

**St. Peter's**

**MUNICIPAL PLANNING STRATEGY**

**SEPTEMBER 2007**

**MUNICIPAL PLANNING STRATEGY  
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# CHAPTER 1 – INTRODUCTION

## THE STRATEGY

The Municipal Planning Strategy for St. Peter's has been prepared according to the provisions of the *Municipal Government Act*, Chapter 18, Statutes of Nova Scotia, 1998 (as amended from time to time). The Strategy covers all the land within the boundary of the St. Peter's Planning area, as indicated on the Generalized Future Land Use Map. The provincial and local contexts of the Planning area are also outlined in this document.

This Strategy and Land Use By-law have been prepared under the guidance of the Council of the Municipality of the County of Richmond through its Planning Advisory Committee and the St. Peter's Area Advisory Committee. The Area Advisory Committee invited public participation in the planning process through open house information sessions, a questionnaire and public meetings.

The purpose of this Municipal Planning Strategy is to guide the decisions of Council with respect to the regulation of private and public development and to continue to provide both public services and facilities within the St. Peter's planning area.

The general goal of this strategy is to encourage orderly growth and development in the planning area while maintaining a pleasant environment for both the residents and business community of St. Peter's. Another goal is to enhance and maintain St. Peter's downtown area as both a service and tourist area, and to promote its central location as an enviable commercial core.

In order to support these goals, the Strategy has identified certain objectives followed by policies which are directed toward achieving the objectives. Council will implement these policies as outlined in the Implementation section of this Strategy.

In adopting this Municipal Planning Strategy, Council does not commit itself in undertaking any project described herein, but is prevented from undertaking "any development within the scope of this planning strategy in a manner inconsistent or at variance therewith" (*Municipal Government Act*). Therefore, the intention is that the actions of Council reflect priorities set out in this Strategy.

Council has adopted a list of policies which are intended to foster this goal. 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 in the planning area. It includes a list of permitted uses and appropriate lot standards. The second implementation mechanism is the Richmond County Subdivision By-law which controls the subdivision of land not only within the planning area, but also throughout the Municipality.

Maps referred to in the policy statements are included in this document and constitute part of the Strategy. The most important map is the Generalized Future Land Use Map which is a graphic representation of the desired land uses proposed for the planning area.

The boundaries of the planning area include the Village of St. Peter's, generally extending to Jacksonville to the North, Lynche's River to the East, Grande Grève to the South and River Tillard to the West. Details of the Planning area boundaries are outlined on the Zoning Map.

## **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 in the Planning area, including municipal services. The policies of the Strategy are statements of Council's wishes and intentions, and their purpose is to clarify and implement the goals of the Strategy which are listed in the following manner:

It shall be a goal of Council:

- 1) That this Municipal Planning Strategy provides a framework and a process whereby the various characteristics of the community can be protected and stabilized.
- 2) To monitor development and land use in a manner that will preserve, enhance and protect both the natural and built environments of the community and quality of life for its residents.
- 3) To recognize the Bras d'Or Lakes as a valuable resource to the community by minimizing development that may conflict with the preservation of the lake's natural beauty and habitat.
- 4) To encourage preservation of the architectural and cultural heritage of St. Peter's and to minimize, where possible, any negative impact that may result from new development.
- 5) To maintain, improve, and expand municipal services and facilities to acceptable standards within the financial capabilities of the village and the municipality.
- 6) To monitor development and land use in a manner that will minimize and reduce land use conflicts with the community's water and sewer services.
- 7) To encourage and promote St. Peter's as a "Tourism Destination Area" within Richmond County and to enhance the stabilization of the economic means of the community.
- 8) To improve employment opportunities in St. Peter's by encouraging new commercial and business development to locate in specific areas of the community.

## **FUTURE TRENDS**

For the duration of this Strategy the following trends are anticipated:

1. An increase in population density within the serviced areas of the community, resulting from projected new development and investment in the community;
2. A focused business and commercial base that will encourage diversification beyond the existing serviced-based and tourist businesses;
3. Development of the downtown commercial area;
4. Establishment of a coalition of residents and community groups which benefits additional community assets and activities such as the Nicholas Denys and MacAskill House museums, St. Peter's Canal and Provincial Parks, Lion's Club Park and shoreline walks.

## **CULTURAL AND HISTORIC BACKGROUND**

On the southern coast of Cape Breton Island, a narrow isthmus of land is all that separates the Bras d'Or Lakes from the Atlantic Ocean. Here lies St. Peter's, a picturesque seaside village with a long and often turbulent history. Centuries before its well-known canal was constructed, native Mi'kmaq people used the St. Peter's area as a portage, simply carrying their canoes the short distance from one body of water to another. Its unique location proved enticing to others as well and St. Peter's began attracting European pioneers.

In the 1630's, St. Peter's was the site of a small fortified settlement named Fort Saint Pierre, built by merchants from LaRoche, France. Nicholas Denys, originally of Tours, France, took possession of the fort in 1650. He cultivated the land, established a successful fur trade with the Mi'kmaq, and began exporting furs, fish and lumber to Europe. Taking advantage of the area's land formation, Denys initiated the building of "Haul Over Road", a portage road across the isthmus. It allowed vessels, pulled over skids by oxen, to be transported between the Lakes and the Atlantic. This short access route to inland settlements made Fort Saint Pierre an important trading center.

Unfortunately, Fort Saint Pierre was accidentally destroyed by fire in 1669. Denys retired to New Brunswick where he wrote "Description Géographique et Historique des Costes de L'Amérique Septentrionale," in which he expresses regret for failing to develop St. Peter's as he had once planned. Nicholas Denys is remembered today for his contributions through the museum which bears his name, located near his original trading site on the St. Peter's Canal. The limited ruins of Fort Saint Pierre now are buried in the garden of the lockmaster's house.

Land cleared by Denys attracted new settlement. In 1713, Fort Toulouse was established by Acadians fleeing mainland Nova Scotia after its loss to the British. It became an important supply centre for Louisbourg and Fort Toulouse was erected to protect the transportation of goods. The British destroyed Fort Toulouse in 1758 for the second and last time, and expelled its

French inhabitants. Sparse remains of this once important fort can still be found in Battery Provincial Park near the St. Peter's Canal.

