



CENTRAL ANTIGONISH INTERIM PLAN

Municipal Planning Strategy



MUNICIPALITY OF THE COUNTY OF ANTIGONISH

Municipal Planning Strategy
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CHAPTER 1: INTRODUCTION

Legislative Mandate

The Municipal Planning Strategy for the Central Antigonish Interim Planning Area has been prepared according to the Municipal Government Act, Chapter 18 of the Revised Statutes of Nova Scotia, 1998 (as amended from time to time), 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. The Municipal Planning Strategy is the primary vehicle for the County to express its planning objectives, in accordance with provincial policies.

The Municipal Planning Strategy encompasses those geographical areas within the County of Antigonish recognized as Heatherton, Lower South River, Pomquet, St. Andrews, Antigonish Landing, Lanark, Harbour Centre and Mahoneys Beach.

Purpose

Section 213 of the Municipal Government Act states that the purpose of the Municipal Planning Strategy is to provide statements of policy to guide the development and management 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 the orderly growth and development which will preserve and improve the living environment for the community.
- Enhance the County's position as a regional center 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 which are affected through a variety of means outlined in the Implementation Section (Chapter 4).

Background to the Plan

Although there are no serious land use conflicts at the present time, the objective of this Planning Strategy is to ensure that future development within the planning area is located in areas where it is compatible with existing uses.

CHAPTER 2: PLANNING CONTEXT

Planning Process

Area Advisory Committees (AAC) comprised of Councilors and members of the public, which represent the planning areas of Central Antigonish and the Antigonish Fringe, have been established to advise Council on planning matters. Under the Municipal Government Act, these AAC's have the authority to advise Council in the preparation or amendment of planning strategies, land use by-laws, subdivision by-laws and on general planning matters. Throughout the planning process, all portions of this Strategy have been reviewed by the two Area Advisory Committees. These Committees will be involved with any subsequent amendments to these documents which may be necessary from time to time. AAC meetings are open to the public and everyone is welcome and encouraged to attend.

Physical Setting

The Central Antigonish County Interim planning area is comprised of land which is located to the west of the Eastern Antigonish Planning area, and land which borders the eastern boundary of the Antigonish County Fringe Planning area. It is bordered on the south by the Antigonish/Guysborough County boundary and to the north by Pomquet Harbour, Antigonish Harbour and the Northumberland Strait. The predominantly agricultural land is comprised of gently rolling hills and many kilometers of ocean exposure in addition to inland rivers and streams. The area is bisected by the Trans-Canada Highway.

Nova Scotia Environment and Labour has identified Monks Head/Pomquet Harbour waterfront as a "Site of Ecological Significance". The marshes in the Dagger Woods area, Cameron Lake and Gillis Lake areas near Dunmore and Frasers Mills, and the Marydale, Glassburn and Avon River regions have been identified as being "Potential Significant Natural Areas". Sites of Ecological Significance are eligible for protection under the Special Places Protection Act while Potential Significant Natural Areas (PSNA) are Crown lands that have been identified as having potential to contribute to the provincial park system and protected areas including Wilderness Areas and Natural Reserves.

Habitats such as coastal zones, wetlands, water bodies, estuaries, river flood plains, old growth forest and the like are unique, ecologically rich and sensitive to external pressures brought on by human activity. The above parcels have not been formally designated under any legislation, but they are maintained and evaluated by Department of Environment and Labour through its ongoing systems planning.

History & Early Development

The first inhabitants of Antigonish County were Mi'kmaq people four centuries ago. The first Europeans to explore the Antigonish area were French, descendants of which are found today in and around Pomquet.

The histories of the Central Antigonish Planning area, the surrounding County and the Town of Antigonish are interrelated. Before the development of the Town, Antigonish District was an agricultural and rural community. Much of Central Antigonish to this day is occupied by productive farmland which, together with fishery and forestry businesses, has always comprised a significant proportion of the economic base of this part of the County. In more recent years, some light and medium intensity industrial businesses have set up in the area, as well as numerous residential properties including two mobile home parks.

Population

The entire population of Antigonish County is approximately 15,000, of which the Central Antigonish County area encompasses approximately 15% of the population. Nova Scotia Community Counts, a provincial census gathering organization calculates demographics, households, labour and other categories by combining several communities in a region. Statistics Canada compiles data for larger groupings such as electoral areas and entire counties. For these reasons, calculating accurate statistics for households, education and labour for the above rural communities is difficult. Generally, however, there is a large ageing population and like most parts of Nova Scotia, the Central Antigonish County region is experiencing an out-migration of youth as a result of a downturn of economic conditions in this part of Canada.

CHAPTER 3: LAND USE POLICIES

General Development

Land uses within the planning area represent a diverse range of rural, residential and commercial activities. Several of the geographical regions within the planning area are recognized as central areas for development, and are comprised of greater concentrations of residential and commercial development. Low density, residential development is found surrounding these more centralized, higher density areas. A wide variety of other uses including agriculture, forestry, fishing, tourism and their related uses also exist within the plan area.

