

# PORT HOOD

## SECONDARY PLANNING STRATEGY



As adopted by Council of the Municipality of the County of Inverness on October 19, 2017;

as amended by decision of the Minister of Municipal Affairs on January 25, 2018.

As amended by the Council of the Municipality of the County of Inverness on October 17, 2024.

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# CONTENTS

CHAPTER 1: SETTING .....	7
Introduction .....	7
Provincial Context .....	8
Local Context.....	8
History .....	9
The Fishery .....	9
Coal Mining .....	10
The Port Hood Fire .....	10
Education .....	11
Sports.....	11
CHAPTER 2: RESIDENTIAL .....	12
Residential, Institutional, and Recreational Development .....	12
Mini Homes, Mobile Homes and Mobile Home Parks .....	14
Multiple Family Dwellings.....	15
Converted Dwellings.....	16
Home Occupations .....	17
Tourist Commercial Development .....	18
CHAPTER 3: COMMERCIAL .....	19
Mixed Use Commercial.....	19
Highway Commercial.....	21

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Waterfront Development .....	22
Commercial Uses Outside Commercial Designations .....	22
General Commercial Policies .....	24
CHAPTER 4: INDUSTRIAL .....	25
CHAPTER 5: RECREATIONAL & OPEN SPACE DEVELOPMENT .....	28
CHAPTER 6: MUNICIPAL SERVICES.....	29
Sewer and Water.....	29
Protective Services .....	31
Police Protection .....	31
Fire Protection.....	31
General Policies.....	31
Signs.....	31
Public and Private Utilities.....	32
Government Buildings and Facilities .....	32
Parking .....	32
Temporary and Special Uses.....	33
Refuse Collection.....	34
Creation of Lots Without Frontage .....	34
CHAPTER 7: IMPLEMENTATION .....	35
General .....	35
Generalized Future Land Use Map.....	35
Port Hood Land Use By-law .....	36
Criteria for Amendment of the Port Hood Land Use By-law .....	37

Amending the Port Hood Land Use By-law .....38

Development Agreements.....39

Development Officer .....41

Variances.....41

Secondary Planning Strategy Amendments .....42

Actions Not Requiring a Secondary Planning Strategy Amendment .....42

Strategy Review.....42

# CHAPTER 1: SETTING

## INTRODUCTION

This Secondary Planning Strategy for the Port Hood Plan Area has been prepared and reviewed by the Council of the Municipality of Inverness according to the provisions of the *Municipal Government Act* (Chapter 18 of the acts of 1998 and the amendments thereto) and replaces the Port Hood – Municipal Planning Strategy adopted in 1998 and the amendments thereto. Under the *Municipal Government Act* (MGA), this document is considered a Secondary Planning Strategy because it applies to an area to which a broader Municipal Planning Strategy applies. The Municipality of the County of Inverness has adopted the *Municipal Planning Strategy for the County of Inverness Concerning the Regulation of Wind Turbine Development* and its associated Land Use By-law which apply to the entire Municipality. The *Port Hood Municipal Planning Strategy*, because it applies to a specific area within the Municipality, is considered a Secondary Planning Strategy. A Secondary Planning Strategy is a *type* of Municipal Planning Strategy and has the same legislative authority.

This Secondary Planning Strategy and its associated Land Use By-law have been reviewed under the guidance of the Council of the Municipality of the County of Inverness through the Port Hood Area Planning Advisory Committee. This committee is comprised of local residents and the district councillor who worked with planning staff to review and prepare these documents.

This Strategy is intended to guide the decisions of Council with respect to the regulation of development and provision of public services and facilities within the planning area. The general goal of this Strategy is to encourage economic growth, while also enhancing and maintaining Port Hood as a pleasant place to live. This balanced goal must be achieved through the careful and responsible stewardship of Port Hood’s natural and built environments for the benefit of current and future residents.

Council, therefore, has adopted a list of policies which are intended to help achieve this goal. The implementation of these policies is to be carried out in several ways, the most important being the Land Use By-law. The Land Use By-law sets out specific zones, including a list of permitted uses and appropriate lot standards for each zone. Another implementation mechanism is the Subdivision By-law which controls the subdivision of land.

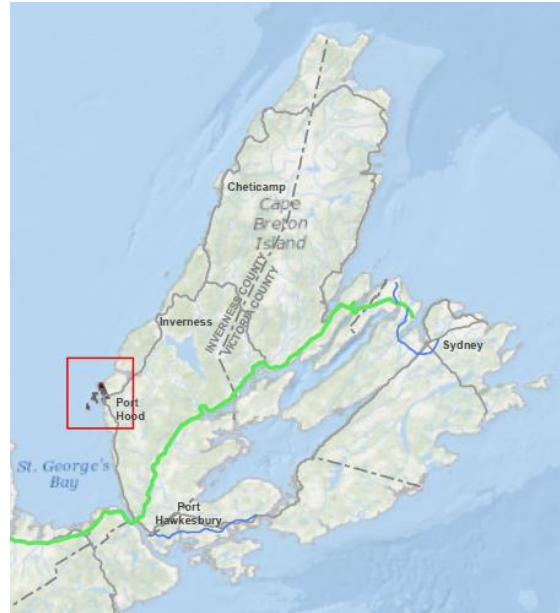
The Generalized Future Land Use Map referred to in the policy statements is included in this document and constitutes part of this *Secondary* Planning Strategy. It is a graphic representation of the land use designations that are to be developed in accordance with the policies of this Strategy. Designations represent areas within the planning area which are *designated* for particular types of uses in the long term. Due to the fact that these designations have a long term purpose, they may not always correspond with how land in the designation is

used in the present.

In adopting this Secondary Planning Strategy, Council is not committed to undertake any project suggested in it, but it is prevented from acting in a manner that is inconsistent with it. It is intended, therefore, that the actions of Council will reflect the priorities set out in this Strategy.

## PROVINCIAL CONTEXT

Port Hood is a small community located on the western side of Cape Breton Island on the shore of the Northumberland Strait. The community is located approximately 45 kilometres north of the Canso Causeway and 56 kilometres from Port Hawkesbury. The community is skirted by the scenic Ceilidh Trail (route 19) which directs tourists into the area and functions as the main transportation route to and from the community. This highway was realigned in the mid-1980s to increase efficiency and reduce traffic levels in the downtown. Highway traffic was previously required to drive into the community to what is now the intersection of Main Street and High Road and make a sharp turn before continuing. The effects of the new alignment (commonly referred to as the bypass) are still felt in the community in the form of increased development pressure along the bypass and decreased development pressure in the downtown core.



**FIGURE 1:** Port Hood context map.

## LOCAL CONTEXT

The original Port Hood Planning Area was consistent with the boundaries of the former incorporated Town of Port Hood, and also included the offshore islands of Port Hood Island and Henry Island. The plan area boundary has been revised to more closely follow property lines and to reflect the extent of municipal servicing within the community.

The Planning Area is approximately 1,300 hectares or 5 square miles in area; of this total only a portion is developed. This development includes such land uses as residential, commercial, institutional and industrial, along with some agricultural land located on the fringe. There is only one seasonal residence on Henry Island and sparse seasonal type development on Port Hood Island.

# HISTORY

## THE FISHERY

The early settlers of Port Hood and the surrounding area first engaged in the fishing and farming industries. These settlers cleared forests to establish homes and farms. Food, clothing and footwear were obtained from the settlers' own land. Farming operations increased in the mid-1800s and large quantities of produce were exported to markets in Halifax and other Maritime communities. The fishing industry commenced in the early 1700s, but it was not until the mid-1800s that fishing resulted in economic prosperity for Port Hood.