British settlers began moving to the area. They built Fort Dorchester when France declared war on Britain in 1793, but interest in the fortification waned and it was manned for only five years. The ruins of Fort Dorchester are still evident on the summit of Mount Grenville, now part of Battery Park.

Though it no longer boasted a fortification, the community continued to grow and prosper as a marine trading center. The eminent Lawrence Kavanagh Jr., born in 1764 in Louisbourg, established himself in St. Peter's and made his fortune through its thriving fishing and shipping businesses. In Battery Park, a bronze plaque marks the foundation of his former residence, once the largest, most luxurious home in the village. A monument near the RCMP Barracks also pays tribute to this distinguished politician and businessman.

The Handleys likewise promoted the community's development. Originally from Halifax, the family settled in St. Peter's in 1820 and opened shipbuilding yards and grocery stores at each end of the portage. This prominent family also owned Handley's Island, located just off the isthmus on the Bras d'Or side.

The world famous marine photographer Wallace MacAskill is yet another distinguished St. Peter's native. He opened his first studio in the community in 1906 at merely 16 years of age. Many have unwittingly seen a "MacAskill" - his 1937 photograph of the Nova Scotia Bluenose was used as the design for Canada's ten cent piece. MacAskill's old family home, which dates back to 1870, still stands in St. Peter's.

St. Peter's is perhaps best known for its canal which was in operation as early as 1869. By the 1850's the area had developed into a very active commercial port with stores, wharves, and shipbuilding facilities. As marine traffic increased, a man-made navigation channel, which would provide easy access to the inner waters of the Lakes, was considered.

In 1854 work began on the 800-metre passageway which would replace "Haul Over Road". After 15 years of digging and blasting through solid granite, St. Peter's Canal was completed. It did much business, especially during the World Wars, and had to be expanded twice, from 1876 to 1881 and 1911 to 1917. At one time, before the opening of the Canso Causeway, St. Peter's Canal was the only salt water canal in Canada.

In 1985, Parks Canada completed a restoration of both entrances to St. Peter's Canal, which in recent years has been used mostly by pleasure craft. As highways and railways replaced water as a mode of transportation, the shipping industry in St. Peter's declined. Commercial ships rarely pass through its locks today.

Presently, St. Peter's Canal is the main entrance for canoes, sailboats, and power cruisers touring the Bras d'Or Lakes. Hotels, a campground, restaurants, and a marina cater to those visiting the community. Its past has not been forgotten, however. Various sites such as the Nicholas Denys

Museum, the ruins in Battery Park and the St. Peter's Canal convey the historical significance of water to this coastal village.

## **DEMOGRAPHICS**

The population of St. Peter's has remained relatively constant over the last 27 years, although the population of Richmond County has decreased by approximately 14%. St. Peter's continues to act as the principle service centre of the eastern portion of Richmond County. Banking, shopping and public services for the region, including schools, are located in the Village.

## CHAPTER 2 - LAND USE PATTERNS AND POLICIES

### RESIDENTIAL DEVELOPMENT

#### Residential

As a primary service centre and large residential enclave within the Municipality of the County of Richmond, the village of St. Peter's plays a significant role in the residential pattern and growth of east Richmond. A prominent concentration of residential development is located in the central portion of the community with ribbon type development located along the major routes into the village. The majority of this central area is fully serviced with municipal water and sewer services. Refer to Chapter 3 of this Municipal Planning Strategy for more detailed information on municipal services.

The predominant land use pattern in the planning area consists of residential uses, with the exception being in the downtown core and on Provincial and Federal parkland adjacent to the St. Peter's Canal. Continued support of this residential enclave, which forms the backbone of the community, should be a priority. Therefore, the majority of lands in the planning area will be designated Residential, in a continuous effort to support residential development and other uses which are supportive of residential environments. The Residential designation will include both serviced and unserviced lands within the planning area.

***Policy R-1*** *It shall be the policy of Council to designate the central portion of the St. Peter's planning area and the surrounding unserviced portion, "Residential" as illustrated on the Generalized Future Land Use Map. The designation shall constitute the priority area for continuing residential development and for those uses which are supportive of residential environments.*

The highest residential densities are located at either end of the commercial core, along Grenville Street. There are a number of senior citizen housing units in the commercial centre and a higher concentration of single family homes just west of the centre along Grenville Street, as well as on Pepperell Street. There are relatively few apartment units in the planning area. Remaining residential development is dispersed along Route 4 in either direction, on Kavanagh Street southward towards Grande Grève and northward on the Jacksonville Road (Pepperell Street extension).

A large portion of the planning area is unserviced and for the most part 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.

In keeping with these existing land use patterns, Council will zone certain areas in the Residential designation for general types of land uses while other areas will be designated for more specific land uses. The serviced portion of the Residential designation will be zoned "Residential Village" and a "Residential Rural" zone will be assigned to the unserviced area. Consequently, land use patterns and lots will be smaller in the serviced areas than those for the rest of the designation.

Medium density residential uses will be encouraged in the Residential Village zone. Included will be dwellings containing up to a maximum of three dwelling units, mini homes, home occupations, tourist or guest homes, public recreational uses such as playing fields and institutional uses such as schools, churches and cemeteries.

Mini homes also are part of the housing stock in St. Peter's. They are located on individual lots with the majority having adequate street frontage and lot area. Recognizing, however, the existence of mini homes in the planning area, Council will treat mini homes in the same way as conventional single detached dwellings and will permit them in the Residential Designation.

Given the residential nature of the St. Peter's planning area, Council shall give consideration to adopting A By-law Respecting the Control of Noise.

### **Home Occupations**

Throughout any community there are businesses which are operated in a dwelling or an accessory building (i.e. private garage or shed). These "Home Occupations" entail little or no outdoor storage, limited use of signs and no activity which would have a detrimental impact on the surrounding residential neighbourhood. These uses can be beneficial to the neighbourhood as residents benefit from being close to their services. The operator also benefits from reduced start up and operating costs. What is important with respect to the establishment of a home occupation is the impact the proposed use will have on the surrounding neighbourhood. Therefore certain standards will be developed to ensure minimal impact on adjacent land uses.

