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## **CHAPTER 1: INTRODUCTION**

### **1.1 The Strategy**

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

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

### **1.2 Purpose**

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

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

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

The Municipal Planning Strategy has been prepared in order to:

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

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

### **1.3 Planning Process**

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

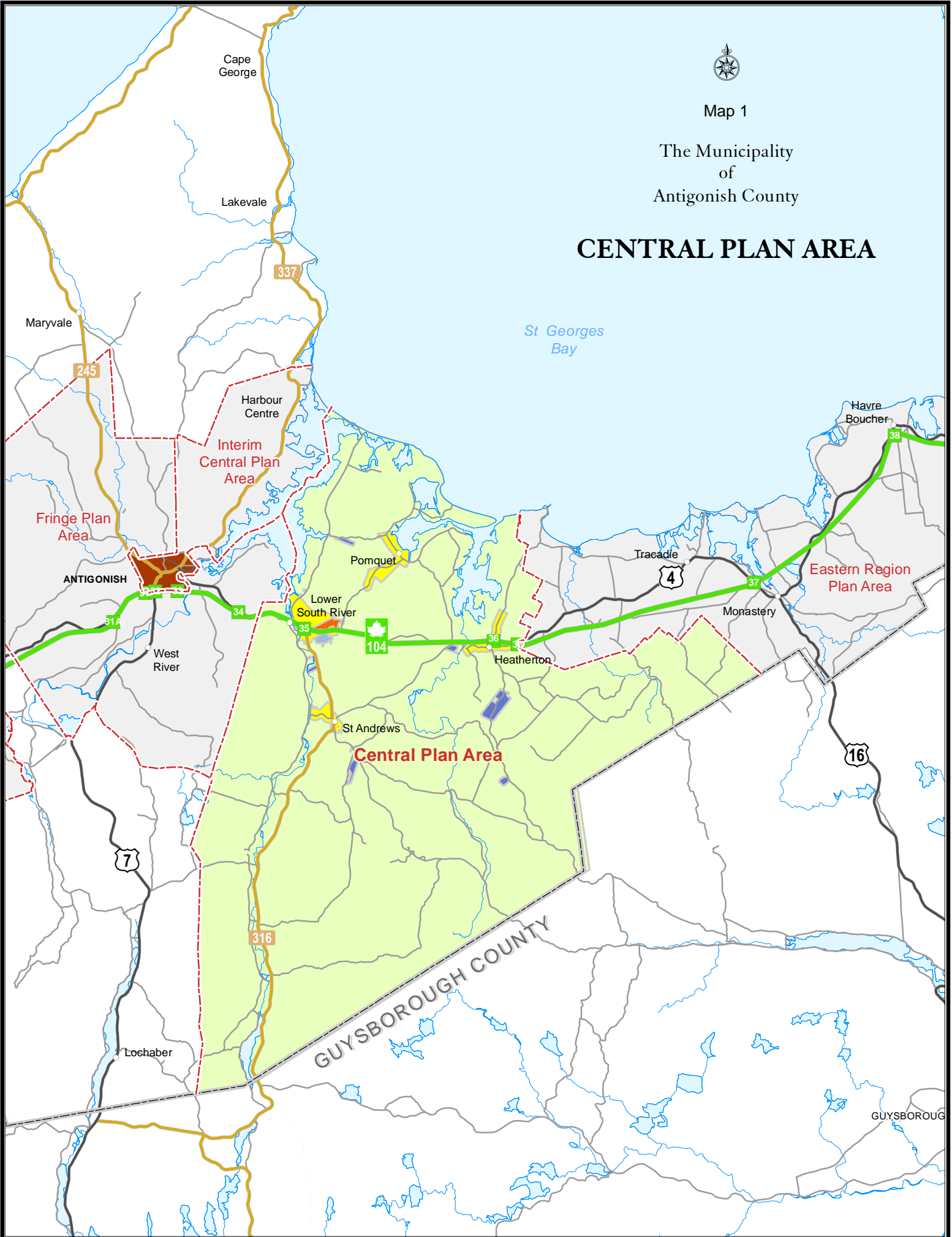
The Central Antigonish Municipal Planning Strategy has been prepared under the guidance of the community's Area Advisory Committee. Area advisory committees consist of local Councillors and members of the public representing the local Plan Area. Under the *Municipal Government Act*, area advisory committees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



Map 1

The Municipality  
of  
Antigonish County

# CENTRAL PLAN AREA



## **CHAPTER 2: PLANNING CONTEXT**

### **2.1 Physical Setting**

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

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

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

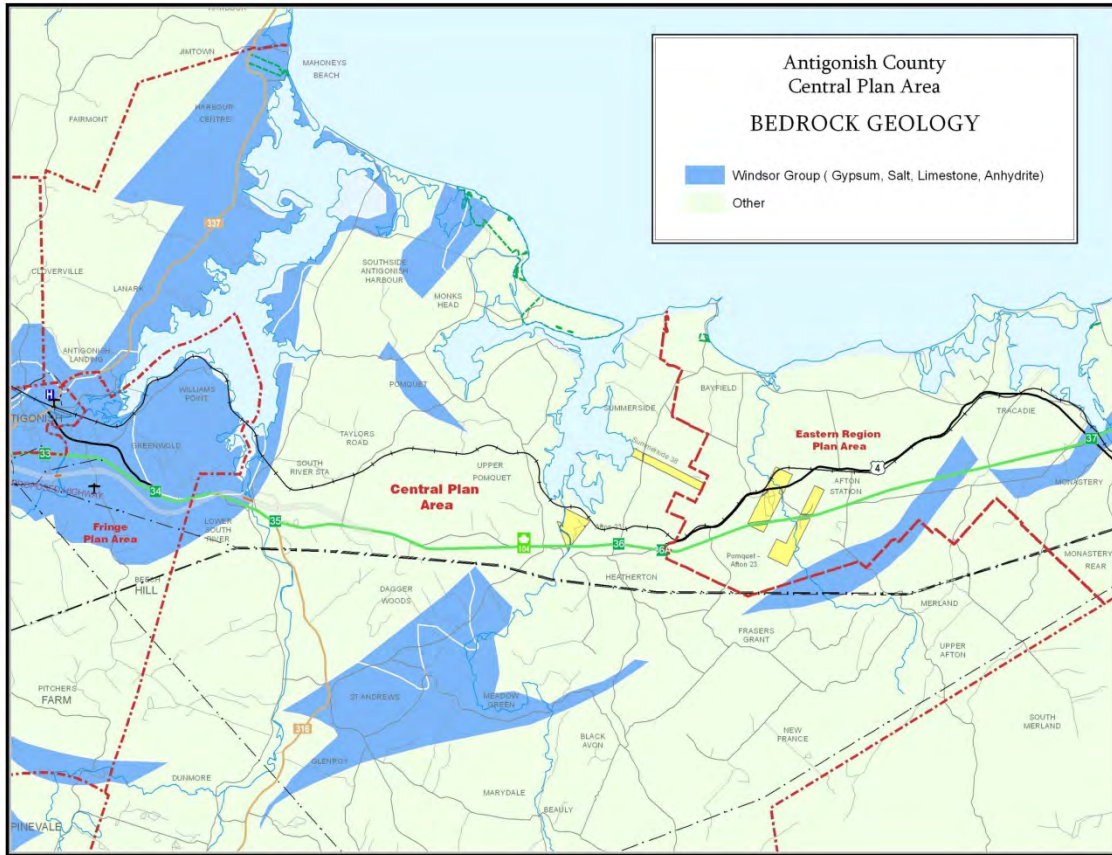


Figure A: The Windsor Group Bedrock Formations in the Central Plan Area

## 2.2 Cultural and Historical Background

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

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

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

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

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

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

### **2.3 Demographics**

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

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

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

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

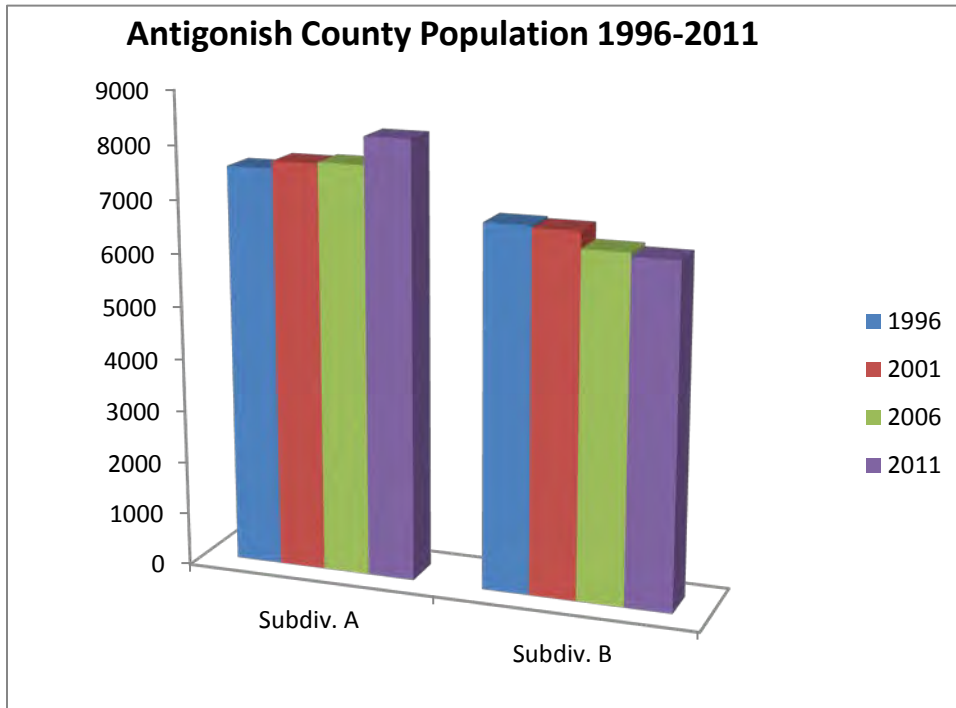


Figure B: Population of the two Antigonish County Census Subdivisions (Census Canada).

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

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

## 2.4 Employment

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

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

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

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## ***CHAPTER 3: LAND USE POLICIES***

### ***3.1 Rural Development***

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

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

Generally, it is Council's intention that only one main residential dwelling be permitted per lot in the Rural Development Zone. However, there are occasions where secondary dwelling units on the same lot might be beneficial. These include garden suites (also known as in-law suites or granny flats), which are intended to be for the use of a family member (often a parent or parent-in-law) of the residents of the other dwelling located on the lot. These secondary dwellings enable the family member to live independently, yet within close proximity to family. While garden suites are intended to be temporary uses on the lot that are to be removed once it is no longer needed, the unit may ultimately be desired in the future to create a permanent dwelling, which may pose difficulties if it were to ever be sold. As such, it is Council's intention that secondary dwelling units be permitted within the Rural Development Zone only where it can be shown that the setbacks and servicing requirements are such that the secondary dwelling unit can be subdivided at some point in the future.

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

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

- Policy L-1.2** Within the Rural Development Designation it shall be the policy of Council to establish a Rural Development (RD-1) Zone in the Land Use By-law that permits the following and similar types of uses: agricultural uses including commercial livestock and dairy processing facilities, bed and breakfast establishments to a maximum of 5 rooms, boarding homes to a maximum of 5 rooms, existing tourist commercial uses, fisheries and fishery-related uses, forestry and forestry-related uses, greenhouses, open space, repair shops including auto body shops, existing salvage yards, and all uses permitted in the Hamlet Residential (HR-1) Zone.
- Policy L-1.3** It shall be the policy of Council to permit secondary dwelling units, such as garden suites, on a lot within the Rural Development Zone when this lot is capable of meeting the subdivision requirements of the Antigonish County Subdivision By-law.

### ***3.1.1 Rural Industrial***

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

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

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

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

### **3.1.2 Rural Commercial**

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

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

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

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

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

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

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

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

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

### **3.1.3** *Tourist Commercial*

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

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

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

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

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

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

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

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

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

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

### **3.1.4 Coastal Development**

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

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

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

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

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

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

### **3.1.5 Rural Comprehensive Development District**

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

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

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

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

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

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

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

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

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

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

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

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

### **3.1.6 Agriculture**

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

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

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

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

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

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

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

### 3.2 *Hamlet Development*

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

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

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

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

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

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

#### 3.2.1 *Hamlet Residential*

Within the serviced areas of the hamlets of Lower South River, Heatherton, St. Andrew's and Pomquet, the dominant land use is low density residential. Residents of these communities may work in the area immediately surrounding the hamlet, while others commute to the Town of Antigonish or the Strait Area. Some residents may have moved to the hamlet to live after retiring from the workplace. For many, hamlets provide a near-rural lifestyle while still being in

relatively close proximity to services. Hamlets are also served by municipal sewer and/or water systems. Hamlet residential development will be accommodated by the Hamlet Residential Zone, which provides for low density residential development as well as local agricultural uses within the residential communities of the Central Antigonish Plan Area. This zone will permit low density residential uses such as single-detached dwellings, converted dwellings to a maximum of 2 units, duplexes and land uses that are typically compatible with a quiet residential neighbourhood. These compatible uses may include religious institutions, cemeteries, schools and seniors' housing. Bed and Breakfast establishments shall also be allowed, although they will be limited to a maximum of 5 rooms so as to keep them to a scale appropriate to a low-density neighbourhood. As Council supports the preservation of agricultural development in the Central Planning area, existing agricultural uses will be permitted within the HR-1 Zone (with the exception of intensive livestock operations) to allow the farmer to maintain their business.

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

- Policy L-9.1** Within the Hamlet Designation, it shall be the policy of Council to establish a Hamlet Residential (HR-1) zone in the Land Use By-law, which shall permit the following and similar types of uses: existing agricultural uses (except intensive livestock operations); bed and breakfast establishments to a maximum of 5 rooms; boarding homes to a maximum of 5 rooms; religious institutions and cemeteries; medical clinics; converted dwellings containing a maximum of two (2) units; community and activity centres; day care facilities; duplexes; existing kennels and animal boarding facilities; funeral homes; libraries; institutional uses; museums; post offices; recreational uses; senior citizen housing; single-detached dwellings; semi-detached dwellings; and tourist commercial uses.
- Policy L-9.2** It shall be the policy of Council to encourage residential development that is orderly and compact and that does not strain or exceed the capacity of community services and facilities.
- Policy L-9.3** It shall be the policy of Council to encourage infill development on vacant lands within a hamlet.
- Policy L-9.4** It shall be the policy of Council to permit the Hamlet Residential (HR-1) Zone by amendment to the Land Use Bylaw on lands in the Rural Development (RD-1) designation upon the installation of municipal sewer or sewer and water services and in accordance with the following:
- a. the development does not strain or exceed the capacity of community services and facilities;
  - b. the amendment proposal meets the criteria to amend the Land Use By-law, Policy I-1.10.

### *Secondary Dwelling Units (One Main Dwelling Unit Per Lot)*

**Policy L-9.5** It shall be the policy of Council to permit secondary dwelling units, such as garden suites, in the Hamlet Residential (HR-1) Zone, subject to requirements established in the Land Use By-law.

### *Converted Dwellings*

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

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

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

### *Mini Homes on a Lot*

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

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

### *3.2.2 Hamlet Multiple Unit Residential*

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

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

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

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

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

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

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

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

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

### **3.2.3 Hamlet Mini Home Park**

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

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

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

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

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

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

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

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

### **3.2.4** *Hamlet Commercial*

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

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

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

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

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

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

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

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

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

### **3.2.5** *Hamlet Highway Commercial*

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

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

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

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

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

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

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

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

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

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

### *Site-Plan Control*

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

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

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

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

### *3.2.6 Hamlet Industrial*

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

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

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

### ***Lower South River Watershed Boundary***

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

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

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

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

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

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

**Policy L-14.2** It shall be the policy of Council to consider approval of new industrial developments or expansion of existing industrial developments within the Hamlet designation according to the development agreement provisions of the *Municipal Government Act*. In considering such an agreement, Council shall have regard to the following:

- a. whether the proposal meets the HI-1 zone requirements and is located in the Municipality's Industrial Park;
- b. whether the proposed development is in compliance with the Lower South River Source Water Protection Plan;
- c. whether the development is serviced by municipal sewer and water services and whether it will strain the capacities of those services;
- d. whether the location of the proposed development creates any major traffic problems;
- e. the total area used for outdoor storage and whether adequate provisions are proposed for screening the site from adjacent uses when the proposed development is located outside of the Industrial Park;
- f. whether the proposed development is obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;
- g. whether the hours of operation with the proposed development interfere with, or create undue problems for, the residents of the surrounding area;
- h. whether the proposal is consistent with the evaluation criteria for development agreement, found in Policy I-1.12.

