

Municipal Planning Strategy and Land Use By-law

for the

Central Antigonish Plan Area

in the

Municipality of the County of Antigonish

First Reading: March 19th, 2013

Second Reading: April 16th, 2013

With amendments to: March 24th, 2026

THIS IS TO CERTIFY that the Municipal Planning Strategy and Land Use By-law, of which this is a true copy, was passed at a duly called meeting of, and by a majority vote of the whole of the Municipal Council of the Municipality of the County of Antigonish on the 16th day of April, 2013 A.D.

Given under the hand of the Chief Administrative Officer and under seal of the Municipality of the County of Antigonish this 17th day of April, 2013 A.D.

Mr. Alan Bond, Municipal Clerk/ Treasurer

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION.....3
 1.1 *The Strategy*.....3
 1.2 *Purpose*.....3
 1.3 *Planning Process*.....4
CHAPTER 2: PLANNING CONTEXT5
 2.1 *Physical Setting*5
 2.2 *Cultural and Historical Background*6
 2.3 *Demographics*7
 2.4 *Employment*.....8
CHAPTER 3: LAND USE POLICIES..... 10
 3.1 *Rural Development*..... 10
 3.1.1 *Rural Industrial*..... 11
 3.1.2 *Rural Commercial*..... 12
 3.1.3 *Tourist Commercial*..... 13
 3.1.4 *Coastal Development*..... 15
 3.1.5 *Rural Comprehensive Development District*..... 16
 3.1.6 *Agriculture* 18
 3.2 *Hamlet Development*..... 20
 3.2.1 *Hamlet Residential*..... 21
 3.2.2 *Hamlet Multiple Unit Residential*..... 22
 3.2.3 *Hamlet Mini Home Park*..... 24
 3.2.4 *Hamlet Commercial*..... 25
 3.2.5 *Hamlet Highway Commercial* 26
 3.2.6 *Hamlet Industrial* 28
CHAPTER 4: COMMUNITY SERVICES..... 31
 4.1 *Transportation*..... 31
 4.2 *Sewer and Water*..... 31
 4.3 *Government Buildings and Facilities*..... 32
 4.4 *Public and Private Utilities*..... 32
 4.5 *Education* 32
 4.6 *Recreation Facilities*..... 33
 4.7 *Protective Services*..... 33
 4.8 *Fire Protection* 33
 Home Occupations..... 34
 Illumination..... 34
 Mines and Quarries..... 35
 Sign Regulations..... 35
 Temporary and Special Uses..... 35
CHAPTER 5: IMPLEMENTATION 37
 5.1 *Municipal Planning Strategy*..... 37
 5.2 *Generalized Future Land Use Map* 37
 5.3 *Municipal Planning Strategy Amendments*..... 37
 5.4 *Actions Not Requiring a Planning Strategy Amendment*..... 38
 5.5 *Land Use By-law*..... 38
 5.6 *Amending the Land Use By-law*..... 39

5.7	<i>Criteria for Amending the Land Use By-law</i>	39
5.8	<i>Development Agreement</i>	41
5.9	<i>Evaluation Criteria and Terms for Development Agreements</i>	41
5.10	<i>Development Agreement and Amendment Process</i>	43
5.11	<i>Notice to Property Owners</i>	43
5.12	<i>Building Inspector</i>	43
5.13	<i>Development Officer</i>	43
5.14	<i>Variance</i>	43
5.15	<i>Subdivision</i>	44
5.16	<i>Strategy Review</i>	45
Map 2:	Generalized Future Land Use Designations.....	46

CHAPTER 1: INTRODUCTION

1.1 The Strategy

The Municipal Planning Strategy for the Central Antigonish planning area has been prepared in accordance with the provisions of the *Municipal Government Act*, Chapter 18 of the Revised Statutes of Nova Scotia (as amended) and gives the Municipality of the County of Antigonish the authority to regulate land use planning and development within its boundaries. The *Act*, among other things, enables the County to adopt a Municipal Planning Strategy. A Municipal Planning Strategy is a legal document, a policy document and a framework for development. Where land and development issues are dealt with in a strategy, such issues shall be implemented through the Land Use By-law.

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

1.2 Purpose

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

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

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

The Municipal Planning Strategy has been prepared in order to:

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

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

1.3 Planning Process

This Municipal Planning Strategy replaces the Central Antigonish Interim Plan that was adopted by Council in November 2007. While the Interim Plan was established to provide basic land use protection measures on short order to address a need, the process leading to this comprehensive Municipal Planning Strategy commenced prior to that and wrapped up in the Spring of 2011. The boundaries of this Municipal Planning Strategy and the Interim Planning Strategy are the same with the exception of the parts west of the Antigonish Harbour (including the communities of Antigonish Landing, Lanark and Harbour Centre), which are to be incorporated into the Fringe Plan Area.

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



Map 1

The Municipality
of
Antigonish County

CENTRAL PLAN AREA



CHAPTER 2: PLANNING CONTEXT

2.1 Physical Setting

The Central Antigonish Plan Area is comprised of land that is located between the Eastern Antigonish Plan Area, and the Antigonish Fringe Plan Area, along with lands on the East side of Antigonish Harbour (see Map 1). The Plan Area is bordered on the south by the Antigonish/Guysborough County boundary and to the north by Pomquet Harbour and the Northumberland Strait. Politically, the Plan Area encompasses electoral Districts 5, 6 and 7 of the Municipality of the County of Antigonish. The Plan Area is bisected by the Trans-Canada Highway.

The Plan Area is comprised predominantly of agricultural lands, gently rolling hills and many kilometers of ocean exposure in addition to inland rivers and streams. The Nova Scotia Department of Environment has identified the Monks Head/Pomquet Harbour waterfront as a “Site of Ecological Significance”, making it eligible for protection under the *Special Places Protection Act*. Some other significant natural areas in Central Antigonish include the marshes in the Dagger Woods area, the Cameron Lake and Gillis Lake areas near Dunmore and Frasers Mills, as well as the Marydale, Glassburn and Avon River regions, which have been identified for possible additional protection in the future.

Habitats such as coastal zones, wetlands, water bodies, estuaries, river flood plains and old growth forests are ecologically rich and sensitive to external pressures brought on by human activity. The Lower South River watershed on the western end of the planning area has been identified for special protection, given its role as a water supply area for hundreds of residents and businesses. There are also certain geological hazards in Antigonish County that should be monitored during development. The most significant of these is karst geology, which refers to the process by which soluble bedrock (including gypsum and limestone) is dissolved by groundwater seepage. This can result in features such as sinkholes, which emerge over time (or occasionally rather rapidly), and can be a significant hazard to development and costly to mitigate. This process has been noted in Antigonish County and while most sinkhole formations occur to the west of Antigonish Harbour, the Windsor Group of bedrock (which includes karst susceptible soluble limestone) does occur in some parts of the Central Plan Area (Figure A). While this Plan does not prohibit development in these areas, it is intended that the public be made aware of such geological conditions and Council take it into consideration when evaluating the extension of services and landowners aware of it when considering development.

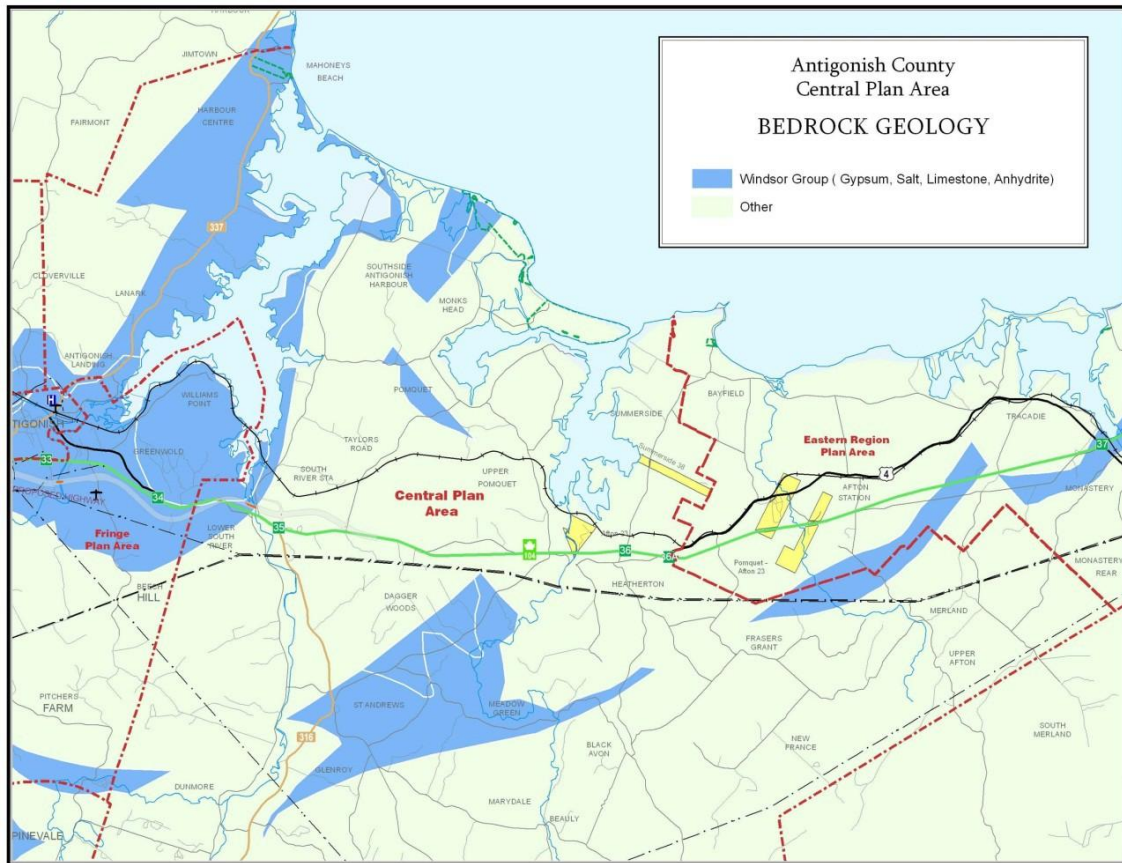


Figure A: The Windsor Group Bedrock Formations in the Central Plan Area

2.2 Cultural and Historical Background

The first inhabitants of Antigonish County were the Mi'kmaq people several centuries ago. The first Europeans to explore the area were the French who visited what is now Antigonish County in the mid-17th Century. The original French speaking Acadian settlers of Pomquet (many of whose descendants still live in the area) were thought to have been fleeing from the Acadian deportation of the mid-18th Century. The Acadian influence can be seen in the land patterns in Pomquet and other French settlements. The long narrow lots are typical of Acadian settled areas. Conversely, the Scottish and English settlers created larger square lots.