Home occupations will be classified as any occupation, trade, profession, or craft carried on by an occupant of a dwelling unit as a secondary use to the residential use of the building, and which does not change the character thereof or have any exterior evidence, other than limited signage, of such secondary use.

**Policy R-2** *It shall be the policy of Council to establish a "Residential Village" (R-1) zone within the Residential designation and to permit within this zone the following and similar types of uses: residential dwellings to a maximum of three dwelling units including mini homes, bed and breakfasts, institutional, recreational and agricultural uses, existing funeral homes, existing warehouses as well as business uses located in a residence, provided that the scale of the business and its external appearance are compatible with the residential environment. The R-1 zone shall apply to the serviced area within the Residential designation.*

**Policy R-3** *It shall be the policy of Council to establish in the Land Use By-law a "Residential Rural" (R-2) zone within the Residential designation and to permit within this zone the following and similar types of uses: single detached dwellings, semi-detached and duplex dwellings, bed and breakfasts, cottages, day care centres, institutional and recreational uses, wharves and boathouses, farms and agricultural uses as well as business uses located in a residence, provided that the scale of the business and its external appearance are compatible with the*

*rural environment. The R-2 zone shall apply generally to the unserved area within the Residential designation.*

There are circumstances where residents have found it necessary or desirable to build two single unit dwellings on one lot. In some cases there is a desire to have an independent accessory dwelling to the main dwelling permitted on the property for family members to be close to other members of the family. For instance elderly family members could retain a high degree of independence by living in their own home but still have the security of family members close by. Accessory units also can provide affordable housing for persons wishing to remain in their community or can be used as guest homes for visiting relatives. Council is of the opinion that the benefits of such an accessory unit would outweigh the possibility of not being able to sell the second home if the property could not be subdivided.

***Policy R-3A*** *It shall be the policy of Council to permit a secondary accessory single unit dwellings on a lot within the Residential Village (R-1) Zone or within the Rural Residential (R-2) Zone.*

***Policy R-4*** *It shall be the policy of Council to consider the rezoning of lands which are presently zoned “Residential Rural” (R-2), to that of “Residential Village” (R-1) upon the installation of municipal water and sewer services.*

***Policy R-5*** *It shall be the policy of Council to permit public recreational uses in all residential zones.*

### **Rural Commercial Uses**

Presently, there are a number of commercial or business uses located within the Residential designation, in addition to those defined as home occupations. Council intends to provide land use controls to maintain and develop the central area of the community as the principal commercial area. Notwithstanding these provisions, Council recognizes that there are certain small business uses that could be integrated into rural areas without negatively affecting the central commercial area of the community. In fact, some small business uses would be preferable in rural areas, as long as they do not impede on adjacent residential land uses. Examples of these are intensive land uses such as construction materials and lumber yards, warehousing and auto body shops, as well as service related uses such as convenience stores and craft or gift shops.

Council is of the opinion that a provision should be contained in the Strategy to accommodate these uses in the rural area, which would create an alternative option for would-be entrepreneurs who find themselves limited with respect to commercial space in the downtown area.

A Rural Commercial (RC-1) zone will be created to allow for these new uses, and rural commercial uses will be considered only by amendment to the Land Use By-law. In considering such an amendment, criteria such as buffering and setback distances, compatibility with adjacent land uses, parking and traffic circulation would be examined.

***Policy R-6*** *It shall be the policy of Council to establish in the Land Use By-law a “Rural*

*Commercial” (RC-1) zone which will permit the following and similar types of uses: building supplies and lumber outfits, warehousing, auto body shops, sawmills, convenience stores, craft shops, light industrial fabrication and sales and trucking facilities.*

**Policy R-7** *It shall be the policy of Council to consider amendments to the Land Use By-law to allow for the rezoning of lands in the “Residential Rural” (R-2) zone to “Rural Commercial” (RC-1) zone. In considering such amendments, Council will have regard to the following:*

- a) That adequate separation and buffering through landscaping be provided within the proposed development to mitigate its impact on adjacent residential land uses.*
- b) The proposed rural commercial use shall abut a public road or street which is also capable of accommodating the increased traffic generated by the proposed development.*
- c) Adequate off-street parking shall be provided for customers and employees.*
- d) Signage shall be modest in size and shall not include any flashing or pulsating lighted elements or any movable parts.*
- e) The commercial use shall not alter the existing rural character or threaten the stability of the surrounding residential area as a result of physical characteristics of the development or the characteristics of the use and associated activities.*
- f) The provisions of Policy A-7.*

### **Multiple Unit Dwellings**

Presently there are a number of multiple-unit dwellings in the St. Peter’s planning area that exceed three dwelling units. They are all located along Grenville Street in the centre of the community. Two are used exclusively as seniors’ apartments consisting of one eleven-unit building (the Marguerite Manor) and one sixteen-unit building (the Chateau Nicholas). One multiple-unit dwelling, with five units, is immediately adjacent to the seniors’ apartments and the Oceanside Apartment building contains eight units. Five apartment units located above the Municipal Social Services offices will be recognized as part of an office/commercial complex. The new Richmond Villa next to the Lion’s Club Hall, a nursing care facility which accommodates 65 beds opened in 2006.

In a Planning Questionnaire distributed throughout the Village in late 2006, respondents recognized a need for more apartment type housing and more single family homes, which suggests a greater need for diversification of housing options in the community. The old

Richmond Villa site recently has been rezoned to accommodate a variety of housing options and future commercial uses to serve the people who live there.

Council is of the opinion that a provision should be contained in this Strategy to accommodate higher density residential uses within the central core of the village to allow for a more efficient use of existing land and services. Compliance with these criteria ensures that the adjacent property owners and the community as a whole are not affected by the intrusion of unplanned or the haphazard location of multiple-unit dwellings within the community. A Residential Multiple Unit (R-3) zone will be created to allow for these uses, and the three lots with existing multiple-unit dwellings will be zoned R-3. New multiple-unit dwellings will be considered by amendment to the Land Use By-law only. In considering such an amendment, the guidelines or criteria related to the capacity of the water and sewer systems, 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 will be examined.