Port Hood Island gained importance for the fishing industry in the late 1800s. At this time lobster fishing and fish packing were introduced to the area by New Englanders, who set up trade between the local fishermen and the United States market. Eventually, lobster canneries were built in almost every cove from Port Hawkesbury to Cape North. The fishing industry became more lucrative when the gasoline engine was introduced to the industry in 1910. Within the next three or four years most fishermen in the County owned and operated boats with gas engines. This resulted in increased fishing activity at Port Hood Island. Mackerel were found in abundance along the coast and the demand for salted fish on the American market was high. The development of new fishing equipment, the construction of two cold storage plants and two lobster canneries lead to the development of Port Hood Island as a fishing port of considerable importance.

Disaster struck in late 1944 when a severe storm with a tidal wave swept the coast and carried away much of the fishing equipment, including wharves and breakwaters. Nevertheless, following World War II, market conditions improved enabling fishermen to obtain larger and more modern boats and equipment. As the price of fish continued to increase and with larger catches per boat, the standard of living for fishermen continued to improve. Port Hood Island once again assumed the role of the prime centre of fishing operations on the southern Inverness County coast. Prosperity continued for a number of years, until late 1963 when another major storm, greater than that of 1944, swept the coast with a major tidal wave. This, accompanied by a blizzard and high winds, removed all the wharves, fish houses and fishing gear, along the entire coast from Port Hastings to Grand Etang. This was a terrible blow to fishing industry. However, in late 1965 and early 1966, the federal government responded to the disaster and constructed a new government wharf and docking facilities where fishermen could be protected at all times. In 1998, ownership of the southern mainland wharf (commonly referred to as the Government Wharf) and the Port Hood Island Wharf passed to the Municipality of the County of Inverness. Murphy's Pond is now owned and managed by the Port Hood Harbour Authority.

## COAL MINING

Another industry that was instrumental in the early development of Port Hood was coal mining. The Port Hood coalfields were the most southerly of four small coalfields on the west coast of Inverness County. The coal outcrops at Port Hood were located in the general area of the present day provincial park. They measured along a narrow strip of coastline and occurred in a synclinal structure. The coalfield was entirely submarine and extended seaward in a generally southwesterly direction from Port Hood.

The coal mining industry in Port Hood began in 1864 with the opening of the first recorded slope by the Cape Breton Coal Company. The coal mining industry carried on at varying capacities until 1967. Multiple collieries were developed over time and often changed hands during the course of their operation. Historical records indicate that up to six separate collieries were in official operation, while smaller unofficial “bootleg” operations were also reported. These six collieries operated under as many as thirteen different individual owners or companies. Some of these included the Cape Breton Coal Company, Port Hood Coal Mining Company, Port Hood-Richmond Railway & Coal Co., Port Hood Collieries Ltd., Port Hood Fuel & Coal Co., Port Hood Coal Co. Ltd., Margaree Steamship Co. Ltd., Inverness Industries Ltd., and Chestico Coal Mines Corporation Ltd. During the economic boom associated with the mining industry, Port Hood was a bustling community with a busy commercial core. Several hotels were in operation and over forty single family homes were constructed by the Inverness Richmond Railway and Mining Company as housing for its workers. Electricity became available to residential dwellings due to a generating plant providing electricity to the collieries. Steamships made regular trips to the community, transporting passengers and cargo. Unfortunately, history reveals that coal mining brought hardship as well as prosperity to the community

The coal mining industry suffered numerous disasters including flooding, explosions, and fire. The most fatal occurrence took place in 1908, when an explosion killed ten miners. To give a sense of the scale of this tragedy, a total of fourteen fatalities were reported during the 103-year history of the Port Hood coal mining industry. Another notable disaster took place in 1911 when the Port Hood-Richmond Railway & Coal Co. colliery shaft flooded, causing the mine to cease operation. Mining resumed with the excavation of a new shaft in 1917 and coal production resumed the following year. Unfortunately, the industry never recovered the level of prosperity it enjoyed prior to the flood. By the mid-1900s the industry was suffering economically and the last mining operation ceased in 1967.

## THE PORT HOOD FIRE

Over the years, Port Hood has been plagued with disasters. One disaster in particular proved fatal to the community: the Port Hood fire of 1942. The town, still feeling the effects of the decline in the mining industry, was not prosperous enough to have adequate firefighting

equipment. When a fire broke out in one store, it quickly spread to others and in the end destroyed a number of businesses in the centre of town. The disaster, along with the closure of several small mines, brought financial disaster. Town Council was obliged to seek legislation to become a part of the Municipality of Inverness. Port Hood became the first town in Nova Scotia to give up its charter.

## **EDUCATION**

Another victim of fire was the Port Hood Academy. This school was built in 1911 and served the community until it was destroyed by fire in 1961. It was quickly replaced by the Port Hood Consolidated School, which opened in 1962. The last class to graduate from Port Hood Consolidated did so in 2000. From that date to the present day, students in grades primary to eight attend class at the Bayview Education Centre in Port Hood, while students in grades nine to twelve attend class at Dalbrae Academy in Mabou.

## **SPORTS**

Port Hood has a history of producing high calibre athletes. One of the earliest was Duncan Gillis, silver medallist in the hammer throw during the 1912 Summer Olympic Games. Other notable athletes include CFL football player Bruce Beaton and NHL hockey player Al MacInnis.

Also more recently the Cape Breton West Islanders who play out of the Al MacInnis Sports Centre won the national midget hockey championship June 2017, becoming the first Nova Scotia team to take the title. The Islanders completed a come-from-behind 5-4 win in overtime over the Quebec champions Saint-Francois Blizzard in the gold medal game of the 2017 Telus Cup in Prince George, B.C.

The community maintains its interest in sporting events through the annual Port Hood Triathlon, its baseball field, events held at the Al MacInnis Sports Centre, and the Irish Road Horsemen's Track (located just outside the Planning Area).

# CHAPTER 2: RESIDENTIAL

## RESIDENTIAL, INSTITUTIONAL, AND RECREATIONAL DEVELOPMENT

The most significant concentration of residential development in Port Hood occurs along High Road and the length of Main Street from Route 19 to Little Mabou Road. This area was traditionally the core of the community and also contains institutional uses (such as the fire hall, churches, Al MacInnis Sports Centre, post office, and municipal building) as well as various commercial and recreational uses.

The composition of the housing stock is similar to that of other Nova Scotia communities in that residential development primarily consists of single family dwellings. At present, there is only one purpose-built multiple-family dwelling in Port Hood. It contains four dwelling units and is located on Clan Ranald Drive. There are numerous homes converted to bed and breakfasts and three retirement or assisted living homes composed of multiple dwelling units. These include the Marian Residence, Heritage House, and Seaview Manor. There is a general feeling in the community that additional multiple family dwellings would be welcomed.

A significant portion of this planning area is serviced by municipal water and sewer. These systems currently extend along Route 19 from the southern boundary of the planning area in Harbourview to Dunmore Road, along the length of High Road, and along the length of Main Street from Route 19 to Little Mabou Road. These services also extend along some streets and roads that intersect these main routes. Outside this serviced area, development utilizes on-site sewage treatment and wells.

It is generally felt that residential growth provides numerous social and economic benefits to any community. Socially, the community benefits from increased numbers of people supporting community activities. Economically, the community benefits from the potential increased assessment base and public revenues resulting from residential development. Local businesses also benefit from the increased market potential and the increased labour pool.

The Nova Scotia Statement of Provincial Interest Regarding Housing has the goal of providing housing opportunities to meet the needs of all Nova Scotians. Its basis is that adequate shelter is a fundamental requirement for all residents of the province and that a wide range of housing types is necessary to meet the needs of Nova Scotians. Council is of the opinion that the residential policies contained in this document will provide for a range of housing types in ways

that are appropriate for the planning area. Council will favourably consider amendments to these policies that are proposed to further carry out the Statement of Provincial Interest Regarding Housing if it deems the amendments are appropriate for the unique situation of the planning area. The location of new residential development has in the past been determined to a large extent by both the real estate market and the ability of the municipality to provide and maintain adequate water and sewer services. With the reduction in the number of assistance programs offered by the two senior levels of government to install new services and upgrade older services, municipal units are increasingly having to rely on their own resources to pay for infrastructure services.