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

## **CHAPTER 4: COMMUNITY SERVICES**

### **4.1 Transportation**

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

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

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

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

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

### **4.2 Sewer and Water**

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

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

### 4.3 *Government Buildings and Facilities*

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

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

### 4.4 *Public and Private Utilities*

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

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

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

### 4.5 *Education*

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

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

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

#### **4.6 Recreation Facilities**

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

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

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

#### **4.7 Protective Services**

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

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

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

#### **4.8 Fire Protection**

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

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

## 4.9 General Development Policies

### 4.9.1 Home Occupations

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

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

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

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

### 4.9.2 Illumination

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

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

### 4.9.3 *Mines and Quarries*

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

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

### 4.9.4 *Sign Regulations*

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

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

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

### 4.9.5 *Temporary and Special Uses*

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

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

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

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

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## **CHAPTER 5: IMPLEMENTATION**

### **5.1 Municipal Planning Strategy**

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

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

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

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

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

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

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

### **5.3 Municipal Planning Strategy Amendments**

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

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

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

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

#### **5.4** *Actions Not Requiring a Planning Strategy Amendment*

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

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

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

#### **5.5** *Land Use By-law*

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

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

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

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

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

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

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

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

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

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

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

### **5.7 Criteria for Amending the Land Use By-law**

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

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

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

## 5.8 *Development Agreement*

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

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

- a. rural industrial uses according to Policies L-2.2 and I-1.12;
- b. tourist cabins or guest homes totaling six (6) or more accommodation units and campgrounds according to Policies L-4.4 and I-1.12;
- c. multiple unit residential uses with six (6) or more dwelling units according to Policies L-10.5 and I-1.12;
- d. new mobile home parks and expansions to existing mobile home parks according to Policies L-11.2 and I-1.12 and;
- e. new hamlet industrial uses and expansion to existing industrial developments according to Policies L-14.2 and I-1.12.

## 5.9 *Evaluation Criteria and Terms for Development Agreements*

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

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

- Policy I-1.13** It shall be the policy of Council that, when considering an application for a development agreement or an amendment to a development agreement, the agreement may include but not be limited to the following:
- a. the specified use and size of the structure or an expansion to an existing structure, and the maximum floor area of additional or accessory uses;
  - b. the location of any structures within the development;
  - c. the percentage of land area that may be built upon and the size of yards, courts or other open spaces;
  - d. the external appearance of any proposed buildings, the compatibility with adjacent structures;
  - e. access to streets and parking;
  - f. the landscaping or buffering of development, including fencing, trees, shrubs, walkways and outdoor lighting;
  - g. signs;
  - h. the location of any open storage and the screening of any open storage areas from adjacent roadways and sensitive land uses;
  - i. hours of operation;
  - j. the on-going maintenance of the development;
  - k. minimum lot sizes;
  - l. the minimum area of land required for any class of use or size of structure;
  - m. regulating or prohibiting the use of land or the erection or use of structures except for such purposes as may be set out;
  - n. the maximum density of the population within the development; and
  - o. any other similar matter that may be addressed in a Land Use By-law that Council feels is necessary to ensure the general compatibility of the use and structures with adjacent areas.

- Policy I-1.14** Council may require that any or all of the following information be submitted by the developer or property owner with respect to any proposed development that is subject to a development agreement:
- a. details of the existing physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;
  - b. details of the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands;
  - c. for lands on which municipal servicing is not provided, information regarding the provision of water and sewage disposal;

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

### **5.10 Development Agreement and Amendment Process**

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

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

### **5.11 Notice to Property Owners**

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

### **5.12 Building Inspector**

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

### **5.13 Development Officer**

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

### **5.14 Variance**

**Policy I-1.19** In addition to the general powers granted in the *Municipal Government Act*, the Act also empowers the Development Officer to grant variances from the Land Use By-law. Specifically, the Development Officer may vary: the percentage of land that may be built on; the sizes of yards, courts and other open spaces; lot frontage; and lot area. Should the Development Officer grant a variance, a notice of this action must be served in accordance with the *Municipal Government Act*. Anyone served with such notice may appeal a decision regarding the variance to Council.

**Policy I-1.20** It shall be the policy of Council to require the applicant to pay the cost for advertising with respect to the notice served with regard to the Variance.

### 5.15 Site-Plan Approval

**Policy I-1.21** In addition to the general powers granted in the *Municipal Government Act*, the Act also empowers the Development Officer to grant site-plan approval from the Land Use By-law. Should the Development Officer grant site-plan approval, a notice of this action must be served in accordance with the *Municipal Government Act*. Anyone served with such notice may appeal a decision regarding the site plan to Council. A site-plan approval may deal with the following:

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

### 5.16 Subdivision

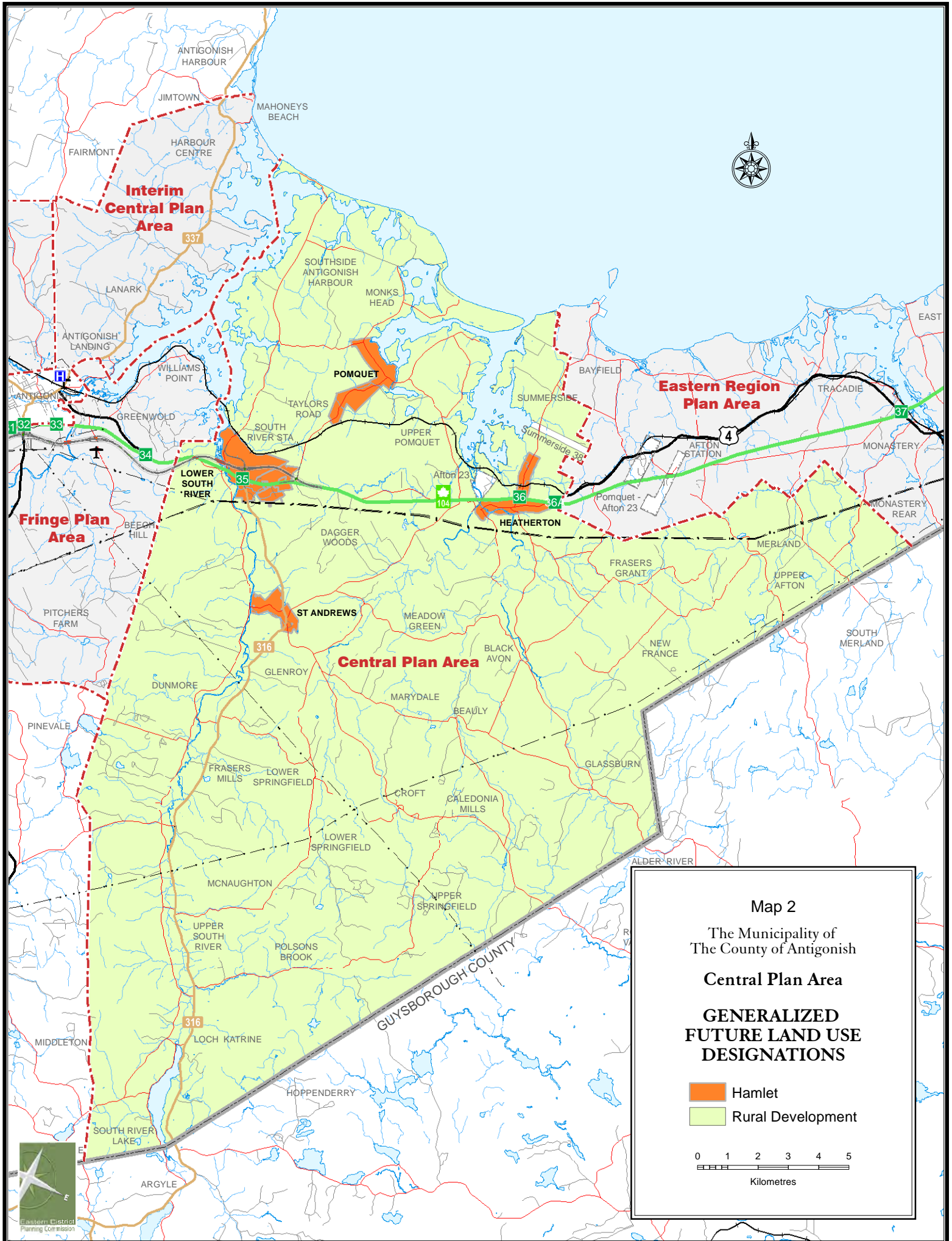
Subdivision is the division of land into two or more parcels or the consolidation of two or more lots. In order to regulate subdivision and set standards for water and sewer services, street construction and public land dedication, the Municipality has adopted a Subdivision By-law.

**Policy I-1.22** It shall be the policy of Council, through the Development Officer, to administer the Subdivision By-law in accordance with the *Municipal Government Act*.

### 5.17 Strategy Review

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

**Policy I-1.23** In accordance with Section 214(2) of the *Municipal Government Act*, the Municipal Planning Strategy may be reviewed when Council deems advisable or when requested by the Minister of Service Nova Scotia and Municipal Relations.



**Interim  
 Central Plan  
 Area**

**Eastern Region  
 Plan Area**

**Fringe Plan  
 Area**

**Central Plan Area**

GUYSBOROUGH COUNTY

ANTIGONISH HARBOUR

JIMTOWN

MAHONEYS BEACH

FAIRMONT

HARBOUR CENTRE

LANARK

SOUTHSIDE ANTIGONISH HARBOUR

MONKS HEAD

ANTIGONISH LANDING

WILLIAMS POINT

POMQUET

TAYLORS ROAD

SUMMERSIDE

BAYFIELD

**Eastern Region  
 Plan Area**

TRACADIE

GREENWOLD

SOUTH RIVER STA.

UPPER POMQUET

Summerside 38

AFTON STATION

MONASTERY

LOWER SOUTH RIVER

Afton 23

HEATHERTON

Pomquet - Afton 23

MONASTERY REAR

BEECH HILL

DAGGER WOODS

FRASERS GRANT

MERLAND

PITCHERS FARM

ST ANDREWS

MEADOW GREEN

NEW FRANCE

SOUTH MERLAND

DUNMORE

GLENROY

MARYDALE

BEAULY

GLASSBURN

PINEVALE

FRASERS MILLS

LOWER SPRINGFIELD

CROFT

CALEDONIA MILLS

ALDER RIVER

MCNAUGHTON

UPPER SPRINGFIELD

UPPER SOUTH RIVER

POLSONS BROOK

HOPPENDERRY

MIDDLETON

LOCH KATRINE

SOUTH RIVER LAKE

ARGYLE

HOPPENDERRY

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**PART 1: TITLE**

- 1.1. This By-law shall be known and may be cited as the “Land Use By-law” of the Central Antigonish Planning Area of the Municipality of the County of Antigonish, and will be referred to hereafter as the Central Antigonish Land Use By-law and this By-law shall apply to all lands within the planning area boundary, as illustrated on the Zoning Map.

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## **PART 2: ADMINISTRATION**

### ***Effective Date***

- 2.1. This By-law shall take effect when approved by the Minister of Service Nova Scotia and Municipal Relations for the Province of Nova Scotia.

### ***Prohibition***

- 2.2. Subject to the provisions of the *Municipal Government Act*, no development shall be carried out within the Plan Area except in accordance with this By-law.
- 2.3. For projects requiring a development permit as per this By-law, development shall not be commenced or continued unless the owner has obtained a development permit to carry out the development.
- 2.4. No development permit shall be issued to erect more than one main building upon a lot, except in accordance with 6.A.22 of this By-law.

### ***Development Officer***

- 2.5. The Council of the Municipality of the County of Antigonish (hereinafter referred to as 'Council'), which has adopted this Land Use By-law shall appoint a Development Officer who shall be responsible for the administration of this Land Use By-law and the issuing of development permits.
- 2.6. The Development Officer shall keep records of all applications received, permits and orders issued, inspections made, and shall retain copies of all papers and documents connected with the administration of this By-law, which shall form part of the public records of the Municipality of the County of Antigonish.

### ***Enforcement***

- 2.7. Council, through any duly authorized officer or servant, shall have the right to enter at all reasonable times into, or upon, any property within the planning area for the purposes of an inspection necessary in connection with the administration of this Land Use By-law.

### ***Permits***

- 2.8. Subject to the provisions of the *Municipal Government Act*,
  - a. within fifteen (15) days of receiving an application for a development permit, the Development Officer shall inform the applicant whether or not the application is complete.
  - b. within thirty (30) days of receiving a completed application, the Development Officer shall either grant the development permit, or inform the applicant of the reasons for not granting the permit.
- 2.9. Every development permit is valid:
  - a. for twelve (12) months from the date of issuing the permit; or,
  - b. upon the permit being renewed for a further twelve (12) months if construction has begun.

If the development has not commenced within twelve (12) months and is still proposed, a new development permit application is required.

- 2.10. An application for a development permit shall:
- a. be made in the form prescribed by the Municipality;
  - b. be signed by the owner or his/her agent;
  - c. state the intended use of the proposed development; and
  - d. provide any other information required by the Development Officer to determine whether the proposal meets the requirements of this By-law.
- 2.11. When necessary to complete the assessment of a proposed development, the Development Officer may require the applicant to submit, in duplicate, one or more of the following:
- a. a survey plan of the lot showing the dimensions of the lot. This plan to be made and certified by a registered Land Surveyor licensed to practice in Nova Scotia; and,
  - b. the position, height, and horizontal dimensions of all structures existing on the lot.

#### ***Amendment of By-law***

- 2.12. The following procedure shall apply when amending the By-law:
- a. any person who wishes to obtain an amendment to this By-law shall submit an application in writing to the Clerk of the Municipality of the County of Antigonish.
  - b. the application shall state an address for service.
  - c. the applicant shall pay for the costs for advertising as set out in 2.15 of this Part.

#### ***Notice to Property Owners***

- 2.13.
- a. When an application has been received to amend the By-law, all affected property owners on abutting lots to the subject property shall be notified by the Commission of the public hearing.
  - b. This notification of affected property owners set out in clause (a) shall be in addition to the advertisements for the public hearing as required in the *Municipal Government Act*, and shall be delivered to all affected property owners by mail prior to the hearing.

#### ***Penalty***

- 2.14. Any person in violation of the *Municipal Government Act* and provisions in force pursuant to the *Act*, including any order, regulation, by-law, plan, strategy or policy will be subject to the penalties established in the *Act*.

#### ***Costs for Advertising***

- 2.15. Applications for an amendment to this By-law shall be accompanied by a deposit to the Eastern District Planning Commission, of an amount estimated by the Commission, to be sufficient to pay the cost of advertising required by the *Municipal Government Act*. After

the advertising of an application has been complete, the applicant shall pay to the Commission any additional amount owing to cover the cost of the advertising, or if the cost of advertising does not exceed the deposited amount, the Commission shall refund the deposited monies remaining.

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## PART 3: ZONES AND ZONING MAPS

### Zones

- 3.1. For the purpose of this By-law, the Central Antigonish County Plan Area is divided into the following zones, the boundaries of which are shown on the attached schedule. Such zones may be referred to by the appropriate symbols.

Zone	Symbol
Hamlet Residential	HR-1
Hamlet Multiple Unit Residential	HR-2
Hamlet Mini Home Park	HMHP-1
Hamlet Commercial	HC-1
Hamlet Highway Commercial	HHC-1
Hamlet Industrial	HI-1
Rural Development	RD-1
Rural Commercial	RC-1
Rural Industrial	RI-1
Rural Comprehensive Development District	RCDD-1
Tourist Commercial	TC-1

### Zoning Map

- 3.2. Schedule “A” may be cited as the “Zoning Map” and is hereby declared to form part of the By-law.

### Zones Not on the Map

- 3.3. The zoning map of this By-law may be amended, in conformance with the Municipal Planning Strategy, to utilize any zone in this By-law, regardless of whether or not such a zone had previously appeared on any zoning map.

### Schedule “B”

- 3.4. *The Lower South River Source Water Protection Plan (2007)* is attached as Schedule “B” for convenience only and does not constitute an official part of the By-law.

## **PART 4: INTERPRETATION**

### *Symbols*

- 4.1. The symbols used on the Zoning Map attached hereto, refer to the appropriate zones established by this By-law.

### *Interpretation of Zoning Boundaries*

- 4.2. The extent and boundaries of all zones are shown on the Zoning Map, attached hereto, and for all such zones the provisions of this By-law shall respectively apply.
- 4.3. Boundaries between zones shall be determined as follows:
- a. where a zone boundary is indicated as following a street or highway, the boundary shall be the centre line of such street or highway;
  - b. where a zone boundary is indicated as approximately following lot lines, the boundary shall follow such lot lines;
  - c. where a street, highway, railroad or railway right-of-way electrical transmission line right-of-way or watercourse is included on the zoning map, unless otherwise indicated, it shall be included in the zone of the adjoining property on either side thereof;
  - d. where a road, highway, railroad or railway right-of-way, electrical transmission line right-of-way or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise; and
  - e. where a zone boundary is indicated as approximately following a physical feature such as a watershed, the zone boundary shall follow such physical feature as determined by a field survey; and
  - f. where none of the above provisions applies, and where appropriate, the zone boundary shall be scaled from the attached Zoning Map.