**Policy R-8** *It shall be the policy of Council to establish in the Land Use By-law a “Residential Multiple Unit” (R-3) zone and to permit within this zone the following and similar types of uses: multiple-unit dwellings containing four or more dwelling units, town houses and public recreational facilities. Within the 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 cases where a tenant has more than one automobile.*

**Policy R-9** *It shall be the policy of Council to consider amendments to the Land Use By-law to allow for new multiple-unit dwellings in the serviced portion of the Residential designation and the Commercial designation. In considering such amendments, Council shall have regard to the following:*

- a) *The site to be used for the proposed multiple-unit dwelling shall be located on a street serviced by the community’s central water and sewage collection and treatment systems and that these systems have adequate capacity to handle the increased demands.*
- b) *That adequate separation and buffering through landscaping be provided within the development to mitigate its impact on adjacent land uses.*
- c) *The proposed use shall abut a public road or street which is also capable of accommodating the increased traffic generated by the proposed development.*
- d) *The site of the proposed multiple-unit dwelling shall be large enough to accommodate sufficient on-site parking.*
- e) *The provisions of Policy A-7.*

### **Mini Home Parks**

In the event that there is a proposal for the establishment of a mini home park within the Residential designation, Council will consider an amendment to the Land Use By-law provided that certain criteria listed in this Strategy are complied with.

Mini home park developments require encouragement with regard to all planning aspects, including design, construction and maintenance. Adequate open space, lot sizes, landscaping and servicing systems need to be enforced in order to establish and maintain proper development standards within the zone.

**Policy R-10** *It shall be the policy of Council to establish in the Land Use By-law a “Mini Home Park” (MHP) zone and to permit within the zone the following and similar types of uses: mini homes and mini home sales, public recreational uses including parks and playgrounds, offices, maintenance equipment and storage facilities related and incidental to the operation of the park and wharves and boathouses. Within the Mini Home Park (MHP) zone, more than one building may be placed on a lot.*

**Policy R-11** *It shall be the policy of Council to consider Mini Home Parks in the serviced portion of the Residential designation through amendments to the Land Use By-law. In considering such amendments, Council shall have regard to the following:*

- a) *that the development is served by sewer and water services and that it will not strain the capacities of those services or the capacities of schools and parks;*
- b) *the effect which any extension would have upon the level or quality of services in the park;*
- c) *the provision of landscaping or buffering from adjacent land uses in order to protect the privacy, reasonable use and enjoyment of those properties;*
- d) *the provision of landscaping or buffering from the public road to which it has access;*
- e) *the impact of the extension on external traffic circulation patterns; and*
- f) *the provisions of Policy A-7.*

## **COMMERCIAL DEVELOPMENT**

In the days when trade was conducted primarily by marine travel, St. Peter's prospered as a commercial shipping centre. Goods shipped either to or from Cape Breton often passed through the busy St. Peter's Canal. However, as highways and railways replaced water as the principal mode of transportation, the economy of the community declined

Currently, there is no heavy industry based in St. Peter's. A few small service businesses and light industries have been established along both sides of Toulouse Street, south of the Bonnie Brae Seniors Club, including a Wildlife Museum, a bus depot, and the St. Peter's and District Fire Hall and UAP Auto parts. These small scale businesses are seen as beneficial to the economy and do not interfere with the area's main tourist attractions. They are centrally located and are easily accessible by foot and automobile. An increase in these types of enterprise, given the community's central location to other smaller surrounding villages and southern Cape Breton, could strengthen St. Peter's position as a centre for business.

The northern section of Toulouse Street is currently serviced by Municipal water and sewer and there are plans to extend services southward to Denys Street. Access from the site to Highway 104 and the Strait area, as well as to Industrial Cape Breton, is gained through Grenville Street/Route 4, which Toulouse Street directly intersects.

The most prominent commercial areas within the St. Peter's planning area is located along Grenville street (Route 4) in the downtown area, commencing at the Old Cemetery Road to the west and moving eastward up to the St. Peter's Canal.

### **Downtown Commercial**

There is a concentration of commercial development within these areas, acting as the principal service centre for the eastern half of Richmond County. The core area is the heart of the village, and various community groups, such as the Business Improvement District (BID) Committee, the Village Commission and the local historical society have taken steps toward ensuring that its continued growth and vitality will be assured and properly maintained. A "Village Square" study done in 1994 has been a catalyst for a variety of improvements in the downtown core, which is where the continued viability of the community remains. Steps that have been taken in the way of downtown improvements include the placement of sidewalks, defined off street parking, new street lighting and furniture and a small park with a cenotaph at its centre, setting the tone for a more pedestrian-oriented commercial area. Façade improvements to both historic buildings and more recent commercial establishments have fostered a sense of renewal of the community's heritage and its importance as a service and tourism centre for the region.

This Strategy will encourage the commercial viability of the downtown core by supporting the nature of change that has occurred from "Village Square" improvements, and by encouraging a continuous sense of identity of the village by maintaining and encouraging local commercial development that will be complementary to the historically significant, pedestrian-oriented community. The downtown commercial area will form the central part of the Commercial designation on the Generalized Future Land Use Map.