In order to establish designations and policies for this residential sector, Council is of the opinion that an "Urban Residential" designation be established for the serviced area of the community and a "Rural Residential" designation for the non-serviced area. These designations will allow Council to encourage different forms of development in each designation. The Urban Residential designation will allow Council to encourage increased density and more intensive uses to make efficient use of municipal servicing and infrastructure. The Rural Residential designation will allow Council to encourage sensitive development that preserves the predominantly rural character of the un-serviced area.

Council feels that other uses can be compatible with residential uses in some circumstances. Therefore, uses such as schools, churches, government buildings and facilities should be allowed in all areas designated "Urban Residential" and zoned R-1 or R-3. Recreational uses such as parks, ball fields, arenas, and tennis courts will also be permitted within this designation and these two zones. Council also feels that provisions should be made to permit mixed use development allowing commercial and residential uses to take place together in some areas and circumstances. An example of this should be in areas designated Mixed Use Commercial and zoned C-1, where a broad mix of uses will be permitted. This is intended to encourage increased activity and development in the traditional core of the community.

*Policy R-1 It shall be the policy of Council to designate the serviced area of Port Hood "Urban Residential" on the Generalized Future Land Use Map.*

*Policy R-2 It shall be the policy of Council to establish in the Land Use By-law a Residential Urban (R-1) Zone which will be used to implement the "Urban Residential" designation and permit within this zone the following and similar types of uses: single detached dwellings, duplex and semi-detached dwellings, single family dwelling with one apartment unit; boarding homes; day care centres, nursing home providing special care, senior citizen homes, recreational facilities; churches and cemeteries, schools and other similar institutional uses, multiple family dwellings up to a maximum of four dwelling units, and mini and mobile homes. Parks and community centres, and recreational facilities shall be exempt from the appropriate zone standards. All lands designated "Urban Residential" shall initially be zoned R-1.*

- Policy R-3 For the purpose of providing for orderly development within the Planning Area, it is the policy of Council to establish development standards in the Land Use By-law. The By-law shall set out requirements for such things as lot size, yard requirements, height restrictions and parking. These standards shall apply to most development but different standards may apply to different types of development.*
- Policy R-4 It shall be the policy of Council to designate the un-serviced area of Port Hood "Rural Residential" on the Generalized Future Land Use Map.*
- Policy R-5 It shall be the policy of Council to establish in the Land Use By-law a Residential Rural (R-2) Zone which will be used to implement the Rural Residential designation and permit within the zone the following and similar types of uses: single detached dwellings, duplex and semi-detached dwellings, single detached dwellings with one apartment unit, mini and mobile homes, day care centres, post office, farms and agriculture uses, forestry uses, churches and cemeteries, schools and similar institutional uses, recreational facilities and community centres.*
- Policy R-6 In the event that land within the Rural Residential designation is connected to municipal services, Council may consider a rezoning from the Residential Rural (R-2) Zone to the Residential Urban (R-1) Zone. Council may also consider such rezonings, where suitable, when servicing has been approved but not yet completed.*
- Policy R-7 It shall be the policy of Council to require larger lot standards for all development located in the Rural Residential designation, through the Residential Rural (R-2) Zone standards.*

## **MINI HOMES, MOBILE HOMES AND MOBILE HOME PARKS**

Mini and mobile homes offer an affordable alternative to housing when compared with conventional single family dwellings. There are no existing mobile home parks in the planning area. Instead, mini and mobile homes have been developed on individual lots in the same way that comparable single family dwellings would be.

Given this existing form of mini and mobile home development on individual lots, Council feels it would be reasonable to allow a mobile home park to locate in the community provided certain standards are adhered to.

- Policy R-8 It shall be the policy of Council to allow mini and mobile homes on individual lots as a permitted use in the Residential Urban (R-1) and Residential Rural (R-2) Zones within the Urban Residential and Rural Residential designations.*

*Policy R-9 It shall be the policy of Council to permit in both the Urban Residential and Rural Residential designations mobile home parks, and establish in the Land Use By-law a Mobile Home Park (M-H) Zone which shall permit such uses as mobile home parks, mini homes, mobile homes, recreational uses, mobile home park offices and storage facilities for maintenance equipment.*

*Policy R-10 It shall be the policy of Council not to prezone any landholdings for a mobile home park. Rather, through the amendment process, Council will consider amendments to the Land Use By-law in accordance with the requirements of Policy A-4, any other relevant portions of this Strategy, and the specific requirements listed below:*

- a) The landholdings to be occupied by the park can be connected to both Municipal Sewer and Water system or on-site systems approved by Nova Scotia Environment.*
- b) The proposed Mobile Home Park will not overburden the capacity of the Municipality's Water and Sewer System or the capacity of the schools in the community.*

## **MULTIPLE FAMILY DWELLINGS**

At present, there is only one purpose-built multiple-family dwelling in Port Hood. This four-unit dwelling is located on Clan Ranald Drive and consists of two one-bedroom units and two three-bedroom units and is serviced by municipal water and sewer. This property will be zoned Residential (R-1).

Rental accommodations such as apartments provide relatively inexpensive housing with minimal long-term commitments on the part of the tenant. In terms of housing development, apartment buildings are an efficient use of land because they provide a greater density of development (i.e. units per acre) and can therefore be less costly to service. However, the density of these kinds of development can also present several problems in terms of their effect on surrounding development and municipal services.

Water and sewer systems must be sufficient to accommodate the increased demand and streets must be able to move a larger amount of traffic efficiently and safely. Services such as schools and recreational facilities must also be able to meet the needs of the potential tenants. Therefore, this Strategy will establish policies which will permit multiple family dwellings in Port Hood provided certain standards are adhered to.

*Policy R-11 It shall be the policy of Council to permit within the Urban Residential designation multiple family dwellings of five or more dwelling units and all R-1 uses as permitted uses in the Residential Multiple Family (R-3) Zone. Within this zone,*

*parking standards for multiple family dwellings of five or more dwelling units will be higher than the standards for dwellings with four units or less.*

**Policy R-12** *It shall be the policy of Council not to prezone any landholdings for a multiple family dwelling in the Urban Residential designation. However, through the rezoning process, Council will consider an amendment to the Land Use By-law, in accordance with the requirements of Policy A-4, any other relevant portions of this Strategy, and those listed below:*

- a) The site to be used for the proposed multiple family dwelling shall be serviced by municipal water and sewer systems and that these systems are adequate to handle the increased demands.*
- b) The proposed use shall be compatible in terms of scale and bulk of the building with adjacent land uses.*
- c) The proposed use shall abut a public road or street which is capable of accommodating the increased traffic flow generated by the development.*
- d) The site of the proposed multiple family dwelling shall be large enough to accommodate sufficient parking at the rate identified in the Land Use By-law.*
- e) The proposed dwelling shall feature an active transportation connection from the main entrance of the building to any public sidewalk or trail that is located adjacent to the property on which the dwelling will be located.*

**Policy R-13** *It shall be the policy of Council to not consider rezoning applications for Multiple Family dwellings in the Rural Residential designation. If municipal services are extended, Council may consider a rezoning application to allow "Urban Residential" type of development. Council may also consider such rezonings, where deemed suitable, when servicing has been approved but not yet completed.*

## **CONVERTED DWELLINGS**

At present, there are a number of large older homes in the Urban Residential designation which because of their size are capable of being converted into multiple family dwellings. Such developments are desirable for several reasons. For example, they can preserve the historic character of these existing large dwellings while providing housing options. As these dwellings have existed in the community for many years, they are viewed as "fitting in" rather than being "inflicted on the community". Therefore the existing character of the community can be

preserved. In order that these benefits may be realized, Council feels there is a need to establish certain standards which must be met prior to conversion. These standards should ensure that the original building maintains its appearance as a single family dwelling, that municipal services are capable of meeting additional demands, and that on-site services such as parking can be provided without affecting the visual appearance of the community.

