

CHAPTER 1 - SETTING

A. Introduction

This Municipal Planning Strategy for the Inverness Planning Area has been reviewed and prepared in accordance the provisions of the *Municipal Government Act* (consolidated to May 29th, 2002), *Chapter 18, Statutes of Nova Scotia*.

This Municipal Planning Strategy and the Land Use By-law have been prepared under the guidance of the Community's Planning Advisory Committee. In keeping with a similar process used in Port Hastings, Chéticamp, and Port Hood, the Planning Advisory Committee established an Area Advisory Committee, which was given the responsibility for public participation and the actual preparation of the two documents the Municipal Planning Strategy (MPS) and the Land Use By-law (LUB). A review of this document by the Rural Cape Breton District Planning Commission began in 2000. The Inverness Area Advisory Committee invited resident's participation by holding several public meetings and open houses to support the planning process and as well as by providing information on the Rural Cape Breton District Planning Commission website.

This Municipal Planning Strategy is intended to guide the decisions of Council with respect to regulating development within the Inverness Planning Area. The goal of this Strategy is to encourage economic growth, demonstrate that the "built-up" component of Inverness is a pleasant place in which to both live and work through the diversity of commercial and residential mix uses and recognize the importance of Waterfront development.

Council therefore, has adopted a list of policies intended to foster these objectives. The implementation of these policies is carried out in several ways, the most important being the Land Use By-law, which sets out specific zones. It includes a list of permitted uses and appropriate lot standards. The second implementation mechanism is the Municipal Subdivision By-law, which controls the subdivision of land not only within the Planning Area, but the entire Municipality.

Maps referred to in the policy statements (i.e. the Generalized Future Land Use Map [Map 1] and the Plan Area Map [Schedule A]) are included in this document and constitute part of this Strategy. The more prominent map – the Generalized Future Land Use Map – is a graphic representation of the land use designations that has been developed in accordance with the policies of this Strategy.

In adopting this Strategy, Council is not committed to undertake any project described herein, but 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*). It is intended, therefore, that the actions of Council reflect priorities set out in the Municipal Planning Strategy.

B. Context

(1) Provincial Context

Inverness is a community located on the northern shore of Cape Breton Island adjacent to the Gulf of St. Lawrence. The community is located approximately 85 kilometres from the Canso Causeway and 65 kilometres from the community of Chéticamp. The famous and scenic Ceilidh Trail (Route 19) is the main transportation route linking Inverness with other communities on the Island

(2) Local Context

The Inverness Planning Area is encompassed by an area that begins from a point running west in a straight line along Foot Cape Road to the Gulf of St Lawrence, and north to an area within and including, Maclellan's Pond. To date, only a relatively small portion of the Planning Area has been developed. This development includes such land use categories as Residential, Commercial, Institutional, Industrial and Recreational. There are limited agricultural land holdings within the Planning Area (Refer to the existing Land Use Schedule A for detailed planning area boundaries and specific land uses).

The greatest concentration of development is located along a commercial core, along the Ceilidh Trail (Route 19), containing a mix of commercial and residential land uses. Other concentrations of developed land area are located within proximity to the Commercial Core, the Church and the Hospital.

C. History

The settling of Inverness in 1803 by Highland Scots in search of a better and more prosperous life marked the start of its tumultuous history. With its roots set in an agrarian economy, the settlement flourished until 1863 when the first continuous coal seam was found. This discovery altered the course of the Town's history forever, influencing the life style and expectations of its residents. By the year 1904, the economy was booming, based on an industrial foundation. At the time, Inverness was home to 9000 residents of a mixed and varied extraction who participated in the mining industry. Inverness became the largest Town Centre on the northern Coast of Cape Breton and was once one of the richest coal mining areas in the County, however, this was not to last. By the 1930's, fraught with mismanagement, deteriorating environmental conditions and labour unrest, the mines closed and the Town fell into an economic recession that persisted for several decades.

From 1948 to 1965, a few small operators struggled to keep the coal mining operations alive, however this effort in addition to high levels of unemployment, was not enough to stabilize the local economy. With 50% of the population unemployed, speculation grew about the Town's ability to operate under its Charter. In 1968, the Charter was revoked and the Town returned to the authority of the Municipality of the County of Inverness. Although the 1970's and 1980's have not heralded as a return to economic growth and prosperity, as experienced in earlier years, the population has become more stable and secure. A desire by people to remain in the community, rekindle its spirit and enthusiasm, and see it prosper has renewed faith in the community's future.

D. Goals and Objectives

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

It shall be the goal of Council:

- 1) That this Municipal Planning Strategy provides a framework and a process whereby the various attributes of the community can be protected and stabilized.
- 2) To control land use and development in a manner that will preserve, enhance and protect both the natural and man-made environments of the community.
- 3) To improve, expand and maintain municipal services and facilities to acceptable standards to the extent of the community's financial capabilities.
- 4) To direct Industrial and Commercial development to appropriate locations within the community.

CHAPTER 2 - LAND USE POLICIES

1. Residential, Institutional and Recreational Development

As a part of the Municipality of the County of Inverness, the Planning Area, which forms a major part of District #3, contains a wide variety of development densities. Concentrations of residential development are located along Route 19 to the south, Banks Road up to and including the water reservoir to the west, and within the central core, which contains the highest concentration of residential development in community of Inverness.

The majority of this area is either fully or partially serviced with municipal water and/or sewer services (Refer to Chapter 3, Section 1 A of this Municipal Planning Strategy for more detailed information on municipal services).

The highest development density is located in the Hillcrest Street, Forest Street extension area where there are a large number of senior citizen housing units. In the lower end of the Planning Area below Central Avenue (Route 19), there is a large percentage of two family dwellings (semi-detached homes known as "company homes" which housed the coal mine workers in the earlier part of the last century). Newer single-family homes have since located along the Maple Street extension, Lockness Avenue and Bonnie Brae Avenue. The remaining residential neighbourhoods have developed over the years in close proximity to the coal-mines, the commercial sector and the church.

A large portion of the planning area remains unserviced and is largely undeveloped, with the possible exception of agricultural uses. All development in this rural area utilizes on-site sewage treatment systems and on-site well water.

The community is unique from other urban communities in the county in that attitudes towards small back yard commercial operations and the raising of farm and domestic animals (chickens, horses and dogs) are accepted in existing neighbourhoods.

In keeping with these existing land use patterns, Council designates certain areas of the community for general types of land uses, while other areas are designated for more specific land uses. The serviced portion of the planning area is designated "Urban Residential" while a "Rural Residential" designation is assigned to the unserviced area.

Within the Urban Residential designation, medium density residential uses will be permitted. Included will be dwellings containing up to a maximum of three dwelling units, mobile/mini homes, home occupations, day nurseries, tourist or guest homes, public recreational uses such as playing fields, tot lots, etc. and institutional uses such as schools, churches, cemeteries, hospitals, medical clinics, senior citizen homes, nursing homes providing special care and existing barns, stables or kennels housing farm or domestic animals.