**Policy C-1** *It shall be the policy of Council to designate lands Commercial as illustrated on the Generalized Future Land Use Map. This designation takes in the lands commencing east of the United Church and extending eastward up to and including the Inn on the Canal and then from the Provincial and Federal Parks eastward to the Joyce's Motel and Cottages. Lands along Pepperell Street between the Lion's Club Road and Grenville Street also will be designated Commercial. The Commercial designation includes several properties on Toulouse Street.*

**Policy C-2** *It shall be the policy of Council to establish in the Land Use By-law a "Downtown Commercial" (C-1) zone within the Commercial designation and to permit within this zone the following and similar types of uses; retail stores, business or professional offices, restaurants, financial institutions, personal service establishments, beverage rooms and other drinking establishments, entertainment centres, travel accommodation and services, automobile sales and services, public services, funeral homes, public parks and playgrounds, warehousing and storage facilities, building supplies and lumber outlets, fitness centres, daycare centres, private clubs, offices necessary for the administration of these uses, and new residential uses contained within the same building as a commercial use. Existing residential dwellings will be permitted uses in this zone.*

**Policy C-3** *It shall be the policy of Council to require that all new residential uses contained within the same building as a commercial use shall meet specific standards as listed in the Land Use By-law with respect to the location of the residential use within the building. Residential uses shall not be located on the ground level at the front of the building if located in the C-1 zone along Grenville Street. All other levels of the building will be permitted one hundred (100) percent of either commercial or residential space. If a building fronts any other street and is zoned C-1, residential uses will be allowed anywhere in the building, as long as a commercial use is present within the building.*

**Policy C-4** *It shall be the policy of Council to support the community's endeavors in conserving and promoting the historic features of the streetscape in the Commercial designation, which includes several heritage homes and commercial buildings that are historically significant to the community.*

To protect existing residential uses from the negative impact of outdoor storage and displays or parking spaces for industrial and business development, special requirements must be complied with where commercial uses abut residential uses.

**Policy C-5** *It shall be the policy of Council to require special abutting yard requirements for open storage or display and parking spaces where a commercial use abuts a Residential Village (R-1) use, a Residential Multiple Unit (R-3) use or a Mini Home Park (MHP) use.*

## **Mixed Use**

The second commercial area includes serviced lands located farther eastward along Route 4, past the canal and Provincial Park, extending as far as Joyce's Motel and Cottages. Uses located in this area are varied, combining commercial, residential, and recreational uses, as well as facilities which cater to tourists. This area provides commercial services for the larger region, serving for the most part a transient population of motorists passing through the community en route to the Sydney area eastward, or the Strait area and mainland Nova-Scotia westward. It also serves as a rest stop and tourist information area for travelers visiting various parts of Cape Breton Island.

The size of existing lots in this area generally is larger than lots in the downtown area, thus encouraging land intensive activity such as the motel and cottages and the campground. The area's location along the Bras d'Or Lakes make it an ideal location for further growth in the tourism industry, and its present diversity of uses should be encouraged to expand. The area is zoned "Mixed Use" on the Zoning Map to reflect its varied nature, and it is part of the Commercial designation on the Generalized Future Land Use Map. Lands within the Commercial Designation zoned Downtown Commercial (C-1) and located between Toulouse Street and the St. Peter's Canal may be appropriate for rezoning to the Mixed Use (C-2) zone. This area features a diverse mix of uses already and is a suitable area for either residential or commercial development. In this area, properties may be rezoned to from the Downtown Commercial (C-1) zone to the Mixed Use (C-2) zone subject to the evaluation criteria for rezoning.

Lands immediately to the north and west of the Downtown Commercial zone, are presently used for residential purposes, but are well situated for future commercial development. To encourage an orderly evolution of commercial uses between the downtown area and the surrounding residential area, the Mixed Use zone will be placed on lands extending from the Downtown Commercial zone into the Residential designation. Lots fronting on Grenville Street west of the Royal Bank and Morrison's Store within the Commercial designation, as well as lots along Pepperell Street north of the MacDonald Hotel and also within the Commercial designation are zoned "Mixed Use", and act as a buffer between the commercial centre and residential neighbourhoods. In addition, the majority of the properties which boarder Toulouse Street, will now be zoned as "Mixed Use", allowing more commercial and residential development within this area of the Village.

**Policy C-6** *It shall be the policy of Council to establish in the Land Use By-law a "Mixed Use" (C-2) zone within the Commercial designation and to permit within this zone the following and similar types of uses: retail stores, business or professional offices, financial institutions, automobile service centres, warehousing and storage facilities, restaurants, personal service establishments, government offices and services, daycare centre, fitness centre, private club, travel accommodation and services as well as all Residential Village (R-1) uses.*

**Policy C-6A** *It shall be the policy of Council to consider the rezoning of lands located within the Commercial Designation located between Toulouse Street and the St. Peter's Canal which are presently zoned "Downtown Commercial" (C-1) to that of "Mixed Use" (C-2). In considering such amendments, Council shall have regard*

*to the provisions of Policy A-7.*

The area of land that extends east of the Joyce's Motel and Cottages along Route 4 up to Corbett's Cove Road is a suitable area for future commercial development. It is presently underdeveloped because the lots in this area are unserved. Due to its strategic positioning at the eastern entry to the village and its potential for tourist development, Council should review its rural status if services are made available to lots within the area, thereby creating a greater potential for both commercial and residential uses.

***Policy C-7*** *It shall be the policy of Council to consider extending the designation and the rezoning of lands fronting on Route 4 east of the Commercial designation and up to Corbett's Cove Road which are presently zoned "Residential Rural" (R-2), to that of the Commercial designation and the "Mixed Use" (C-2) zone upon the installation of either municipal water and/or sewer services.*

Beyond the Commercial designation there are a limited number of commercial uses scattered throughout the Planning area. For the most part they are located within private homes and provide personal services such as hair care and small engine repairs to the general public. These and other similar uses will be defined as home occupations in the Land Use By-law, and will be permitted uses in the residential designation. In addition, a limited number of commercial uses that are compatible with the rural environment may be considered by rezoning, according to Policy R-7.

***Policy C-8*** *It shall be the policy of Council not to zone the existing commercial uses located outside the Commercial designation, but to consider these uses as home occupations.*

***Policy C-9*** *It shall be the policy of Council to allow new commercial uses to occur on a vacant undersized lot in the Downtown Commercial (C-1) zone, and the Mixed Use (C-2) zone where such uses cannot comply with the parking or loading standards of the Land Use By-law.*

Land designated Commercial along the Bras d'Or Lake on Route 4 is shallow in depth at some places, and normal building setback requirements for the lakes prevent the development of some of these lands. Notwithstanding setback requirements of structures along the shorelines in the planning area, Council believes that the serviced lands between the highway and lake should be exempt from these setbacks, as reflected in the existing pattern of development.