Starting in the early 19th Century, large numbers of Scottish settlers moved into the area and established several communities, including St. Andrew's (named for the patron saint of Scotland), Heatherton (named for a ship owned by a prominent local merchant) and Lower South River (named for the South River). Settlers were drawn to the region by the impressive natural harbour, excellent timber and prime agricultural land.

While in many ways the histories of the Central Antigonish planning area, the surrounding County and the Town of Antigonish are interrelated, due to the small populations and relatively long traveling times, the communities in the Central Antigonish area developed their own identities and customs. The focal point of these communities tended to be the local church, and each village had an employment and industrial base. In addition to stores, Heatherton had two sawmills and a cheese factory, while St. Andrews had a blacksmith and carriage factory. Lower South River also had mills and a cheese factory and Pomquet was well known for its

shipbuilding. Alongside lumber and fish, primary exports from the area included hay, sheep, cattle, horses, cheese and butter. By 1880, a rail line bisected Antigonish County connecting New Glasgow to the Strait of Canso and in the Central Plan Area, stations were found in South River, Taylor Road, Pomquet and Heatherton. However, in the following decades, Antigonish County began facing the same economic and demographic challenges as other rural areas, as transportation and communication limitations brought on by distance from major markets precipitated an out-migration of population and local industries.

Today, much of Central Antigonish remains occupied by productive farmland which, together with fishery and forestry businesses, continues to comprise a significant proportion of the economic base of this part of the County. The small settlements of Pomquet, St. Andrews, Heatherton and Lower South River continue their roles as local service centres. Tourism and the service industry have also grown, given the area's strategic location on the Trans-Canada Highway, in addition to its scenic coastal beauty and cultural amenities. In more recent years some light and medium intensity industrial businesses have set up in the area, as well as residential development, attracting many people moving from other parts of the province, Canada or overseas to take advantage of the rural lifestyle.

There are two Mi'kmaq reservations in the Central Plan Area, namely Afton and Summerside. The First Nations have jurisdiction over their lands and they are not subject to the Municipal Planning documents.

2.3 Demographics

The population of Antigonish County in the 2011 Census was 14,692, an increase from 14,239 in 2006. Precise figures for the Central Plan Area are not readily available, as Antigonish County is divided into two Census Subdivisions (A and B) that divide the Central Plan Area. Census Subdivision A encompasses the area around the Town, and incorporates all land to the west of the South River, which includes the westernmost parts of the Central Plan Area containing the community of Lower South River and development along Dunmore Road. The population of Subdivision A was 8,253 in 2011, up slightly from 7,730 in 2006. This could be a reflection of the increase in residential development in the area around the Town of Antigonish.

The majority of the Central Plan Area is included in Subdivision B, which also incorporates communities found in the Eastern Antigonish Plan Area. This part of the County is more rural in nature, and in 2011 it had a population of 6,439, which is a noticeable drop from a count of 6,819 in 2001 and 6,509 in 2006. According to figures released by *Nova Scotia Community Counts*, Lower South River had a population of 1,991 in 2006 (a 13% increase from 1996), Pomquet had a population of 1,507 (1.2% increase since 1996) and St. Andrews had a population of 1,014 (4% decrease from 1996). Statistics for Heatherton were not available from *Nova Scotia Community Counts*.

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

transportation and even housing needs, because an ageing population may have different housing and health care needs than a younger population.

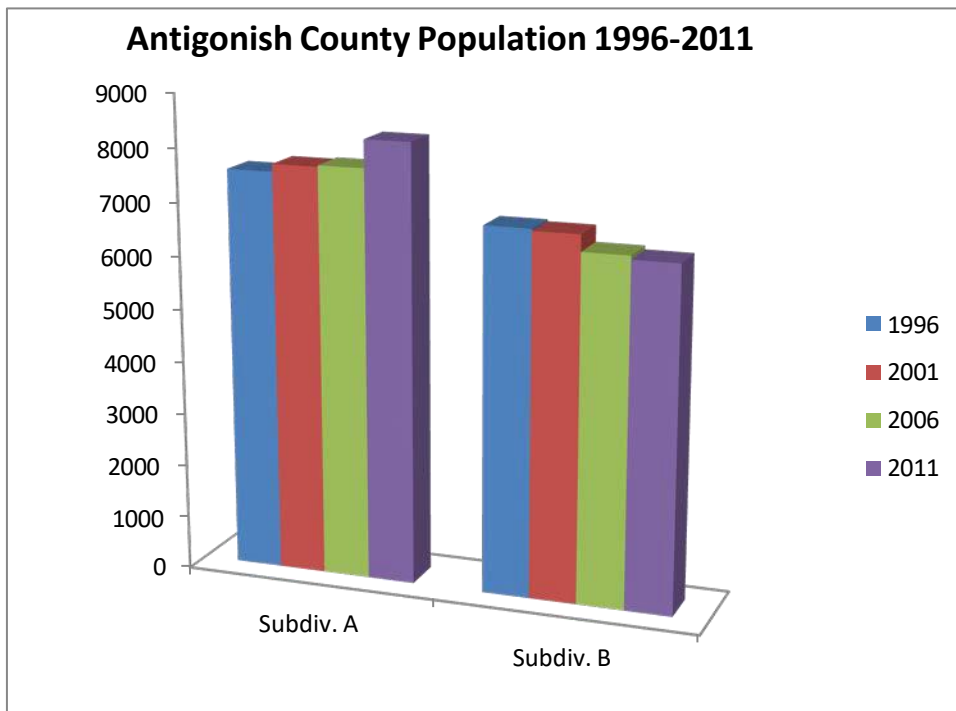


Figure B: Population of the two Antigonish County Census Subdivisions (Census Canada).

When compared to Nova Scotia as a whole, a lower proportion of the population of Antigonish County are immigrants to Canada. A greater proportion of County residents lived at the same address five years ago when compared to mobility figures for the rest of the Province. Further, more residents (roughly 90% County-wide) are third-generation (or higher) Canadians. These statistical figures indicate that there is a relatively low population turnover in Antigonish County, and many residents have a longstanding family attachment to the region.

The 2011 statistics for Census Subdivision B, which consists of the majority of the Central Plan Area, indicate that only 0.6% of private dwellings are apartment buildings and 1.4% are considered “other dwellings”, a category that includes: duplexes, semi-detached houses, and row houses. The moveable dwellings category, which includes mini homes, make up 21.6% of the total number of dwellings. Single-detached dwellings make up 77% of the total dwellings in Census Subdivision B, and the total is 2,480 dwelling units. While single-detached dwellings are the primary residential type in the County, an increasing aging population may result in demand for other housing types into the future. With the general population declining and low immigrant population there may be a need for alternative housing types for senior citizens, such as town houses, apartments or condominium developments.

2.4 Employment

Antigonish County’s workforce is divided between those who work within the County, those who work in the Town of Antigonish, and those who work in neighbouring counties and towns. Major employers in Antigonish County include St. Martha’s Hospital and St. Francis Xavier University, both of which are located within the Town, as well as the retail and service sector

both in the Town and County. Generally, the regions of the County furthest from the Town see rural employment types predominate, such as agriculture, forestry and the tourism industry. In the Central Plan Area there are many families that may have one member working in the Town, while the other works elsewhere in the County or in a neighbouring community, such as Guysborough County or the towns of Mulgrave or Port Hawkesbury.

The 2006 unemployment rate in both Subsections A and B of Antigonish County declined from 2001 levels, with a rate of 9.4% (11.5% in 2001) in Subsection A and 9.0% (15.1% in 2001) Subsection B. There is some contrast in median family income in the different regions of the County. Subsection A, which is located close to the Town and has a stable population, had a median family income of \$62,883 in 2006. Meanwhile Subsection B, which is located farther from the Town and a declining population, had a median family income of \$54,629 in 2006. This compares to the Provincial figure of \$55,412 in 2006.

CHAPTER 3: LAND USE POLICIES

3.1 Rural Development

The Central Antigonish Plan Area covers a wide variety of land uses, including a diverse range of rural, residential and commercial activities. A majority of the land area of Central Antigonish is comprised of low density rural development, acting as the hinterland surrounding a number of hamlet communities that developed alongside waterways and highways. These rural areas consist of low density residential development complimented by a range of other uses that include local commercial, small scale industrial, agriculture, forestry, fishing and tourism. Antigonish County Council recognizes visual and economic benefits that the natural assets of the county present to the local economy, area residents and visitors. Council also recognizes the benefits that sensible development in the rural areas can provide for area residents, and that rural areas can present development constraints and opportunities that are different than those found in more urbanized and centrally serviced areas.