### *Certain Words*

- 4.4. In this By-law, unless otherwise clearly indicated:
- a. words used in the present tense include the future;
  - b. words in the singular number include the plural; words in the plural include the singular;
  - c. the word 'used' includes 'arranged', 'designed', or 'intended to be used'; and
  - d. the word 'shall' is mandatory and the word 'may' is permissive.

All other words carry their customary meaning except for those defined in Part 19 of this By-law, entitled "Definitions".

### *Permitted Uses*

- 4.5. For the purposes of this By-law, if a use is not listed as a permitted use in any zone, it shall be deemed to be a prohibited use in that zone.

- 4.6. Where a permitted use within any zone is defined in Part 19 (“Definitions”), the uses permitted within that zone include any similar uses which satisfy such definition except where a definition excludes any similar uses.

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## **PART 5: DEVELOPMENT AGREEMENT**

### ***Development to be Considered by Development Agreement***

- 5.1. The following developments shall be permitted only by development agreement, in accordance with the *Municipal Government Act* and the Municipal Planning Strategy:
- a. rural industrial uses subject to Policy L-2.2
  - b. tourist cabins and guest homes totaling six (6) or more accommodation units and campgrounds according to Policy L-4.4;
  - c. multiple unit residential uses with six (6) or more dwelling units Policy L-10.5;
  - d. new mobile home parks and expansions to existing mobile home parks according to Policy L-11.2 and;
  - e. new hamlet industrial uses and expansion to existing hamlet industrial developments according Policy 14.2.

### ***Development Permits for Development Agreement***

- 5.2. A Development Permit may be issued for a development pursuant to the *Municipal Government Act* provided:
- a. the appeal period has lapsed or any appeals that may have been lodged have been dealt with by the Nova Scotia Utility and Review Board; and
  - b. the development conforms to the terms of the development agreement.

## **PART 6: GENERAL PROVISIONS FOR ALL ZONES**

### ***A. GENERAL PROVISIONS***

These general provisions apply to all uses in all zones except where a specific zone or use is otherwise exempt.

#### ***Accessory Buildings***

- 6.A.1. Accessory uses, buildings and structures shall be permitted in any zone within the Planning Area but shall not:
- a. be used for human habitation, except in the Rural Development (RD-1) and Hamlet Residential (HR-1) Zones, where they will be referred to as “garden suites”, and shall meet the Building Code regulations;
  - b. exceed 83.6 square metres (900 sq. feet) in total floor area;
  - c. be located in the front yard of the lot with the exception of seasonal roadside stands, parking area booths and school bus shelters;
  - d. be located less than 0.6 metres (2 feet) from the lot line in any zone, except for seasonal roadside stands, accessory buildings with no windows or perforations on the side of the building facing the abutting lot line;
  - e. on a corner lot, be located in the rear yard or in the side yard that is adjacent to the flanking street;
  - f. be built closer to a street than the main building on a parcel that is in a non-residential zone.
- 6.A.2. Notwithstanding anything else in this By-law, drop awnings, clothes poles, flag poles, garden trellises, fences and retaining walls shall be exempt from any requirements under 6.A.1.

#### ***Accessory Uses Permitted***

- 6.A.3. Where this By-law provides that any land may be used or a building or structure may be erected or used for a purpose, the purpose includes any use accessory thereof.

#### ***Building to Be Erected On a Lot***

- 6.A.4. Any building or structure to be erected or used shall be erected upon a single lot.

#### ***Building to Be Moved***

- 6.A.5. A development permit shall be required for every building to be moved within or into the area covered by this By-law.

#### ***Calculation of Lot Frontage for Corner Lots or Irregularly Shaped Lots***

- 6.A.6. The following means shall be used for the purposes of determining the lot frontage of corner lots or irregularly shaped lots:
- a. in the case of a corner lot the lot frontage shall be measured to the point of intersection of the extension of the sideline of the street rights-of-way;
  - b. in the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line

joining the middle of the front lot line with the middle of the rear lot line, at a point along this line equal to the minimum applicable front yard.

### *Conformity with Existing Setbacks*

6.A.7. Notwithstanding anything else in this By-law, in any Hamlet Residential Zone, structures built between existing buildings within 61 metres (200 feet) on the same block may be built with a setback equal to the average setback of the adjacent buildings, but this depth shall not be less than 3 metres (10 feet) from the front lot line and need be no greater than setback regulations prescribed in the zone in which the structure is situated.

### *Existing Buildings*

6.A.8. Where a building has been erected on or before the effective date of this By-law on a lot having less than the minimum frontage or area, or having less than the minimum setback or side yard or rear yard required by this By-law, the building may be enlarged, reconstructed, repaired or renovated provided that:

- a. the enlargement, reconstruction, repair or renovation does not further reduce the yard that does not conform to this By-law; and
- b. all other applicable provisions of this By-law are satisfied.

### *Existing Lots*

6.A.9. Notwithstanding anything else in this By-law, the use of a building existing on a lot on the effective date of this By-law may be changed to a use permitted on the lot where the lot width, front yard, or area or any two or all of these is less than the requirements of this By-law provided that all other requirements of this By-law are satisfied.

### *Existing Undersized Lots*

- 6.A.10.
- a. Notwithstanding anything else in this By-law, a lot in existence on the effective date of this By-law having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
  - b. An existing lot having less than the minimum frontage or area required by this By-law may undergo a subdivision provided the undersized component is not further reduced and all other applicable provisions of this By-law are satisfied. Such lots shall continue to be considered existing undersized lots under this By-law.

### *Frontage on a Public Street, Private Road or Right-of-Way Easement*

6.A.11. No development permit shall be issued unless the lot or parcel of land intended to be used or upon which the building or structure is to be erected abuts the following:

- a. a public street, including streets owned but not maintained by the Province or Municipality.
- b. an approved proposed private road as defined in the Subdivision By-law for the Municipality of the County of Antigonish, provided that, where a lot is created

pursuant to the Subdivision Regulations, a development permit may be issued if the lot has a minimum of 6 metres (19.7 feet) of frontage on a public or private road as defined herein, or if the lot abuts a right-of-way of 6 metres (19.7 feet) leading to such a public or approved private road.

- c. a right-of-way serving a lot created pursuant to the Subdivision By-law of the Municipality of the County of Antigonish.

### ***Front Yard for a Through Lot***

6.A.13. In the case of a through lot, the front yard shall be deemed to be any yard that abuts either of the two opposite public streets.

### ***Height Regulations***

6.A.14. The height regulations of this By-law shall not apply to wind turbines, church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, barns, chimneys, clock towers and power transmitters.

6.A.15. The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and:

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof; or
- b. the highest point of a gabled, hip, gambrel, mansard or other type of pitched roof.

### ***Illumination***

6.A.16. Illuminated signs or lighting in an area outside any building shall be erected such that the illumination is directed away from adjoining properties and any adjacent streets.

### ***Licenses, Permits, and Compliance with Other By-laws***

6.A.17.

- a. Nothing in this By-law shall exempt any person from complying with the requirements of any other By-law in force within the Planning Area or from obtaining any license, permission, permit, authority or approval required in any other By-law of the Municipality of the County of Antigonish or statute and regulation of the Province of Nova Scotia.
- b. Where the provisions of the By-law conflict with those of any other municipal or provincial requirements, the more stringent regulations shall prevail.

### ***Loading Spaces***

6.A.18.

- a. Any building or structure to be erected or enlarged which involves the frequent shipping, loading or unloading of persons, animals or goods, shall maintain on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every 2 800 square metres (30,139 sq. feet) or fraction thereof of building floor area used for any such purpose to a maximum of six loading spaces.

- b. Each loading space shall be at least 3.65 metres (12 feet) by 12.2 metres (40 feet) with a minimum of 4.25 metres (14 feet) height clearance.
- c. A loading space for any building with less than 140 square metres (1,507 sq. feet) shall be optional.
- d. Loading spaces shall not be located within any required front yard or be located within any required yard that abuts a Hamlet Residential Zone.
- e. Loading space areas, including driveways leading thereto, shall be constructed of and maintained with a stable surface that is treated to prevent the raising of dust or loose particles.
- f. All loading spaces shall have adequate access to permit ingress and egress of a commercial motor vehicle from a road or highway by means of driveways, aisles, manoeuvring areas or similar areas, no part of which shall be used for the temporary parking or storage of one (1) or more motor vehicles.

### **Multiple Uses**

6.A.19. Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

### **Non-Conforming Uses**

6.A.20. Non-conforming uses shall be subject to the applicable sections of the *Municipal Government Act*.

### **Non-Developable Lots**

6.A.21. Notwithstanding the lot area and frontage requirements found elsewhere in this By-law, a development permit may be issued for any lot created pursuant to the Subdivision By-law (lots with a maximum area of 465 square metres; 5,000 square feet), for uses that do not require on-site septic or sewer services, provided all other applicable requirements of this by-law are met.

### **One Main Building on a Lot**

- 6.A.22. No more than one main building shall be erected on a lot except for:
- a. buildings located in the Rural Commercial (RC-1), Rural Industrial (RI-1), Hamlet Highway Commercial (HC-1) or Industrial (I-1) Zones;
  - b. non-residential buildings located in Rural Development (RD-1) and Tourist Commercial (TC-1) Zones;
  - c. grouped dwellings located in a Hamlet Multiple Unit Residential (HR-2) Zone;
  - d. mini homes located in a Hamlet Mini Home Park (HMHP-1) Zone;
  - e. agricultural, forestry or fishery related buildings in all zones where these uses are permitted;
  - f. notwithstanding 6.A.22(b) of this By-law, two main dwellings may be erected on one lot capable of meeting subdivision requirements of the Antigonish Subdivision By-law in the Rural Development (RD-1) Zone.

**Parking Requirements**

6.A.23.

- a. For every building or structure to be erected or enlarged, off-street parking located within the same zone as the use and having unobstructed access to a public street shall be provided and maintained in conformity with the following schedule

Type of Building	Parking Required
a. A dwelling containing two (2) or fewer dwelling units	One (1) parking space for every dwelling unit
b. All other dwellings	One and one-half (1.5) parking space for every dwelling unit
c. Senior citizen housing	One (1) parking space for every one (1) dwelling unit
d. Churches, church halls, auditoria, restaurants, theatres, arenas, halls, stadia, private clubs, and other places of assembly	Where there are fixed seats one (1) parking space for every five seats, or 3.05 m. (10 ft.) of bench space. Where there are no fixed seats, one (1) parking space for each 9.5 sq. m. (102 sq. ft.) of floor area devoted to public use.
e. Hospitals and nursing homes	One (1) parking space for every two (2) beds or each 38.0 sq. m. (409 sq. ft.) of floor area, whichever is greater
f. Elementary schools	One and one-half (1.5) parking spaces for every teaching classroom
g. High schools	Four (4) parking spaces for every teaching classroom
h. Offices	One (1) parking space for every 28 sq. m. (301 sq. ft.) of gross floor area
i. Funeral homes	One (1) parking space for every five (5) seats capacity of the chapel, with a minimum of ten (10) parking spaces
j. Bowling alleys and curling rinks	One (1) parking space for every two (2) persons in the designed capacity of the establishment (designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet). For other permitted uses of the building, additional parking spaces shall be provided in accordance with the requirements set out in this By-law
k. Hotels and motels	One (1) parking space per suite or rental unit plus one (1) additional parking space for every 4.7 sq. m. (51 sq. ft.) of floor area devoted to public use (taverns, restaurants or auditoria) exclusive of lobbies and halls
l. Shopping centres	Parking area to be three (3) times floor area, exclusive of common malls between stores

m. Retail Stores	One (1) space per 14 sq. m. (150 sq. ft.) of floor area
n. All other commercial uses	One (1) parking space for every 28.0 sq. m. (301 sq. ft.) of commercial floor area
o. Industrial uses	One (1) parking space for every 42.0 sq. m. (452 sq. ft.) of gross floor area, for any office space included in the development parking shall be provided in accordance with the requirements set out in this By-law

***Parking Area Standards***

6.A.24. Where parking facilities for more than four (4) vehicles are required or permitted:

- a. the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- b. the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light from streets, adjacent lots and/or buildings;
- c. the parking lot shall be within 91.4 metres (300 feet) of the location that it is intended to serve, and shall be situated in the same zone;
- d. when the parking area is of permanent hard surfacing, each parking space shall be clearly demarcated and maintained as such;
- e. entrance and exit ramps to the parking area shall not exceed two (2) in number for an interior lot and shall not exceed four (4) in number for a corner lot and each ramp shall be a width of 7.6 metres (25 feet) at the street line and edge of pavement;
- f. the width of a driveway leading to a parking or loading area, or of a driveway or aisle in a parking area, shall be a minimum width of 3.1 metres (10 feet) if for one way traffic, and a minimum width of 6.2 metres (20 feet) if for two-way traffic, and the maximum width of a driveway shall be 7.6 metres (25 feet) ; and,
- g. dimensions of parking space shall be nine 2.7 metres (9 feet) by 6.1 metres (20 feet).

***Public Offices and Buildings Permitted***

6.A.25. Public offices and buildings shall be permitted in any zone provided that such uses conform to the applicable lot standards of that particular zone.

***Reduced Lot Requirements***

6.A.26. Notwithstanding the other requirements of this By-law and subject to the Subdivision By-law, a lot approval in accordance with Section 271(3) of the *Municipal Government Act* and having less than the minimum lot area or lot frontage required by this By-law may be used for any purpose permitted in the zone in which the lot is located, provided that all other applicable provisions in this By-law are satisfied.

### ***Restoration to a Safe Condition***

6.A.27. Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure, provided that in the case of a non-conforming use, the provisions of the *Municipal Government Act* shall prevail.

### ***Side Yards on Corner Lots***

6.A.28. Notwithstanding anything else in this By-law, on a corner lot in any zone, any part of a building or accessory building shall not be erected closer than 6.1 metres (20 feet) to the lot line of the flanking street.

### ***Side Yard Waiver***

6.A.29. Notwithstanding anything else in this By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be zero.

### ***Special Uses Permitted***

6.A.30. Nothing in this By-law shall prevent uses erected for special occasions and holidays provided only that no such use remains in place for more than fourteen (14) consecutive days. A development permit shall not be required for the special use.

### ***Temporary Uses Permitted***

6.A.31. Nothing in this By-law shall prevent the temporary use of a building or structure incidental to a main construction project provided the use is discontinued and removed sixty (60) days following completion of the main construction project. A development permit shall not be required for the temporary use.

### ***Truck, Bus and Coach Bodies***

6.A.32. No truck, bus, coach or street car body, or structure of any kind other than a mobile home or dwelling unit erected and used in accordance with this and all other by-laws of the County shall be used for human habitation within the Planning Area, whether or not same is mounted on wheels.

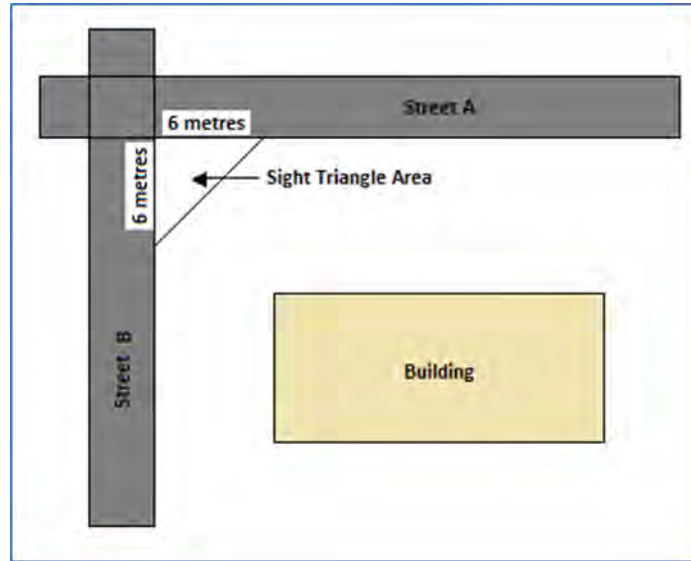
### ***Utilities***

6.A.33. Unless otherwise stated, the equipment, transmission lines or similar uses required for the maintenance and operation of utilities shall be permitted in any zone.

### ***Visibility at Road and Driveway Intersections***

- 6.A.34.
- a. On a corner lot, no fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.9 metres (3 feet) above the grade of the abutting roads within the sight triangular area unless the structure or vegetation is of such construction that it will permit ready vision across the sight triangle area;

- b. For the purposes of 6.A.34(a), the sight triangle area shall be the triangular area formed on a corner lot by the two lot lines that abut a road and a straight line that intersects them at a distance of 6.1 metres (20 feet) from the corner where the two lot lines meet.