***Policy C-10*** *It shall be the policy of Council to exempt the front and rear yard lot standards for proposed new developments or expansion to existing buildings in the Mixed Use (C-2) zone where the property is located on the north side of Highway 4, between the Route 4 highway boundary and the Bras d'Or Lake.*

***Policy C-11*** *It shall be the policy of Council to require standards to be included in the development of parking lots which contain in excess of four parking spaces.*

***Policy C-12*** *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 parking areas which contain in excess of four parking spaces.*

## OPEN SPACE

Public recreational uses will be permitted within all residential zones. It is important that the residents of St. Peter's have some public areas set aside for leisure activities or sport events. Tourists also appreciate having these types of uses available to them.

The Canal/Battery Provincial Park region is the most prominent section of land within the planning area which is used for recreation. Both residents and tourists enjoy a public beach, along with changing rooms, washrooms and picnic facilities. Information stands describe nearby sites and attractions such as the historic ruins on Mount Grenville or the mechanics of the canal lock system. These types of uses shall be permitted in the Planning area and shall be designated "Open Space".

A nature trail, which follows the old railway lines from downtown St. Peter's to River Tillard, provides a scenic walk along St. Peter's Bay. This area is important to the community both historically and environmentally. The undeveloped rail right-of-way protects the fragile coastline along the Bay and if promoted, could also be an attractive destination for tourists. Council is of the opinion that the right-of-way should be protected from conflicting types of uses and designated "Open Space".

Another area which is designated Open Space is that which encompasses the marina, clubhouse, Lion's Club Hall and the baseball parks. The recreation facilities offered in this area are currently well used and enjoyed; therefore Council permits these types of uses in the area.

**Policy O-1** *It shall be the policy of Council to designate the St. Peter's Canal area, Battery Provincial Park, the nature trail which stretches from behind the Bonnie Brae Seniors Club to River Tillard, and the marina/Lion's Club Hall/baseball park area as "Open Space", as illustrated on the Generalized Future Land Use Map.*

**Policy O-2** *It shall be the policy of Council to establish in the Land Use By-law an "Open Space" (OS) zone which shall apply to the areas designated "Open Space". Within the Open Space (OS) zone, the following and similar types of uses shall be permitted; public recreational uses, accessory uses to a beach including changing rooms, washroom facilities, picnic areas and facilities, boardwalk and nature interpretation stands, information stands, conservation projects, social clubs, marina facilities and canteens.*

**Policy O-3** *It shall be the policy of Council to support the community's endeavors in conserving and promoting the area's historic features, both built or natural landscapes, within the Open Space designation, which includes both provincial and federal parkland, and existing or proposed walking trails along St. Peter's Bay and Strachan's Cove.*

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

## CHAPTER 3 - SERVICES

### MUNICIPAL SERVICES

#### **Village Water and Sewer**

The village of St. Peter's is served by a system of water lines running from inside the west village boundary along Grenville Street, across the canal, a short distance past Joyce's Motel and Cottages, and northeast to a short distance past Jacksonville. Water lines also run along Pepperell Street to join lines along De Raymond, as well as down Denys and Toulouse streets and part way down Kavanagh Street. Water from the village water source, Beauvais Lake, is gravity fed from the lake to the pump house. The water is filtered and chlorinated at the water Treatment Plant located at 9428 Pepperell Street and then is pumped throughout the distribution system. Water usage in St. Peter's is metered and the daily per capita usage is about 533 litres per day per person.

A new waste water treatment plant was constructed in 2003. Waste water is disinfected by a UV system and then directed to St. Peter's Bay. Water samples are checked weekly for quality of effluent by a laboratory, according to limits set by the Department of Environment.

St. Peter's is served by a state-of-the-art sewage processing system which was installed in 2004. The plant treats about 740,000 litres per day. The system follows the water lines with the exception of Denys Street, the southern part of Toulouse Street, part of De Raymond along the cemetery property and the northern part of Kavanagh Street. There are four lift stations, two on Pepperell Street and two on Grenville Street, that treat the Town's sewage, after which effluent is discharged into St. Peter's Bay.

***Policy S-1** It shall be the policy of Council to support the St. Peter's Village Commission in their efforts to establish an inspection and maintenance program for the Village Water and Sewer Systems in St. Peter's, provided village funds are available, and to address all current and future deficiencies in the system.*

### PROTECTIVE SERVICES

#### **Police Protection**

The RCMP provides police protection for Richmond County including St. Peter's. Located on Route 4, one kilometre east of the St. Peter's Canal, the detachment is manned by six officers and one detachment assistant. This detachment provides protection for the planning area and surrounding areas including Dundee, Louisdale, River Bourgeois, L'Ardoise, Chapel Island and Loch Lomond. Backup detachments are located in Sydney, Port Hawkesbury and Arichat.

***Policy P-1** 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 St. Peter's planning area.*

## **Fire Protection**

St. Peter's is served by a volunteer fire department with a brigade of 27 personnel. Located on Toulouse Street in the Village, the fire station houses two tanker/pumper trucks, a one-half tonne response vehicle, a rescue zodiac boat, an ATV sled, and a utility rescue vehicle. Additionally, the station contains a hall and offices. The village also has a network of fire hydrants. Funding for the department is covered by an area rate as well as through volunteer fund raising activities.

***Policy P-2** It shall be the policy of Council to continue to support the St. Peter's and District Volunteer Fire Department in providing fire protection to the community.*

## **GENERAL POLICIES**

### **Public and Private Utilities**

Utilities such as communication, electricity, gas, transportation and water are essential services to developed properties and often have to locate equipment or transmission lines in different parts of a community. These uses are permitted within all zones except the Open Space zone, with the exception of the current power lines which run north of the ball fields to service the Lion's Club Hall and Marina and those which service the St. Peter's Canal administrative buildings.