*Policy R-14 It shall be the policy of Council to permit the conversion of a single detached dwelling up to and including four dwelling units in the Residential (R-1) Zone. Dwellings containing more than four units will be considered a Multiple Family dwelling and shall require a rezoning to the Residential Multiple Family (R-3) Zone in accordance with Policy R-12.*

## HOME OCCUPATIONS

Businesses which can be operated in a dwelling or accessory building, commonly known as a "home occupation" and which entail no outdoor storage, and no activity which would be reasonably expected to have a detrimental impact on the surrounding neighbourhood, can be beneficial to this community. The business benefits from reduced start up and operating costs while local residents can benefit from the close proximity of the goods or services offered by the business.

Minimizing the impact of such uses also require adequate provision of parking. The scale of these home occupations should be limited by the existing size of the residence and therefore these operations will be smaller in size than businesses located in a commercial building.

Such uses range from small personal services shops including barber shops and beauty parlours, artisan workshops, photographic studios, bed and breakfast establishments, daycares, neighbourhood confectionery stores, professional offices, offices for technicians such as plumbers and electricians, and back yard mechanics who undertake minor repairs to motor vehicles and machines with small engines (i.e. lawnmowers, chain saws, etc.)

Council is of the opinion that these uses are in keeping with the present community environment. A policy has been designed to permit these uses within the Urban Residential or Rural Residential designation, provided the home occupation remains unobtrusive.

*Policy R-15 It shall be the policy of Council to permit in the Mixed Use Commercial, Urban Residential, or Rural Residential designations home occupations conducted within the place of residence of the operator or in an accessory building provided that certain criteria are met, as set forth in the Land Use By-law. These criteria are designed to limit the impact of the commercial activity on the community. To achieve this objective, the criteria will ensure there is no exterior mechanical equipment (except that required by the residential use), adequate parking is provided, and the business can be conducted unobtrusively.*

## TOURIST COMMERCIAL DEVELOPMENT

Although the objective of separating residential and commercial uses is to limit the impact of commercial and industrial uses on the residential areas of the community, limited tourist commercial development (such as tourist cabins) could be accommodated with minimal impact on adjacent homes. There are several large lots within the residential designation which would be capable of accommodating a tourist establishment, assuming the project was well designed and sufficient steps were taken to protect the neighbouring properties. These steps may include limiting the associated uses permitted to a rental office and recreational facilities, and ensuring that the cabins are far enough away from the homes that the residents will not be unduly bothered.

*Policy R-16 In order to protect and enhance the residential designation, it shall be the policy of Council to permit the development of tourist cabin establishments within the residential designations by Development Agreement subject to the appropriate sections of the Municipal Government Act. The accessory uses permitted will be limited to a rental office and recreational facilities.*

*Policy R-17 In considering a proposal for a development agreement it shall be the policy of Council to specific considerations listed below:*

- a) the potential to adversely affect adjacent residential uses;*
- b) the architectural design, including the scale of any building and its exterior finish and compatibility with adjacent uses;*
- c) total area used for outdoor storage and adequate provision of artificial or natural screening devices;*
- d) the impact of the proposed or expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distance and entrance and exit to and from the site;*
- e) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;*
- f) the hours of operation; and*
- g) the proposal complies with all the pertinent policies of the Strategy, specifically Policy A-7.*

# CHAPTER 3:

# COMMERCIAL

The effects of commercial development on a community such as Port Hood depend on factors such as its location relative to municipal services, its customers, and how other land uses are affected by the commercial development. Due to the fact that commercial development may have negative as well as positive effects, not all types of commercial development are appropriate or desirable in all areas of the community. In small communities such as Port Hood, it is generally not desirable to have large scale commercial development in residential areas.

Council, therefore, feels it is necessary to identify the areas most suitable for different types of commercial development and to require that new commercial development locate in these areas. In determining suitable locations, Council has attempted to address the needs of individual businesses as well as the community as a whole. Although different types of businesses have specific needs, Council recognizes that most will at least require a visible and accessible location that is unaffected by conflicting land uses.

## MIXED USE COMMERCIAL

It is Council's intention to designate the central core of the community as Commercial Mixed Use. The designation will be concentrated along Main Street beginning south of the East Coast Credit Union and extending northward to and ending on the far side of the Canada Post office. The designation will include properties on both sides of Main street and several properties that front on High Road near its intersection with Main Street.

The Mixed Use Commercial designation was previously called the Central Business District designation and was intended to be the part of the community where most new commercial development would be directed. Due to the desired intensity of commercial activity in the designation, new residential uses were only permitted in the same building as a commercial use. Since that time, the Port Hood and Area Development Society and the Municipality of the County of Inverness contracted Ekistics Planning & Design to prepare a conceptual development plan for the community. The resulting *Port Hood Conceptual Development Plan* (completed in 2014), suggested that the majority of new commercial development should take place along Highway 19. Council, therefore, intends that most new and large scale commercial development will take place in the Highway Commercial designation along Highway 19. In light of this, the Mixed Use Commercial designation will be a mixed use commercial area in which a broad range of uses will be permitted subject to special provisions intended to minimize land use conflict.

Another recommendation of the *Port Hood Conceptual Development Plan* was implementation of a commercial façade improvement program. This resulted in the Port Hood Façade and Streetscape Improvement Program. In order to support the goals of both projects while still encouraging new commercial development, Council will require new commercial development to adhere to specific architectural and site design requirements in the Commercial Mixed Use (C-1) zone.

In the Mixed Use Commercial zone the following and similar types of uses will be permitted: restaurants, beverage rooms, fishermen's co-operative outlets, banks, credit unions, grocery stores, department stores, convenience stores, hardware stores, hotels, storage facilities, service stations, post offices, libraries, museums, single detached dwellings, semi-detached and duplex dwellings, single detached dwellings with one (1) apartment unit, and multiple unit dwellings to a maximum of four (4) dwelling units.

*Policy C-1 It shall be the policy of Council to designate the downtown core of the community as "Mixed Use Commercial" as shown on the Generalized Future Land Use Map.*

*Policy C-2 It shall be the policy of Council to establish in the Land Use By-law a Commercial Mixed Use (C-1) Zone and all lands within the "Mixed Used Commercial" designation shall be zoned Commercial Mixed Use (C-1).*

*Policy C-3 It shall be the policy of Council to permit within the Commercial Mixed Use (C-1) Zone the following and similar types of uses: banks and financial institutions, retail shops, business or professional offices, beverage rooms and lounges, motels, hotels and associated tourist establishments, restaurants, entertainment centres, nurseries, personal service establishments, automobile sales and services, automobile service stations and car washes, post offices, warehousing or storage facilities where accessory to a permitted use, funeral homes, parks, recycling depots, museums, libraries, residential uses located in the same building as a commercial use, existing single detached dwellings, single detached dwellings, semi-detached dwellings, duplex dwellings, single detached dwellings with one (1) apartment unit, and multiple unit dwellings to a maximum of four (4) dwelling units.*

*Policy C-4 It shall be the policy of Council to require special setbacks for open storage, display, or parking when a commercial use in the Commercial Mixed Use (C-1) Zone abuts a Residential Urban (R-1) or Residential Multiple Family (R-3) Zone.*

*Policy C-5 It shall be the policy of Council to include special requirements relating to architectural and site design **within** the Commercial Mixed Use (C-1) Zone to encourage a higher standard of design within the zone.*

## HIGHWAY COMMERCIAL

To support the implementation of the *Port Hood Conceptual Development Plan*, Council intends to designate the portion of land along Highway 19 around the intersection of Main Street and also the intersection of Dunmore Road as Highway Commercial to act as gateways to the community. In the past, the Highway Commercial designation was only located at the intersection of Main Street and Highway 19. An area of land opposite side of Route 19 from the Provincial Park will also be designated as Highway Commercial to support development plans by the Port Hood and Area Development Society and the Chestico Museum and Historical Society for the site. As in the past, the designation is intended to support highway commercial uses catering to the tourist and travelling public or other commercial development that requires a large land area. Based on the *Port Hood Conceptual Development Plan*, the designation is now also intended to help support the creation of commercial gateways that serve to welcome visitors to the community. As such, the Highway Commercial designation will contain specific provisions to encourage a high standard of design in accordance with the *Port Hood Conceptual Development Plan* and subsequent Port Hood Façade and Streetscape Improvement Program to help give positive first impressions of the community. In order to support the goals of both projects while still encouraging new commercial development, Council will require new commercial development to adhere to specific architectural and site design requirements in the Commercial Highway (C-2) zone.