- c. For driveways on a corner lot, no fence, sign, hedge, shrub, bush, or tree or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.9 metres (3 feet) above the grade of the abutting roads within a visibility triangle area of 4.5 metres (15 feet) unless the structure or vegetation is of such construction that it will permit ready vision across the visibility triangle area.

### *Watercourses – Lot Size and Separation Distance*

- 6.A.35.
- Notwithstanding anything else in this By-law, the minimum area for a lot not served by a Municipal sewer system where any part of the lot is within 23 metres (75 feet) of any watercourse shall be as required by the On-site Sewage Disposal Regulations, but in no case be less than 3,716 square metres (40,000 square feet).
  - No structure shall be located within 15.2 metres (50 feet), or a 2.4 metre (8 foot) elevation (the more stringent of the two shall apply) of the ordinary high water mark of any watercourse, except for structures related to water treatment and distribution uses, fishery related uses and boat building (including the repair and storage of boats).
  - An additional 1 metre (3 foot) elevation, or 3 metre (10 foot) setback (the more stringent of the two shall apply) shall be added to the setback of sub-clause 37(b) for each additional 2% slope increase from the ordinary high water mark to a maximum of an additional 18.3 metres (60 feet) being added to the setback from any watercourse.

### *Watercourses- Coastal Development*

- 6.A.36. Subject to 6.A.35(a) and 6.A.35(c) of this Part:
- Any new dwellings or accessory buildings which abut a coastal body of water shall be set back a minimum of 15.2 metres (50 feet) from the inner edge of the coastal feature, or a 2.4 metre (8 foot) elevation (the greater of the two) from the ordinary high water mark.
  - All development on coastal lots in existence on the effective date of this By-law having less than the 15.2 metre (50 foot) minimum setback from a coastal body of

water may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided that all other provisions of the By-law are satisfied.

- c. If over fifty percent (50%) of a dwelling or accessory building has been destroyed due to erosion or coastal forces, the owner will be required to rebuild in accordance with the coastal setbacks described above.

**Wind Turbine Development**

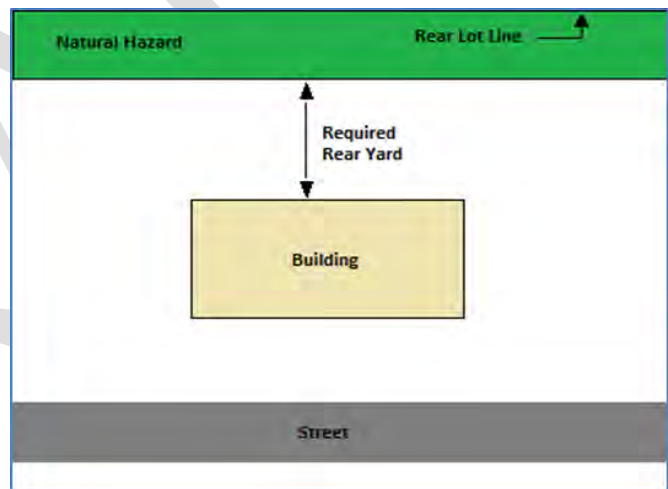
6.A.37. Except where otherwise specified, wind turbine development shall be subject to the policies and regulations contained in the Municipal Planning Strategy and Land Use By-law for the County of Antigonish Concerning the Regulation of Wind Turbine Development.

**Yard Requirements Concerning Natural Hazards**

6.A.38. Where a front, side or rear yard is required by this By-law and part of the area of the lot:

- a. is usually covered by water or marsh,
- b. is beyond the rim of a riverbank or watercourse, or
- c. is between the top and toe of a cliff or embankment having a slope of 15 percent or more from the horizontal,

the required yard shall be measured from the nearest wall of the main building or structure on the lot to the edge of the area covered by water or marsh, or to the rim of the riverbank or watercourse, or to the top of the cliff if such 'edge' is closer than the lot line.



**Placement of Mini Homes on a Lot**

6.A.39. In all zones in which mini homes are permitted on individual lots, the following shall apply:

- a. the front door of the mini home shall face parallel to the street. This requirement applies only if the mini home meets all other zone requirements.
- b. if the mini home cannot meet both front and rear yard setbacks, then the rear yard setback can be reduced to 3 metres (10 feet).

## ***B. SIGNS***

### ***General***

#### **6.B.1.**

- a. Where this part of the Land Use By-law may be inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Province of Nova Scotia Department of Transportation, the more restrictive regulations shall apply.
- b. No person shall erect a sign without first obtaining a permit from the Development Officer and no permit to erect a sign shall be issued unless all the sign provisions of this By-Law are satisfied.
- c. An indoor sign shall not be considered a sign for the purposes of this By-law.

### ***Safety and Maintenance***

#### **6.B.2.**

- a. Every sign and all parts thereof, including framework, supports, background, anchors and wiring systems shall be constructed and maintained in compliance with the building, electrical, and fire prevention codes.
- b. All signs and all parts thereof shall be kept in a good state of repair and maintenance.

### ***Limit on Number of Signs***

#### **6.B.3.**

- a. In terms of signage, where a multiple tenancy building is occupied by more than one business, each business area shall be considered as a separate premise.
- b. Further to 6.B.3(a) above, 'Business and Professional Offices' shall not be considered multiple tenancy buildings.
- c. Limits on the number of signs permitted on any premises at any one time are subject to the following:
  - i. a double-faced sign shall be considered as a single sign; and
  - ii. signs enumerated in 6.B.4 shall not be counted in calculating the total.

### ***Signs Permitted in All Zones***

#### **6.B.4. No permit shall be required for the following:**

- a. Signs identifying the name and address of a resident that are not more than 0.2 square metres (2 square feet);
- b. "No Trespassing" signs or other such signs regulating the use of property that are not more than 0.2 square metres (2 square feet) in sign area;
- c. Real estate signs not exceeding 0.5 square metres (5.4 square feet) in sign area in a residential zone and 1.5 square metres (16 square feet) in other zones, which advertise the sale, rental or lease of the premises;

- d. Signs regulating or denoting on-premise traffic, or parking or other signs denoting the direction or function of various parts of a building or premise provided that such sign area is less than 0.9 square metres (10 square feet) in area;
- e. Signs erected by a government body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, railroad crossing signs, safety signs, signs identifying public schools and public election lists;
- f. Memorial signs and tablets and signs denoting the date of erection of a structure;
- g. The flag, pennant, or banner of any government, or of any religious, charitable or fraternal organization where it is erected on the same lot as the use to which it relates;
- h. A sign having an area of not more than 4.6 square metres (50 square feet) that are incidental to construction and within the area designated for such purposes;
- i. Signs on mailboxes or newspaper tubes;
- j. Bulletin boards, identification signs, and directional signs associated with a religious institution;
- k. Signs that constitute an integral part of a vending machine, telephone booth, devices that indicate the time, date or weather conditions, or similar device whose principal function is not to convey an advertising message; and
- l. Signs that convey the message that a business enterprise is open or closed or that a place of lodging has or does not have a vacancy.

### ***Signs Prohibited in All Zones***

6.B.5. The following signs shall not be permitted in any zone:

- a. signs that incorporate, in any manner, any flashing or moving illumination, including that which varies in colour, and signs that have any visible moving part with the exception of electronic message boards with sign areas less than 1.4 square metres (15 square feet), located a minimum of 4.6 metres (15 feet) from the travelled way;
- b. any sign or sign structure that constitutes a hazard to public safety or health;
- c. signs which, by reason of size, location, content, colouring or manner of illumination, obstruct the vision of drivers either when leaving a roadway or when leaving a driveway, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets or property;
- d. any sign that obstructs access to or egress from a fire escape door, window or other required exit way;
- e. signs that make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic by virtue of the sign's proximity to the street;
- f. any sign that no longer advertises a *bona fide* business conducted or product sold;
- g. signs on public property or public right-of-way, unless specially permitted by the Council and approved by the provincial authority where applicable;

- h. searchlights, pennants, spinners and streamers except for occasions such as public festivals, exhibitions and similar occasions.

### ***All Hamlet Residential Zones and Rural Development***

#### **6.B.6.**

- a. Signs shall be limited to one per lot, and shall advertise only the use or activity that is permitted by the By-law on the property.
- b. No sign shall exceed 0.5 square metres (5.4 square feet) in sign area, or exceed 1.5 metres (4.9 feet) in height in the case of a freestanding sign.

### ***Hamlet Commercial (HC-1), Hamlet Industrial (HI-1) and Tourist Commercial (TC-1) Zones***

#### **6.B.7.**

- a. Signs shall be limited to one (1) ground sign per lot and one (1) projecting wall sign for each business premise. Fascia signs shall be subject to 6.B.7(c) and any such sign shall advertise only the use or activity that is permitted by the By-law on the property.
- b. Ground Signs:
  - i. one ground sign not exceeding 0.9 square metres (9.7 square feet) in sign area on a single face sign or 1.9 square metres (20.5 square feet) of sign area for both faces combined shall be permitted. Signs for more than one business occupying a single property shall be consolidated in a multiple occupancy ground sign.
  - ii. ground signs shall not exceed a height of 3.05 metres (10 feet) from the grade level to the highest part of the sign.
- c. Fascia Signs
  - i. the total fascia sign area shall cover no more than five percent (5%) of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
  - ii. in the case of multiple occupancy buildings, the number of fascia signs shall be determined based on a formula of one (1) sign per business premise.
  - iii. in the case of business and professional offices, the number of fascia signs shall be limited to one (1).

### ***Hamlet Highway Commercial (HHC-1) Zone***

#### **6.B.8.**

- a. Signs shall be limited to one (1) ground and one (1) roof sign per lot. In addition, one (1) projecting wall sign shall be permitted for each business premise and facial wall signs shall be limited subject to 6.B.8(c) and any such sign shall advertise only an activity that is legal on the property.
- b. Ground Signs:
  - i. one ground sign not exceeding 6.5 square metres (70 square feet) in sign area for a single fascia sign or 13.0 square metres (140 square feet) of sign area for multiple fascia signs combined shall be permitted. Signs for more than one

business occupying a single property shall be consolidated in a multiple occupancy ground sign.

- ii. ground signs shall not exceed a height of 10.7 metres (35 feet) from the grade level to the highest part of the sign.

c. Roof Signs

- i. No roof sign shall exceed more than 9.5 square metres (102 square feet) in sign area, exceed 0.6 metres (2 feet) in height or extend beyond the lateral extremities of the roof upon which it is attached.

d. Projecting Signs

- i. No projecting sign shall exceed 1.9 square metres (20.5 square feet) in sign area or project more than 1.8 metres (5.9 feet) from the wall upon which it is attached or be permitted to swing freely on its supports.

e. Fascia Signs:

- i. the total fascia sign area shall cover no more than ten percent (10%) of the wall on which the sign is affixed with proportional allocation for each business premise in case of multiple occupancy buildings.
- ii. in the case of multiple occupancy buildings, the number of fascia signs shall be determined based on a formula of one (1) sign per business premise plus two (2) additional signs.
- iii. in the case of business and professional offices, the number of fascia signs shall be limited to three (3).

## **PART 7: GENERAL PROVISIONS – HOME OCCUPATIONS**

- 7.1. Nothing in this By-law shall prevent the use of a single detached dwelling or accessory building in the Hamlet Residential or Rural Development (HR-1 or RD-1) Zones for a home occupation or business/professional purpose, provided compliance with the following:
- a. the dwelling is owned or occupied as a residence by the operator of the home occupation or business/professional use and the external appearance of the dwelling is not changed by the home occupation or business/professional use;
  - b. there shall not be more than two (2) assistants who are not residents in the dwelling employed in the business or profession;
  - c. no more than fifty percent (50%) of the total floor area of the dwelling or fifty percent (50%) of an accessory building is devoted to the use;
  - d. one (1) off-street parking space, other than that required for the dwelling, is provided for every 18.5 square metres (200 square feet) of floor space occupied by the business or professional use;
  - e. the home occupation shall not be obnoxious or dangerous by reason of emission of odour, smoke, dust, soot, dirt, noise, gas fumes, vibration, water-carried waste or other offensive emission or refuse;
  - f. mechanical equipment is not used, except for that which is reasonably consistent with the use of a dwelling;
  - g. open storage and outdoor display shall not be permitted;
  - h. a development permit for the home occupation has been issued by the Development Officer.
- 7.2. Automobile sales shall be permitted as a home occupation in the Rural Development (RD-1) Zone subject to the provisions of 7.1. There shall be a maximum of twelve (12) vehicles for sale at any one time and buffering of at least 1.5 metres (5 feet) must be present and maintained along all lots lines that abut an existing residential use. No storage or parking of cars that are for sale will be permitted in the front yard.

## PART 8: RURAL DEVELOPMENT ZONE (RD-1)

### *RD-1 Uses Permitted*

- 8.1. No development permit shall be issued in a Rural Development (RD-1) zone except for one or more of the following uses:
- a. Agricultural uses, including intensive livestock operations
  - b. Bed and breakfast establishments
  - c. Boarding homes
  - d. Community and activity centres
  - e. Converted dwellings
  - f. Day care centres
  - g. Duplexes
  - h. Existing Tourist Commercial uses
  - i. Fishing and fishing-related uses
  - j. Forestry and forestry-related uses
  - k. Funeral homes
  - l. Garden suites
  - m. Greenhouses
  - n. Institutional uses
  - o. Open space uses
  - p. Medical Clinics
  - q. Mini homes
  - r. Museums
  - s. Recreational uses
  - t. Semi-detached dwellings
  - u. Senior housing
  - v. Single detached dwellings

### *RD-1 Zone Lot Requirements*

- 8.2. In any Rural Development (RD-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Un-serviced	Sewer Service
Minimum Lot Area	2694 sq. m (29,000 sq. ft.)*	697 sq. m. (7,500 sq. ft.)
Minimum Lot Frontage	6.1 m. (20ft.)	22.9 m. (75ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	1.2 m. (4ft.)	1.2 m. (4ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)	10.7 m. (35ft.)
*Subject to Department of Environment Regulations		

### ***Accessory Apartments***

- 8.3. Nothing in this by-law shall prevent the establishment of an accessory apartment unit in a single detached dwelling in the Rural Development (RD-1) Zone provided that:
- a. the floor area does not exceed fifty percent (50%) of the gross floor area of the residence to a maximum of the gross floor area of the main floor;
  - b. there is a limit of one (1) accessory apartment per lot;
  - c. one (1) additional parking space is provided;
  - d. all applicable provisions of the National Building Code are complied with; and
  - e. a development permit for the accessory unit has been issued.

### ***Garden Suites***

- 8.4. Garden suites shall be permitted in the Rural Development (RD-1) Zone provided that they meet all lot requirements for main dwellings as specified in 8.2.

### ***Bed and Breakfast Establishments***

- 8.5. Bed and Breakfast Establishments shall be limited to a maximum of five (5) guest rooms.

### ***Boarding Homes***

- 8.6. Boarding Homes shall be limited to a maximum of five (5) lodging rooms.

### ***Salvage Yards***

- 8.7. Any expansion or enlargement of an existing salvage yard shall be permitted, but is limited to the existing lot size. No consolidation of land or relocation to another lot shall be permitted for expansion purposes. All permits as required by the Department of Environment shall be obtained before a development permit is issued.

### ***Intensive Livestock Operations***

- 8.8. Agriculture and related uses are permitted in the Rural Development Zone in accordance with Nova Scotia Agriculture Manure Management Guidelines.
- 8.9. The minimum side yard for an intensive livestock operation in the RD-1 Zone shall be 152.4 metres (500 feet), while the minimum front yard setback shall be 45.7 metres (150 feet).

### ***Special Provision – Expansion of Tourist Development***

- 8.10 Any expansion or enlargement of existing tourist cabins, tourist cottages or guest homes shall be permitted by rezoning to the Tourist Commercial (TC-1) zone or through a Development Agreement.

## PART 9: RURAL INDUSTRIAL (RI-1) ZONE

### *RI-1 Uses Permitted*

- 9.1. No development permit shall be issued in a Rural Industrial (RI-1) zone except for one or more of the following uses:
- a. Construction operations
  - b. Exterior storage and display courts
  - c. Light industrial manufacturing and assembly
  - d. Professional offices
  - e. Dwelling units
  - f. Leasing or rental of commercial equipment
  - g. Scrap yards or automobile salvage facilities
  - h. Transportation depots
  - i. Warehousing and storage facilities, including recycling depots
  - j. Wholesale or retail sales

### *RI-1 Uses Permitted Subject to Development Agreement*

- 9.2. Notwithstanding 9.1, new scrap yards or automobile salvage facilities in the RI-1 Zone shall only be permitted by Development Agreement as specified in Policy L-2.2 of the Municipal Planning Strategy.