***Policy G-1** It shall be the policy of Council to permit public and private utilities in all zones within the Planning area except in that area of the Open Space zone which abuts St. Peter's Bay. A development permit is to be issued for each public and private utility use.*

### **Government Buildings and Facilities**

Buildings which are for government use will be allowed in any zone within the planning area with the exception of the Open Space zone, as institutional buildings are not in keeping with the Open Space theme of recreational activity. Government currently maintains the post office and liquor store in the Downtown Commercial zone, the Department of Transportation and Communications, the Department of Natural Resources, the Provincial Building and the RCMP detachment within the Mixed Use zone and the St. Peter's Canal in the Open Space zone.

***Policy G-2** It shall be the policy of Council to permit Government Buildings in all zones within the planning area except the Open Space (OS) zone.*

### **Parking**

Off street parking is a problem in the downtown area. There are currently several parking lots along Grenville Street serving the liquor store, Parker's Restaurant, the Pharmasave and Pro Hardware stores, Riff's/Sears, and the Village Grocery. A community parking lot is located across the street from the MacBouche Beverage Room. Congestion remains a problem, especially during the summer when tourist traffic is heaviest. Council is of the opinion that provisions should be contained in the Land Use By-law requiring individual developments to provide off street parking facilities.

**Policy G-3** *It shall be the policy of Council to establish requirements for proper off-street parking for all developments within the St. Peter's planning area.*

### **Separation Distance from Watercourses**

The St. Peter's planning area is in a unique situation in that much of its development, though located near a body of water, has occurred at a distance from the shorelines of the Bras d'Or Lakes and St. Peter's Bay. This can be explained somewhat by the topographical landscape of the area as well as the village's economic backbone not having been focused on the fisheries, thus negating the shoreline development pattern found in a number of coastal communities. Another explanation is that much of the land abutting the shore is under public ownership, with only limited recreational development, such as the St. Peter's Canal, Provincial Park, Lion's Club Park and the railroad right-of-way. The result of this growth pattern has protected much of the natural landscape along the shoreline from development and maintained the scenic views along the lakes.

The community now is in the position of maintaining and possibly enhancing its shoreline through the land use planning process, by limiting development along the water's edge in an effort to protect this valuable asset. A separation distance from the shoreline will not in itself preserve the scenic landscape found along the lakes and bay, but will limit structures from impeding on the water's edge. It is a goal of Council to minimize development that may conflict with the preservation of the lake's natural beauty and habitat.

**Policy G-4** *It shall be the policy of Council to establish a 50-foot setback from the high water mark of the Bras d'Or Lakes and St. Peter's Bay, with the exception of properties located on the north side of Highway 4 between the St. Peter's canal and Corbett's Cove Road. No new structures will be permitted within this setback, with the exception of wharves and boathouses, and the exception of properties located on the north side of Highway 4 between the St. Peter's canal and Corbett's Cove Road.*

### **Signs**

Signage is an issue in St. Peter's, as the village is a visible tourist area and thoroughfare for visitors to the Bras d'Or Lakes. Signs leading into the village from River Tillard are of particular concern. Here, the haphazard placement of signage is unsightly and possibly overwhelming to the tourist. Future consideration will be given to include a special section in the Land Use By-law pertaining to the size, number, proper illumination, location and maintenance of signs. A development permit will be required for the erection of all signs in the planning area to ensure proper safety standards.

**Policy G-5** *It shall be the policy of Council, when determined appropriate, to amend the Land Use By-law to establish requirements for the appropriate size, number, placement, illumination and maintenance of signs within the planning area. In the meantime, in order to determine compliance with proper safety and maintenance requirements, a development permit shall be required for all signs.*

### **Temporary and Special Uses**

Temporary uses are those associated with construction projects which require on site construction sheds, offices and storage buildings. These uses are considered normal components of construction activity and Council does not intend to restrict their use in the planning area except to require a temporary use or structure to be removed from the site shortly after the construction project is completed.

Special uses refer to signs, banners, display booths and other associated structures which are used during festivals, celebrations and other special events. Council sees no problem with allowing these uses in the planning area on a short term basis. Council will require that special uses be discontinued and removed when the special event has concluded.

**Policy G-8** *It shall be the policy of Council to allow for temporary uses and structures used in conjunction with a construction or subdivision project, including offices, equipment and material storage facilities, scaffolding or signs erected in the planning area. Council will require that such a temporary use or structure be removed within a specified time. A development permit will be required for a temporary use or structure.*

**Policy G-9** *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 use or structure be removed within a specified time. A development permit shall be required for such use.*

### **Public Roads**

Highway 104, which forms part of the main thoroughfare between the Strait Area and Sydney, currently ends west of River Tillard. Access to St. Peter's and beyond is gained through Trunk 4, which has several hazardous sharp turns. A long term solution to safety and congestion problems in the planning area may be the extension of Highway 104 from River Tillard to Barra Head, stretching across Beaver Narrows and entirely bypassing St. Peter's to the north. However, because of present road safety hazards on Route 4, the upgrading of the existing highway through the village should be a top priority before considering any by-pass. Used by regional traffic and large transportation trucks, the removal of the dangerous curves and general upgrading of Route 4 at the western end of the community would create a safer environment for both motorists and pedestrians.

**Policy G-10** *It shall be the intent of Council to request and work with Department of Transportation to investigate upgrading Route 4 throughout the planning area.*

### **General Development Standards**

The Land Use By-law contains development standards which pertain to physical development within the planning area. The purpose of these standards is to provide for orderly and safe development while at the same time achieving an optimum use of municipal services.

