

3. Adding to the following text and policy immediately following the proposed Policy L-3.5.7 the following:
Recreational Vehicles as Seasonal Dwellings

While it 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. Adding to the following text in bold to in the preamble of the “Large Scale Campgrounds” Section:
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.
5. Adding to the following text in bold to Policy L-3.5.5 the following:
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:
6. Adding to the following text in bold to Policy L-3.5.5(b) the following:
(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 administrative uses shall be permitted;

7. Adding to the following text in bold to Policy L-3.5.6 the following:

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.

8. Adding to the following text in bold to Policy I-5.1(b)(iii) the following:
(iii) **large scale** campgrounds according to Policies I-5.2 and L-3.5.5.

A BY-LAW TO AMEND THE ISLE MADAME LAND USE BY-LAW

1. Part 5: “Development Agreements” of the Land Use By-law is hereby amended by adding the following **text in bold** to subsection 1(d):
 - d) **large scale** campgrounds according to Policies L-3.5.5 and I-5.2.
2. Part 6: “General Provisions for All Zones” is hereby amended by adding the following text in bold and removing the following text in strikethrough to Subsection 6.33 titled “One Dwelling on a Lot”:
 33. Not more than one dwelling shall be erected on a lot except for the following:
 - a) grouped dwellings located in any zone where they are permitted;
 - b) mobile Home Parks as permitted in the Mobile Home Park (MHP) Zone; ~~and~~
 - c) **a travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions; and**
 - ...
3. Part 6: “General Provisions for All Zones” is hereby amended by adding the following text in bold following Subsection 6.41 titled “Public and Private Utilities” and renumbering the part accordingly :
Recreational Vehicles as Seasonal Dwellings
 42. Notwithstanding anything else in this By-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal main dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.
 43. Notwithstanding anything else in this by-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.
 44. The replacement of a travel trailer, fifth wheel trailer, or park model recreational vehicle that was being used as a seasonal main dwelling or seasonal accessory dwelling shall require the submission of a new development permit application.
4. Part 15: “Rural General (RG) Zone” of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following **text in bold** as a use permitted:
 - Uses Conditionally Permitted
 2. The following uses shall be permitted subject to a development agreement being negotiated between the municipality and the developer:
 - **New large scale campgrounds;**
 - Medium industrial uses with a commercial floor area of 5,000 square feet or more;
 - Resource industrial uses with a commercial floor area of 5,000 square feet or more
 - Permitted Uses
 3. The following uses shall be permitted in a Rural General (RG) zone
 - ...
 - All uses permitted in the Village Low Density Residential (VR-1) zone and the Village Residential Multiple Unit Dwelling (VR-2) zone
 - **A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal main dwelling**
 - **A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling**

- Small scale campgrounds
- All commercial uses
- ...

5. Part 15: “Rural General (RG) Zone” of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following text in bold as special restrictions following Subsection 15.6:

Special Requirements: Recreational Vehicles as Seasonal Dwellings

7. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

- a) all recreational vehicles located on the property shall:
 - (i) have the entire undercarriage skirted with an opaque material;
 - (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (iv) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) Nova Scotia Department of Environment and Climate Change On-Site Sewage Disposal Approval;
 - (iv) current-colored photos showing all four (4) sides of each proposed unit.

Special Requirements: Small Scale Campgrounds

8. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
 - (i) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (ii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (iii) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and semi permanent RVs, the location and dimensions of all proposed buildings and semi permanent RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and semi permanent RVs to the property lines;

- (ii) a separate landscaping plan for the site if not shown in the site plan;
- (iii) current-colored photos showing all four (4) sides of each proposed unit; and
- (iv) Nova Scotia Department of Environment and Climate Change (NSECC) On-Site Sewage Disposal Approval (including NSECC Holding Tank Approval);

Special Requirements: Coasts, Lakes and Watercourses

9. No development permit shall be issued for any structure within 50 feet of the edge of a coast, lake or watercourse within the Rural General (RG) zone, with the exception of the uses listed in Schedule “E”.

10. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural General (RG) zone, with the uses listed in Schedule “E”.

6. Part 16: Rural Resource (RR) Zone of the Land Use By-law for Isle Madame is hereby amended by adding the text in **bold**:

Uses Conditionally Permitted

1. The following uses shall be permitted subject to a development agreement being negotiated between the municipality and the developer:

- New **large scale** campgrounds

Permitted Uses

2. The following uses shall be permitted in a Rural Resource (RR) zone:

...

- All uses permitted in the Village Low Density Residential (VR-1) Zone, subject to the lot standards set out in this Part
- **A travel trailer, fifth wheel trailer, or park model recreational vehicle a seasonal main dwelling**
- **A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling**
- **Small scale campgrounds**

...