In keeping with the current land use patterns and the potential for future development in rural areas of the county, it is the intention of Council to establish a Rural Development Designation that will apply to all lands outside of the established hamlets. To implement this Designation, Council intends to establish a Rural Development Zone that will permit low-impact rural development, mixed-use developments as well as developments on larger lot sizes (usually privately serviced). These would include low-density residential, forestry and forestry-related uses, fisheries and fishery-related uses, small boarding houses, recreational uses and some local commercial uses. The Rural Development designation and zoning would exclude large scale tourist commercial uses as being permitted as-of-right. Recognizing agricultural uses as a dominant land use in Antigonish County and a major local source of employment, those uses, including intensive livestock facilities and value added operations such as dairy processing facilities, will be allowed. Bed and Breakfasts shall also be permitted, but will be restricted to a maximum of 5 housekeeping units in order to ensure that the operation maintains a low-density neighbourhood scale. Higher-impact uses, including existing rural commercial and industrial developments located within the Rural Development Designation will be zoned Rural Commercial and Rural Industrial. As municipal services expand into rural areas, or as more intensive developments are proposed, Council shall require that any such development be assessed through the Land Use By-law amendment process.

Generally, it is Council's intention that only one main residential dwelling be permitted per lot in the Rural Development Zone. However, Council also intends to permit accessory dwelling units to provide expanded housing options and contribute to housing affordability. This could take the form of suites or flats within the main dwelling (often known as "secondary suites" or "granny flats") or as a standalone detached building ("garden suite" or "carriage house"). These units are intended to be secondary and subsidiary to the main dwelling on the lot and will have controls to limit their size and location.

Policy L-1.1 It shall be the policy of Council to establish a Rural Development Designation as shown on the Generalized Future Land Use map. The rural development

designation is intended to support a rural approach to development that will include supporting mixed uses, agriculture and other land-based livelihoods that require larger lots and generally rely on private services.

Policy L-1.2 Within the Rural Development Designation it shall be the policy of Council to establish a Rural Development (RD-1) Zone in the Land Use By-law that permits the following and similar types of uses: agricultural uses including commercial livestock and dairy processing facilities, bed and breakfast establishments to a maximum of 5 rooms, boarding homes to a maximum of 5 rooms, existing tourist commercial uses, fisheries and fishery-related uses, forestry and forestry-related uses, greenhouses, open space, repair shops including auto body shops, existing salvage yards, and all uses permitted in the Hamlet Residential (HR-1) Zone.

Policy L-1.3 It shall be the policy of Council to permit accessory dwelling units where accessory to a single detached dwelling; semidetached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units in the Rural Development Designation to provide only one additional dwelling unit subject to limits on size and location on the lot, intended to maintain the accessory nature of the dwelling unit.

3.1.1 Rural Industrial

Most industrial uses in the Central Plan Area are located in the Antigonish Business/Light Industrial Park, which is a fully serviced area designated for industrial development and located strategically on Highway 104 to the east of Lower South River. While Council encourages industrial development to locate in the existing Industrial Park, it recognizes that there is not much room for expansion there. In the event that further industrial development at the Strait of Canso was to occur in the future, there may be demand for complimentary industries to locate in Antigonish County and the Central Plan Area. Recognizing the economic benefits such a scenario would provide for the Municipality, it is Council's intention to permit and regulate industrial development by creating a Rural Industrial (RI-1) Zone. Uses permitted within this zone will be both light industrial and commercial, including but not limited to: equipment depots and rental operations, light manufacturing assembly or warehousing and display courts.

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

Policy L-2.1 Within the Rural Development Designation the policy of Council shall be to establish a Rural Industrial (RI-1) Zone in the Land Use By-law that permits the following and similar types of uses: light industrial uses; building supply operations; construction operations; recycling depots; and similar types of uses.

- Policy L-2.2** It shall be the policy of Council to permit rural industrial uses in areas designated Rural Development according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:
- a. whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;
 - b. whether the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system or if on-site services are to be used, there services are adequate for RI-1 Zone uses;
 - c. the total area used for outdoor storage and adequate provisions of artificial or natural screening devices, where the proposed development is located outside the Industrial Park;
 - d. that adequate buffering, including landscaping, setback distances and berms where appropriate are maintained to minimize effects on/from adjacent land uses;
 - e. whether the proposed development is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission; and,
 - f. whether the proposed development is consistent with the criteria to amend the Land Use By-law, as noted in Policy I-1.10
- Policy L-2.3** It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Rural Industrial (RI-1) Zone where an industrial use abuts an existing residential use.
- Policy L-2.4** It shall be the policy of Council to set out in the Land Use By-law restrictions in the Rural Industrial (RI-1) Zone on the open storage of goods not for sale, equipment or waste in the front yard, side yard abutting a street or in the side or rear yards of a property that abut an existing sensitive use.

3.1.2 Rural Commercial

Most commercial establishments in the Central Planning Area are located within the boundaries of the Hamlets or along the Trans-Canada Highway corridor, although there are a small number of businesses located in the rural parts of the County including small scale retail and rental businesses. Many of these businesses are owned and operated by local residents and they cater towards local, regional and tourist markets. Council is supportive of rural commercial development and in order to accommodate such development, a Rural Commercial (RC-1) Zone will be established. This zone will allow existing rural commercial uses to expand and will permit new commercial uses such as markets, professional services, cafes and general merchandise stores.

While commercial development is generally beneficial to the Central Plan Area, certain high impact or obtrusive commercial uses, such as large format retail, are better suited to more urbanized locations of the Municipality along the Trans-Canada Highway. Council intends that commercial uses within the Rural Development Designation are to be of a nature that does not have a significant impact on the surrounding countryside. As such, Council will only permit new rural commercial type developments through the rezoning process. This will ensure that such

developments are compatible in size, scale, mass and use with surrounding developments and will not cause strain on the environment, municipal services, road capacity or other components of the landscape. Additional landscaping and open storage requirements will be established when proposed commercial uses border on residential areas. While automobile service centres and recycling depots will be permitted in the Rural Commercial Zone, those uses have the potential to have a greater impact on surrounding areas compared to most other commercial uses and Council will establish special design guidelines for them that include visual buffers. .

Policy L-3.1 Within the Rural Development Designation it shall be the policy of Council to establish a Rural Commercial (RC-1) Zone in the Land Use By-law, which permits the following and similar types of uses: automobile sales and service centres (including gasoline stations); banks and other professional offices; country markets; convenience stores; day cares; general merchandise stores; liquor stores; recycling depots; restaurants and licensed establishments; residential units within a commercial building; veterinary clinics; and existing uses subject to the requirements of the RD-1 Zone.

Policy L-3.2 It shall be the policy of Council to permit rural commercial uses in areas designated Rural Development as shown on the Generalized Future Land Use Map by amendment to the Land Use Bylaw. In evaluating such proposals, Council shall have regard to the following:

- a. whether the proposed development is compatible with adjacent rural development uses with respect to scale, mass and use;
- b. whether the lot on which the proposed development is sited is adequately served by a centralized sewer system and/or central water system, or if on-site services are to be used, whether there services are adequate for RC-1 Zone uses; and,
- c. whether the proposed development is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

Policy L-3.3 It shall be the policy of Council to regulate outdoor storage in the Rural Commercial (RC-1) Zone where the commercial use abuts an existing sensitive use.

Policy L-3.4 It shall be the policy of Council to establish in the Land Use By-law special requirements for automobile service stations.

Policy L-3.5 It shall be the policy of Council to permit residential uses within a commercial building provided that the residential use meets the requirements as outlined in the Land Use By-law.

3.1.3 *Tourist Commercial*

The natural features of the Central Antigonish Plan Area, including extensive protected beachfront, harbours, rivers and scenic rural landscapes make it a very inviting destination for tourists. In recent years there has been interest throughout Antigonish County in providing tourist accommodations in rural areas. This includes the conversion of single family dwellings to bed and breakfast establishments, which often have a minimal impact on surrounding uses, to building clusters of rental cottages (often in coastal areas or along rivers) or campgrounds,

which often include accessory retail uses and can have a greater impact on neighbouring properties and land uses. While Council is generally supportive of tourist commercial uses, there are concerns that intensive tourist developments may not be compatible with surrounding uses in many parts of the planning area. These concerns include the mass and scale of the proposed development in the rural context, impacts on surrounding uses, traffic concerns and the adequacy of private servicing for the development, including sewage disposal.

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

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

Policy L-4.1 Within the Rural Development Designation, it shall be the policy of Council to establish a Tourist Commercial (TC-1) Zone in the Land Use By-law that permits the following and similar types of uses: single family dwellings; tourist cottages; tourist and guest homes; and retail uses associated with tourism.

Policy L-4.2 It shall be the policy of Council to permit retail uses associated with tourism and new tourist cottage developments totaling up to five (5) accommodation units in areas designated Rural Development, as shown on the Generalized Future Land Use Map by amendment to the Land Use Bylaw. In evaluating such proposals, Council shall have regard to the following:

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

Policy L-4.3 It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Tourist Commercial (TC-1) Zone where a tourist use abuts an existing residential use.

Policy L-4.4 It shall be the policy of Council to consider approval of new campgrounds and tourist commercial developments totaling six (6) or more accommodation units within the Rural Development designation according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

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

3.1.4 Coastal Development

St. George's Bay forms the northern boundary of the Central Antigonish Plan Area and a number of settlements have formed along the coastlines and harbours, including Summerside, Pomquet, Monks Head and Southside Antigonish Harbour. Within the Plan Area there are three significant protected beaches: Pomquet, Monks Head and Dunn's Beach. Both Pomquet and Antigonish Harbours feature coastal wetlands that include salt marshes and estuarine flats, which are very productive ecosystems that are present where salty and fresh waters mix at the mouths of rivers.