A. Urban Residential

Policy 1.0 It shall be the policy of Council to designate the serviced portion of the Inverness Planning Area, Urban Residential as shown on the Generalized Future Land Use Map. Map 1.

Policy 1.1 It shall be the policy of Council to establish in the Land Use By-law a Residential Urban (R-1) zone that will be used to implement the Urban Residential designation. The following and similar types of uses will be permitted with this zone: bed and breakfast establishments; boarding and rooming homes; churches and cemeteries; day care centres; existing barns, stables and kennels; existing commercial uses; medical clinics; mobile homes and mini-homes; multiple unit dwellings (both new and conversion) to a maximum of three (3) dwelling units; nursing homes providing special care; public parks and community centres; public recreational uses; schools and other similar institutional uses; semi-detached and duplex dwellings; senior citizen homes; single detached dwellings; and wharves and boathouses. Parks and community centres shall be exempt from the appropriate lot standards.

Policy 1.2 It shall be the intention of Council to consider a development agreement to permit a cottage tourism development in the Residential Urban (R-1) zone in accordance with the criteria for a development agreement, Policy A-5.

Medium and High Density Multiple Dwellings

At the present time, there are two medium density multiple unit dwellings (that exceed three dwelling units) located within the Inverness Planning Area. The first is located on Railway Street in the former hospital premises where 10 dwelling units are located in the building. This property also contains a number of other uses.

It is Council's intention for these uses to be recognized as permitted uses within the Land Use By-law. The second multiple unit dwelling, which is located on Park Street, contains four dwelling units. A separate zone, Multiple Residential Unit (R-3) zone, is intended to recognize these uses. The creation of the new zone also serves to facilitate potential developments of additional multiple dwellings in excess of three (3) dwelling units. As a matter of course, any new multiple unit dwellings in excess of three (3) dwelling units, will require a rezoning provided certain criteria can be complied with. This zone will be permitted in the Urban Residential designation. The guidelines or criteria relate to the capacity of water and sewer systems, and the effect that the proposed development will have on the street capacity and traffic network, and the capacity of the school system to sustain additional student population.

These criteria are required to achieve and manage an appropriate residential mix, and to guard against the potential intrusion or the haphazard location of multiple unit dwellings that may have a negative impact to adjacent property owners within the community. Therefore, future development proposals for multiple unit dwellings shall be evaluated in accordance with criteria as stated in policy.

Multiple Dwellings in Excess of Three (3) Dwelling Units

Policy 1.3 It shall be the policy of Council to establish a Multiple Residential Unit (R-3) zone to be located in the Urban Residential designation. The following and similar types of uses will be permitted with this zone: existing offices, health centres, cottage workshops and "Inverness Woodworkers" (all of which are located in the former hospital facility at 52 Upper Railway Street), Multiple unit dwellings in excess of Three (3) dwelling units, Public Recreational Uses, Wharves and Boathouses and Townhouses.

Policy 1.4 It shall be the intention of Council to permit an amendment to the Land Use By-law from the Residential Urban (R-1) zone to the Multiple Residential Unit (R-3) zone in accordance with the criteria to amend the Land use By-law (Policy A-4).

- a) The development is in an area designated Urban Residential,
- b) The development is to be served by municipal water and sewer services and these systems must be adequate to handle the increased demand,
- c) The proposed use shall be compatible in terms of scale, bulk and external finish of the building with adjacent land uses,
- d) The capacities of the schools and parks will not be strained,
- e) The site of the proposed multiple unit dwelling shall be large enough to accommodate sufficient parking; and,
- f) The proposal is consistent with criteria to amend the Land Use By-law (Policy A-4).

- Policy 1.5** Within the Multiple Residential Unit (R-3) zone, parking standards for multiple unit dwellings of four or more dwelling units will be higher than the standard for dwellings with three dwelling units or less. This will allow additional parking spaces for visitor parking or in cases where a tenant has more than one automobile.
- Policy 1.6** It shall not be the policy of Council to consider an application to rezone any property fronting on Central Avenue from Commercial Business District (C-1) zone to Multiple Residential Unit (R-3) zone.
- Policy 1.7** In the case of a building containing 4 or more outdoor parking or service areas shall be screened by use of landscaping or opaque fencing.

B. Rural Residential

- Policy 1.8** It shall be the policy of Council to establish a Rural Residential designation as shown on the Generalized Future Land Use Map (Map 1).
- Policy 1.9** It shall be the policy of Council to establish in the Land Use By-law a Residential Rural (R-2) zone that will be used to implement the Rural Residential designation. The following and similar types of uses will be permitted within this zone: agricultural uses including barns, stables, and kennels for the keeping of livestock and domestic animals; arts and cultural centres; bed and breakfast establishments; churches and cemeteries; day care centres; duplex and semi-detached dwellings; forestry and fishery uses; golf driving ranges and related uses; mobile and mini-homes; multiple unit dwellings (both new and conversion) to a maximum of three (3) dwelling units; public recreational uses; single detached dwellings; tourist and guest homes; tourist cabins/cottages developments; and wharves and boathouses.
- Policy 1.10** It shall be the intention of Council to permit an amendment to the Land Use By-law from the Residential Rural (R-2) zone to the Residential Urban (R-1) zone upon the installation of municipal water or sewer services and in accordance with the criteria to amend the Land use By-law (Policy A-4)
- Policy 1.11** It shall not be the policy of Council to consider a rezoning application for a multiple unit dwelling in the "Rural Residential" designation. If at any time in the future, full or partial municipal services are extended to the "Rural Residential Designation", Council will consider amending the Land Use By-law to allow for "Urban Residential" types of development, which shall include multiple unit dwellings. However, where the conditions are suitable and the appropriate criteria can be met under Section D "Development Agreements", Council may enter into a Development Agreement for a building containing more than four (4) dwelling units in a rural location.

Mobile Homes and Mobile Home Parks

Mobile Homes have traditionally formed a part of the housing stock in Inverness. They are located on individual lots with the majority having adequate street frontage and lot area. Recognizing the existence of mobile homes in the Planning Area, Council will treat mobile homes in the same manner as conventional single detached dwellings and permit them in the Urban and Rural Residential designations.

However, in the event there is a proposal for the establishment of a mobile home park within the Planning Area, Council will consider an amendment to the Land Use By-law (rezoning to a Mobile Home Park (MHP) zone) provided that certain criteria as listed in this Strategy are complied with.

In the event that a mobile home park is established within the Planning Area, Council may also consider amending this Strategy and the Land Use By-law to require all new mobile homes to locate within the mobile home park.