### *RI-1 Zone Lot Requirements*

- 9.3. In any Rural Industrial (RI-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Unserviced	Sewer
Minimum Lot Area	2 694 sq. m. (29,000 sq. ft.)*	929 sq. m. (10,000 sq. ft.)
Minimum Lot Frontage	6.1 m. (20ft.)	30.5 m. (100ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)	10.7 m. (35ft.)
*Subject to Department of Environment Regulations		

### *Landscaping*

- 9.4. Where a new rural industrial use abuts existing non-industrial use or zone, landscaping buffer no less than 1.5 metres (5 feet) high and at least 3 metres (10 feet) wide shall be required along the shared lot line(s).

### *Open Storage*

- 9.5. The outdoor storage of waste, equipment or goods not for sale shall not occur in the front yard of any property or side or rear yard where the property abuts an existing residential use unless such waste, equipment or goods is wholly contained within a fenced and screened storage area and not visible from any public road or adjacent non-industrial lot.

*Fuel Storage*

- 9.6. The storage of gas and fuel for company use shall only be permitted in above ground tanks which can be monitored for leaks and other potential problems. There shall also be setbacks from property lines of 4 metres (13.1 feet) when abutting a residential property.

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## PART 10: RURAL COMMERCIAL (RC-1) ZONE

### *RC-1 Uses Permitted*

- 10.1. No development permit shall be issued in a Rural Commercial (RC-1) zone except for one or more of the following uses:
- a. Automobile service centres
  - b. Automobile sales
  - c. Banks and other financial institutions
  - d. Business and professional offices
  - e. Country markets
  - f. Convenience stores
  - g. Day care centres
  - h. Leasing or rental of commercial equipment
  - i. Retail stores
  - j. Recycling depots
  - k. Restaurants and licensed establishments
  - l. Residential units within a commercial building
  - m. Veterinary clinics

### *RC-1 Zone Lot Requirements*

- 10.2. In any Rural Commercial (RC-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Un-serviced	Sewer Service
Minimum Lot Area	2 694 sq. m. (29,000 sq. ft.) *	694 sq. m. (7,500 sq. ft.)
Minimum Lot Frontage	6.1 m. (20ft.)	30.5 m. (100ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	3.0 m. (10ft.)	3.0 m. (10ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)	10.7 m. (35ft.)
*Subject to Department of Environment Regulations		

### *Automobile Service Stations*

- 10.3. Notwithstanding 10.2, where an automobile service station is proposed, the following special provisions shall apply:
- a. Minimum lot frontage of 45.75 metres (150 feet);
  - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
  - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet);

- d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line and in no case shall the weather canopy extend beyond the front lot line.

### ***Landscaping***

- a. Where a new rural commercial use abuts a hamlet residential zone, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s), which must be maintained for the life of the development.

### ***Open Storage***

- b. No open storage is permitted in the abutting side yard or rear yard of a rural commercial zone which abuts a hamlet residential zone unless there is a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development.

### ***Recycling Depots***

- c. Where a new or expanded recycling depot is located, a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development, is required along all lot lines and no storage will be permitted in the front yard.

### ***Residential Uses in a Commercial Building***

- d. Notwithstanding anything else in this By-law, residential uses will be permitted within commercial buildings in the Rural Commercial (RC-1) Zone, although the residential use shall not be located on the ground level at the front of the building.

## **PART 11: TOURIST COMMERCIAL (TC-1) ZONE**

### ***TC-1 Uses Permitted***

- 11.1. No development permit shall be issued in a Tourist Commercial (TC-1) zone except for one or more of the following uses:
- a. Campgrounds
  - b. Single-detached dwellings
  - c. Tourist cabins or cottages
  - d. Tourist and guest homes
  - e. Uses associated with tourism

### ***TC-1 Uses Permitted Subject to Development Agreement***

- 11.2. Notwithstanding 11.1:
- a. Campgrounds shall only be permitted in a TC-1 Zone by Development Agreement as specified by Policy L-4.4 of the Municipal Planning Strategy.
  - b. Tourist cabins or cottages totaling six (6) or more accommodation units shall only be permitted in a TC-1 Zone by Development Agreement as specified by Policy L-4.5 of the Municipal Planning Strategy.

### ***TC-1 Zone Lot Requirements***

- 11.3. In any Tourist Commercial (TC-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Un-serviced	Sewer Service
Minimum Lot Area	2 694 sq. m. (29,000 sq. ft.)*	697 sq. m. (7500 sq. ft.)
Minimum Lot Frontage	6.1 m. (20ft.)	22.9 m. (75ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	1.2 m. (4ft.)	1.2 m. (4ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)	10.7 m (35ft.)
*Subject to Department of Environment Regulations		

### ***Coastal Setback***

- 11.4. A setback of 15 metres (49 feet) from the inner edge of the coastal feature or a 2.5 metre elevation (8.2 feet) from the shoreline, whichever is the greater, shall be required for all dwellings and accessory buildings that abut a coastal body of water.
- 11.5. All coastal lots in existence on the effective date of this By-law having less than the 15 metres (49 foot) minimum setback from a coastal body of water may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected on the lot, provided the provisions of 11.3 above can be met and all other provisions of the By-law are satisfied.
- 11.6. If over fifty percent (50%) of a dwelling or accessory building has been destroyed due to erosion or coastal forces, the owner will be required to rebuild in compliance with the coastal setbacks described above.

*Landscaping*

- 11.7. Where a new tourist commercial use abuts a residential use, a visual barrier no less than 1.5 metres (5 feet) high, which must be maintained for the life of the development, is required along all shared lot lines.

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## **PART 12: RURAL COMPREHENSIVE DEVELOPMENT DISTRICT (RCDD-1) ZONE**

### ***RCDD-1 Zone Uses Permitted***

- 12.1 No Development Permit shall be issued in a Rural Comprehensive Development District (RCDD-1) Zone except for one or more of the following uses:
- a. Duplexes
  - b. Garden suites
  - c. Mini homes
  - d. Recreational uses
  - e. Semi-detached dwellings
  - f. Senior assisted living and retirement housing
  - g. Single detached dwellings

### ***RCDD-1 Zone Lot Requirements***

- 12.2 In any Rural Comprehensive Development District (RCDD-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Un-serviced	Sewer Service
Minimum Lot Area	2694 sq.m (29,000 sq. ft.)*	697 sq. m. (7,500 sq. ft.)
Minimum Lot Frontage	6.1 m. (20ft.)	22.9 m. (75ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Minimum Side Yard	1.2 m. (4ft.)	1.2 m. (4ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)	10.7 m. (35ft.)
*Subject to Department of Environment Regulations		

### ***Special Provision- Uses Permitted by Development Agreement***

- 12.3 Subject to Policy L-6.2, Policy L-6.3 and Policy I-1.10 all residential uses and ancillary commercial and institutional uses are permitted in the RCDD-1 Zone according to the development agreement provisions of the *Municipal Government Act*.

## PART 13: HAMLET RESIDENTIAL (HR-1) ZONE

### *HR-1 Uses Permitted*

- 13.1. No development permit shall be issued in a Hamlet Residential (HR-1) zone except for one or more of the following uses:
- a. Existing agricultural uses, except intensive livestock operations
  - b. Bed and breakfast establishments
  - c. Boarding homes
  - d. Day care centres
  - e. Religious Institutions and cemeteries
  - f. Medical Clinics
  - g. Converted dwellings
  - h. Community and activity centres
  - i. Duplexes
  - j. Funeral homes
  - k. Garden Suites
  - l. Institutional uses
  - m. Mini homes
  - n. Museums
  - o. Recreational uses
  - p. Senior assisted living and retirement housing
  - q. Single detached dwellings
  - r. Semi-detached dwellings

### *HR-1 Zone Lot Requirements*

- 13.2. In any Hamlet Residential (HR-1) zone, no development permit shall be issued except in conformity with the following requirements:
- a. For all uses except semi-detached dwellings, duplexes and agricultural uses:

Standard	
Minimum Lot Area	697 sq. m. (7500 sq. ft.)
Minimum Lot Frontage	22.9 m. (75ft.)
Minimum Front Yard	7.6 m. (25ft.)
Minimum Side Yard	1.2 m. (4ft.)
Minimum Rear Yard	7.6 m. (25ft.)
Maximum Building Height	10.7 m. (35ft.)

- b. For semi-detached dwellings and duplexes:

Standard	
Minimum Lot Area	465 sq. m. (5000 sq. ft.) per dwelling unit
Minimum Lot Frontage	12 m. (40ft.) per dwelling unit
Minimum Front Yard	7.6 m. (25ft.)
Minimum Side Yard	1.2 m. (4ft.)

Minimum Rear Yard	7.6 m. (25ft.)
Maximum Building Height	10.7 m. (35ft.)

c. For agricultural uses:

Standard	
Minimum Lot Area	4 645 sq. m. (50,000 sq. ft.)
Minimum Lot Frontage	30.5 m (100ft.)
Minimum Front Yard	36.6 m. (120ft.)
Minimum Side Yard	12.2 m. (40ft.)
Minimum Rear Yard	12.2 m. (40ft.)
Maximum Building Height	10.7 m. (35ft.)

***Accessory Apartments***

- 13.3. Nothing in this by-law shall prevent the establishment of an accessory apartment unit in a single detached dwelling in the Hamlet Residential (HR-1) Zone provided that:
- a. the floor area of the accessory apartment does not exceed fifty percent (50%) of the gross floor area of the residence, and does not exceed the gross floor area of the main floor;
  - b. there is a limit of one (1) accessory apartment per lot;
  - c. one (1) additional parking space is provided for the accessory apartment;
  - d. all applicable provisions of the National Building Code are complied with; and,
  - e. a development permit for the accessory unit has been issued.

***Garden Suites***

- 13.4. Garden suites shall be permitted in the Hamlet Residential (HR-1) Zone provided that they meet all lot requirements for main dwellings as specified in 13.2 of this Part.

***Bed and Breakfast Establishments***

- 13.5. In addition to all other requirements of this by-law, the following shall apply to bed and breakfast establishments:
- a. a maximum of five (5) guest accommodation rooms shall be permitted.

***Boarding Homes***

- 13.6. In addition to all other requirements of this By-law, the following shall apply to boarding homes:
- a. a maximum of five (5) lodging units shall be permitted.

***Converted Dwellings***

- 13.7. Notwithstanding anything else in this By-law, a single detached dwelling may be converted to two dwelling units provided that:
- a. no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Building Code; and
  - b. the existing roof lines are maintained on the dwelling.

## PART 14: HAMLET MULTIPLE UNIT RESIDENTIAL (HR-2) ZONE

### *HR-2 Uses Permitted*

- 14.1. No development permit shall be issued in a Hamlet Multiple Unit Residential (HR-2) Zone except for one or more of the following uses:
- a. Bed and breakfasts
  - b. Boarding homes
  - c. Converted dwellings
  - d. Community and activity centres
  - e. Day care centres
  - f. Duplexes
  - g. Funeral homes
  - h. Garden suites
  - i. Grouped dwellings
  - j. Institutional uses
  - k. Medical clinics
  - l. Mini homes
  - m. Multiple unit dwellings
  - n. Museums
  - o. Recreational uses
  - p. Religious Institutions and cemeteries
  - q. Senior assisted living and retirement housing
  - r. Single detached dwellings
  - s. Semi-detached dwellings
  - t. Townhouses or row houses

### *HR-2 Uses Permitted Subject to Development Agreement*

- 14.2. Notwithstanding 14.1, the following shall only be permitted by Development Agreement as specified in Policy L-10.5 of the Municipal Planning Strategy:
- a. grouped dwellings with six (6) or more units;
  - b. multiple unit dwellings with six (6) or more units;
  - c. townhouses or row houses with six (6) or more units; and,
  - d. converted dwellings with six (6) or more units.

### *HR-2 Zone Lot Requirements*

- 14.3. In any Hamlet Multiple Unit Residential (HR-2) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Multiple Unit (Sewer)	Townhouses (Sewer)
Minimum Lot Area	929 sq. m. (10,000sq. ft.) for the first 3 units – 93 sq. m. (1000sq. ft.) per additional unit	307 sq. m. (3,300sq. ft.) per dwelling unit
Minimum Lot Frontage	30.5 m. (100ft.)	6.1 m. (20ft.) per unit, plus 6.1 m. (20ft.)
Minimum Front Yard	7.6 m. (25ft.)	7.6 m. (25ft.)

Minimum Side Yard	1.2 m. (4ft.)	1.2 m. (4ft.)
Minimum Rear Yard	7.6 m. (25ft.)	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft..)	10.7 m (35ft.)

***Amenity Space***

14.4. Amenity space of no less than 4.6 sq. m. (50 sq. ft.) per unit must be provided for a multiple unit residential building.

***Converted Dwellings***

14.5. A single detached dwelling may be converted to three or more dwelling units provided that:

- a. no exterior alteration is made to the dwelling that would increase the overall size of the structure except additions necessary to comply with the Building Code; and
- b. the existing roof lines are maintained on the dwelling; and,
- c. a Development Agreement is obtained for dwellings converted to contain six (6) or more units.

***Landscaping***

14.6. A visual barrier no less than 1.5 metres (5 feet) high must be established and maintained in perpetuity along any HR-2 boundary that abuts an existing residential use in either the Hamlet Residential (HR-1) or the Rural Development (RD-1) Zone.

***Multiple Unit and Row Housing***

14.7. Notwithstanding 14.3, the minimum distance between grouped dwellings shall be 6.1 metres (20 feet) or half the height of the tallest of the grouped dwellings, whichever is greater.

## **PART 15: HAMLET MINI HOME PARK (HMHP-1) ZONE**

### ***HMHP-1 Uses Permitted***

- 15.1. No development permit shall be issued in a Hamlet Mini Home Park (HMHP-1) zone except for one or more of the following uses:
- a. Mini home park
  - b. Mini home park administration offices
  - c. Public recreational uses including parks and playgrounds
  - d. Maintenance equipment and storage facilities related and incidental to the operation of the park

### ***HMHP-1 Uses Permitted Subject to Development Agreement***

- 15.2. Notwithstanding 15.1, new mini home parks or expansion to an existing mini home park in an HMHP-1 Zone shall only be permitted by Development Agreement as specified in Policy L-11.2 of the Municipal Planning Strategy.

### ***HMHP-1 Zone Lot Requirements***

- 15.3. In any Hamlet Mini Home Park (HMHP-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Sewer
Minimum Lot Area	0.81 hectares (2 acres)
Minimum Lot Frontage	30.5 m. (100ft.)
Minimum Front Yard	7.6 m. (25ft.)
Minimum Side Yard	3.0 m. (10ft.)
Minimum Rear Yard	7.6 m. (25ft.)
Maximum Spacing	Subject to the National Building Code

### ***Landscaping***

- 15.4. A mini home park shall have a visual barrier with a minimum height of 1.5 metres (5 feet), maintained in perpetuity, along:
- a. any lot line that abuts a street, exclusive of a driveway access; and,
  - b. any side or rear lot line.

### ***Skirting Requirement***

- 15.5. The entire undercarriage of a mini home shall be skirted with an opaque material.

## PART 16: HAMLET COMMERCIAL (HC-1) ZONE

### *HC-1 Uses Permitted*

- 16.1. No development permit shall be issued in a Hamlet Commercial (HC-1) zone except for one or more of the following uses:
- a. Automobile service centres
  - b. Automobile sales or rentals
  - c. Banks and other financial institutions
  - d. Business and professional offices
  - e. Country market
  - f. Convenience stores
  - g. Day care centres
  - h. Gasoline and diesel stations
  - i. General merchandise stores
  - j. Grocery stores
  - k. Liquor stores
  - l. Recycling depots
  - m. Restaurants and licensed establishments
  - n. Residential units within a commercial building
  - o. Veterinary clinics

### *HC-1 Zone Lot Requirements*

- 16.2. In any Hamlet Commercial (HC-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Sewer
Minimum Lot Area	697 sq. m. (7500 sq. ft.)
Minimum Lot Frontage	22.9 m. (75ft.)
Minimum Front Yard	12.2 m. (40ft.)
Minimum Side Yard	3.0 m. (10ft.)
Minimum Rear Yard	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)

### *Automobile Service Stations*

- 16.3. Notwithstanding 16.2, the following special provisions shall apply to automobile service stations:
- a. Minimum lot frontage of 45.75 metres (150 feet) ;
  - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
  - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet) ;

- d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line, and in no case shall the weather canopy extend beyond the front lot line.

### ***Garbage Bins***

- 16.4. Preferably, garbage and recycling should be stored inside of a building, whether the main building or an accessory building. Where this is not possible, all garbage and recycling bins associated with a commercial use shall be screened by an opaque visual barrier at a height adequate to visually screen the bin from all adjacent properties and roadways.