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

Sea level rise and storm surges also contribute to coastal erosion, a phenomenon that is visually evident along many beaches in central Antigonish County. While the rate of erosion varies and depends on topography and surficial geology, in some areas (particularly hills with soft clay or till underneath), one to two metres of shoreline erode each year. Therefore, adaptation and

planning for appropriate land uses in the coastal regions is important. One challenge to successful coastal management planning is the complex intergovernmental framework involved. While coastal zone management in Nova Scotia has traditionally been seen to be within the realm of provincial and federal responsibility, the *Municipal Government Act* allows municipalities the option of developing their own land use policy for low lying, flood-prone or sloped land including coastal land.

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

Policy L-5.1 It shall be the policy of Council to establish in the Land Use By-law minimum coastal elevation and minimum coastal setback requirements for all new dwellings and accessory buildings in the Rural Development (RD-1) and Tourist Commercial (TC-1) zones.

3.1.5 Rural Comprehensive Development District

While the Rural Development (RD-1) zone and policies address smaller scale un-serviced residential development, Council anticipates some development pressure for larger scale rural 'estate lot' subdivisions. These developments, if planned properly, can become attractive rural residential neighbourhoods, while also helping to maintain the desirable rural character of Antigonish County by minimizing sprawl. Given the larger scale of these subdivisions, the potential exists for greater impacts on the landscape and environment than traditional low-density single-dwelling developments, and as such, a comprehensive planning approach is important to ensure these subdivisions complement the surrounding environment and avoid over-urbanizing the landscape.

A Comprehensive Development District is one planning tool available to implement broader community design goals, including the integration of un-serviced residential subdivisions into the rural landscape. This approach encompasses both on and off-site impacts of a development by addressing matters such as infrastructure, services and the design of the neighbourhood, including housing design and open space provisions. The Comprehensive Development District (CDD) is implemented through the development agreement process, a process by which the terms of the proposed development are negotiated between the developer and the Municipality to allow any project to be evaluated on an individual basis. For the proponent, a CDD allows the opportunity to build dwellings on smaller lots than what would be permitted in the Rural Development (RD-1) Zone (subject to Department of Environment requirements).

Additionally, the CDD allows some flexibility in private road design, whereas under the Antigonish County Subdivision By-law private roads must be built to public road standards where they provide frontage to more than six lots. For the Municipality, the development agreement process gives Council greater control over larger rural residential developments, ensuring that they meet community goals in matters such as the provision of public green spaces, the protection of geologic or environmentally sensitive spaces, effective architectural

design and layout and appropriate provisions for onsite services and stormwater treatment. Furthermore, the CDD approach is flexible enough to incorporate a growing demand for alternative development forms outside serviced areas, such as cluster septic systems and bare land condominiums, which are not normally addressed in Subdivision by-laws or traditional prescriptive zoning practices.

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

Policy L-6.1 Subject to Section 226 of the *Municipal Government Act*, it shall be the policy of Council to establish within the Rural Development Designation the Rural Comprehensive Development District (RCDD-1) Zone that permits the following and similar types of uses: residential uses subject to the Rural Development (RD-1) Zone requirements and recreational uses.

Policy L-6.2 It shall be the policy of Council to permit the Rural Comprehensive Development District (RCDD-1) Zone through amendment to the Land Use By-law. Council shall consider such a rezoning provided it is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

Policy L-6.3 Subject to Policies L-6.1 and L-6.2, it shall be the policy of Council to permit residential uses of a higher density and ancillary commercial and institutional uses within the Rural Comprehensive Development District (RCDD-1) Zone according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposal is consistent with the intent and policies of the Municipal Planning Strategy and no development shall compromise or overwhelm the rural residential development focus of the zone or rural character of the Rural Development Designation;
- b. notwithstanding the private road provisions of the Antigonish County Subdivision By-law, whether the proposed pedestrian and vehicle distribution networks within and adjacent to the proposed development, including the manner in which the proposed roadways within the development are linked to the existing road network, are adequate to accommodate the traffic generated from the proposed development;
- c. notwithstanding the open space provisions of the Antigonish County Subdivision By-law, whether an adequate supply of open space is provided within the proposed development to ensure that:

- i. any environmentally or geologically sensitive lands are protected;
 - ii. the rural character of the local area is protected, including through the preservation of important viewsheds; and
 - iii. a suitable amount of recreation space is provided to residents of the development;
- d. the adequacy of the property to support any private or clustered septic systems;
- e. the adequacy of the property to provide an adequate and safe water supply as determined by a hydrogeological assessment;
- f. where the property is located on a significant watercourse, whether adequate access to that watercourse is maintained for all future residents of the development and the general public;
- g. whether the proposal is consistent with the evaluation criteria for development agreements, found in Policy I-1.12.

Policy L-6.4 Subject to Policy L-6.3, when considering a development agreement within the Rural Comprehensive Development District (RCDD-1) Zone, Council may require the agreement to include information relating to:

- a. the land uses proposed and the locations of the development within the RCDD-1 site;
- b. the general phasing of the development;
- c. matters of subdivision of lands within the RCDD-1 site;
- d. the distribution and function of proposed community facilities, including playgrounds, day cares, private amenity space, trails and public open spaces;
- e. architectural controls, including external appearance and design of structures;
- f. site controls including spacing of buildings, fencing and landscaping;
- g. stormwater management controls; and,
- h. additional information as specified in Policy I-1.13 and Policy I-1.14 or as required by the Development Officer.

3.1.6 Agriculture

Agriculture is an important industry in Antigonish County. According to the 2006 Statistics Canada Census of Agriculture, there were 226 farms in the County. Farms have traditionally played an important role in the County and continue to do so today as witnessed in the percentage of those employed in the industry and its spinoffs. The 2006 Statistics Canada Census on Labour determined that the percentage of the labour force working in Agriculture and Resource based industries in the County was 13.2% for Subdivision A and 13.9% for Subdivision B.

While Antigonish County does not have the same amount of fertile agricultural land as that found elsewhere in Nova Scotia, some areas of Central Antigonish do possess moderately good

soils. This includes some Class 3 and 4 agricultural lands, according to the Canada Land Inventory (C.L.I.) Land Capability for Agriculture classification system. Aside from fruit farming, there is relatively little cropland in Antigonish County and the bulk of farmland is used for livestock and hay farming.

One of the issues affecting agriculture is the proximity of residential development to farm operations. In the Central Antigonish planning area there is not as much pressure from new residential subdivisions as exists in the area surrounding the Town of Antigonish. Nonetheless, Council encourages new subdivision development to occur within the Hamlet designated areas in order to avoid the potential conflicts that can occur when new residential subdivisions encroach into agricultural areas. Quite often, people move out to the countryside because of the scenic beauty and rural nature of the area, of which farms are a part. However, in some cases, rural residents may argue that the enjoyment of their property is interfered with by the noise or odour of a nearby farm operation. Particularly, intensive livestock operations that involve the keeping of large numbers of animals in a confined space, can pose such a conflict with rural residential uses. Conversely, some argue that valuable agricultural land is wasted because of encroaching residential development and that farmland should be protected from urban sprawl.

The *Municipal Government Act* identifies the protection of “agricultural land for the development of a viable and sustainable agriculture and food industry” as a vital provincial interest and any new planning documents must be reasonably consistent with this. Council shares this view and is of the opinion that farmland is a valuable asset in Central Antigonish and that the agricultural sector should be supported and remain an integral part of the region’s future. Council’s intention is that, where possible, agricultural practices are to be protected. This can be done by requiring large minimum lot sizes, which discourages intensive residential development in these areas, and creating minimum separation distance requirements between intensive livestock operations and residential uses. Nonetheless, at this time Council does not intend to prohibit all residential buildings in the Central Antigonish Plan Area on farmland, as concern has been raised about limiting the development rights of farmers who may wish to develop part of their lands in the future for uses other than agricultural ones. The issue of farmland protection is however, an important and potentially contentious subject and Council would like to consider it further, either through a County-wide planning exercise or through additional investigation into regulations or incentives.

In the meantime, Council will require that new and expanded intensive livestock operations meet the setback and separation distance standards contained within the “Nova Scotia Agriculture Manure Management Guidelines” and the “Guidelines for Siting and Management of Hog Farms in Nova Scotia”. As Council believes that intensive agriculture uses are most appropriately situated in areas with low population density, new and expanded operations will only be permitted within the Rural Development (RD-1) Zone.

Policy: L-7.1 It shall be the policy of Council to require new or expanded intensive livestock operations within the Rural Development (RD-1) Zone to be set back from all lot lines, residences, roads, watercourses and wells, and for all agriculture uses to operate in accordance with the “Nova Scotia Agriculture Manure Management Guidelines” and where applicable, the “Guidelines for Siting and Management of Hog Farms in Nova Scotia.”

3.2 Hamlet Development

Within the Central Antigonish planning area there are a number of small, somewhat isolated settlements, surrounded mostly by forests or agricultural land. These communities, referred to as hamlets, typically form at a crossroads or around an institutional use or economic activity. They act as a central location for services, institutional, commercial, residential and agricultural uses for residents in the immediate and surrounding rural areas. In this planning area, the communities of Heatherton, Pomquet, St. Andrews and Lower South River have been identified as hamlets.

The settlement pattern for hamlets can vary dramatically. The hamlets of St. Andrews, Pomquet and Heatherton are defined by a cluster of community uses such as a general store, post office, gas station, church or a school. The residential uses then spread in a linear fashion outwards from these central uses, following the path created by local transportation networks. Lower South River resembles the cluster development of the previously identified hamlets, but comprises more highway commercial type development due to it being bisected by the Trans-Canada Highway. Residential development in Lower South River is more radial, spanning in various directions outward from the Trans-Canada highway, but still in close proximity to local services.