Policy 1.12 It shall be the policy of Council to establish a Mobile Home Park (MHP) zone permitted in both the Urban Residential and Rural Residential designations. Uses permitted within the Residential Urban zone (R-1) and the Residential Rural (R-2) zone shall also be permitted uses within the Mobile Home Park (MHP) zone.

Policy 1.13 It shall be the policy of Council to permit within the Mobile Home Park (MHP) zone the following and similar types of uses: maintenance equipment and storage facilities related and incidental to the operation of the park; mobile and mini-homes; mobile home park offices; structures related and incidental to the operation of the mobile home park such as laundry facilities, convenience store and mail depots; public recreational uses, parks, and playgrounds.

Policy 1.14 It shall be the policy of Council to require landscaping and buffering between the mobile home park and other uses to minimize any potential land use conflicts.

Policy 1.15 It shall be the policy of Council to regulate the external appearance of mobile homes by requiring skirting to be installed to screen the undercarriage of the mobile home from the street.

Policy 1.16 It shall be the policy of Council to permit more than one main building to be placed within the Mobile Home Park (MHP) zone.

Policy 1.17 It shall be the policy of Council to consider approval of a mobile home park within the Urban Residential designation by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- 1) the development will be served by centralized water and sewer services, the cost of which will be borne by the developer.**

- 2) the development will not strain the capabilities of the existing services or the extension of existing services;
- 3) any extension of the mobile home park will not negatively affect the level or quality of services in any existing portion;
- 4) the landscaping and buffering provisions between the proposal and adjacent land uses is such that it will protect the privacy, and minimize the adverse effects between uses;
- 5) the landscaping and buffering provisions from the public road to which it has access is such that adverse effects will be minimized;
- 6) the impact of the mobile home park on external traffic circulation patterns is such that the capacity of the existing transportation network will not be strained;
- 7) there is adequate on-site recreational open space suitable in extent and design to the nature of the development; and;
- 8) the proposal is consistent with criteria to amend the Land Use By-law (Policy A-4).

C. Home Occupations

Throughout any community there are businesses that are operated in a dwelling or an accessory building (i.e. private garage or shed). In planning terms these are known as “Home Occupations”. These uses entail little or no outdoor storage, limited use of signs and no activity that would have a detrimental impact on the surrounding residential neighbourhood. These uses can in fact be beneficial to the neighbourhood as residents benefit from being in close proximity. The operator also benefits from reduced start up and operating costs. However, with the establishment of a home occupation, it is important to consider any generated impacts of the proposed use to the surrounding neighbourhood. Therefore certain standards are developed to ensure that the impact is minimized. Home occupations are classified as professional offices, artisan workshops and galleries, neighbourhood convenience stores or dairies, barber shops, beauty salons, and office or workshop facilities for technicians such as electricians, plumbers, carpenters and back yard mechanics who undertake minor repairs to motor vehicles and machines with small engines (i.e. lawnmowers, outboard motors and chainsaws).

Policy 1.18 It shall be the policy of Council to permit home occupations such as a small sales or professional office; an office for technicians such as plumbers, electricians, and other building trades; personal service shops; artisan workshops and galleries; and backyard mechanics in any dwelling or accessory building in the Residential Urban (R-1) zone or Residential Rural (R-2) zone, subject to the Land Use By-law.

D. Stables, Barns and Kennels

There are a number of uses directly related to animals (both farm and domestic) in the Planning Area. These uses (barns, horse stables and kennels) have had minimal impact on Rural Areas but they do impact the urban environment. Due to the size or poor maintenance of some of the facilities, these uses have also had an impact on adjacent properties. As a result, Council wishes to control future uses so that impacts to adjacent properties can be minimized. Therefore, only existing uses will be recognized as permitted uses. No new barns or stables will be permitted within the Urban Residential designation. There will be no limitation of these uses in the “Residential Rural” designation.

Policy 1.19 It shall be the policy of Council that existing barns, horse stables and kennels presently located within the Urban Residential designation will be listed as permitted uses within the Residential Urban (R 1) zone.

Policy 1.20 It shall be the policy of Council to permit barns, horse stables, and kennels of any size in the Residential Rural Designation and the Residential Rural (R2) zone as part of an agricultural use.

E. Institutional Uses

Policy 1.21 It shall be the policy of Council to permit institutional uses such as churches, church halls, auditoria, theatres, arenas, halls, stadiums, clubs, government buildings, museums, fire halls and cemeteries in all zones in the Urban Residential and Rural Residential designations (Map 1).

F. Tot Lots and Mini-Parks

Policy 1.22 It shall be intention of Council to permit recreational uses such as tot lots and mini-parks in the Urban Residential and Rural Residential designations (Map 1).

G. Wellhead Protection

The Community of Inverness Water System: Development of Production Well No. 2 report makes a recommendation that a well head protection plan be established through the creation of a Wellhead Protection zone to control land use in the area surrounding the well head. This strategy would ensure a reduced risk of contamination to the well’s groundwater supply. Therefore, this Municipal Planning Strategy serves to limit the development of land use activities such as the storage of petroleum, chemical (and related products) and industrial activities, supporting only those developments that relate to water supply, waterworks and the required implementation by the Municipality of any component of the groundwater management plan and protection strategy, including facilities for display and interpretation of the waterworks and its groundwater management plan and protection strategy.

This document therefore makes use of a significant boundary in prescribing land use controls. This boundary is deemed necessary for the water supply protection plan due to the surface water-ground

water interface. Thus the Wellhead Protection (WHD) zone is consistent with the established radii as seen in the Land Use By-law, Schedule A.

Policy 1.23 It shall be the policy of Council to establish in the Land Use By-law a Wellhead Protection (WHD) zone that will apply to certain municipal lands and/or portions of privately owned lands. Within the Wellhead Protection (WHD) zone, only developments related to water supply, waterworks and implementation by the Municipality, of any component of the groundwater management plan and protection strategy, including facilities for display and interpretation of the waterworks and its groundwater management plan and protection strategy shall be permitted.

Policy 1.24 It shall be the policy of Council to permit the Wellhead Protection (WHD) zone within the Urban Residential and Rural Residential Designations as identified on the Generalized Future Land Use Map (GFLUM), Map 1.

Policy 1.25 It shall be the policy of Council to rezone any parcels acquired in accordance with Policy 1.23 to the Wellhead Protection (WHD) zone.

H. Parks and Open Space

Community participation and the prominent location of lands for the purpose of retaining parks and open space remains a priority for Inverness. Two prominent locations for both active and passive recreational uses have been chosen for this purpose. Specifically, the first area fronts Maple Street and may also be accessed by way of Forest Street. This area is located along the outer most boundary of the Urban Residential Designation. These lands contain the Harness Racing Track and the Ice Rink. The second area is occupied by the newly constructed arts and cultural center and is accessible by way of Central Avenue. These lands are also located on the fringe of the Urban Residential Designation. The Parks and Open Space (O-1) zone, which may be located in the Urban Residential and Rural Residential designations, has been created to preserve these land uses. Further, properties zoned Residential Urban (R-1) zone that are located adjacent to the Parks and Space (O-1) zoning may be considered for a possible amendment to said designation.