**Policy G-10** *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, but 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 reasons, 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 operation of a home occupation.*

#### **Noise By-law**

**Policy G-11** *It shall be policy of Council to consider implementing a Noise By-law within the Village of St. Peter's as set out in the Land Use By-law.*

#### **Annual Meetings**

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

**Policy G-12** *It shall be the policy of Council, through its Planning Advisory Committee, to hold annual discussions with the Village Commission and other local agencies concerning both Municipal and Protective services in the planning area. These discussions shall include, but shall not be limited to, the needs of the fire department in relation to both manpower and equipment.*

**Policy G-13** *It shall be the policy of Council that Planning Staff of the Eastern District Planning Commission hold an annual meeting with the St. Peter's Area Advisory Committee to discuss and review the Municipal Planning Strategy and Land Use By-law for the St. Peter's planning area, so as to monitor change in the community's needs for revisions to the Municipal Planning Strategy and Land Use By-law.*

## CHAPTER 4 – IMPLEMENTATION

### **Municipal Planning Strategy**

The Municipal Planning Strategy for the St. Peter’s 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 that 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, further study respecting such matters as the drafting or revision of Municipal By-laws which deal with planning issues, and any other issues which Council may suggest.*

**Policy 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 Eastern District Planning Commission and provincial government agencies, such as the Department of Transportation and Public Works and Department of Environment for their information and comment as may be required.*

### **Generalized Future Land Use Map**

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

- **Residential**, which permits medium and low density residential development, mini home parks, home occupations, public recreational uses, institutional uses, agricultural uses, government buildings and facilities and rural commercial uses.
- **Commercial**, which permits a wide range of commercial development and residential dwellings in some areas.
- **Open space**, which permits such uses as public recreational uses including walking trails, accessory buildings to a beach, conservation projects, boardwalk and nature interpretation stands, and some small-scale tourist service.

### **Municipal Planning Strategy Amendments**

**Policy A-3** *Chapters 1 to 4 of this strategy and all associated maps constitute the official Municipal Planning Strategy for the St. Peter’s 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 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-4** *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.*

**Action Not Requiring a Strategy Amendment**

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.

**Policy A-5** *It shall be the policy of Council that areas immediately adjacent to a given land use designation on the Generalized Future Land Use Map may be considered for 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.*

**Land Use By-law**

The principal mechanism by which land use policies are implemented is 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 somewhat restrictive. Development proposals which would not be 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. Categories of uses not to be pre-zoned include residential multiple unit dwellings, s and rural commercial uses.

**Policy A-6** *The following uses shall be considered by amendment to the Land Use By-law:*

- (a) *Within the serviced portion of the Residential and Commercial designation:*
  - (i) *Multiple Unit Dwellings according to Policy R-8*

- (b) *Within the Residential designation:*
  - (i) *Mini home parks according to Policy R-11*
  - (ii) *Rezoning from Residential Rural (R-2) to Residential Village (R-1) upon provision of municipal services, according to Policy R-4*
  - (iii) *Rezoning from Residential Rural (R-2) to Rural Commercial (RC-1), according to Policy R-7*
- (c) *Within the Commercial designation:*
  - (i) *Rezoning from Downtown Commercial (C-1) to Mixed Use (C-2) between Toulouse Street and the St. Peter's Canal, according to Policy C-6A*

### **Criteria for Amendment to the Land Use By-law**

**Policy A-7** *In considering amendments to the Land Use By-law, in addition to all other criteria 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 or Village 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.*
- (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;*
  - vii) *similar matters of planning concern.*

- (d) *Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.*

### **Amending the Land Use By-law**

The St. Peter's 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 might create a need to amend the Land Use By-law include:

- a request by an individual 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-8** *It shall be the policy of Council to require amendments to the policies and maps in this Municipal Planning Strategy under the following circumstances:*

- (a) *where any policy is to be changed;*
- (b) *where a request to amend the Land Use By-law for a use which is not permitted is made and subsequent studies show that the policies of the Strategy should be amended;*
- (c) *where the boundaries of the Planning area are altered to coincide with boundaries of future planning areas; or*
- (d) *where policies of future planning areas are altered to coincide with policies of this strategy.*

**Policy A-9** *In considering amendments to the Land Use By-law it shall be the policy of Council to:*

- (a) *request a report from the Eastern District Planning Commission;*
- (b) *request the Planning Advisory Committee and the Area Advisory Committee to consider the report prepared by the Planning Commission with respect to Policy A-4 (Criteria for Amendment to the Land Use By-law), and any other policies of this strategy which affect the proposed amendment;*
- (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.*

### **Development Officer**

***Policy A-10*** *In accordance with the Municipal Government Act it shall be the policy of Council to continue the services of the development officer of the Eastern District Planning Commission who shall administer the Land Use By-law and shall, where appropriate, grant development permits.*

### **Building Inspector**

***Policy A-11*** *It shall be the policy of Council to continue the services of the Building Inspector who shall be employed by the Eastern District Planning Commission and whose duty it is to enforce the Building By-law, the Minimum Standards By-law and the Unsightly Premises By-law.*

### **Variances**

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 minor variance he/she must serve notice of this action in accordance with the *Municipal Government Act*, and his/her action may be appealed to Council by anyone served with such notice.

***Policy A-12*** *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 area. Should the Development Officer grant a variance, a notice of this action must be served in accordance with the Municipal Government Act. Anyone served with such notice may appeal to Council.*

### **Subdivision Control**

Subdivision in the Municipality of the County of Richmond is presently controlled by the Richmond County Subdivision By-law. These regulations apply to all subdivision of land within the County. At present the Regulations contain provisions which allow for the creation of private roads.

The *Municipal Government Act* enables, in Part IX, Section 279, the approval of a plan of

subdivision with a maximum of two lots which do not meet the lot dimensions for frontage and/or area requirements provided that the lots created are within 90% of these requirements. Council would like to see this provision used, subject to the restrictions of the *Municipal Government Act*. Council also will provide for the development of these lots by treating them in the same manner as existing undersized lots.

***Policy A-13*** *It shall be the policy of Council through the Development Officer to administer the subdivision regulations.*

***Policy A-14*** *It shall be the policy of Council to permit the Development Officer to approve a plan of subdivision pursuant to Section 98 of the Municipal Government Act.*

***Policy A-14.1*** *It shall be the policy of Council to permit the creation of one additional lot without 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.*

#### **Other Municipal By-laws**

***Policy A-15*** *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.*

#### **Strategy Review**

In accordance with the *Municipal Government Act*, this strategy may be reviewed when either the Minister of Municipal Affairs or Council deems necessary.

***Policy A-16*** *In accordance with the Municipal Government Act, the Municipal Planning Strategy may be reviewed when Council deems advisable or when requested by the Minister of Municipal Affairs.*