Most hamlets are spatially defined using property lines, roads and natural features such as shorelines, rivers or embankments. Hamlets are intended to act as a node in the rural landscape. Along with residential and commercial uses, many hamlets may also include active agricultural uses, including livestock operations.

Hamlets provide opportunities for people who originate within the rural area who are no longer engaged in, or exclusively engaged in, agriculture but wish to remain in the community as well as those who are looking to live in a rural environment but are still looking to live close to neighbours. Currently, most of the land within these designated hamlets is developed, but infilling of vacant land may start to occur as servicing becomes available. With the potential for extension of existing water and sewer lines, it can be expected that the demand for lots on the outskirts of these defined Hamlets may also increase.

Policy L-8.1 It shall be the policy of Council to establish a Hamlet Designation as shown on the Generalized Future Land Use map. The Hamlet Designation is intended to support a mixed-use approach to development from low to medium density residential, local and highway commercial, institutional uses, light industrial and agricultural uses. The Hamlet Designation shall apply to those areas that have municipal sewer or sewer and water services and shall include the following areas: Heatherton, Lower South River, St. Andrews and Pomquet.

Policy L-8.2 It shall be the policy of Council that hamlet development is compact and orderly and that development does not strain or exceed the capacity of community services and facilities.

Policy L-8.3 It shall be the policy of Council to permit accessory dwelling units where accessory to a single detached dwelling; semidetached dwelling; duplex; or townhouse, row house, or multiple unit dwelling with up to three units in the Hamlet Development Designation to provide only one additional dwelling unit subject to limits on size and location on the lot, intended to maintain the accessory nature of the dwelling unit.

3.2.1 *Hamlet Residential*

Within the serviced areas of the hamlets of Lower South River, Heatherton, St. Andrew's and Pomquet, the dominant land use is low density residential. Residents of these communities may work in the area immediately surrounding the hamlet, while others commute to the Town of Antigonish or the Strait Area. Some residents may have moved to the hamlet to live after retiring from the workplace. For many, hamlets provide a near-rural lifestyle while still being in relatively close proximity to services. Hamlets are also served by municipal sewer and/or water systems. Hamlet residential development will be accommodated by the Hamlet Residential Zone, which provides for low density residential development as well as local agricultural uses within the residential communities of the Central Antigonish Plan Area. This zone will permit low density residential uses such as single-detached dwellings, converted dwellings to a maximum of 2 units, duplexes and land uses that are typically compatible with a quiet residential neighbourhood. These compatible uses may include religious institutions, cemeteries, schools and seniors' housing. Bed and Breakfast establishments shall also be allowed, although they will be limited to a maximum of 5 rooms so as to keep them to a scale appropriate to a low-density neighbourhood. As Council supports the preservation of agricultural development in the Central Planning area, existing agricultural uses will be permitted within the HR-1 Zone (with the exception of intensive livestock operations) to allow the farmer to maintain their business.

In order to minimize sprawl into the neighbouring countryside, Council has expressed a preference for infill development on vacant land within the hamlets. As such, rezoning land from Rural Development to Hamlet Residential in order to extend the boundaries of a hamlet will only be considered when services are extended. Further, Council's intention is that expansion of a hamlet should only occur when a need can be demonstrated and as long as the capacity of community or municipal services is not exceeded. Almost all the serviced lands within the hamlets of Lower South River, Heatherton, St. Andrew's and Pomquet will be zoned Hamlet Residential, unless they are currently used for non-residential uses.

- Policy L-9.1** Within the Hamlet Designation, it shall be the policy of Council to establish a Hamlet Residential (HR-1) zone in the Land Use By-law, which shall permit the following and similar types of uses: existing agricultural uses (except intensive livestock operations); bed and breakfast establishments to a maximum of 5 rooms; boarding homes to a maximum of 5 rooms; religious institutions and cemeteries; medical clinics; converted dwellings containing a maximum of two (2) units; community and activity centres; day care facilities; duplexes; existing kennels and animal boarding facilities; funeral homes; libraries; institutional uses; museums; post offices; recreational uses; senior citizen housing; single-detached dwellings; semi-detached dwellings; and tourist commercial uses.
- Policy L-9.2** It shall be the policy of Council to encourage residential development that is orderly and compact and that does not strain or exceed the capacity of community services and facilities.
- Policy L-9.3** It shall be the policy of Council to encourage infill development on vacant lands within a hamlet.
- Policy L-9.4** It shall be the policy of Council to permit the Hamlet Residential (HR-1) Zone by amendment to the Land Use Bylaw on lands in the Rural Development (RD-1) designation upon the installation of municipal sewer or sewer and water services and in accordance with the following:
- a. the development does not strain or exceed the capacity of community services and facilities;

- b. the amendment proposal meets the criteria to amend the Land Use By-law, Policy I-1.10.**

Converted Dwellings

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

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

Policy L-9.6 It shall be the policy of Council to permit converted dwellings in the Hamlet Residential (HR-1) zone to a maximum total of two units, and to set out in the Land Use By-law provisions regarding the appearance of these units.

Mini Homes on a Lot

Mini homes provide a source of affordable housing and it is Council's intention that individual mini homes on private lots shall be permitted within the Rural Development and Hamlet Residential Zones. To encourage visual consistency with surrounding uses, Council prefers these mini homes, where lot dimensions permit, be placed parallel to the street. Mini homes will be subject to the same standards as single-detached dwellings.

Policy L-9.7 It shall be the policy of Council to permit the construction of mini homes on individual lots within the Rural Development (RD-1) and Hamlet Residential (HR-1) Zones, provided that they are placed parallel to the street where the lot dimensions permit and are subject to the same zoning regulations as single-detached dwellings.

3.2.2 Hamlet Multiple Unit Residential

Multiple-unit dwellings, such as condominiums, apartment buildings, grouped dwellings on a lot, townhouses and row houses provide an additional housing option within the Central Antigonish planning area as well as a source of affordable housing. Changing demographics particularly an aging population, may bring on a greater demand for a variety of housing types to meet changing needs, such as an increase in the number of residents wishing to remain independent in their communities, but in smaller, clustered accommodations with shared amenities. Higher-density residential uses are also more efficient in terms of land, water and sewer service consumption. Council is supportive of multiple-unit residential developments and will establish the Hamlet Multiple Unit Residential Zone within the Hamlet Designation in order to accommodate new and future developments.

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

Policy L-10.1 Within the Hamlet Designation, it shall be the policy of Council to establish a Hamlet Multiple Unit Residential (HR-2) Zone in the Land Use By-law that permits the following and similar types of uses: converted dwellings that contain five (5) or fewer dwelling units; grouped dwellings and multiple unit dwellings with five (5) or fewer units; townhouses or row houses with five (5) or fewer units; and all uses permitted in the Hamlet Residential (HR-1) Zone subject to the requirements of the HR-1 Zone, except agricultural uses.

Policy L-10.2 It shall be the policy of Council to consider the rezoning of properties to the Hamlet Multiple Unit Residential (HR-2) Zone within the serviced portion of the Hamlet Designation. In evaluating such proposals, Council shall have regard to the following:

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

Policy L-10.3 It shall be the policy of Council to set out in the Land Use By-law requirements for landscaping in the Hamlet Multiple Unit Residential (HR-2) Zone where a multiple-unit residential development abuts a residential, recreational or institutional use.

Policy L-10.4 It shall be the policy of Council to set out in the Land Use By-law requirements for amenity space for multiple-unit residential buildings.

Policy L-10.5 It shall be the policy of Council to consider approval of grouped dwellings and multiple-unit dwellings with six (6) or more units, townhouses or row houses with six (6) or more units and converted dwellings with six (6) or more units within the Hamlet designation according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

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

3.2.3 Hamlet Mini Home Park

Mini homes are a popular housing type within Central Antigonish Plan Area, and there is a mini home park established within the planning area. Mini homes are a modern form of prefabricated housing that cannot be moved once placed, as opposed to traditional mobile homes. These mini homes can be more affordable than traditional single-detached housing, making them ideal for entry-level or downsizing homeowners.

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

Policy L-11.1 Within the Hamlet Designation it shall be the policy of Council to establish a Hamlet Mini Home Park (HMHP-1) Zone within the Land Use By-law that permits the following and similar types of uses: mini home parks; mini home park administration offices; public recreational uses including parks and

playgrounds; and storage facilities related to the operation of a mini home park.

Policy L-11.2 It shall be the policy of Council to consider approval of a new mini home park or an expansion to an existing mini home park within the Hamlet Designation according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

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

Policy L-11.3 It shall be the policy of Council to regulate the external appearance of mini home parks.

Policy L-11.4 It shall be the policy of Council to establish landscaping provisions in the Land Use By-law for mini home parks that abut existing uses and public roadways.

3.2.4 *Hamlet Commercial*

Unlike large-scale commercial developments along the Trans-Canada Highway and closer to the Town of Antigonish, small-scale commercial developments in the heart of the hamlet communities in the Central Plan Area are primarily geared to serve the residents of those hamlets and the immediate outlying areas. Any such commercial developments will be accommodated by the Hamlet Commercial Zone, which will allow most types of commercial development including retail, restaurants, service shops and professional offices that are suitable in a primarily residential area on small municipally serviced lots. While automobile service stations will be permitted in the zone, they will be subject to greater setbacks due to potentially obnoxious impacts on surrounding uses. Likewise, outdoor storage will also be regulated in the Land Use By-law. Existing residential uses will be permitted (and thus be allowed to expand or be rebuilt) and new residential uses permitted at the rear or upper levels of commercial buildings.