Policy 1.26 It shall be the policy of Council to establish in the Land Use By-law a Parks and Open Space (O-1) zone that shall apply to two areas. Specifically the first area, which is occupied by the race-track, fronts Maple Street and may also be accessed by way of Forest Street located along the outer most boundary of the Urban Residential Designation. The second area is occupied by the newly constructed arts and cultural center and is accessible by way of Central Avenue. This area is also on the fringe of the Urban Residential Designation. Within the Parks and Open Space (O-1) zone, the following and similar types of uses shall be permitted; buildings and structures accessory to the following, including an arts and culture center, refreshment booths or pavilions, community centers, harness racing tracks and associated uses such as offices, restaurants, barns, stables, equipment repair facilities related to the main use, indoor and outdoor ice rinks and associated

facilities, pavilions, band shells, public and private parks, public and private recreational areas and facilities.

Policy 1.27 It shall be the policy of Council to permit the Parks and Open Space (O-I) zone within the Urban Residential and Rural Residential Designation areas.

Policy 1.28 It shall be the policy of Council to have no minimum lot requirements for developments in the Parks and Open Space (O-1) zone.

Policy 1.29 It shall be the policy of Council to have special setback requirements imposed where a Parks and Open Space (O-I) zone abuts a residential or institutional use to ensure a buffer strip is provided to separate uses.

Policy 1.30 It shall be the policy of Council to consider an amendment to the Land Use By-law from Residential Urban (R-1) zone to Parks and Open Space (O-I) zone where such land is adjacent to an existing Parks and Open Space use provided that the criteria listed below and those found in Policy A-4, Section D, Chapter 4 are following:

- (1) The potential to adversely affect adjacent residential or institutional uses is limited.**
- (2) The impact of the proposed or expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrances and exits to and from the site.**
- (3) That adequate buffering and setback distances are maintained from low-density residential uses or institutional uses.**

2. Commercial Development

There are three different commercial designations as shown on the Generalized Future Land Use Map – Map 1. Four main commercial areas are located within the Inverness Planning Area. The boundaries of each of these areas can be more easily identified on the Commercial Area Location Map— Map 2 which corresponds to the Generalized Future Land Use Map—Map 1.

The first prominent commercial area is an automobile service centre, which is located at the most southern boundary of the Planning Area on Route 19, has been designated Commercial Mixed Use and zoned Commercial Mixed Use (C-3) zone.

The second area of commercial activity is located near the intersection of Route 19 and Banks Road. A restaurant, convenience store and motel are located there. These uses are highway commercial related. Due to a close proximity to other uses in this area, these properties have been designated Commercial Mixed Use on the Generalized Future Land Use Map.

The third and most prominent area is located along Central Avenue (Route 19) commencing at James Street moving northward up to and including the four lots north of Beach Road No. 2 east of Central Avenue. On the west side of Central Avenue commencing at the prolongation of Park Street this third

commercial area also extends northward to encompass eleven properties north of MacLean Road. Within this area, there are two service stations, a motel/lodge/dining room, several retail or variety stores, a grocery/hardware store, a beverage room, three restaurants/take-outs, a barber shop, a beauty salon, a theatre, a medical clinic, a building supply depot and a restaurant and lounge. The area also contains additional uses such as a fire hall, a bank, an insurance agency and the post office. The third area is characterized by two designations. One section of this third area is designated Commercial Business District, which is intended to generate specific core business service functions, while the other section is designated Commercial Mixed Use which is intended to facilitate the potential for additional new Commercial Development and the expansion of new residential development. In addition, a section of land that runs northwesterly from Central Avenue along Beach Road Number 1 commencing behind the motel property running towards the Gulf of St. Lawrence to the road allowance where upon which the Inverness Miner's Museum is situated is also included in the Commercial Mixed Use designation. This designation boundary turns north-easterly at Lower Railway Street, then runs southward back towards Central Avenue. This property is largely vacant with the exception of approximately eleven single-family dwellings that front Lower Railway Street.

The fourth commercial area consists of the tourist rental cabin complex located north of the CBD and Mixed Use areas on a large parcel of land bounded by the shores of the Gulf of St. Lawrence to the east, Central Avenue (Highway 19) to the west and Broad Cove River to the north. In keeping with the nature and size of the facility, this area has been designated Commercial Tourism.

Beyond these areas there are a limited number of commercial uses scattered throughout the Planning Area. These commercial uses may be located in a Commercial Mixed Use (C-3) zone such as the auto service center that is located at the southern boundary of the Planning Area along Highway 19. Alternatively, the funeral home located on MacIsaac Street, the construction garage on Lockness Ave and several other uses will be permitted within the Residential Urban (R-1) zone. As these uses have been in established over a number of years Council is of the opinion that each use should be recognized as an existing commercial use.

A. Commercial Business District, Mixed Use Commercial, Commercial Tourism

Policy 2.0 It shall be the policy of Council to designate lands, with the exception of those lands located on the west side of Central Avenue between Lower Railway Street and Mill Road, that front on both sides of Central Avenue Route 19, commencing on the east side of James Street to the south and extending northward up to and including Cabot Street and on the west side at the prolongation of Park Street and extending northward to an area of land just past Mill Road as the Commercial Business District as illustrated on the Generalized Future Land Use Map, Map 1.

Policy 2.1 It shall be the policy of Council to establish in the Land Use By-law a Commercial Business District (C-1) zone which will be used to implement the Commercial Business District designation and permit within this zone the following and similar types of uses; retail stores, restaurants and take-out restaurants, motels, hotels or tourist Inns and associated

uses, (i.e. dining rooms, lounges, etc.) beverage rooms, lounge or other drinking establishments, automobile service centers and carwashes, business and automobile sales and services facilities, professional offices, banks and financial institutions, a Laundromat, fire halls, post offices, medical clinics, dry cleaning establishments, personal service establishments, private clubs, plumbing shops including retail sales, hardware stores, and building supply outlets and florist shops, public parks and playgrounds, and new residential uses contained within the same building as a commercial use will be permitted. Existing semi-detached dwellings will be listed as permitted uses in this zone.

Policy 2.2 It shall be the policy of Council to designate the lands located on both sides of Route 19, at the intersection of Banks Road and the area of land located between the Main Business Area and the Tourist Commercial Area, as Commercial Mixed Use as illustrated on the Generalized Future Land Use Map, Map 1.

Policy 2.3 It shall be the policy of council to permit the construction of a non-conforming structure in a Commercial Business District (C-1) zone that has been destroyed by fire to be rebuilt in its previous footprint within 2 years of the date of the fire.