In the Highway Commercial designation the following and similar types of uses will be permitted: retail stores, hotels, motels and tourist establishments, restaurants, entertainment centres, personal service establishments, business or professional offices, banks and financial institutions, grocery stores, building supply depots including fabrication facilities, storage facilities, service stations, museums, parks, and existing residential uses.

*Policy C-6 It shall be the policy of Council to designate three distinct areas of land along Route 19 as "Highway Commercial" on the Generalized Future Land Use Map.*

*Policy C-7 It shall be the policy of Council to establish in the Land Use By-law a Commercial Highway (C-2) Zone which shall be used to implement the Highway Commercial designation.*

*Policy C-8 It shall be the policy of Council to permit within the Commercial Highway (C-2) Zone the following and similar types of uses: retail stores, hotels, motels and tourist establishments, restaurants, entertainment centres, personal service establishments, business or professional offices, banks and financial institutions, grocery stores, building supply depots including fabrication facilities, storage facilities, service stations, museums, parks, and existing residential uses.*

*Policy C-9 It shall be the policy of Council to include special requirements relating to architectural and site design within the Commercial Highway (C-2) Zone to encourage a higher standard of design within the zone.*

*Policy C-10 It shall be the policy of Council to prohibit the use of the Commercial Highway (C-2) Zone outside the area designated "Highway Commercial."*

## **WATERFRONT DEVELOPMENT**

One of Port Hood's defining features is its seaside location. Port Hood features multiple sandy beaches, two mainland wharves, two nearby islands, and spectacular sunsets. This extraordinary setting is one of the community's most valuable resources for attracting residents, visitors, and future commercial development. Therefore, this Strategy includes policies intended to foster tourist related commercial development on specific sections of the Waterfront. Working in close cooperation with these commercial policies are open space policies related to Port Hood's beaches included elsewhere in this Strategy.

*Policy C-11 It shall be the policy of Council to designate the area generally extending from Murphy's Pond Road southward along the harbourfront to the intersection of Main Street and Route 19 as "Waterfront Development".*

*Policy C-12 It shall be the policy of Council to establish in the Land Use By-law a Harbourfront Development (C-3) Zone to implement the "Waterfront Development" designation.*

*Policy C-13 It shall be the policy of Council to permit in the Harbourfront Development (C-3) Zone the following and similar types of uses: wharves, marinas and other marine related uses, beaches and related facilities, motels, hotels and other tourist establishments, and restaurants.*

*Policy C-14 It shall be the policy of Council to initially zone all the lands designated Waterfront Development on the Generalized Future Land Use Map as Residential Urban (R-1) but to consider the rezoning to Harbourfront Development (C-3) Zone as development proposals are presented to Council.*

## **COMMERCIAL USES OUTSIDE COMMERCIAL DESIGNATIONS**

Notwithstanding other provisions in this Strategy, Council recognizes the existing commercial uses found outside the Mixed Use Commercial and Highway Commercial designations. Council wishes to recognize the legitimacy of these businesses, but wishes to also design policies controlling such developments from spreading into the residential neighbourhoods. Therefore, a special commercial zone shall be set up for these existing uses. New commercial uses located outside the designated areas and not zoned Commercial General (C-4) will be dealt with by

development agreements. These additional uses will only be permitted on property that has frontage or access to Highway 19.

*Policy C-15 It shall be the policy of Council to establish in the Land Use By-law a Commercial General (C-4) Zone which shall be used to zone all existing uses located outside the "Mixed Use Commercial" and "Highway Commercial" designations.*

*Policy C-16 It shall be the policy of Council to permit in the Commercial General (C-4) Zone the following and similar types of uses: existing residential dwellings located on the same lot as the commercial use, convenience stores, liquor stores, automobile service stations, trucking and construction depot, hardware stores, funeral home, commercial wholesale operations, medical centre (which includes such uses as drug store, hairdressers, professional offices), tourist cabins and cottages.*

*Policy C-17 In order to protect and enhance the Mixed Use Commercial, Highway Commercial, and Waterfront Development designations, it shall be the policy of Council to only allow new commercial land uses outside these three designations along Highway 19 by development agreement subject to the appropriate sections of the Municipal Government Act and Policy A-7 of this Strategy. Uses to be considered by development agreement are uses similar to the following: service stations and car washes; restaurants; convenience stores (not permitted as a home occupation); craft and gift shops; campgrounds and associated uses; motels and associated uses, and laundromats.*

*Policy C-18 In considering a proposal for a development agreement as stated in Policy C-16, it shall be a policy of Council to have regard for the following:*

- a) the potential to adversely affect adjacent residential uses;*
- b) the architectural design, including the scale of any building and its exterior finish is compatible with adjacent uses;*
- c) total area used for outdoor storage and adequate provisions of artificial or natural screening devices;*
- d) the impact of the proposed or expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance and exit to and from the site;*
- e) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;*

- f) *the expanded or new use is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission;*
- g) *the hours of operation;*
- h) *the proposal complies with the architectural and site design provisions of the Highway Commercial (C-2) zone; and*
- i) *the proposal meets all the pertinent policies of the Strategy, specifically Policy A-7 of this Strategy.*

## **GENERAL COMMERCIAL POLICIES**

- Policy C-19 It shall be the policy of Council to allow a new commercial use to occur on a vacant undersized lot in a Commercial or Waterfront Development Zone where such use cannot comply with the loading standards of the Land Use By-law.*
- Policy C-20 It shall be the policy of Council to allow a change of commercial use to occur on an existing property in any Commercial zone, or any Industrial Zone which cannot comply with the parking standards of the Land Use By-law.*
- Policy C-21 It shall be the policy of Council to require specific standards to be included in the development of parking lots which contain in excess of four parking spaces.*
- Policy C-22 It shall be the policy of Council to require a specific separation distance for driveway approaches where such driveway approaches are located near a street intersection and special arrangements for lighting of the parking lots which contain in excess of four parking spaces.*

# CHAPTER 4: INDUSTRIAL

Port Hood has historically been linked to both the fishing and mining industries. Fishing was a way of life when the first settlers arrived in Port Hood in the mid-1700s. Around the turn of the century, mining played a vital role in the overall development of the community. However, with economic change and the disastrous fire, the role of Port Hood as a major industrial community ceased in the late 1950s.

Today the main industry in Port Hood is the fishermen's cooperative based at the Murphy's Pond harbour. There are approximately 30 home port vessels based out of Murphy's Pond. These vessels are active in the lobster, crab, tuna, herring, mackerel, scallop, and groundfish fisheries.

Some residents feel that eventually the coal mines will re-open. If this should happen, it may be possible that many of Port Hood's unemployed as well as those from nearby communities could find employment in the mining industry. The spin-offs from both mining and fishing could result in increased prosperity for Inverness County. In the meantime, while the fishing industry remains the main industry in the community, Council is of the opinion that the only land designated and zoned industrial will be in the area of Murphy's Pond. The Industrial designation and the Marine Industrial (M-1) zone are intended to support the fishing industry and some limited commercial or tourism that may result from the fishing industry or the waterfront location of the Murphy's Pond wharf.