In order to preserve the character of the existing hamlet neighbourhoods, Council will require that any new development within the Hamlet Commercial Zone not generate an unreasonable amount of noise and traffic, be of a scale that is compatible with the surrounding neighbourhood (both with respect to buildings and lot size), and be primarily to serve residents of the local neighbourhood, as opposed to larger scale developments that are better suited to the areas along the Trans-Canada Highway or in Town.

Policy L-12.1 Within the hamlet designation it shall be the policy of Council to establish a Hamlet Commercial (HC-1) zone in the Land Use By-law that permits the following and similar types of uses: automobile sales and service centres; banks and other financial institutions; business and professional offices; country markets; convenience stores; day care facilities; general merchandise stores; grocery stores; liquor stores; restaurants and licensed establishments; residential dwelling units within a commercial building; and existing residential uses subject to the requirements of the HR-1 Zone.

Policy L-12.2 It shall be the policy of Council to consider amendments to the Land Use By-law to permit hamlet commercial uses in the Hamlet Designation. In considering such an amendment, Council shall have regard to the following:

- a. whether the proposed development will generate traffic and noise causing undue disturbance to surrounding non-commercial uses;
- b. whether the physical scale of the proposed use is compatible with surrounding development;
- c. whether the use is primarily intended to serve local neighbourhood needs, and would not be more appropriately located in the Hamlet Highway Commercial zone; and
- d. the proposal is consistent with the criteria to amend the Land Use By-law, Policy I-1.10.

Policy L-12.3 It shall be the policy of Council to permit residential dwelling units within a commercial building in the Hamlet Commercial Zone, provided that the residential use meets the requirements of the Land Use By-law.

Policy L-12.4 It shall be the policy of Council to regulate outdoor storage in the Hamlet Commercial (HC-1) Zone.

Policy L-12.5 It shall be the policy of Council to establish special requirements for automobile service stations in the Land Use By-law.

Policy L-12.6 It shall be the policy of Council to require buffering between uses in the Hamlet Commercial (HC-1) Zone so that land use conflicts may be minimized.

3.2.5 *Hamlet Highway Commercial*

Bordering the Trans-Canada Highway (Highway 104) in the Lower South River is the largest concentration of commercial uses currently in the Central Antigonish planning area. Between the South River and Taylor Road there are approximately a dozen businesses, including restaurants, gas stations and motels. Businesses in this corridor are geared towards the traveling public and provide goods and services to residents throughout the region. For eastbound travelers, this commercial cluster is the last on-highway service area until Auld's Cove, at the Canso Causeway. Highway commercial businesses usually require large parcels of land for buildings, parking areas and/or loading spaces.

A Hamlet Highway Commercial zone will be established within the Hamlet designation in order to address the existing businesses in the high traffic areas along Highway 104 in the Lower South River hamlet. This zone will allow a wide range of commercial establishments similar to what is permitted in the Hamlet Commercial zone, but will also include such uses as hotels and motels, display courts (including prefabricated homes), equipment rental businesses and visitor information centres. Special setbacks will be established for automobile service stations and for expansions to existing recycling depots. New and existing residential uses will be permitted subject to the same standards as applies in the Hamlet Commercial Zone. Due to the size and scale of businesses locating in this zone as well as current traffic and access concerns, (particularly the number of driveways on the Trans-Canada Highway), large minimum lot size, frontage and setback requirements will be established in the Land Use By-law.

With the second phase of the Trans-Canada Highway Antigonish By-pass anticipated to pass through the Central Plan Area with a completion date in the next few years, Council anticipates applications for highway commercial type development near the new interchanges. The proposed alignment of the new highway by-pass indicates that it will be located just to the north of the existing Highway 104 South River crossing, passing, wrapping around the hamlet and merging with the existing highway just past Taylors Road. In the Lower South River hamlet, Highway 316 will be extended north from its current terminus at the existing Highway 104 to the Southside Harbour Road with an interchange at the new highway by-pass. The area adjacent to the proposed 316 extension and new highway is currently zoned Hamlet Residential and largely undeveloped at this time and is considered to be the area most likely to attract highway commercial type development in the future, either through the relocation of existing business in the current Hamlet Highway Commercial Zone or the establishment of new businesses.

To minimize potential impacts Council will require developers to establish landscaped buffers on any new highway commercial developments, where the new development in the Hamlet Highway Commercial Zone abuts uses in the Hamlet Residential, Hamlet Multiple Unit Residential or Hamlet Mini Home Park zones.

Policy L-13.1 Within the hamlet designation it shall be the policy of Council to establish a Hamlet Highway Commercial (HHC-1) zone in the Land Use By-law that permits the following and similar types of uses: automobile sales establishments; automobile service centres (including gas stations and car washes); display courts including prefabrication homes and mobile homes; convenience stores, hotels, motels or tourist inns and associate uses, laundromats, leasing or rental establishments, tourist commercial uses, residential units in a commercial establishment, restaurants and licensed establishments, retail stores, visitor information centres, veterinary clinics, agricultural uses, existing recycling depots and existing residential dwellings.

Policy L-13.2 It shall be the policy of Council to consider amendments to the Land Use By-law to allow the rezoning of lands in the Hamlet Designation to the Hamlet Highway Commercial (HHC-1) Zone. In considering such an amendment, Council shall have regard to the following:

- a. whether the proposed development is located within the Lower South River Hamlet with frontage on Highway 104 or 316;

- b. whether the traffic and noise generated from the proposed use will not be of a degree to cause undue disturbance to surrounding uses;
- c. whether the physical scale of the use is compatible with surrounding uses;
- d. whether the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10.

Policy L-13.3 It shall be the policy of Council to permit dwelling units within a commercial building provided that the residential use meets the requirements of the Land Use By-law.

Policy L-13.4 It shall be the policy of Council to require buffering between uses in the Hamlet Highway Commercial (HHC-1) Zone that abuts a residential use.

Site-Plan Control

Council will require site-plan approval for new developments within the Hamlet Highway Commercial (HHC-1) Zone, as a measure to reduce the potential impacts from large-scale commercial developments on abutting land uses in the hamlet. The site plan approval process is a way of dealing with site related issues without having to go through the often lengthy development agreement process. This tool is a way of ensuring that commercial developments within the hamlet designated areas have specific guidelines to follow and that undesired forms of development are minimized. The Hamlet Highway Commercial (HHC-1) Zone will potentially abut the Hamlet Residential, Hamlet Mini Home Park and Rural Development zones; therefore Council requires the extra level of control that site-plan approval provides. Furthermore, Council wishes to ensure that new commercial developments situated within the Hamlet designation are in keeping with the character of the community and that the off-street parking and loading facilities are in an appropriate location.

The number of new access points along the collector highways is another area of concern. A site-plan will be required to illustrate the location, number and width of driveway accesses to streets. In addition, site-plan control will ensure that if the new development abuts an existing residential property that the buffer fences, trees or shrubs are installed or erected along the abutting lot lines. These elements are necessary to protect and minimize the land-use impact of potential new developments in the hamlet.

The alteration of the land's elevation is an issue as increased water runoff could negatively impact the South River ecosystem, including important fish habitat. Therefore, site-plan requirements shall include the grading of the land and provision for the management of storm and surface water.

Policy L-13.5 It shall be the policy of Council to establish within the Hamlet Highway Commercial (HHC-1) Zone site-plan approval requirements regarding landscaping, buffering, pedestrian and vehicular access, outdoor storage, lighting, parking and erosion/stormwater control.

3.2.6 Hamlet Industrial

Immediately to the east of the Lower South River settlement is the Antigonish Industrial Park. This park is located along Angus MacQuarrie Drive with access from the Trans-Canada Highway. This park was established to address the County's need for serviced light industrial land, and now houses a variety of local businesses. The strategic location of the business park near the centre of Antigonish County along this highway enables it to attract businesses that support the

local commercial and institutional sectors and provide employment to residents of the Town and County of Antigonish. To support industrial land uses in the Antigonish Industrial Park, a Hamlet Industrial Zone will be created. This zone will incorporate the land within the Lower South River hamlet that falls within the park and will include light industrial and commercial uses such as equipment depots and rental operations, light manufacturing assembly or warehousing and display courts. New and expanded industrial developments within a Hamlet designation will also be subject to development agreement, ensuring that any traffic, landscaping, buffering, noise, odour, operating hours and community or municipal servicing concerns are addressed.

Most of the Antigonish Industrial Park is located within the Source Water Protection Plan Area for the Lower South River Well Fields. As part of the protection plan, development guidelines have been established to ensure that the well fields are not contaminated from any leakage or spill. This is discussed in greater detail in the next section, though it does have some implications concerning development in the industrial park. To protect this water supply, Council will require that any new or expanded businesses in the Hamlet Industrial Zone, in addition to any zone requirements set out in the Land Use By-law, follow the environmental regulations established in the Source Water Protection Plan.

Lower South River Watershed Boundary

Within the boundaries of the Central Planning Area is the South River municipal water system. This system is comprised of a well field containing six wells that tap into an aquifer located to the east of the South River in the Lower South River hamlet, adjacent to the Antigonish Business/Light Industrial Park. The system contains a booster system, water treatment facility, two storage reservoirs and extensive distribution system, serving about 500 local residential, commercial and industrial users.

A multi-barrier approach to water protection includes protecting the source, adequate water treatment and distribution systems, and testing. The *Municipal Government Act* requires that municipal water sources be protected and Antigonish County Council recognizes the necessity of protecting the integrity of fresh water sources now and into the future. In 2007, C.J. MacLellan & Associates Inc. prepared a Source Water Protection Plan for this aquifer, and it is a priority of Council that this be incorporated into planning documents relating to this area of the County. Protection of this well field is very important, as there are no alternative potable water sources in the Lower South River area that could replace this supply.