### ***Landscaping***

- 16.5. Where a new hamlet commercial use abuts a hamlet residential use, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

### ***Open Storage***

- 16.6. No open storage is permitted in the side yard or rear yard of a hamlet commercial zone that abuts a hamlet residential zone unless there is a maintained visual barrier of a least 1.5 metres (5 feet) present.

### ***Recycling Depots***

- 16.7. Where a new or expanded recycling depot is located, a visual barrier at least 1.5 metres (5 feet) high must be installed and maintained along all rear and side lot lines, and no storage will be permitted in the front yard.

### ***Residential Uses in a Commercial Building***

- 16.8. Residential dwelling units will be permitted within commercial buildings in the Hamlet Commercial (HC-1) Zone, provided that the dwelling units shall not be located on the ground level at the front of the building.

## PART 17: HAMLET HIGHWAY COMMERCIAL (HHC-1) ZONE

### *HHC-1 Uses Permitted*

- 17.1. No development permit shall be issued in a Hamlet Highway Commercial (HHC-1) zone except for one or more of the following uses:
- a. Automobile sales or rentals
  - b. Automobile service centres
  - c. Display courts including prefabrication homes and mobile homes
  - d. Dwelling units
  - e. Convenience stores
  - f. Hotels, motels or tourist inns
  - g. Laundromats
  - h. Machinery and commercial equipment leasing or rental businesses
  - i. Restaurants and licensed establishments
  - j. Retail stores
  - k. Veterinary clinics
  - l. Visitor information centres

- 17.2. In any Hamlet Highway Commercial (HHC-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	Sewer
Minimum Lot Area	3 716 sq. m. (40000 sq. ft.)
Minimum Lot Frontage	45.7 m. (150ft.)
Minimum Front Yard	12.2 m. (40ft.)
Minimum Side Yard	6.1 m. (20ft.)
Minimum Rear Yard	12.2 m. (40ft.)
Maximum Height	10.7 m. (35ft.)

### *Special Provision - Road Access*

- 17.3. Notwithstanding 17.2, driveway accesses onto Highway 104 shall conform to the access standards expressed in the Department of Transportation's Access Management Strategy for Highway 104.

### *Special Provision – Site Plan Approval*

- 17.4. No development permit for new structures or additions shall be issued in a HHC-1 Zone unless a Site Plan has been approved by the Development Officer.
- 17.5. The following evaluation criteria shall apply to any development undertaken pursuant to 17.4:
- a. A visual barrier no less than 1.5 metres (5 feet) high, and a landscaped buffer no less than 3 metres (10 feet) wide be established and maintained in perpetuity along the common lot line where the commercial use abuts an existing residential use or the new Highway 104 By-pass right-of-way;

- b. a landscape strip of no less than 3.0 metres (10 feet) is required along the entire frontage of the property, save and except the location of a driveway not exceeding 6.1 metres (20 feet) in width;
  - c. existing vegetation, wherever possible and deemed practical, is to be retained;
  - d. outdoor storage of equipment or material that is not for sale shall not be located in the front yard of any property, and shall be wholly contained within a fenced and screened storage area and shall not be visible from any public road or adjacent lot;
  - e. loading facilities are to be located at the rear of the main structure and screened from any adjacent residential uses or roadways;
  - f. off-street parking and loading spaces will not be permitted between the front façade of a building and any street line;
  - g. walkways within the development be laid out in such a manner to effectively connect internal uses and off-site sidewalks or paths. Such walkways shall be barrier-free;
  - h. the type and location of outdoor lighting is designed as full cut-off in order to provide light for the structure, driveways and any pedestrian access required to maintain safe access, with no light directed at or spilled onto neighbouring properties or into the night sky;
  - i. storm and surface water management plans are to be provided;
- 17.6. A Site Plan prepared in accordance with 17.4 and 17.5 shall indicate:
- a. the location of proposed structures on the site;
  - b. the location of proposed off-street parking or loading facilities;
  - c. the location and width of proposed driveway accesses to public roads;
  - d. the type, location and height of any retaining walls, fences, hedges, trees, shrubs or groundcover as well as any retained natural vegetation;
  - e. any proposed grade alteration and/or any storm or surface water control infrastructure;
  - f. the location of proposed walkways and the type of surfacing material;
  - g. the type and location of proposed outdoor lighting;
  - h. the location and type of any facilities and enclosures for the storage of garbage, recycling and other waste materials;
  - i. the location of proposed easements;
  - j. the type, number and size of proposed signs and sign structures.
- 17.7. A separate site plan shall show all existing structures, parking, loading facilities, driveway accesses, grades, storm or surface water control infrastructure, walkways, easements, outdoor lighting, signs and sign structures.

### ***Automobile Service Stations***

- 17.8. Notwithstanding 17.2, the following special provisions shall apply to automobile service station uses:
- a. Minimum lot frontage of 45.75 metres (150 feet);
  - b. No portion of any pump island shall be located closer than 6.1 metres (20 feet) from any street line;
  - c. The minimum distance between ramps or driveways shall not be less than 9 metres (29.5 feet) ;
  - d. A weather canopy for service station pump islands may be erected provided that no part of the canopy is located within 4 metres (13.1 feet) of the street or lot line and in no case shall the weather canopy extend beyond the front lot line.

### ***Waste Bins***

- 17.9. All garbage and recycling bins associated with a commercial use shall be stored indoors, within an accessory structure, or wholly screened by an opaque visual barrier so as to not be seen from any adjacent non-commercial properties or roadways.

### ***Gas stations and Car Washes***

- 17.10. No new gas stations or car washes will be permitted within the Lower South River Water Protection Boundary.

### ***Landscaping***

- 17.11. Where a new hamlet highway commercial use abuts a hamlet residential use (HR-1, HR-2 or HMHP-1), a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

### ***Open Storage***

- 17.12. No open storage is permitted in the side yard or rear yard of a hamlet commercial zone that abuts a hamlet residential zone unless there is a buffer of a least 1.5 metres (5 feet) present. This buffer must be maintained for the life of the development.

### ***Recycling Depots***

- 17.13. Any expansions to existing recycling depots shall require a buffer strip at least 1.5 metres (5 feet) wide along all lot lines and no storage shall be permitted in the front yard.

### ***Residential Uses in a Commercial Building***

- 17.14. Notwithstanding 17.1 of this Part, dwelling units will be permitted within commercial buildings in the hamlet highway commercial (HHC-1) zone provided that the residential use shall not be located on the ground level at the front of the building.

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## **PART 18: HAMLET INDUSTRIAL (HI-1) ZONE**

### ***HI-1 Uses Permitted***

- 18.1. No development permit shall be issued in a Hamlet Industrial (HI-1) zone except for one or more of the following uses:
- a. Building supply, lumber outfits and equipment depots excluding bulk storage of sand or gravel; subject to 18.2
  - b. Construction operations and rentals, subject to 18.2
  - c. Display courts including swimming pools, decorative foundations, pre-fabricated display homes
  - d. Light industrial manufacturing and assembly, subject to 18.2
  - e. Professional offices
  - f. Rental or leasing of commercial equipment
  - g. Transportation depots, subject to 18.2
  - h. Warehousing, storage facilities and recycling depots, subject to 18.2
  - i. Wholesale or retail sales

### ***HI-1 Uses Permitted Subject to Development Agreement***

- 18.2. Notwithstanding 18.1, new industrial developments or expansion to existing industrial developments in the HI-1 Zone shall only be permitted by Development Agreement as specified in Policy L-14.2 of the Municipal Planning Strategy.

### ***HI-1 Zone Lot Requirements***

- 18.3. In any Hamlet Industrial (HI-1) zone, no development permit shall be issued except in conformity with the following requirements:

Standard	
Minimum Lot Area	4 645 sq. m (50,000 sq. ft.)
Minimum Lot Frontage	30.5 m (100ft.)
Minimum Front Yard	7.6 m. (25ft.)
Minimum Side Yard	3.0 m. (10ft.)
Minimum Rear Yard	7.6 m. (25ft.)
Maximum Height	10.7 m. (35ft.)
Maximum Building Spacing	Subject to the National Building Code

### ***Fuel Storage***

- 18.4. Storage of gas and fuel for company use shall only be permitted in above ground tanks which can be monitored for leaks and other potential problems. There shall also be setbacks from property lines of 3 metres (10 feet) when abutting a residential property.

## PART 19: DEFINITIONS

**ACCESSORY BUILDING** means a subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use, but does not include a building attached in any way to the main building or a building located completely underground.

**ACCESSORY DWELLING UNIT** means a self-contained living unit created within or detached from a single-family dwelling.

**ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

**ACCOMMODATION UNIT (TOURIST)** means one tourist cottage or one sleeping room in a tourist and guest home as defined in the Land Use By-law.

**ACT** means the Nova Scotia *Municipal Government Act*, 1998.

**AGRICULTURAL USE** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.

**ALTER** means to change a structural component of a building, or to increase or decrease the volume of a building or structure.

**AUTOMOBILE SERVICE STATION** means a building or part of a building or a clearly defined space on a lot used for the retail sale of lubricating oils, diesel and gasoline and may include the sale of automobile accessories and the servicing and minor repairing essential to the actual operation of motor vehicles. An automobile service station may include an automobile car wash and/or convenience store.

**BED AND BREAKFAST** means a “roofed accommodation” as described in section 2 (f) of the Nova Scotia Tourist Accommodations Act; 1994-1995.

**BOARDING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, of more than two rooms exclusive of those of the lessee or owner thereof or family members and which is not open to the general public.

**BUILDING** means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunker, or platform vessel or vehicle used for any of the said purposes shall be deemed a building.

**CAMPGROUND** means a plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education or vacation purposes.

**CAMPING UNIT** means any tent, trailer, cabin, lean-to, recreation vehicle or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

**CLINIC** means a building or part of a building used for medical, dental, surgical or therapeutic treatment of human beings but does not include a public or private hospital.

**COASTAL FEATURE** means any terrestrial landform directly influenced by the sea, including beaches, barrier islands, dunes and salt marshes.

**COMMUNITY CENTRE** means any building or buildings, or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof, or a non-profit organization.

**CONVERTED DWELLING** means a building converted to contain a greater number of dwelling units than the building contained prior to that conversion.

**COUNCIL** shall mean the Council of the Municipality of the County of Antigonish.

**DAY CARE CENTRE** means a facility where three (3) or more pre-school children are cared for on a temporary daily basis without overnight accommodation and does not include a school.

**DEVELOPMENT** shall include the erection, construction, alteration, replacement or relocation of or addition to, any structure and any change or alteration in the use made of land or structures.

**DEVELOPMENT OFFICER** means the officer of the County of Antigonish with the duty of administering the provisions of the Land Use By-law.

**DWELLING** means a building occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units, but shall not include a hotel, a motel, or a travel trailer.

- a. **Single Detached Dwelling** means a building containing not more than one (1) dwelling unit.
- b. **Duplex Dwelling** means a building that is divided horizontally into two (2) dwelling units, each of which have an independent entrance either directly from outside the building or through a common vestibule.
- c. **Multiple Unit Dwelling** means a building containing three (3) or more dwelling units which have a common entrance from the street level and shall include apartment buildings and condominiums.
- d. **Row House or Townhouse Dwelling** means a building that is divided vertically into three (3) or more dwelling units, each of which has independent entrances to a front yard immediately abutting the front walls of each dwelling unit.
- e. **Semi-Detached Dwelling** means a building that is divided vertically into two dwelling units and sharing a common foundation. Each unit shall have an independent entrance.

**DWELLING UNIT** means one or more habitable rooms intended for use by one or more individuals as an independent and separate housekeeping establishment. A dwelling unit shall include both kitchen and sanitary facilities provided for the exclusive use of the individual or individuals within that unit, and shall also include a private entrance from outside the building or from a common hallway or stairway inside the building.

**ERECT** means to build, construct, reconstruct, alter or relocate and without limiting the generality if the forgoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

**EXISTING** means a structure or use in operation or existence as of the effective date of this By-law.

**FLOOR AREA** means:

- a. With reference to a dwelling means the maximum floor area contained within the outside walls excluding any private garage, porch, verandah, sun room, unfinished attic or basement and cellar or other room not habitable at all seasons of the year.
- b. Commercial floor area means the total usable floor area within a building used for commercial purposes but excludes washrooms, furnace and utility rooms, and common malls between stores.

**GARDEN SUITE or "GRANNY FLAT"** means a physically separate dwelling unit placed on a residential lot that already has an existing dwelling sited on it. They are intended to be a temporary use on the lot to be removed once the unit is no longer needed by the family member.

**GROUPED DWELLINGS** means two or more permanent dwelling units, which are contained within two or more buildings located on the same lot.

**HEIGHT** The height of a building shall be determined by calculating the vertical distance of a building between the established (average) grade and

- a. the highest point of the roof or the parapet, whichever is the greater, of a flat roof;
- b. the highest point of the ridge of a gabled, hip, gambrel, mansard or other type of pitched roof;
- c. but shall not include any construction used as an ornament or for the mechanical operation of the building, a mechanical penthouse, chimney, tower, cupola or steeple.

**HOME OCCUPATION** means any secondary use of a dwelling or accessory building by the occupant for gainful employment involving the provision or sale or rental of goods manufactured by the occupant or services or both good and services.

**HOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for monetary gain by supplying them with sleeping accommodations with or without meals but generally without private cooking facilities. Access to each unit is gained through a common area from inside the building.

**INDUSTRIAL** means a use engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

**INSTITUTION** means a building or part of a building used by an organized body or society for promoting a particular purpose with no intent or profit such as schools, places of worship, community centres, hospitals, homes for special care, senior citizen homes and government buildings but shall not include a private club.

**INTENSIVE LIVESTOCK OPERATION** means a commercial operation in which animals or fowl are confined to feedlots or buildings for feeding, breeding, or milking for eventual sale or egg production.

**KENNEL** means a building where domestic household animals and birds are kept, boarded and/or bred.

**LANDSCAPING** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, grading, screening or other architectural elements, all

of which is designed to enhance the visual amenity of a property or to provide a screen or barrier to mitigate any objectionable aspects that may detrimentally affect adjacent land.

**LOADING SPACE** means a vacant area of land provided and maintained upon the same lot or lots upon which the principle use is located and which area:

- a. is suitable for the temporary parking of at least one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicles;
- b. is not upon or partly upon any street or highway.

**LOT** means any parcel of land described in a deep or as shown in a registered plan of subdivision.

- a. **Corner lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.
- b. **Interior lot** means a lot situated between two lots and having access to one street.
- c. **Through lot** means a lot, which is not a corner lot, with frontage on more than one street.

**LOT AREA** means the total horizontal area within the lot lines of a lot.

**LOT DEPTH** means the horizontal distance between the front and rear lot lines. Where these lot lines are not parallel the lot depth shall be the length of a line joining the midpoints of the front and rear lot lines.

**LOT FRONTAGE** means the length of a line joining the side lot lines and parallel to the front lot line. (see calculation of lot frontage for irregularly shaped parcels in 'General Provisions', Part 6).

**LOT LINE** means a boundary line of a lot.

- a. **Front lot line** means the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front lot line and the longer boundary line abutting the street shall be deemed the side lot line and where such lot lines are of equal length the front lot line shall be either of the lot lines. In the case of a through lot, any boundary dividing the lot from a street shall be deemed to be the front lot line.
- b. **Rear lot line** means the lot line furthest from or opposite to the front lot line.
- c. **Side lot line** means a lot line other than a front or rear lot line.
- d. **Flanking lot line** means a side lot line which abuts the street on a corner lot.

**MAIN BUILDING** means the building in which the principal purpose for which the building lot is used.

**MAIN WALL** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof.

**MANUFACTURING** means the production, compounding, processing, packaging, crafting, bottling, packing or assembling of raw or semi-processed or fully-processed goods or materials, and shall include a recycling operation completely contained within a building.

**MINI HOME** means a detached dwelling designed for transportation after fabrication whether on its own wheels or on a flatbed or other trailer and which arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations), located on wheels, jacks or permanent foundation, and which may be connected to utilities and sanitary services, and the foregoing shall include mini homes and modular dwellings having any main walls with a width of less than 6.1 m [20 ft.].

**MINI HOME PARK** means an establishment comprising land on premises under single ownership designed and intended for residential use where residence is in mini homes exclusively, but does not include public or private seasonal camping grounds.

**MOTEL** means a building or buildings or part thereof on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodation, with or without means. Each unit has an independent entrance from the outside of the building.

**MULTIPLE UNIT DWELLING** see “Dwelling, Multiple Unit”

**MUNICIPALITY** means the Municipality of the County of Antigonish.

**NURSING HOME** means a building wherein nursing care, room and board are provided to individuals incapacitated in some manner for medical reasons but does not include a hospital.