The traditional land use patterns in the Central Antigonish Interim Planning Area adhere to waterways and are clustered around or near the Trans-Canada Highway as many residents of the area commute to work in the town of Antigonish and the Strait area. In keeping with the diverse nature of the planning area, the need to protect the local environment, current land use patterns and the potential for future development, it is the intention of Council to establish a “General Development” designation which applies to the entire planning area.

The primary intention of the General Development designation is to protect the character of the Central Antigonish planning area and the natural environment. This designation will provide a framework that will permit future residential development, while protecting the plan area from the possibility of harmful or irreversible industrial, commercial or large scale residential development, until a new planning strategy can be completed.

Policy 3.1 It shall be the policy of Council to adopt an Interim Municipal Planning Strategy and Land Use By-law to provide support and to promote the protection, enhancement and prudent use of the environment within the Central Antigonish planning area.

Policy 3.2 It shall be the policy of Council to designate all lands within the planning area as “General Development” as shown on the Generalized Future Land Use map.

Rural Development

To reflect the diversity of rural land uses within the planning area, Council will create a Rural Development (RD-1) Zone, to accommodate a variety of uses. Acceptable uses within this zone include low density residential development, agricultural, forestry and fishing, home occupations, institutional uses, open space, parks, and recreational uses.

The existing form of residential development within the planning area is considered to be low density. The majority of residential development consists of single detached dwellings and mobile homes on individual lots. Council intends to encourage residential development of a similar nature to that which already exists.

As the planning area grows, there may be a greater need for institutional uses. Institutional uses appropriate for this area are schools, fire halls, community centres, places of worship, nursing homes and cemeteries.

Home occupations are considered as a permitted use within the Rural Development (RD-1) zone. These home occupations are considered to be businesses, trades or professions carried out by an occupant of a dwelling that are secondary to the residential use. Home occupations are considered as personal service shops such as barber shops and beauty parlours, artisan workshops, artists' studios, woodworking, small scale agricultural produce sales operations, and professional offices.

Policy 3.3 It shall be the policy of Council to establish within the General Development designation a Rural Development (RD-1) zone.

Policy 3.4 It shall be the policy of Council to permit in the Rural Development (RD-1) zone low-density residential uses including single unit detached dwellings, mobile homes, semi-detached and duplex dwellings, bed and breakfast establishments, home occupations, personal services, open space and park uses, recreational uses, institutional uses, agricultural uses, forestry uses, fishing uses, existing auto body shops, convenience stores and existing salvage yards.

Mobile Home Park

Mobile homes are an important housing source within Central Antigonish and at this time there are several mobile home parks already established within the planning area. Council is of the opinion that mobile homes should be treated in a similar manner as single detached dwellings, therefore, they will be permitted within the rural development zone and will be subject to the same lot standards as single detached dwellings.

Policy 3.5 It shall be the policy of Council to establish within the General Development designation a Mobile Home Park (MHP) zone.

Policy 3.6 It shall be the policy of Council to permit the following uses in a Mobile Home Park (MHP) zone: mobile home park, public recreational uses including parks and playgrounds, mobile home park administrative offices, maintenance equipment and storage facilities related and incidental to the operation of the park and home occupations. In addition to general development requirements, the external appearance of mobile homes will be regulated.

Policy 3.7 It shall not be the policy of Council to consider rezonings to the Mobile Home Park (MHP) zone while this Interim Municipal Planning Strategy and Land Use By-law are in effect.

Highway Commercial

Bordering the Trans-Canada Highway in the Lower South River area, there is a large concentration of commercial uses specific to the traveling public. These highway commercial businesses benefit both the traveling public and local residents by providing goods and services. These commercial areas normally require large parcels of land for buildings, parking areas and/or loading spaces.

Policy 3.8 It shall be the policy of Council to establish within the General Development designation a Highway Commercial (HC-1) zone.

Policy 3.9 It shall be the policy of Council to allow all existing commercial uses and new commercial uses which include or are similar to: automobile sales establishments, automobile servicing garages including car washes, financial institutions, business and professional offices, coffee shops, construction supply yards, distribution centres, electronic and communications sales offices, food and grocery stores, garden and nursery supplies and sales, gasoline stations, hotels and motels, tourist establishments and restaurants.

Policy 3.10 It shall not be the policy of Council to consider rezonings to the Highway Commercial (HC-1) zone while this Interim Municipal Planning Strategy and Land Use By-law are in effect.

Industrial

There is a prevailing need for land to house light industrial businesses within the County of Antigonish, therefore Council feels that it is appropriate to allow light industrial and manufacturing uses within the industrial park, which is located adjacent to the Trans-Canada Highway near South River.

Policy 3.11 It shall be the policy of Council to establish within the General Development designation an Industrial (I-1) zone.