There are many sources of contamination that can compromise groundwater. Leakage from fuel tanks and sanitary sewers, and contamination from road salt, solvents, oils or chemicals leached from refuse or vehicles left on a property can seep through the soil and impact underground water sources. Contaminants can take some time to infiltrate the soil and penetrate the aquifer, but once they reach the groundwater they can remain there for years. How quickly a contaminant can reach an aquifer depends on underlying geology and soil conditions.

The Source Water Protection Plan for this aquifer includes three protection zones: the Wellhead Protection Zone (0 to 3 months travel time for contaminants), the Well Field Protection Zone (3 months to 2 years travel time) and the Recharge Zone (2 to 25 years travel time). These three zones incorporate a wide swathe of land around each well. In order to maximize the protection of the South River aquifer, Council intends to establish a special regulation applicable to all lands as identified in the Lower South River Source Water Protection Plan (C.J. MacLellan, 2007), found as an Appendix to the Land Use By-law. This special regulation for the recharge area

establishes certain land use restrictions to prevent the leakage of contaminants into the groundwater.

Policy L-14.1 Within the hamlet designation it shall be the policy of Council to establish a Hamlet Industrial (HI-1) zone in the Land Use By-law that permits the following and similar types of uses: building supply, lumber outfits and equipment depots excluding bulk storage of sand or gravel, construction operations and rentals, display courts including swimming pools, decorative foundations, pre-fabricated homes, light industrial manufacturing, assembly or warehousing including recycling depots, professional offices, rental stores, transportation depots, trucking operations, warehousing and storage facilities, wholesale or retail sales, leasing or rental establishments, veterinary clinics and offices necessary to the administration of permitted uses.

Policy L-14.2 It shall be the policy of Council to consider approval of new industrial developments or expansion of existing industrial developments within the Hamlet Industrial (HI-1) Zone subject to receiving an approval from the Director of Public Works based on the following criteria:

- a. whether the proposed development is in compliance with the Lower South River Source Water Protection Plan;
- b. whether the development is serviced by municipal water and sewer services and whether it will strain those services.

Policy L-14.3 It shall be the policy of Council to require that all new businesses or expanding businesses within the Hamlet Industrial (HI-1) Zone follow the Lower South River Source Water Protection Plan by C.J. MacLellan, 2007; which is attached for convenience as Schedule 'B'.

CHAPTER 4: COMMUNITY SERVICES

4.1 Transportation

Most roads in the Central Antigonish Plan Area are owned and maintained by the Nova Scotia Department of Transportation and Infrastructure Renewal. The main transportation artery through the plan area is Highway 104, also known as the Trans-Canada Highway, which is the main thoroughfare through Antigonish to the Strait Area and Cape Breton. The Nova Scotia Department of Transportation, as of the writing of this Plan, is building a highway by-pass that, when completed, will be a four-lane controlled-access twinned highway. The by-pass will allow traffic passing through the area to avoid the three traffic lights found on the highway now. The by-pass will start at Addington Forks, and when the second phase of the by-pass is complete, the twinned-road will rejoin Highway 104 at Taylors Road, just past the Lower South River Hamlet. Within the Central Plan Area, the by-pass will have one interchange at Highway 316. As explained in Section 3.2.5 of this document, the by-pass and changes that it makes to the intersection in Lower South River will have significant land use implications in that hamlet community.

Private roads are prevalent throughout the Central Plan Area. Private roads are not owned or maintained by the Municipality of the County of Antigonish and do not fall under the Municipality's responsibility for services. The responsibility for services, such as snow removal, is that of the property owners who have dwellings on lots with frontage along a private road.

Council would like to see private road owners associations be created for new private roads in the County so that all the landowners could share the responsibility for the maintenance and upkeep of the private road. Council wishes to prevent potential home owners from buying a home imprudently that is located on a private road and erroneously assuming that the Municipality will maintain the private road.

Other main transportation arteries through the Central Plan Area include Highway 316 connecting St. Andrew's to the Trans-Canada Highway (and extending southward into Guysborough County), Taylor Road connecting Pomquet to the Trans-Canada Highway, and the Sunrise Trail, which is a scenic tourist route sharing a name with several different roads extending from the Trans-Canada Highway to the coast.

Policy CS-1.1 It is the intention of Council to encourage the Province to maintain a road network within the Planning Area that is safe, cost effective and attractive to both the County's residents and the motoring public.

4.2 Sewer and Water

The hamlets all have sewer and water services and would consider extending these services to the current Rural Development Zone only when a greater demand resulting from an increase in development occurs. The hamlet boundaries will be extended in the future once the services are available. Under the Hamlet Designation the policy for expansion states that if the serviced areas eventually go beyond the Hamlet borders, then the Hamlet Designation would expand to include these newly serviced areas.

Policy CS-1.2 It is the intention of Council to consider expansions to the existing sewer and water systems only to locations deemed advisable by Council and when a clear need is demonstrated.

4.3 *Government Buildings and Facilities*

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

Policy CS-1.3 It is the intention of Council to permit government buildings and facilities in all zones subject to the requirements of that particular zone.

4.4 *Public and Private Utilities*

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

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

Policy CS-1.4 It shall be the policy of Council to permit public and private utilities in all zones within the plan area, and to require a development permit to be issued for each use.

4.5 *Education*

English students in Antigonish County are served by the Strait Regional School Board, while the *Conseil Scolaire Acadien Provincial* serves over 200 French speaking students from Kindergarten to Grade 12. The Strait Regional School Board has two schools in the Central Planning Area: Reverend H.J. MacDonald School in Heatherton and St. Andrew's Consolidated School in St. Andrew's. *L'École Acadienne De Pomquet*, built in 2001, is located in the Hamlet of Pomquet. While there is no post-secondary institution in Central Antigonish, St. Francis Xavier University is located nearby within the Town of Antigonish.

Policy CS-1.5 It shall be the policy of Council to monitor development within the Planning Area to support the Strait Regional School Board and *Le Conseil Scolaire Acadien Provincial* in order to:

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

4.6 Recreation Facilities

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

Policy CS-1.6 It shall be the policy of Council to continue to support the maintenance and improvement of recreational facilities for the residents of Antigonish County.

Policy CS-1.7 It shall be the policy of Council to continue to support local groups and organizations involved in promoting recreation in the County.

4.7 Protective Services

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

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

Policy CS-1.8 It shall be the policy of Council to support on an ongoing basis the efforts of the Royal Canadian Mounted Police in providing police protection to the Central Planning Area and to cooperate with the RCMP to incorporate Crime Prevention Through Environmental Design (CPTED) principles for new neighbourhoods.

4.8 Fire Protection

The Central Antigonish planning area is served by two volunteer fire departments. The Pomquet Fire and Emergency Services (formerly Pomquet Volunteer Fire Department) serves Electoral Districts 5 and 7. The Pomquet Department was founded in 1969 and has been in its current hall since 1991, with a substation in Heatherton. The Department has several pieces of equipment and approximately 30 members. The St. Andrews Volunteer Fire Department serves Electoral District 6 and has 27 members and three vehicles. The St. Andrew's Department has been at its current hall since the 1970's, which underwent an expansion in 2008. While these departments respond to fire calls and other emergencies within their own districts, fire departments from more than one district will often respond to larger emergencies.

Policy CS-1.9 It shall be the policy of Council to continue supporting the efforts of the Pomquet and St. Andrews Volunteer Fire Departments in providing fire protection to both the residential and business community.

4.9 *General Development Policies*

4.9.1 *Home Occupations*

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

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

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

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

Illumination

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

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

Mines and Quarries

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

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

Sign Regulations

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

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

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

Temporary and Special Uses

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

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

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

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

CHAPTER 5: IMPLEMENTATION

5.1 Municipal Planning Strategy

The Municipal Planning Strategy is a policy document that provides the framework by which future growth and development in the planning area is encouraged and coordinated. The policies of this Strategy will be implemented through a variety of means, but generally through the powers of Council, as provided by the *Municipal Government Act*, and other statutes as they may apply.

Policy I-1.1 This Municipal Planning Strategy shall be implemented by means of the powers given to the Council by the *Municipal Government Act*, 1998, c 18, s 1 (as amended).

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

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

5.2 Generalized Future Land Use Map

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

- *Rural Development Designation*, which permits uses typically found in rural areas including agriculture, forestry, tourist commercial and low density residential developments.
- *Hamlet Designation*, which generally incorporates small established communities with municipal servicing and permits mixed uses such as low density residential, multiple-unit residential, mobile home parks, neighbourhood commercial, highway commercial and light industry.

5.3 Municipal Planning Strategy Amendments

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

- a. where a policy intent is to be changed;
- b. where the Municipal Planning Strategy is in conflict with applicable provincial land use policies or regulations in accordance with the *Municipal Government Act*;

- c. where a requested amendment to the Land Use By-law is in conflict with this planning strategy and there are valid reasons for the amendment; or,
- d. where a secondary planning strategy is to be incorporated into the Municipal Planning Strategy.