Policy 2.4 It shall be the policy of Council to designate the lands located on both sides of Central Avenue (Route 19) near the northern boundary of the Planning Area as Commercial Tourism as illustrated on the Generalized Future Land Use Map, Map 1.

Policy 2.5 It shall be the policy of Council to establish in the Land Use By-law a Commercial Tourism (C-2) zone which will be used to implement the Commercial Tourism designation and permit within this zone the following and similar types of uses; hotels, motels, tourist inns and rental cabins, tourist homes, laundromats, restaurants/take-out restaurants, craft and gift shops, and campgrounds.

Policy 2.6 It shall be the policy of Council to pre-zone only existing uses located in the Commercial Tourism designation. The other existing properties in this designation shall be zoned according to their present use, or if the property is vacant, the land shall be zoned Residential Rural (R-2) zone. Through the amendment process, Council will consider amending the zoning map to allow for a new a Commercial Tourism (C-2) zone use in the Commercial Tourism designation. Such amendments will be subject to the following criteria:

- a) The site to be used shall be serviced by the community's central water and sewer systems and these systems must be adequate to handle the increased demands. In the case of the Commercial Tourism designation where the tourist cabin development exists, any expansion or redevelopment of this facility must be provided with properly designated on-site sewage disposal systems and provided with on-site well water.

- b) **The proposed use must also comply with the criteria found in Section D, Policy A-4, Chapter 4. Policy 2.7 It shall be the policy of Council to establish in the Land Use By-law a Commercial Mixed Use (C-3) zone which will be used to implement the Commercial Mixed Use designation and permit within the zone the following and similar types of uses; motels, hotels, tourist cabins, tourist or guest homes, retail uses, automobile service centres, restaurants and take-out restaurants, personal service shops, grocery stores, bowling alleys and other entertainment centres, banks and financial institutions, public parks, a multiple dwelling with a maximum of four dwelling units and all Residential Urban(R-1) zone uses.**

Policy 2.8 It shall be the intention of Council to consider a development agreement to permit a cottage tourism development in the Commercial Mixed Use designation in accordance with the criteria for a development agreement, Policy A-5.

Policy 2.9 It shall be the policy of Council to prohibit the use of the Commercial Mixed Use (C-3) zone and the Commercial Tourism (C-2) zone outside the areas designated Commercial Mixed Use and Commercial Tourism as shown on the Generalized Future Land Use Map - Map 1.

Policy 2.9-A Notwithstanding Policy 2.9, and in conformance with Policy A-7 of this Strategy, it shall be the intention of Council to consider requests for rezoning areas to the Commercial Mixed Use (C-3) zone and the Commercial Tourism (C-2) zone if they are immediately adjacent to the given Commercial Designation.

Policy 2.10 It shall be the policy of Council not to zone the existing commercial uses located outside the four designated areas, but to add certain commercial uses to the list of permitted uses within the Urban Residential (R-1) zone.

Policy 2.11 It shall be the policy of Council to permit a new commercial use to occur on a vacant undersized lot in a Commercial Business District (C-1) zone, Commercial Tourism (C-2) zone, and a Commercial Mixed Use (C-3) zone where such uses cannot comply with the parking or loading standards of the Land Use By-law.

Policy 2.12 It shall be the policy of Council to include special requirement provisions in the Land Use By-law to control architectural style and scale. These controls shall be examined in relation to existing development of adjacent properties. The Development Officer may take into consideration input from the Inverness Area Advisory Committee before issuing a Development Permit where the proposed architectural features do not reflect the Gothic Revival architectural style, which predominates the existing architectural style in the community of Inverness.

Policy 2.13 It shall be the policy of Council to require standards to be included in the development of parking lots that contain four or more parking spaces.

3. Industrial Development

Historically, industrial development in Inverness centered around the local coal mines and the fishery. For years coal mining was a way of life for many of the community residents. At one time the Mining Companies employed seven hundred and eleven (711) persons locally.

During the same period, the fishery employed a large number of people. However, due to many hardships over the years the fishery was never able to offer consistent ongoing employment.

Approximated forty years ago, the coal-mines closed and the fishery went through an unstable period. Today, the fishery plays an important role in the employment sector of this community, with the operation of two fish processing plants and the docking facilities at the government wharf.

The Community of the County of Inverness through its Industrial Commission operates an industrial mall on Beach Road. Two oil company franchises operate furnace oil service and bulk storage facilities from their respective locations on Lower Railway Street and Mine Road. Council has designated the fish processing plants Marine Industrial, while the oil storage tanks and land in between, the Industrial Mall have been designated Industrial General. Council has also included enough undeveloped land around these uses so that expansion can occur or new industrial uses may be developed. However, because of limited pre-zoning it may be necessary to rezone additional sites, depending upon the location of the property.

A. Industrial Marine and Industrial General

Policy 3.0 It shall be the policy of Council to establish in the Land Use By-law a Marine Industrial (I-1) zone which will be used to implement the Industrial Marine designation and permit within the zone, the following and similar types of uses: fish processing plants, and other fishery related uses, public wharfs, boat haul-outs and repair facilities, storage facilities related to fish buying stations, and offices accessory to the Main Use.

Policy 3.1 It shall be the policy of Council to designate and zone the existing fish processing plants as Industrial Marine and Marine Industrial (I-1) zone, respectively, as shown on the Generalized Future Land Use Map – Map 1 and the Land Use By-law, Schedule A.

Policy 3.2 It shall be the policy of Council to establish in the Land Use By-law an Industrial (I-2) zone which will be used to implement the Industrial General designation and permit within the zone the following and similar types of uses; namely, oil storage tanks and distribution facilities, light industrial fabrication facilities, retail sales, recycling depot, warehousing, trucking and construction company uses and offices accessory to the Main Use.

Policy 3.3 It shall be the policy of Council to designate and zone the existing oil storage tanks and distribution facilities and the Industrial Mall as “Industrial General” and Industrial (I-2) zone respectively, as shown on the Generalized Future Land Use Map and the Land Use By-law, Schedule A.

Policy 3.4 It shall be the policy of Council to consider an application to rezone the lands designated Residential located north of route 19 towards the Gulf of St. Lawrence (except that areas designated Parks and Open Space as illustrated on the Generalized Future Land Use Map - Map 4 to either the I-1 or I-2 zone provided the following criteria can be complied with.

- a) the proposed use shall not cause a hardship to any adjacent use by way of noise, odour, vibration, smoke or other emission.
- b) the proposed use shall abut a public street or road which is capable of accommodating the increased traffic generated by the development.
- c) if connected to the Municipal Water and Sewer Services, the capacity of these sewers must be adequate to handle the proposed development.
- d) the criteria found in Chapter 4, Policy A.3, Section D shall be adherent to.

Policy 3.5 It shall be the policy of Council to require special setbacks for all industrial developments when abutting a Residential Urban (R-1) zone, or Residential Multiple Unit (R-3) zone.