**OBNOXIOUS USE** means a use which, from its nature or operation creates a nuisance or is offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, oil or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

**OPEN SPACE** means uses related primarily to the outdoor enjoyment of lands, including recreational uses, accessory buildings to a beach including change rooms and washrooms, boardwalks and nature interpretation stands, canteens, conservation projects, information stands, marina facilities and picnic areas and facilities.

**ORDINARY HIGH WATER MARK** means:

- a. For non-tidal waters, the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character upon the vegetation where it extends into the water or upon the soil itself; and
- b. For tidal waters, the mark on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows.

**OUTDOOR DISPLAY** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same lot.

**OUTDOOR STORAGE** means the storage of any item located outside of a building not primarily for the encouragement of sale of the item or of similar items at that location, but primarily for storage purposes.

**PARKING SPACE** means an area of not less than one hundred eighty (180) square feet, measuring nine (9) by twenty (20) feet exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles.

**PERSON** means an individual, association, firm, partnership, corporation, incorporated company, organization, trustee, or agent, and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

**PERSONAL SERVICE ESTABLISHMENT** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and without limiting the generality of the foregoing may include such establishments as barber shops, beauty parlours, automatic laundry shops, hairdressing shops, shoe repair and shoe shining shops, and depots for collecting dry cleaning and laundry, but excludes any manufacturing or fabrication of goods for sale.

**PLANNING AREA** means the Central Antigonish Planning Area.

**PROFESSIONAL OFFICE** means a building or structure where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retailing or selling of goods.

**PUBLIC AND PRIVATE UTILITIES** means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

**PUBLIC PARK** means a park owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Nova Scotia.

**REAR YARD** - see Yard, Rear

**RECREATIONAL USES** means the public use of land for parks, playgrounds, tennis courts, the existing race track, indoor or outdoor ice skating rinks, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps and similar uses to the foregoing, together with the necessary accessory buildings and structures, but not including a track for the racing of animals or any form of motorized vehicles.

**RECYCLING DEPOT** means premises on which recoverable materials, such as paper, glass and metals are separated prior to shipment, but does not include any processing of the material and does not include a scrap yard.

**RENTAL ESTABLISHMENT** means a business that has equipment or goods for rent.

**RELIGIOUS INSTITUTION** means a building dedicated to religious worship and includes a church hall, auditorium, synagogue, mosque, temple, parish hall, Sunday school and day nursery operated by the church.

**RESTAURANT** means a building or part thereof where food and drink is served to the public for consumption within the building or for take-out and for consumption in parking areas appurtenant to the building.

**RETAIL STORE** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.

**SCHOOL** means any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

**SENIOR ASSISTED HOUSING** means multifamily housing designed for older people. This type of housing can also refer to an adult retirement community, assisted living facility, congregate residences or continuing care retirement facility.

**SERVICE SHOP** means a building or part thereof used for the repair of household articles and shall include radio, television, and appliance repair shops but shall not include industrial or manufacturing or motor vehicle repair shops.

**SETBACK** means the distance between a street line, watercourse or natural feature and the nearest main wall of any building or structure and extending the full width or length of the lot.

**SHORELINE** means the ordinary high water mark of a coastal or other body of water.

**SIDE YARD** - see Yard, Side

**SIGN** means a structure, device, light or natural object including the ground itself, or any part thereof, or any device attached thereto, or painted or represented thereon, which shall be used to justify, advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which shall display or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the premises or from a parking lot. The word "sign" shall include signs that are affixed to the inside of windows and glass doors and is intended to be seen from roadways or parking lots. No other indoor sign shall be deemed a sign within this Bylaw.

- a. Ground Sign means a sign supported by one or more uprights, poles or braces placed in or upon the ground.
- b. Illuminated Sign means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.
- c. Projecting Wall Sign means a sign which projects from and is supported by a wall of a building.
- d. Facial Wall Sign means a sign that is attached to and supported by wall of a building.
- e. Number of Signs means a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- f. Sign Area means the area of the smallest triangle, rectangle, or circle or semi-circle that can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle, which can totally circumscribe the sign in the plan of its largest dimension.

**STOREY** means the portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres (6 feet) above grade and provided also that any portion of a storey exceeding 4.3 metres (14 feet) in height shall be deemed an additional storey for each 4.3 metres (14 feet) or fraction thereof of such excess.

**STREET** means a road, accepted and maintained by the Department of Transportation as a public thoroughfare.

**STREET LINE** means the boundary line of a street.

**STRUCTURE** means anything that is erected, built or constructed or parts joined together or any such erection fixed to or supported by the soil or by any other structure. A structure shall include buildings, walls, and signs and also fences exceeding 1.8 metres (6 feet) in height.

**TOURIST AND GUEST HOME** means a building used as a single family dwelling in which there are not more than six (6) sleeping rooms intended to be rented to the general public and where the stay of the guests is of a transient nature.

**TOURIST COTTAGE OR CABIN** means an establishment providing accommodation for the use of the traveling or vacationing public, a free-standing unit containing less than 93 square metres (1,000 square feet) of livable indoor floor space, which includes a bed, sitting room (linens supplied) and bathroom; may have kitchen facilities.

**TRANSPORTATION DEPOT** means a place where trucks, buses and other vehicles are housed and maintained

**UTILITY**- see Public and Private Utilities

**VARIANCE** means a departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements and lot size that, if applied to a specific lot, would significantly interfere with the use of the property. Granting of the variance may result in benefits to the applicant or the community as a whole. Examples include protecting environmentally sensitive areas by allowing a building to be built closer to a side or front yard line than the ordinance provides, reducing the size of parking spaces to provide more parking for an existing use, and increasing setbacks on one side and encroaching on another to provide more light and air to an adjacent building.

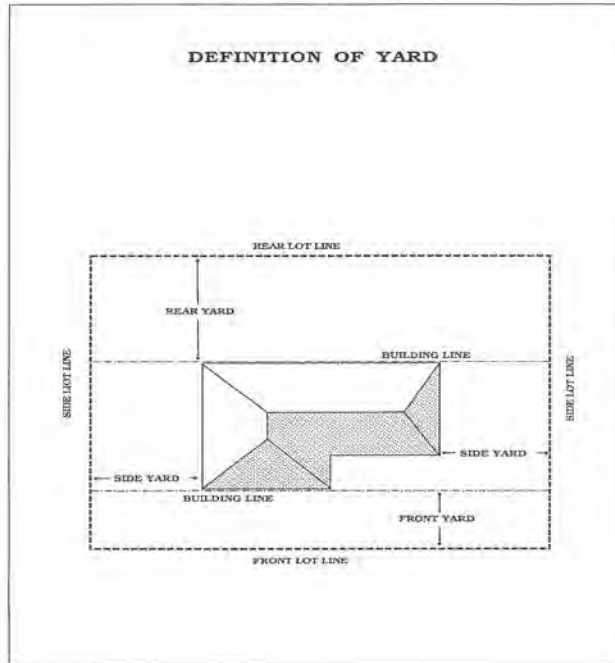
**WAREHOUSE** means a building used primarily for the storage of goods and materials.

**WATERCOURSE** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein, including ground water, within the jurisdiction of the Province, whether it contains water or not.

**WETLAND** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**YARD** means the uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this Bylaw. In determining yard measurements, the minimum horizontal distance from the respective lot lines to the building shall be used.

- a. **Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot; a “minimum” front yard means the minimum depth allowed by this By-law of a front yard on a lot between the front lot line and the nearest main wall of any main building or structure on the lot.

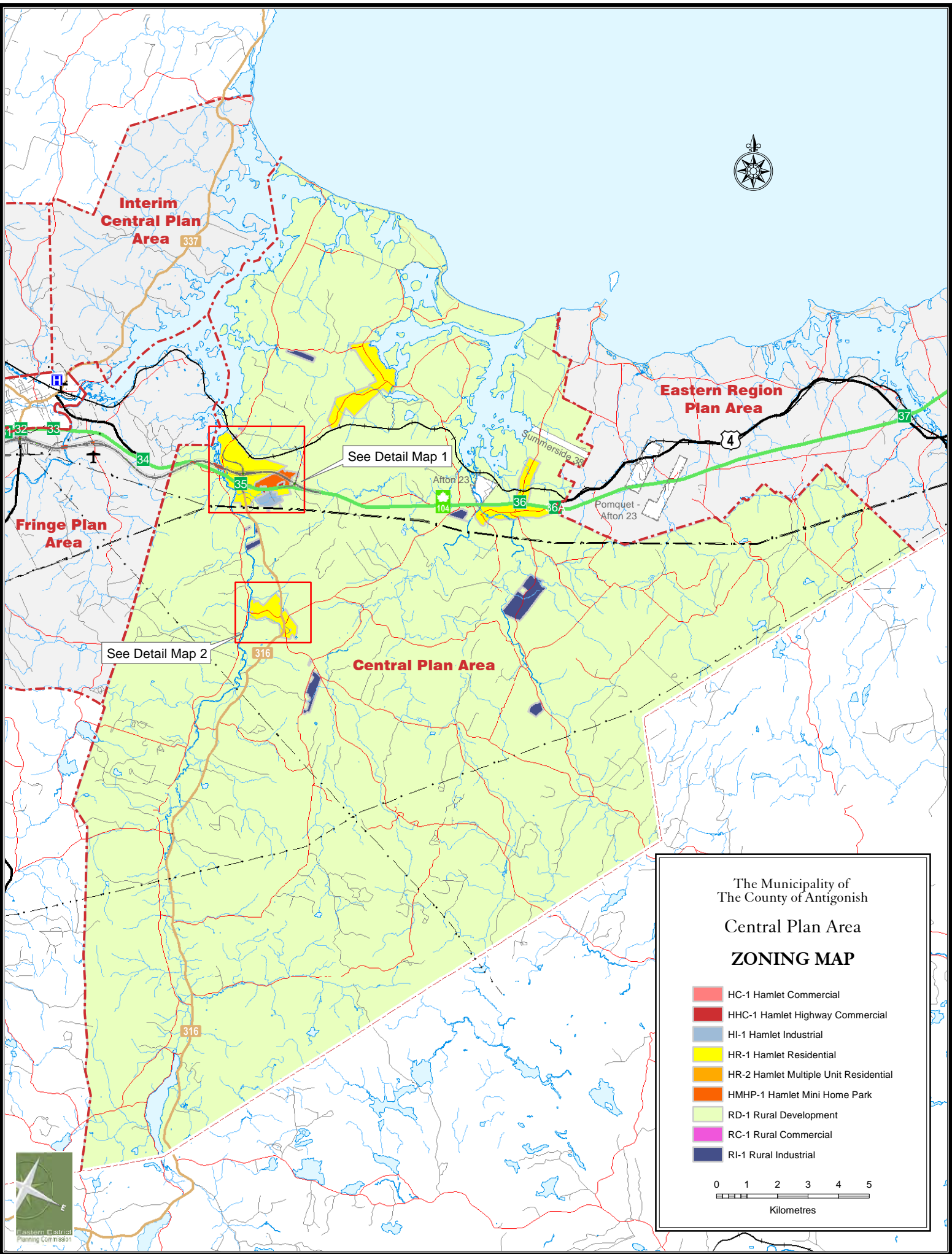


- b. **Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot; and “minimum” rear yard means the minimum depth allowed by this By-law of a rear yard on a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.
- c. **Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot; and “minimum” side yard means the minimum depth allowed by this Bylaw of a side yard on a lot between a side lot line and the nearest main wall of any main building or structure on the lot.

**ZONE** means a designated area of land shown on Schedule “A” of this Bylaw.

**SCHEDULE "A" - Zoning Maps**

DRAFT



**Interim  
Central Plan  
Area**

**Eastern Region  
Plan Area**










See Detail Map 1

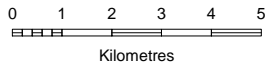
**Fringe Plan  
Area**

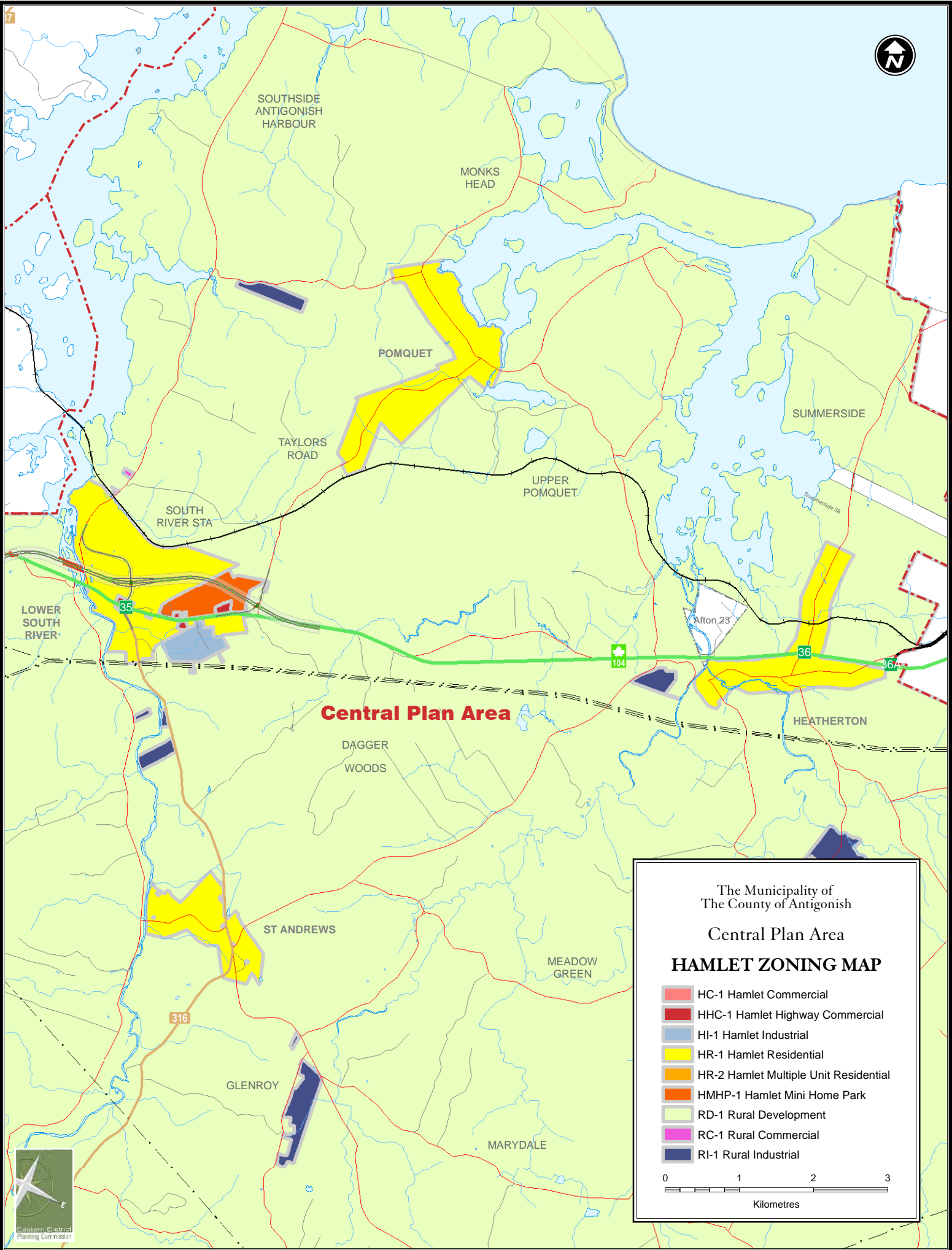
See Detail Map 2

**Central Plan Area**

The Municipality of  
The County of Antigonish  
**Central Plan Area**  
**ZONING MAP**

-  HC-1 Hamlet Commercial
-  HHC-1 Hamlet Highway Commercial
-  HI-1 Hamlet Industrial
-  HR-1 Hamlet Residential
-  HR-2 Hamlet Multiple Unit Residential
-  HMHP-1 Hamlet Mini Home Park
-  RD-1 Rural Development
-  RC-1 Rural Commercial
-  RI-1 Rural Industrial





**Central Plan Area**

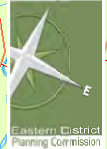
The Municipality of  
The County of Antigonish

**Central Plan Area**

**HAMLET ZONING MAP**

- HC-1 Hamlet Commercial
- HHC-1 Hamlet Highway Commercial
- HI-1 Hamlet Industrial
- HR-1 Hamlet Residential
- HR-2 Hamlet Multiple Unit Residential
- HMHP-1 Hamlet Mini Home Park
- RD-1 Rural Development
- RC-1 Rural Commercial
- RI-1 Rural Industrial