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

5.4 *Actions Not Requiring a Planning Strategy Amendment*

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

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

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

5.5 *Land Use By-law*

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

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

Policy I-1.8 It shall be the intent of Council that the following uses, within the designations specified, shall be considered only by amendment to the land-use by-law:

- a. rural commercial uses according to Policies L-3.2 and I-1.10;

- b. **tourist commercial uses according to Policies L-4.2 and I-1.10;**
- c. **hamlet residential uses according to Policies L-9.4 and I-1.10;**
- d. **hamlet multiple unit residential uses with five (5) or fewer units according to Policies L-10.2 and I-1.10;**
- e. **hamlet commercial zone uses according to Policies L-12.2 and I-1.10 and;**
- f. **hamlet highway commercial uses according to Policies L-13.2 and I-1.10.**

5.6 Amending the Land Use By-law

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

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

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

Policy I-1.9 In considering amendments to the Land Use By-law it shall be the policy of Council to:

- a. **request a report from the Eastern District Planning Commission;**
- b. **request the Planning Advisory Committee and the Area Advisory Committee to consider the report prepared by the Planning Commission with respect to Policy I-1.10 (Criteria for Amendment to the Land Use By-law), and any other policies of this Strategy that affect the proposed amendment;**
- c. **refer the matter to the appropriate individual municipal and provincial government departments (as identified in this Strategy) where special expert advice is required;**
- d. **comply with all legal requirements concerning amendments to the Land Use By-law as set out in the *Municipal Government Act*; and**
- e. **require the applicant to pay the cost for advertising with respect to the public notice, as provided for in the *Municipal Government Act*.**

5.7 Criteria for Amending the Land Use By-law

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

Policy I-1.10 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:

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

5.8 Development Agreement

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

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

- a. rural industrial uses according to Policies L-2.2 and I-1.12;
- b. tourist cabins or guest homes totaling six (6) or more accommodation units and campgrounds according to Policies L-4.4 and I-1.12;
- c. multiple unit residential uses with six (6) or more dwelling units according to Policies L-10.5 and I-1.12;
- d. new mobile home parks and expansions to existing mobile home parks according to Policies L-11.2 and I-1.12 and;

5.9 Evaluation Criteria and Terms for Development Agreements

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

- a. Whether the proposal is in conformance with the intent of this Strategy and with the requirements of all other applicable municipal by-laws and regulations;
- b. Whether the proposal is premature or inappropriate by reason of:
 - i. the financial capability of the Municipality to absorb any costs relating to the development;
 - ii. the adequacy of sewer and water services to support the proposed development;
 - iii. the adequacy and proximity of school, recreation and other community facilities;
 - iv. the adequacy of road networks adjacent to, or leading to the development;
 - v. the potential for the contamination of watercourses or the creation of erosion or sedimentation; and
- c. Whether the development has potential for damage to or destruction of historical buildings and sites.

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

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

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

- a. details of the existing physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;
- b. details of the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
- c. for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;

- d. details of the proposed access and egress to and from the lands and estimated traffic flows to be generated and parking provisions;
- e. information regarding the intended hours of operation, open storage, signs; and
- f. details regarding the provision of an appropriate landscape buffer or visual barrier, if required.

5.10 Development Agreement and Amendment Process

Policy I-1.15 In considering development agreements or amendments to the Municipal Planning Strategy or Land Use By-law, it shall be the intention of Council to:

- a. request a report from the Eastern District Planning Commission;
- b. refer the matter to the Planning Advisory Committee for their recommendation with respect to the appropriate policies of this Strategy that affect the proposed development agreement or amendment.

5.11 Notice to Property Owners

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

5.12 Building Inspector

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

5.13 Development Officer

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

5.14 Variance

In addition to the general powers granted in the *Municipal Government Act*, the Development Officer is empowered to grant variances from the Land Use By-law. Specifically, the Development Officer may vary the percentage of land that may be built upon, the size of yards and other open spaces, lot frontage and lot area. Should the Development Officer grant a variance, he or she must serve notice of this action in accordance with the *Municipal Government Act*. A decision on a variance may be appealed to Council by anyone served with such notice.

Policy I-1.19 In addition to the general powers granted in the *Municipal Government Act*, the Act also empowers the Development Officer to grant variances from the Land Use By-law. Specifically, the Development Officer may vary: the percentage of land that may be built on; the sizes of yards, courts and other open spaces; lot frontage; and lot area. Should the Development Officer grant

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

5.15 Site-Plan Approval

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

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

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

5.15 Subdivision

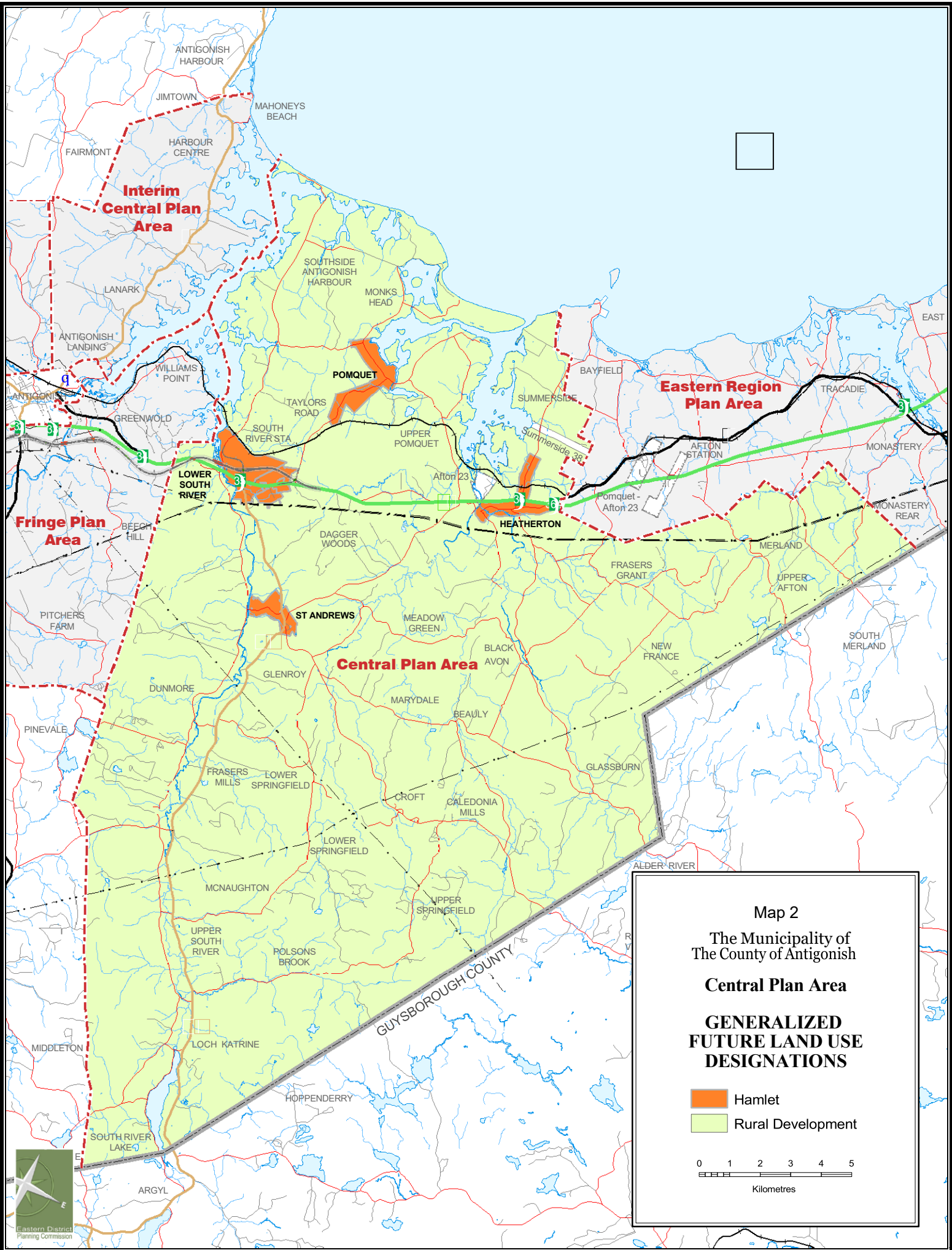
Subdivision is the division of land into two or more parcels or the consolidation of two or more lots. In order to regulate subdivision and set standards for water and sewer services, street construction and public land dedication, the Municipality has adopted a Subdivision By-law.

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

5.16 Strategy Review

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

Policy I-1.22 In accordance with Section 214(2) of the *Municipal Government Act*, the Municipal Planning Strategy may be reviewed when Council deems advisable or when requested by the Minister of Municipal Affairs.



Interim Central Plan Area

Eastern Region Plan Area

Fringe Plan Area

Central Plan Area

LOWER SOUTH RIVER

ST ANDREWS

HEATHERTON

POMQUET

GREENWOLD

LANARK

HARBOUR CENTRE

JIMTOWN

ANTIGONISH HARBOUR

SOUTHSIDE ANTIGONISH HARBOUR

MONKS HEAD

TAYLORS ROAD

SOUTH RIVER STA.

UPPER POMQUET

Afton 23

SUMMERSIDE

Summerside 38

BAYFIELD

FRASERS GRANT

NEW FRANCE

GLASSBURN

ALDER RIVER

TRACADIE

MONASTERY

MONASTERY REAR

MERLAND

UPPER AFTON

SOUTH MERLAND

LOCH KATRINE

UPPER SOUTH RIVER

FRASERS MILLS

DUNMORE

PITCHERS FARM

BEECH HILL

WILLIAMS POINT

ANTIGONISH LANDING

LANARK

FAIRMONT

MAHONEYS BEACH

DAGGER WOODS

MEADOW GREEN

BLACK AVON

MARYDALE

BEAULY

CROFT

CALEDONIA MILLS

LOWER SPRINGFIELD

LOWER SPRINGFIELD

UPPER SPRINGFIELD

POLSONS BROOK

MCNAUGHTON

FRASERS MILLS

DUNMORE

PITCHERS FARM

BEECH HILL

WILLIAMS POINT

ANTIGONISH LANDING

LANARK

FAIRMONT

MAHONEYS BEACH

ANTIGONISH HARBOUR

JIMTOWN

HARBOUR CENTRE

ANTIGONISH HARBOUR

ANTIGONISH HARBOUR