4. Waterfront Development

It is generally felt that all fishery related uses are more appropriately managed through the Marine Industrial designation. Therefore, industrial uses such as the fishery and other marine related uses will not be permitted or encouraged in the Waterfront designation, however, it is acknowledged that the fishery and other marine industries are the important historical references to the community and continue to play a major role in the local economy. Likewise, it is also felt that the importance of the Tourism Industry is a valuable resource that should be protected and promoted. One such way to accomplish this is through the recognition of the waterfront as an economic, recreational, cultural, and social resource. Permitted uses in the Waterfront designation are intended to facilitate a transition from the commercial core by promoting recreational land uses with supporting commercial to service these functions.

Within the Waterfront designation the following uses will be permitted: accessory buildings to a beach including changing rooms and washrooms, boardwalk and nature interpretation stands, golf courses and associated uses such as offices, storage buildings, club houses, pro shops and workshops, marinas and marina facilities, museums, artisan workshops, galleries, interpretive centres, with or without associated retail uses, picnic areas and facilities, recreational uses, restaurants, retail stores and kiosks (that are golf, recreation or tourism related).

Policy 4.0 It shall be the policy of Council to designate the public beach area, a large portion of the land adjacent to Inverness Harbour and the Gulf of Street Lawrence as Waterfront Development, as shown on the Generalized Future Land Use Map, Map 1.

Policy 4.1 It shall be the policy of Council to establish in the Land Use By-law a Waterfront Development (W-D) zone which will be used to implement the Waterfront Development

designation and permit within this zone the following and similar types of uses; accessory buildings to a beach including changing rooms and washrooms, boardwalk and nature interpretation stands, golf courses and associated uses such as offices, storage buildings, club houses, pro shops and workshops, marina and marina facilities, museums, artisan workshops, galleries, interpretive centres, with or without an associated retail uses, picnic areas and facilities, recreational uses, restaurants (including licensed lounges), retail stores and kiosks (that are golf, recreation or tourism related).

CHAPTER 3 - SERVICES

1. Municipal Services

A. Municipal Water and Sewer

The village of Inverness is served by upgraded central water and sewage collection and treatment facilities that were installed in the early 1970's. The original central water system in the community was installed in 1904. Extensions and additions were added as required over the years to meet development demands. The source of supply for the water system was a dam situated on White's Brook located approximately 3.2 miles from the community. Water flowed by gravity to an open reservoir and in turn, from the reservoir to the distribution system. The distribution system consisted of mains varying in diameter from 8 inches to 1 inch.

For a number of years, the community experienced problems with inadequate quantities of water during dry periods, and on occasion, problems with the bacteriological quality of the water. Due to the corrosive nature of the raw water, tuberculation of the water mains occurred over the years resulting in the reduction of the original diameter and carrying capacity of the pipe. Thus, the system was unable to meet domestic demands and fire flow requirements. As a result of the reduced size of the mains, negative pressures occurred at high elevations within the distribution system. These negative pressures accounted for the occasional high coliform counts within the water system.

Due to these problems, the entire central water system was replaced. A groundwater source was developed to supplement the existing source. Water treatment facilities consisting of chlorination, filtration and pH adjustment were also added. Chemical treatment of the raw water was undertaken as a means of corrosion control to prevent tuberculation of the mains.

The present sewage collection system is relatively new being installed at the same time as the new water system in the early 1970's. Prior to the installation of the new sewage collection system, the community was only partially sewered. These combined sewers discharged on land located west of Central Avenue in addition to Inverness Harbour. The remainder of the households discharged raw sewage to open roadside ditches which eventually discharged to small streams and lands to the west of Central Avenue.

Due to the unsanitary conditions and the potential health hazard to the general public, a new sewage collection system and treatment plant has been installed. The sewage is collected by means of

interceptor sewers and pumping stations to an aerated lagoon type of treatment plant. Several of the old existing sewers were integrated into the new system where possible. As well, a number of the old sewers were utilized as storm sewers when the new system was completed.

Several minor problems have been experienced with obtaining replacement parts and service for the water treatment plant. The new sewage collection system provides good service and has eliminated pollution problems and the potential health hazard to the residents. However, problems have been experienced with silt entering the collection system and arriving at the treatment plant. This necessitates a more frequent cleaning of the plant.

Policy 5.0 It shall be the policy of Council to establish an inspection and maintenance program for the Municipal Water and Sewer Systems in Inverness, provided municipal funds are available.

Policy 5.1 It shall be the policy of Council to encourage infilling of vacant land with uses permitted in the various zones found throughout the community so that better utilization can be made of the Municipal Water and Sewer Systems.

2. Protective Services

A. Police Protection

Inverness County utilizes the RCMP for police protection to the residents of County including the community of Inverness. The detachment is located on route 19, near the southern boundary of the Planning Area. The detachment is manned by 8 personnel and provides protection to an area of the County situated between Port Hood and Margaree, with backup detachments located in Chéticamp and Port Hawkesbury.

Policy 5.2 It shall be the policy of Council to continue using the RCMP to provide police protection to the residents and the business Community within the Inverness Planning Area.

B. Fire Protection

The Inverness Planning Area is serviced by the Inverness Volunteer Fire Department with a brigade of some 35 personnel. The Fire Station is located on Central Ave (route 19) and consists of 2 bays for the storage of trucks and other related equipment. The Station also contains a hall, and offices.

Policy 5.3 It shall be the policy of Council to continue to support the Inverness Volunteer Fire Department in providing fire protection to the residents and the business community.

Policy 5.4 It shall be the policy of Council to hold annual discussions with the officials of the Inverness Fire Department. These discussions shall include but not be limited to the needs of the department in relation to both manpower and equipment.

3. General Policies

A. Public and Private Utilities

Utilities provide an essential service and are often faced with having to locate equipment or transmission lines in all sectors of the community. As with other planning areas within the community, Council does not wish to place undue hardships on these utilities; therefore, these will be permitted within all zones within the Planning Area. Further, these utilities will be exempt from the regulations of the by-law.

Policy 5.5 It shall be the policy of Council to permit public and private utilities in all zones (except the open space (OS) zone) within the planning area, and to require a development permit to be issued for each use.

Policy 5.6 It shall be the policy of Council to permit the creation of a by-law that exempts areas of the Community from land use by-laws regulations.

B. Government Buildings and Facilities

Government Buildings and Facilities also provide essential services. As is also the case with Public and Private Utilities within the community, Council does not wish to place undue hardships on the locations of Government Buildings and facilities. Therefore, these uses will be permitted within all zones within the Planning Area and further, will be exempt from the regulations of the by-law.

Policy 5.7 It shall be the policy of Council to permit Government Buildings and Facilities in all zones within the Planning Area.

Policy 5.8 It shall be the policy of Council to permit the creation of a by-law that exempts Government Buildings and Facilities from land use by-laws regulations.