With respect to light industrial uses, Council is of the opinion that some provisions should be made to support the potential development of small service type and light industrial business within Port Hood. Instead of designating a specific location where these light industrial uses are encouraged, they will instead be permitted on a case by case basis by Development Agreement in areas designated as Rural Residential and zoned Residential Rural (R-2). This approach is intended to support the development of local light industry while minimizing potential conflicts with other uses. By only permitting these uses by Development Agreement Council will have significant control over the form and details of the development. By only permitting these uses in the Rural Residential designation and Residential Rural (R-2) zone, they will be limited from locating in the central core of the community where their potential for negative impact is deemed to be greatest.

*Policy I-1      It shall be the policy of Council to designate the area around Murphy's Pond as Marine Industrial on the Generalized Future Land Use Map.*

- Policy I-2 It shall be the policy of Council to establish in the Land Use By-law a Marine Industrial (M-1) Zone which shall apply to the entire area designated Marine Industrial.*
- Policy I-3 It shall be the policy of Council to permit within the Marine Industrial (M-1) Zone the following and similar types of uses: fishery related uses; industrial fabrication and processing; manufacturing and repair uses related to the fishery; warehousing and storage facilities related to the fishery; service industries such as trucking and contracting and wholesale distribution facilities; commercial and tourism uses related to the fishery or the waterfront location of Murphy's Pond.*
- Policy I-4 It shall be a policy of Council to require special setbacks for outdoor storage or display or parking when a Marine Industrial (M-1) abuts a Residential Urban (R-1), Residential Rural (R-2) or Residential Multiple Family (R-3) Zone.*
- Policy I-5 In order to support the development of local light industrial uses, it shall be the policy of Council to permit the development of light industrial uses outside of the Industrial designation and the Marine Industrial (M-1) zone within the Rural Residential designation and Residential Rural (R-2) zone by Development Agreement subject to the appropriate sections of the Municipal Government Act and all relevant policies of this Strategy, specifically Policy A-7.*
- Policy I-6 In accordance with Policy I-5, It shall be the policy of Council to permit within the Rural Residential designation and Residential Rural (R-2) zone by Development Agreement the following and similar types of uses: light industrial fabrication and sales, warehousing and storage facilities, recycling depots, retail sales related to a light industry, building materials supply and sales, and construction and trucking facilities subject to the following criteria:*
- a) the potential to adversely affect adjacent residential uses;*
  - b) the architectural design, including the scale of any building and its exterior finish is compatible with adjacent uses;*
  - c) total area used for outdoor storage and adequate provisions of artificial or natural screening devices;*
  - d) the impact of the proposed or expanded use on traffic volumes and the local road network, as well as truck traffic circulation, sighting distances and entrance and exit to and from the site;*
  - e) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;*

- f) the expanded or new use is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission;*
- g) if applicable the expanded or new use is in conformance with the Source Water Protection Plan for the Village of Port Hood;*
- h) the hours of operation;*
- i) the proposal meets all the pertinent policies of the Strategy, specifically Policy A-7 of this Strategy.*

*Policy I-7 It shall be the policy of Council to allow within any Industrial zone or as part of any light industrial development permitted by Development Agreement, more than one main building on a lot.*

# CHAPTER 5: RECREATIONAL & OPEN SPACE DEVELOPMENT

Port Hood is fortunate to have plentiful open spaces and recreational facilities. Within the planning area are five distinct sandy beaches accessible from the mainland (in addition to those on Port Hood Island and Henry Island), a provincial park, a section of the Celtic Shores Coastal Trail, the Al MacInnis Sports Centre, a bandstand, sports fields, and many other features.

The *Port Hood Conceptual Development Plan* recognized the value of Port Hood's beaches and suggested that Port Hood should brand and position itself as the "Beach Capital of Cape Breton" – a step that has since been taken. While it does not recognize Port Hood specifically, the *Destination Inverness County 2014-2017 Tourism Strategy* also recognizes the potential of Inverness County's beaches as key resources for future tourism development. Accordingly, Council recognizes the value of Port Hood's beaches as recreational resources to residents and visitors alike.

For the purposes of the Strategy and Land Use By-law, most recreational uses shall be permitted in all residential zones. Provincially designated beaches, the provincial park, and the Celtic Shores Coastal Trail will be recognized by a separate designation and associated zone.

Recreation and its complementary aspects - parks or open space area - are commonly considered important indicators of the quality of life offered by a community. The range of such resources and activities play an important role in creating an impression in the mind of residents and visitors alike about the community.

*Policy O-1 It shall be the policy of Council to permit public recreational uses in all residential zones including the Mobile Home Park Zone.*

*Policy O-2 It shall be the policy of Council to designate the provincially designated beaches, the provincial park, and the Celtic Shores Coastal Trail as "Open Space" on the Generalized Future Land Use Map.*

*Policy O-3 It shall be the policy of Council to establish in the Land Use By-law an Open Space (O-1) zone which shall apply to the area designated "Open Space." Within the Open Space (O-1) zone, the following and similar types of uses shall be permitted: recreational uses including a beach, accessory buildings to a beach including changing and washroom facilities, picnic areas, concessions and tourism related*

*uses not requiring sewer or water services, boardwalk and nature interpretation stands, conservation projects, and multi-use trails.*

*Policy O-4 It shall be the policy of Council to have no minimum lot requirements for developments in the Open Space (O-1) Zone.*

*Policy O-5 It shall be the policy of Council to investigate the means of providing additional parking and improves access to Port Hood's beaches.*

# CHAPTER 6: MUNICIPAL SERVICES

## SEWER AND WATER

The residents of Port Hood are served by both a relatively new central water system and a sewage collection system and treatment plant constructed in 1970. The system was upgraded in 1996 and extended in 2012 to service an additional 70 residences. As part of this project a new sewage treatment facility was completed in 2013 and water treatment facility in 2015. As of 2017, the system services 283 single family dwellings, five dwellings with more than one dwelling unit, and 34 businesses or institutions.

The central water system is supplied by two deep wells located within the planning area. Water is pumped from the wells to a water treatment plant where chlorination and iron and manganese removal take place. From the treatment plant water is pumped into the distribution system. The water system also includes a storage reservoir to supply water in case a pipe break or power failure should ever occur. As well, the storage reservoir provides adequate water to meet fire flow requirements in accordance with the recommendations of the Canadian Underwriters Association.

A Well Head Protection Program completed by ADI Nolan Davis in December of 1996 proposed a number of steps to be taken to protect these wells from possible contamination. This is a concern since the wells are located in the plan area and are surrounded by residential and commercial land uses. The report recommended that the Planning Strategy and Land Use By-law limit development in the protection zone by prohibiting industrial or institutional uses in this area, and requiring that all development be on central sewer services within the protection zone for both wells.

In accordance with provincial requirements, the Municipality commissioned the *Source Water Protection Plan for the Village of Port Hood* in 2010. This plan identifies the Source Water Protection Area (the area from which water is drawn to supply the wells) in order to clearly identify where contamination could seriously affect the drinking water supply. This area is further delineated into zones based on the amount of time required before contaminants could travel to the wellhead. The closer the zone to the wellhead, the less time needed for contaminants to travel to the well. These zones include Zone A (0-2 years), Zone B (2-5 years), and Zone C (5-25 years). Among the risks to the water supply system identified by the plan are the following that may (at least in part) be regulated through municipal land use regulations: residential septic tanks; above ground and underground residential fuel storage tanks; storage of equipment and old vehicles; and the storage of petroleum solvents, lubricating oils, and other chemicals. These are the risks addressed by this Secondary Planning Strategy and Land Use By-law and will be regulated within Zone A and Zone B of the Source Water Protection Plan (as indicated on the Generalized Future Land Use Map and Zoning Map). Land use regulations cannot address many of the concerns associated with protecting these wells, such as runoff from road salt, the use of herbicides or pesticides and spills from fuel oil trucks. The plan proposes several steps to address these concerns including but not limited to a public education program, signage identifying the Source Water Protection Area, the installation of monitoring wells to measure aquifer levels and possible contamination, the development of an emergency response plan in the event of contamination of the wells.