7. Part 16: “Rural Resource (RR) Zone” of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following text in bold and removing the following text in strikethrough as special restrictions following Subsection 16.3:

Special Requirements: Recreational Vehicles as Seasonal Dwellings

4. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

a) all recreational vehicles located on the property shall:

- (i) have the entire undercarriage skirted with an opaque material;
- (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
- (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
- (iv) be adequately maintained for safety, sanitary and aesthetic purposes.

- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) Nova Scotia Department of Environment and Climate Change On-Site Sewage Disposal Approval;
 - (iv) current-colored photos showing all four (4) sides of each proposed unit.

Special Requirements: Small Scale Campgrounds

5. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
 - (i) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (ii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (iii) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and semi-permanent RVs, the location and dimensions of all proposed buildings and semi-permanent RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and semi-permanent RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) current-colored photos showing all four (4) sides of each proposed unit; and
 - (iv) Nova Scotia Department of Environment and Climate Change (NSECC) On-Site Sewage Disposal Approval (including NSECC Holding Tank Approval);

Special Requirements: ~~Separation Distances~~ Coasts, Lakes and Watercourses

6. No development permit shall be issued for any structure within 50 feet of the edge of a **coast**, lake or watercourse within the Rural Resource (RR) zone, with the exception of ~~water treatment and distribution uses, fishery related uses and boat storage and repair facilities~~ the uses listed in Schedule "E".

7. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural Resource (RR) zone, with the uses listed in Schedule "E".

8. Part 21: Definitions of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following **text in bold**, removing the following text in strikethrough and renumbering the part accordingly:

BATHROOM means a room containing a toilet and sink that may contain a shower and or a bathtub.

CAMPGROUND means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

- a) **LARGE SCALE CAMPGROUND** means an area of land upon which six or more campsites are located, established, or maintained for the temporary or permanent accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.
- b) **SMALL SCALE CAMPGROUND** means an area of land upon which two to five campsites are located, established, or maintained for the accommodation of travel trailers, motorized homes and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

CAMPSITE means an area designated for a tent, cabins/cottage, lean-to, dome, recreational vehicle or similar structure.

DWELLING means a building occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, or apartment hotel ~~or a travel trailer~~.

FIFTH WHEEL TRAILER means a two-level recreational vehicle designed to be affixed and towed by a pickup truck equipped with a fifth wheel hitch in the truck bed, and may also be known as a trailer coach.

KITCHENETTE means a small cooking area that at minimum has a sink, a refrigerator - which may or may not include a freezer - and a home appliance that can cook or heat up food such as a microwave, a microwave oven, an air fryer, a toaster oven, a hot plate, an oven, or a burner range.

PARK MODEL RECREATIONAL VEHICLE (RV) means a unit designed to be towed by a heavy duty tow vehicle (auto, van, pick-up truck, etc) but is of restricted size and weight so that it does not require a special highway move permit. Designed for infrequent towing, it is not fitted with a 12-volt system for fixtures and appliances. Once on site in the set up mode it must be connected to the local utilities. It conforms to the CSA Z – 240 Standard for RVs.

RECREATIONAL VEHICLE OR RV means a vehicular-type unit designed as temporary living quarters for recreational, camping, travel or vacationing use which either has its own motor power or is mounted on or drawn by another vehicle. Such vehicles may include a tent trailer, travel trailer, truck camper, fifth wheel trailer, motor homes, etc.

SEMI-PERMANENT (RECREATIONAL VEHICLE OR RV) means a recreational vehicle on a property that is characterized by one or more of the following: expired or missing license and/or registration of Recreational Vehicle(s), sewer and/or water connections to the site, decks and/or accessory building on site, and modifications to a recreational vehicle including screened porches, decks or exterior rooms (eg. Arizona rooms).

TRAVEL TRAILER means a recreational vehicle with a kitchenette and bathroom mounted on wheels and designed to be towed behind a motorized vehicle by means of a bumper or frame hitch.

9. The Land Use By-law for Isle Madame is hereby amended by adding immediately the following text as Schedule "E" following Schedule "D":

Schedule "E"

List of uses which will be excluded from the "Special Requirements: Coasts, Lakes and Watercourses" in the Rural Resource (RR) Zone and the Rural General (RG) Zone.

- Boat storage and repair facilities
- Fishery related uses
- Marine industrial uses
- Water treatment and distribution uses
- Docks, wharves, piers and slipways
- Boardwalks, walkways and trails with a maximum width of 3.0 metres (9.84 feet)
- Pumphouses
- Public Streets and infrastructure