C. Parking

For the most part, off-street parking is not a problem in Inverness. There is one exception, and that relates to lack of parking in a portion of the Commercial Business District especially during the months of July and August, when tourist traffic is the heaviest. In light of this Council is of the opinion that provisions should be contained in the Land Use By-law requiring individual developments to provide on-site parking.

Policy 5.9 It shall be the policy of Council to establish in the Land Use By-law proper parking standards for all developments within the Inverness Planning Area.

D. Signs

As signage size and location has not been an issue in Inverness, Council is of the opinion there should be no controls placed on the size and location of signs. However, if circumstances change, consideration will be given to amending the Land Use By-law to include a section pertaining to signage.

Policy 5.10 It shall be the policy of Council to consider at some future date, amendments to the Land Use Bylaw, which will establish a requirement for the appropriate size, number and placement of signs within the Planning Area.

E. Subdivision of lots for Cairns, Monuments, Wharves, Fish Sheds and other Similar uses.

It is the opinion of Council that the erection of monuments, wharves, fish sheds, boat houses and other similar uses should be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for an on-site sewage disposal system. The maximum lot area for such lots shall be 465 square metres (5 005 square feet).

Policy 5.11 It shall be the policy of Council that the erection of monuments, wharves, fish sheds, boat houses and other similar uses shall be exempt from minimum lot requirements within each zone. Such lots will not be used for human habitation and will not be eligible for an on site sewage disposal system. The maximum lot area for such lots shall be 465 square metres (5 005 square feet).

F. Temporary and Special Events

Temporary uses are considered to be those uses which are associated with construction projects. Depending on the size of the project most medium to large scale projects require on site construction sheds, offices, sales facilities or even storage buildings associated with the development. These uses are considered normal components of the construction industry and Council does not intend to restrict their use within the Planning Area. When the project is completed, Council will require that a temporary use be removed from the site shortly after the project is completed.

Special events are uses referring to signs, banners, display booths, and other associated structures that are used during special events such as festivals and special ceremonies. Council sees no major problem with allowing these uses in the Planning Area on a short-term basis. Council will require that special event structures related to the use be removed once the special event has concluded.

Policy 5.12 It shall be the policy of Council to allow for special uses and structures such as banners, signs, display booths, and other similar structures in the planning area that are used in conjunction with a festival, celebration or other special event. Council will require that such special uses or structures be removed within a specific timeframe. A development permit shall be required for such use.

G. Private Roads

The Municipality adopted a Subdivision By-law on August 7, 1984. Included in this By-law is the provision for the development of private roads and the ability to subdivide land along these roads. Council is now of the opinion that private roads are not in the best interest of the Municipality as the cost of maintaining roads is very high. The same position has been taken for the other planning areas of the

Municipality. In keeping with this established trend the Municipality's Subdivision By-law should be amended to eliminate the possibility of approving plans of subdivision using private roads.

Policy 5.13 It shall be the policy of Council to consider amending the Municipality's Subdivision By-law by removing the ability create private roads and to subdivide land on these private roads within the Inverness Planning Area.

H. Swimming Pools

Private swimming pools are becoming common. These pools are usually constructed in conjunction with a home and are usually designed in conjunction with the landscaping of the property.

Policy 5.14 It shall be the policy of Council to permit swimming pools as an accessory use to any residential or tourist commercial use.

Policy 5.15 It shall be the policy of Council in the interest of protecting the public safety, especially young children to require that residential or tourist related swimming pools are adequately fenced.

I. General Development Standards

The Land Use By-law contains development standards that pertain to physical development within the planning area. These purpose of these standards are intended to provide for orderly and safe development while at the same time achieving an optimum use of the Municipal Services.

Policy 5.16 It shall be the policy of Council to establish in the Land Use By-law, the following land or development standards to promote orderly and safe development:

- a) **minimum lot size requirements, minimum yard requirements and maximum height restrictions for each zone; these standards may vary from zone to zone;**
- b) **parking requirements which may vary according to the proposed use of the land;**
- c) **Parking lot requirements which, for pedestrian and vehicular safety reason, shall include provisions with respect to the size, number and location of driveway accesses and the deflection of illumination of the parking lot away from adjacent lands;**
- d) **provisions respecting temporary buildings, temporary uses and special occasions (festivals and fairs)**
- e) **provisions for the fencing of swimming pools**
- f) **provisions for the operation of a home occupation.**

CHAPTER 4 - IMPLEMENTATION

A. General

The Municipal Planning Strategy for the Inverness Planning Area is the prime 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 as may apply.

Policy A-1 In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of ongoing planning through its Planning Advisory Committee and Area Advisory Committee. Such a program may include aspects of public information and participation; and various further studies 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 A-2 In order that development control decisions may be based on expert advice beyond that which the Planning advisory Committee is able to supply, it shall be the policy of Council to circulate applications for amendment of the Land use By-law to the Rural Cape Breton District Planning Commission and provincial government agencies such as the Departments of Health and Fitness, Transportation and Public Works and Environment and Labour for their information and comment, as may be required.

B. Generalized Future Land Use Map

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

- 1) **Urban Residential** which permits low density residential development, home occupations, recreation/open space uses, institutional uses, public utilities, government buildings and facilities.
- 2) **Rural Residential** which permits low density residential development, home occupations, open space recreational uses and institutional uses, agricultural uses, public utilities, government buildings and facilities.
- 3) **Commercial Business District** which permits a wide range of commercial development and existing dwellings.
- 4) **Commercial Tourism** which permits uses related to the tourist industry, entertainment centres.
- 5) **Commercial Mixed Use** which permits both residential and commercial development.
- 6) **Industrial Marine** which permits processing, manufacturing and repairing, uses related to the fishery, service industries such as trucking, contracting and wholesale distribution.

- 7) **Industrial General** which permits such uses as oil storage and distribution facilities, light fabrication facilities and sales, warehousing, trucking and construction uses.
- 8) **Waterfront Development** which permits recreational and supporting commercial functions.

C. Land Use By-law

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

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

Therefore, designations or a portion thereof not to be pre-zoned include:

- 1) Urban Residential -- Multiple Unit Residential (R-3) zone
- 2) Urban Residential -- Mobile Home Park (MHP) zone
- 3) Industrial General – Industrial zone
- 4) Commercial Tourism – Commercial Tourism (C-3) zone (portion of the campground not in use)

D. Criteria for Amendment to the Land Use By-law

Policy A-3 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this strategy, Council shall have regard to the following matters:

- a) That the proposal is in conformity with the intent of this strategy;
- b) That the proposal is not premature or inappropriate by reason of:
 - i) the financial capability of the Community to absorb any costs relating to the development;
 - ii) the adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy and proximity of school, recreation, and any other community facilities; the adequacy of road networks in, adjacent to, or leading to the development;

- iv) the potential for the contamination of water courses or the creation of erosion or sedimentation.
- c) That adequate requirements are contained in the Land Use By-law to reduce conflict between the development and any other adjacent or nearby land use by reason of:
 - i) type of use;
 - ii) emissions including air and water pollutants and noises;
 - iii) height, setback and lot coverage of the proposed building;
 - iv) access to and egress from the site and parking;
 - v) open storage;
 - vi) signs;
 - v) similar matters of planning concern.
- d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses is based on appropriate technical advice.