The sewage collection system is a linear gravity feed system which utilizes three pumping stations to pump the effluent to a treatment plant. The treated effluent is discharged into the Northumberland Strait. The collection system and treatment plant generally serves the community well. In general, both the central water system and sewage collection system provide good service. It is not anticipated that there will be any major problems associated with meeting the development demands within the foreseeable future. Future developments should be encouraged to take place on an infilling basis to make more efficient use of the existing services. When the need arises, extensions can be easily added to the existing system to accommodate future development.

*Policy S-1 It shall be the policy of Council to identify two wellhead protection areas (one per well head) based on Zone A and Zone B of the Source Water Protection Plan for the Village of Port Hood, and establish restrictions for these areas to protect the Port Hood water supply from contamination. These restrictions will include requiring that all development be on central sewer systems, and prohibiting certain activities which could lead to the contamination of groundwater.*

*Policy S-2 It shall be the policy of Council to revise the Well Head Protection Areas if further studies to more clearly identify the zone of contribution result in a different boundary.*

*Policy S-3 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 System.*

## PROTECTIVE SERVICES

### POLICE PROTECTION

Inverness County utilizes the RCMP for police protection to the residents of the County. The detachment is located in Inverness and provides protection services from Port Hood to Margaree, with a backup detachment in Port Hawkesbury. Another detachment is located in Chéticamp which provides protection for the northern portion of the County.

*Policy P-1 It shall be the policy of Council to encourage the efforts of the RCMP in providing police protection for the residents and businesses within the Port Hood Planning Area.*

### FIRE PROTECTION

The Port Hood Planning Area is served by the Port Hood Volunteer Fire Department. The station is located on Main Street opposite the Convent and consists of four bays for the storage of trucks and other related equipment. The Fire Department has five vehicles at its disposal: a first responder truck, an equipment truck, two pumper trucks, and a mini pumper truck. Large portions of the building are available for community use. The volunteer unit operates under a special grant from the Municipality with the remaining necessary funds being raised by the volunteer members.

*Policy P-1 It shall be the policy of Council to support the efforts of the Port Hood Volunteer Fire Department in providing fire protection for the residents and businesses within the Port Hood Planning Area. It shall be the policy of Council to hold annual discussions with the officials of the Port Hood Fire Department. These discussions shall include but not be limited to the needs of the Department in relation to both manpower and equipment.*

## GENERAL POLICIES

### SIGNS

Port Hood, as with other communities of this size, does not have a sign problem. However,

Council recognizes the fact that signage could eventually cause visual unsightliness to the community. To address concerns about driver distraction and potential unsightliness, Council will establish a list of sign types that are prohibited in the Planning Area. Council will also require that all signs permitted in the Planning Area be maintained to a certain standard defined in the Land Use By-law. This approach provides Council with the ability to respond to complaints about prohibited or unsightly signs while also giving business owners significant freedom to advertise their goods and services as they deem appropriate. It shall be the policy of Council to prohibit types of signage within the Planning Area that it deems to be distracting or unsightly.

*Policy G-1 It shall be the policy of Council to require that signs within the Planning Area be maintained to a standard identified in the Land Use By-law.*

## **PUBLIC AND PRIVATE UTILITIES**

It is not uncommon to have various public and private utilities located throughout a community. These utilities provide essential services (e.g. transportation, communication, water, gas, electrical, etc.) and often need to locate equipment or transmission lines in all sections of a community. Council does not wish to place undue hardships on these utilities; therefore, these uses will be permitted in any zone within the Planning Area. However, the environmental and visual impacts of the project should be considered prior to any development.

*Policy G-2 It shall be the policy of Council to permit public and private utilities in all zones within the Planning Area.*

## **GOVERNMENT BUILDINGS AND FACILITIES**

It is a common occurrence within communities the size of Port Hood to allow Government buildings and facilities to be located in various neighbourhoods throughout the Planning Area. In keeping with this pattern, Council is of the opinion that Government buildings and facilities be permitted within all zones, with the exception of the Open Space (O-1) Zone.

*Policy G-3 It shall be the policy of Council to permit Government buildings and facilities in all zones, except the Open Space (O-1) Zone within the overall Planning Area.*

## **PARKING**

In the past, off street parking has not been a problem in Port Hood. However, Council is of the opinion that provisions should be made in the Land Use By-law requiring individual developments to provide off street parking facilities. This would reduce the likelihood that

parking problems occur as a result of future development, while at the same time giving both residents and business owners a clear understanding that Council does not wish to have motor vehicles parking on public streets.

*Policy G-4 It shall be the policy of Council to establish in the Land Use By-law proper parking standards for all development within the Port Hood Planning Area.*

## TEMPORARY AND SPECIAL USES

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

"Special uses" refer to signs, banners, display booths, and other associated structures which are used during special events such as festivals and special ceremonies. Council sees no serious problems with allowing these uses in the Planning Area on a short term basis. Council will require that the special use be removed once the special event is concluded.

A third use which has been identified as a temporary nature is one which relates to the fishery or agriculture industries, where a fisherman or farmer wishes to sell seafood or farm produce. These uses are of a seasonal nature and Council is of the opinion that they should be permitted.

*Policy G-5 It shall be the policy of Council to allow for temporary uses and structures used in conjunction with a development, construction or subdivision project, including offices, equipment and material storage buildings, scaffolding, or signs in the Planning Area. Council will require that such temporary use or structure be removed within a specified time. A Development Permit shall be required for a temporary use.*

*Policy G-6 It shall be the policy of Council to allow for special uses and structures such as signs, banners, 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 specified time. A development permit shall be required for such uses.*

*Policy G-7 It shall be the policy of the Council to allow for seasonal uses related to the fishery and the agriculture industries where a fisherman or farmer wishes to sell their seafood or farm produce at their private residence. Such uses will be disbanded within a specified period upon the closing of the fishery or agriculture seasons.*

## REFUSE COLLECTION

The Municipality provides refuse collection on a weekly basis to the residential sector. The solid waste is collected by truck and transported to a municipal land fill site.

*Policy G-8 It shall be the policy of Council to continue with the refuse collection on a weekly basis through the Municipality's Garbage Collection By-law.*

## CREATION OF LOTS WITHOUT FRONTAGE

*Policy G-9 Council realizes that some properties within Planning Area may be “landlocked” and unable to meet the frontage requirements set out in the Land Use By-law. Examples of situations where this may be the case include properties created before frontage was a requirements for subdivision or properties that are bisected by the Celtic Shores Coastal Trail (previous railway bed). Council does not wish to place undue restrictions on these properties with respect to future subdivision. Therefore, Council shall make limited provisions for subdivision without frontage in accordance with the Municipal Government Act. It shall be the intention of Council to permit the creation of one additional lot without lot frontage pursuant to Section 19 of the Subdivision By-law, subject to such lot having an easement for right-of-way and access, granted by deed and registered at the Registry of Deeds, and where the portion of that right-of-way easement crosses the railway right-of-way, a license for right-of-way and access from the railway shall be sufficient.*

## PRIVATE ROADS

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

*Policy G-10 It shall be the policy of Council to allow subdivision of lands on private roads within the Port Hood Plan Area subject to the Municipality of the County of Inverness Subdivision By-law.*

# CHAPTER 7: IMPLEMENTATION

## GENERAL

The *Port Hood Secondary Planning Strategy* 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 Port Hood Area Planning 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 bylaws 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 and Port Hood Area Planning Advisory Committee is able to supply, it shall be the policy of Council to circulate applications for amendment of the Land use Bylaw to provincial government agencies such as the Departments of Environment, Transportation and Infrastructure Renewal, and Natural Resources 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 *Port Hood Secondary Planning Strategy*. It shows the desired future land use within the planning area which have been recommended by the Strategy. This map includes the following designations:

- **Urban Residential** which permits low density residential development, home occupations, recreation/open space uses, and institutional uses.
- **Rural Residential** which permits low density residential development, home occupations, open space recreational uses and institutional uses and agricultural uses.
- **Central Business District** which permits a wide range of commercial development and

existing detached dwellings.