Policy 3.12 It shall be the policy of Council to allow all existing industrial uses and new light industrial uses, within the industrial park which are, or similar in nature to: light industrial, warehousing, retail stores, trucking and construction, distribution facilities, building supplies and lumber outlets, manufacturing, and offices necessary to the administration of permitted uses.

Policy 3.13 It shall not be the policy of Council to consider rezonings to the Industrial (I-1) zone while this Interim Municipal Planning Strategy and Land Use By-law are in effect.

CHAPTER 4 - IMPLEMENTATION

General

The Municipal Planning Strategy for the Central Antigonish County Interim planning area is the policy document providing the framework by which the future growth and development of the planning area shall be encouraged, controlled and coordinated. The policies of the Strategy will be implemented through a variety of means, but generally through the powers of Council as provided by the Municipal Government Act and other statutes that may apply.

Policy 4.1 In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of ongoing planning through the Antigonish County Council, Planning Advisory Committee and the Area Advisory Committees. Such a program may include aspects of public information and participation, further study respecting such matters as the drafting or revision of Municipal By-laws which deal with planning issues and any other issues which Council may suggest.

Policy 4.2 In order that development control decisions may be based on expert advice beyond that which the Planning Advisory Committee is able to supply, applications for amendment of the Land Use By-law shall be directed to the Eastern District Planning Commission and provincial government agencies such as the Departments of Health, Transportation and Public Works and Environment for their information and comment, as may be required.

Generalized Future Land Use Map

The Generalized Future Land Use Map is the most important map in the Municipal Planning Strategy. It illustrates the desired future land use within the planning area recommended by the Strategy. This map includes the following designation:

General Development, which permits low density residential development, mobile home parks, a wide array of highway commercial businesses and light industrial development in the industrial park.

Municipal Planning Strategy Amendments

Policy 4.3 It shall be the policy of Council to require amendments to the policies and maps of the Municipal Planning Strategy under the following circumstances:

- (a) where any policy intent is to be changed;
- (b) where detailed area or functional strategies are desired to be incorporated into this Strategy;

- (c) where the Strategy is in conflict with applicable provincial land use policies or regulations, in accordance with the Municipal Government Act;
- (d) where policies of this Strategy are altered to coincide with policies of other planning strategies; or
- (e) where the boundaries of the planning area are altered to coincide with boundaries of future planning areas.

Policy 4.4 Strategy amendments shall require the approval of the Minister of Service Nova Scotia and Municipal Relations and shall be carried out in accordance with the provisions of the Municipal Government Act.

Land Use By-law

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

Municipal Development Officer

Policy 4.5 In accordance with the Municipal Government Act, it shall be the policy of Council to continue the services of the Development Officer of the Eastern District Planning Commission who shall administer the Land Use By-law and shall, where appropriate, grant development permits.

Building Inspector

Policy 4.6 It shall be the policy of Council, to continue the services of the Building Inspector who shall be employed by the Eastern District Planning Commission and whose duty it is to enforce the Building By-law, the Minimum Standards By-law and the Unsightly Premises By-law.

Variances

Policy 4.7 In addition to the general powers granted in the Municipal Government Act, the Act also empowers the Municipal Development Officer to grant “variances” from the Land Use By-law. Specifically, the Municipal Development Officer may vary the percentage of land that may be built on, the sizes of yards, courts and other open spaces, lot frontage, and lot area. Should the Municipal Development Officer grant a minor variance, he/she must serve notice of this action in accordance with the Municipal Government Act. Anyone served with such notice may appeal to Council.

Subdivision Control

Subdivision of land in the Municipality of the County of Antigonish is controlled by a Subdivision By-law adopted by Council on May 16, 2006. These Regulations apply to all subdivision of land within the County.

Where a subdivision by-law specifies minimum lot dimensions or lot area and the by-law so provides, the development officer may approve a plan of subdivision that shows not more than two lots that do not meet these requirements, provided that the lot dimension and area are not less than ninety (90%) percent of the required minimums.

Policy 4.8 It shall be the policy of Council to administer the Subdivision By-law through the Municipal Development Officer.

Policy 4.9 It shall be the policy of Council to permit the Development Officer to approve a plan of subdivision pursuant to Section 278 of the Municipal Government Act.

Other Municipal By-laws

Policy 4.10 It shall be the policy of Council to review from time to time and, when necessary, to amend its Municipal By-laws to reflect the intentions of this Planning Strategy.

Annual Meetings

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

Strategy Review

In accordance with the Municipal Government Act, this Strategy may be reviewed when either the Minister of Service Nova Scotia and Municipal Relations or Council deems it necessary.

Policy 4.11 In accordance with the Municipal Government Act, the Municipal Planning Strategy may be reviewed either when the Council deems it advisable or when requested by the Minister of Service Nova Scotia and Municipal Relations.