E. Amending the Land Use By-law

The Inverness Planning Area Land Use By-law is designed to implement this Municipal Planning Strategy, and it is expected that the By-law will be amended from time to time, although in conformity with the strategy. Examples of situations which may require an amend the Land Use By-law include:

- 1) a request by an individual to have the By-law amended; (eg. a Schedule A mapping amendment or text amendment)
- 2) a motion by a member of Council to amend the By-law; or
- 3) a change in the strategy

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

Policy A-4 In considering amendments to the Land Use By-law it shall be the policy of Council to:

- a) request a report from the Rural Cape Breton District Planning Commission;
- b) the Planning Advisory committee and the Area Advisory Committee consider the report prepared by the Planning Commission with respect to Policy A-3 (Criteria for Amendment to the Land Use By-law), and any other policies of this strategy which affect the proposed amendment or development agreement;

- c) refer the matter to the appropriate individual 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 public notice as provided for in the *Municipal Government Act*.

F. Development Agreements

The following uses shall be permitted subject to the entering into of a Development Agreement, in accordance with the *Municipal Government Act*:

- 1) Tourist Cabin/Cottage development in the Urban Residential designation;
- 2) Tourist Cabin/Cottage development in the Commercial Mixed Use designation, and;
- 3) Developments of 4 or more units in a multiunit dwelling in the R-2 zone.

Policy A-5 As a condition for approval of a request for a Development Permit for a use other than a permitted use as authorized elsewhere in this Strategy it shall be the intention of Council to require the applicant to enter into a Development Agreement with the community, specifically setting out conditions under which the development may proceed.

A Development Agreement shall not require an amendment to the Land Use By-law but shall be binding upon the property until the agreement, or part thereof, is discharged by Council. In considering Development Agreements, in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard to the following matters:

- a) That the proposed agreement is in conformance with the intent of this Municipal Planning Strategy and the requirements of all other Municipal By-laws and regulations.
- b) That the proposal, which is subject to the Development Agreement, is not premature or inappropriate by reason of:
 - i) the financial capability of the community to absorb any costs related to the development;
 - ii) the adequacy of the physical site conditions for private on-site sewer and water systems;
 - iii) the adequacy of the street or road networks, adjacent to and leading to the development;
 - iv) and the adequacy of municipal fire protection, service and equipment.

- c) That controls are placed on the proposed development so as to reduce the conflict with any adjacent or nearby land uses by reason of:
 - i. the type of use;
 - ii. the height, bulk and lot coverage of any proposed building or structure;
 - iii. traffic generation;
 - iv. access and egress from the site and the distance of these from street intersections;
 - v. parking;
 - vi. landscaping;
 - vii. open storage;
 - viii. signs;
 - ix. the hours of operation;
 - x. maintenance of any building(s) and property; and
 - xi. any other relevant matters of planning concern.
- d) The suitability of the proposed site in terms of steepness of grades, soil and for geological conditions, and the relative location of watercourses, marshes, swamps, or bogs.
- e) The terms of the agreement provided, as appropriate, for:
 - i) the discharge of the agreement or parts thereof upon the successful fulfillment of its terms.

Policy A-6 Council may require that any or all of the following information be submitted by the developer with respect to any proposed development which is to be subject of a Development Agreement under the appropriate sections of the *Municipal Government Act*.

A site plan showing the following information:

- i) the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing water courses, vegetative cover, size and location of lands;
- ii) the proposed location, height dimensions and use of all buildings or structures proposed to be built or erected on the lands;

- iii) the type and amount of site clearing required, if any, and provisions proposed for good site drainage and servicing with water and sewage disposal.
- iv) Information as to the hours of operation.
- v) Information as to the architectural design, scaled plans, profiles, grade elevations and cross sections
- vi) Information as to the provisions for an appropriate natural buffer strip and maintenance of the natural buffer strip.
- vii) Such further information as Council may require in order to properly assess the compliance with other policies in the strategy.

G. Actions Not Requiring a Strategy Amendment

Policy A-7 Areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for rezoning to a use which is similar in nature to the given designation without requiring an amendment to this strategy, provided that the intention of all other policies of the strategy are satisfied.

H. Development Officer

Policy A-8 In accordance with the *Municipal Government Act* it shall be the policy of Council to continue the services of the development officer of the Rural Cape Breton District Planning Commission who shall administer the Land Use By-law and shall, where appropriate, grant development permits.

I. Variances from the By-law

Policy A-9 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 he must serve notice of this action in accordance with the *Municipal Government Act*, and his action may be appealed to Council by anyone served with such notice.

J. Subdivision Control

Subdivision in the Community of the County of Inverness is presently controlled by a Subdivision By-law adopted by Council on August 7, 1984 and approved by the Minister of Municipal Affairs on February 7, 1985. The By-law applies to all subdivision of land within the County. At present the By-law contains the provision which allows for the creation of private roads. It is generally felt that private roads should be prohibited in the Inverness Planning Area.

Policy A-10 It shall be the policy of Council through the development officer to administer the Subdivision Bylaw.

Policy A-11 It shall be the policy of Council through the development officer to administer the Subdivision Bylaw to eliminate the provision for the subdivision of land to occur on private roads in the Community and in particular in the Inverness Planning Area.

K. Other Municipal By-laws

Policy A-12 It shall be the policy of Council to review from time to time and, when necessary, amend its Municipal Building By-law (Provincial Building Code, 1990), and Unsightly Premises By-law. The Building By-law regulates the structural requirements for new buildings and the Unsightly Premises By-law prevents property from becoming unsightly.

L. Building Inspector

Policy A13 It shall be the policy of Council, to continue the services of the Building Inspector; employed by the Rural Cape Breton District Planning Commission, whose duty it will be to enforce the Municipal Building Bylaw, the Minimum Standards By-law and the Unsightly Premises By-law.

M. Strategy Amendments

Policy A-14 Chapters 1 to 4 of this strategy and all associated maps constitute the official Municipal Planning Strategy for the Inverness Planning Area. An amendment to this strategy shall be required;

- a) where any policy intent is to be changed;
- b) where a desired zoning Map 1 amendment does not conform to the Generalized Future Land Use Map; and can be shown through studies to be desirable;
- c) where detailed area or functional strategies are desired to be incorporated into this strategy.

Policy A-15 Strategy amendments shall require the approval of the Minister of Municipal Affairs and shall be carried out in accordance with the provisions of the *Municipal Government Act*.

O. Strategy Review

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