- **Highway Commercial** which permits uses related to the tourist industry, entertainment centres, financial institutions and parks and residential dwellings as an accessory use.
- **Waterfront Development** which permits wharf, marine uses, beaches, motels, hotels and other tourism uses and restaurants.
- **Marine Industrial** which permits processing, manufacturing and repairing, uses related to the fishery, service industries such as trucking, contracting and wholesale distribution.
- **Open Space** which permits such uses as recreational uses including a beach, accessory buildings to a beach, conservation projects, boardwalk and nature interpretation stands and conservation projects.

## PORT HOOD LAND USE BY-LAW

The principal mechanism by which land use policies are implemented is the *Port Hood Land Use By-law*. The Land Use By-law sets out zones, permitted uses, and development standards within the zones and in so doing shall reflect the policies of the *Port Hood Secondary 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 which would not be permitted in the initial zoning will be processed as amendments to the zoning map.

*Policy A-3 It shall be the intent of Council that the following zones, within the designations specified, shall be considered only by amendment to the Land Use By-law:*

- a) Residential Urban (R-1) within the Rural Residential designation in accordance with Policy R-6;*
- b) Residential Multiple Family (R-3) within the Urban Residential designation in accordance with Policies R-11, R-12, and R-13;*
- c) Mobile Home Park (M-H) within the Urban Residential and Rural Residential designations in accordance with Policies R-9 and R-10;*
- d) Harbourfront Development (C-3) within the Waterfront Development designation in accordance with Policy C-14.*

## CRITERIA FOR AMENDMENT OF THE PORT HOOD LAND USE BY-LAW

*Policy A-4 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 Municipality to absorb any costs relating to the development;*
  - ii) the adequacy of sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems;*
  - iii) the adequacy and proximity of school, recreation, and any other community facilities;*
  - iv) the adequacy of road networks in, adjacent to, or leading to the development;*
  - v) the potential for the contamination of water courses or the creation of erosion or sedimentation.*
  - vi) the potential for the contamination of the production wells, based on proximity to the Well Head Protection Zones of the Source Water Protection Plan for the Village of Port Hood.*
- c) That adequate requirements are contained in this 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;*

*vii) similar matters of planning concern.*

*d) Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses based on appropriate technical advice.*

## **AMENDING THE PORT HOOD LAND USE BY-LAW**

The *Port Hood Land Use By-law* is designed to implement the *Port Hood Secondary Planning Strategy* and it is expected that the by-law will be amended from time to time in conformity with the Strategy. Examples of situations which might create a need to amend the Land Use By-law include:

- a request by an individual or committee of Council to have the By-law amended; (e.g. a map amendment or text amendment)
- a motion by a member of Council to amend the By-law; or
- a change in the Strategy.

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

*Policy A-5 In considering amendments to the Land Use By-law or applications for Development Agreements it shall be the policy of Council to:*

- a) request a report from the development officer;*
- b) refer the matter to the Planning Advisory Committee and the Area Planning Advisory Committee for reports with respect to Policy A-4 (Criteria for Amendment to the Land Use By-law) or Policy A-7 (Criteria for a Development Agreement), 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 or proposal for a Development Agreement 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.*

## **DEVELOPMENT AGREEMENTS**

*Policy A-6 The following uses shall only be considered subject to the entering into of a Development Agreement according to the appropriate sections of the Municipal Government Act and Policy A-7 of this Strategy:*

- a) *New commercial uses such as service station and car wash, restaurant and take out restaurant, neighbourhood convenience store (not permitted as a home occupation), craft and gift shop, campground and associated uses, motel and associated uses, tourist and guest home (not permitted as a home occupation) and a laundromat. These uses will be permitted by Development Agreement on properties fronting or having access to Highway 19.*
- b) *Tourist cabins and tourist cabin establishments within the Residential Designations.*
- c) *Light industrial uses within the Rural Residential designation and Residential Rural (R-2) zone.*

*Policy A-7 As a condition for approval of a request for a Development Permit for a use other than a permitted use where authorized elsewhere in this Strategy, it shall be the intention of Council to require the applicant to enter into a Development Agreement with the County, specifically setting out conditions under which the development may proceed.*

*Policy A-8 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:*

- 1) *That the proposed agreement is in conformance with the intent of this Secondary Planning Strategy and all other Municipal By-laws and regulations.*
- 2) *That the proposal which is subject to the Development Agreement is not premature or inappropriate by reason of:*
  - a) *the financial capability of the County to absorb any costs related to the development;*

- b) *the adequacy of the physical site conditions for private on-site sewer and water systems;*
  - c) *the adequacy of the street or road networks, adjacent to and leading to the development; and*
  - d) *the adequacy of municipal fire protection, service and*
- 3) *That controls are placed on the proposed development so as to reduce the conflict with any adjacent or nearby land uses by reason of:*
  - a) *the type of use;*
  - b) *the height, bulk and lot coverage of any proposed building or structure;*
  - c) *traffic generation;*
  - d) *access to and egress from the site and the distance of these from street intersections;*
  - e) *parking;*
  - f) *landscaping;*
  - g) *open storage;*
  - h) *signs;*
  - i) *the hours of operation;*
  - j) *maintenance of any building(s) and property; and*
  - k) *any other relevant matters of planning concern.*
- 4) *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.*
- 5) *the potential for the contamination of the production wells, based on proximity to the Well Head Protection Zones.*
- 6) *The terms of the agreement provided, as appropriate, for:*
  - a) *the discharge of the agreement or parts thereof upon*

*the successful fulfilment of its terms.*

*Policy A-9 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 the subject of a Development Agreement under the appropriate sections of the Municipal Government Act.*

- 1) A site plan showing the following information:
  - a. 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;*
  - b. the proposed location, height dimensions and use of all buildings or structures proposed to be built or erected on the lands;*
  - c. the type and amount of site clearing required, if any, and provisions proposed for good site drainage and servicing with water and sewage disposal.**
- 2) Information as to the hours of operation.*
- 3) Information as to the architectural design, scaled plans, profiles, grade elevations and cross sections.*
- 4) Information as to the provisions for an appropriate natural buffer strip and maintenance of the natural buffer strip.*
- 5) Such further information as Council may require in order to properly assess compliance with other policies in the Strategy.*

## **DEVELOPMENT OFFICER**

*Policy A-9 In accordance with the Municipal Government Act it shall be the policy of Council to continue to employ a Development Officer who shall administer the Port Hood Land Use By-law and shall, where, appropriate, grant development permits.*

## **VARIANCES**

*Policy A-10 The Development Officer may grant variances from the Port Hood Land Use By-law in accordance with the Variance provisions of the Municipal Government Act.*

## SECONDARY PLANNING STRATEGY AMENDMENTS

*Policy A-11 An amendment to this Strategy shall be required:*

- a) where any policy intent is to be changed;*
- b) where a desired zoning map 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-12 Strategy amendments shall be carried out in accordance with the provisions of the Municipal Government Act.*

## ACTIONS NOT REQUIRING A SECONDARY PLANNING STRATEGY AMENDMENT

*Policy A-13 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.*

## STRATEGY REVIEW

*Policy A-14 In accordance with the Municipal Government Act, this Strategy and accompanying Land Use By-law shall be reviewed when deemed appropriate by Council.*