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Kilometres



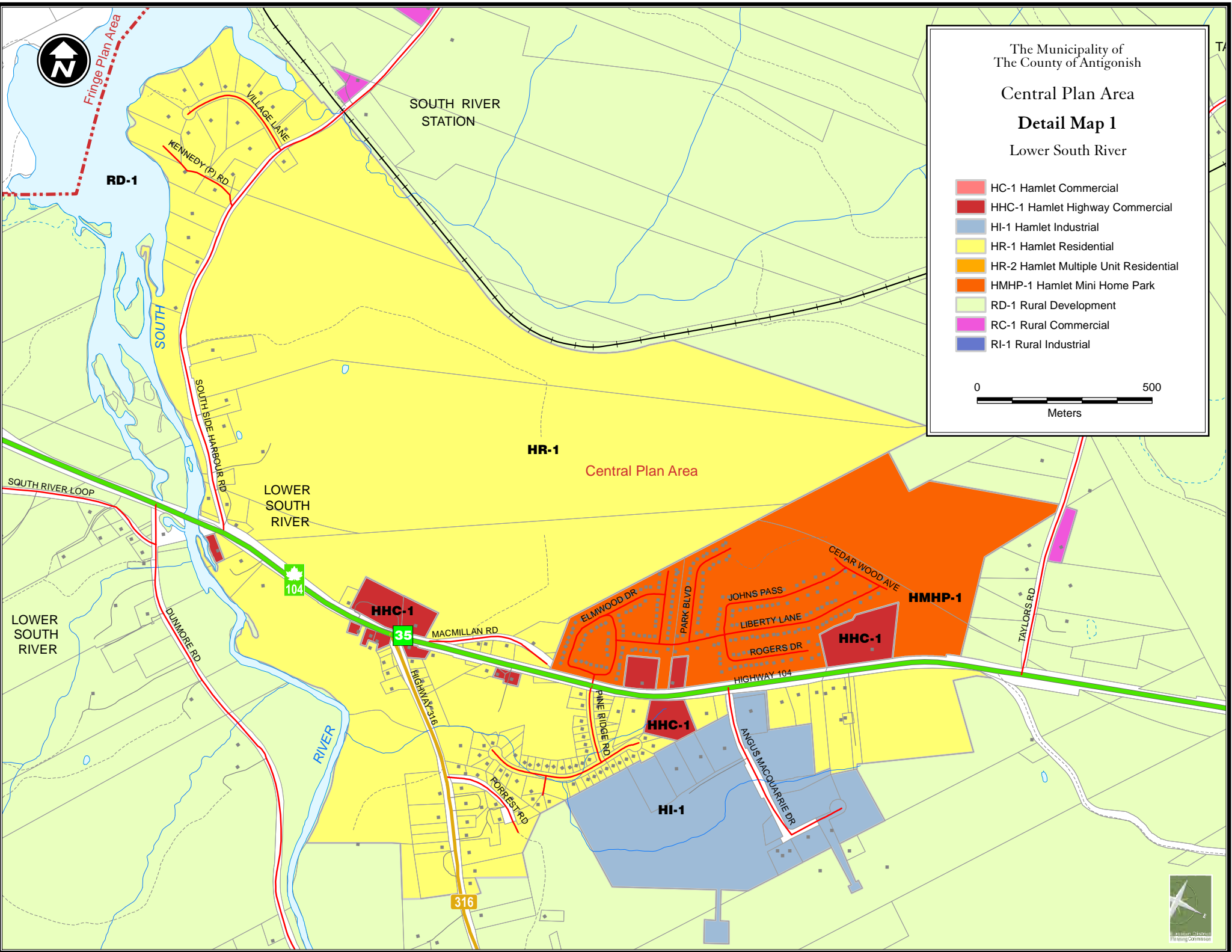
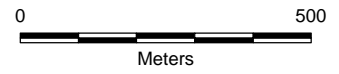
The Municipality of  
The County of Antigonish

### Central Plan Area

### Detail Map 1

### Lower South River

- HC-1 Hamlet Commercial
- HHC-1 Hamlet Highway Commercial
- HI-1 Hamlet Industrial
- HR-1 Hamlet Residential
- HR-2 Hamlet Multiple Unit Residential
- HMHP-1 Hamlet Mini Home Park
- RD-1 Rural Development
- RC-1 Rural Commercial
- RI-1 Rural Industrial









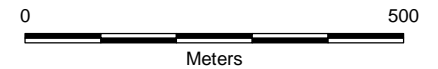
The Municipality of  
The County of Antigonish

Central Plan Area

Detail Map 2

St Andrews

-  HC-1 Hamlet Commercial
-  HHC-1 Hamlet Highway Commercial
-  HI-1 Hamlet Industrial
-  HR-1 Hamlet Residential
-  HR-2 Hamlet Multiple Unit Residential
-  HMHP-1 Hamlet Mini Home Park
-  RD-1 Rural Development
-  RC-1 Rural Commercial
-  RI-1 Rural Industrial



Central Plan Area

HR-1

WILLOW FARM LANE

DUNMORE RD  
SOUTH

CELTIC DR.

BLACKSMITH VALLEY RD

HIGHWAY 316

ST.  
ANDREWS

MACINTOSH RD

RD-1

ANTIGONISH GUYSBOROUGH RD

316

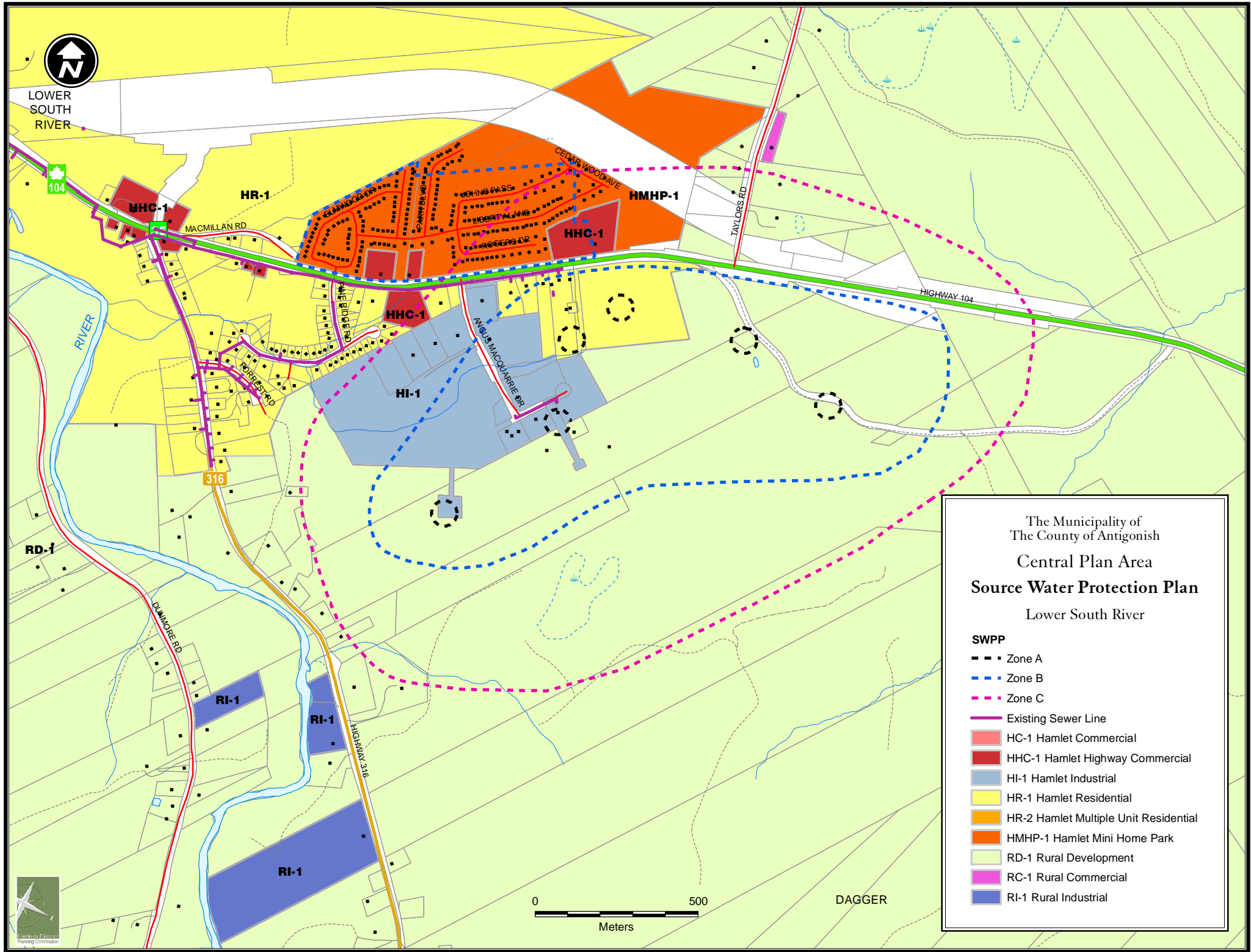


**SCHEDULE "B" – Lower South River Water Protection Plan**

DRAFT



LOWER SOUTH RIVER

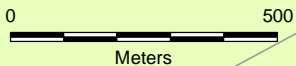


The Municipality of  
The County of Antigonish

Central Plan Area  
Source Water Protection Plan  
Lower South River

**SWPP**

- Zone A
- Zone B
- Zone C
- Existing Sewer Line
- HC-1 Hamlet Commercial
- HHC-1 Hamlet Highway Commercial
- HI-1 Hamlet Industrial
- HR-1 Hamlet Residential
- HR-2 Hamlet Multiple Unit Residential
- HMHP-1 Hamlet Mini Home Park
- RD-1 Rural Development
- RC-1 Rural Commercial
- RI-1 Rural Industrial



DAGGER



**Lower South River Source Water Protection Plan  
Municipality of the County of Antigonish**

**Prepared For:  
Nova Scotia Department of Environment & Labour**

**Prepared By:  
Lower South River Source Water Protection Committee**

**June 2008**

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## LIST OF APPENDICES

Appendix A - Draft Terms of Reference (TOR)

Appendix B - Drawings/Figures

Drawing No. 1 Lower South River Well Fields

Figure No. 1 County of Antigonish - Source Water Protection Plan Questionnaire

Appendix C - Tables

Table No. 1 Generalized Guidelines for Proposed Source Water Protection Measures

Table No. 2 Lower South River Sites Containing Hazardous Substances - ICI & Residential

## **1.0 INTRODUCTION**

In October 2002, the Province of Nova Scotia released *A Drinking Water Strategy For Nova Scotia*. This was meant to help provide the framework for managing drinking water supplies across the province. The strategy outlines a multiple-barrier approach to clean, safe drinking water. This multiple-barrier approach has three aspects; 1) Keeping clean water clean; 2) Making water safe; and 3) Proving water is safe to drink (NS Environment and Labour, 2004)

In addressing the first part of the drinking water strategy; keeping clean water clean, communities and operators of water utilities in the province must design a source water protection plan (SWPP). The first step to a SWPP is the creation of a Source Water Protection Advisory Committee (SWPAC). A SWPP

advisory committee for the Municipality of the County of Antigonish - Lower South River was established in July of 2005 to fulfill the first requirement of the SWPP.

This report provides information on the Municipality of the County of Antigonish - Lower South River Source Water Protection Plan. It includes a description of the wellfield and associated distribution system, a description of the Source Water Protection Area (SWPA), and identifies the potential contaminants, risks, and their associated management practices within the Source Water Protection Area.

## **1.1 SOURCE WATER PROTECTION PLAN ADVISORY COMMITTEE**

An advisory committee meeting was held in July, 2005. Those in attendance from the Municipality of The County of Antigonish included Alan Bond, Mike O'Leary and Owen McCarron. Representatives from the NS Dept. of the Environment were David Shea and Fred Bonner. Also in attendance were Morgan MacDonald (Killam Properties), Billy Shaw (W.G. Shaw and Associates) and Jason Angel (C.J. MacLellan and Associates Inc.). There were no business owners from the Lower South River Industrial Park.

There are five aspects of the establishment of an advisory committee which include Goals of the Committee, Objectives, Commitment, Terms of Reference and Timing.

The Goal of the Committee is to develop a Source Water Protection Plan for the Lower South River aquifer supply area and provide the Municipality with input and direction on matters concerning land use issues, planning, water quality and quantity and management of activities and potential contaminants that may affect the wellfield.

The **Objective** of the Advisory Committee is to provide advice to address issues related to source contamination, water quality and quantity, management of land based activities and provide feedback on the implementation and success of the Protection Plan. A consensus based approach and individual responsibilities must be understood by all members of the committee prior to the commencement of decision making tasks.

The Commitment of an individual to the SWPAC will be a minimum of one year. The committee has established the appointment of a chair person. Once the protection plan is established, at least one meeting will occur in any given year to provide an opportunity for the committee members to present issues related to water quality and quantity that have been identified within the Lower South River area and its existing and future land use, to discuss the issues and attempt to develop achievable resolutions. Recommendations would be made as necessary to the County of Antigonish for final decision, and implementation by the appropriate staff, either Utility, Planning or bylaw enforcement. It is envisioned that all meetings would be held at the County offices such that visual aids can be employed as needed. The timing of the meetings may vary depending on the need.

The **Terms of Reference** must be defined to set the "ground rules" that sets a process as to how items and issues will be dealt with. All committee members should agree on the process once it has been established.

A draft Terms of Reference is included in Appendix "A" for review.

**Timing** is such that Provincial strategy is to have all Municipal water supplies in compliance before April 1, 2008 including the adoption of appropriate Source Water Protection Plans.

Regarding the ongoing local activities, consultation with the NSDEL has been undertaken, the limits of the protection zones have been identified and the existing risks within and adjacent to these zones have been documented and mapped in the context of remedial and mitigation measures requirements.

## 1.2 LOWER SOUTH RIVER WATER SYSTEM

The existing municipal water system is comprised of a wellfield that has six wells penetrating the local aquifer, a 500,000 gallon storage reservoir, a booster station, water treatment facility and kilometres of distribution system. This serves approximately 500 residential, commercial, and industrial users. The six drilled wells were constructed between 1977 and 2002 and are located primarily to the South and East of the Lower South River Industrial Park being South of Trans-Canada Hwy#104. (See Appendix B, Drawing No. 1 for detail on the wellfield)

### 1.2.1 Well Construction & Water Production

The following well information was taken from the 2002 report; Lower South River and St. Andrews, Water Supply Investigation and Infrastructure Upgrade, C.J. MacLellan and Associates Inc., and W.G. Shaw and Associates Ltd.

**Well No.1** was constructed in 1977 by E.D. Stewart Ltd. at a location of approximately 90 metres (300 feet) south of the former LSR Water Tank as identified on the enclosed drawing. The well was drilled to a total depth of 41.8 metres (137=) with 20 cm (8@) diameter casing set to 13.4 metres (44=). The well produces through open hole conditions (no screens) from the Mudstone/Sandstone Aquifer between 13.4 and 41.8 metres (5 B 137=). A 72 hour, constant rate pump test was conducted on Well No.1 between September 16 and 20 of 1977 by E.D. Stewart Ltd. The well was tested at a constant rate of 135 litres per minute (30 igpm) and had a maximum draw-down of 6.4 metres (21.1=) below the static water level of 1.4 metres (4.6=) below ground surface. The calculated transmissivity is 4.5 m<sup>3</sup>/day/m and the long term safe yield is estimated to be 60 litres per minute (86 cubic metres per day or 13 igpm).

**Well No.2** was constructed in 1977 by E.D. Stewart Ltd. at a location of approximately 230 metres (750 feet) southeast of the former LSR Water Tank. The well was drilled to a total depth of 67.7 metres (222=) with 20 cm (8@) diameter casing set to 13.4 metres (44=). The well produces through open hole conditions (no screens) from the Mudstone/Sandstone Aquifer between 13.4 and 67.7 metres. A 72 hour, constant rate pump test was conducted on Well No.2 between September 20 and 23 of 1977 by E.D. Stewart Ltd. The well was tested at a constant rate of 135 litres per minute (30 igpm). The pump test record does not provide draw-down data for the pumping well (Well No.2); however, the NSDEL pump records lists a draw-down of 1.8 metres (6=) in Well No.1 and a draw-down of 1.3 metres (4.6=) in the James Benoit Well. An estimate of the long term safe yield would be 80 litres per minute (115 cubic metre per day or 18 igpm) for well No. 2.

**Well No.3** was constructed in 1988 by E.D. Stewart Ltd. at a location of approximately 400 metres (1,300=) south-southwest of the former LSR Water Tank. The well was drilled to a total depth of 44.8 metres (147=) with 15 cm (6@) diameter casing set to 27.4 metres (90=). The well produces through open hole conditions (no screens) from the Mudstone/Sandstone Aquifer between 27.4 and 44.8 metres. A 72 hour, constant rate pump test was conducted on Well No.3 between April 15 and 18 of 1988 by E.D. Stewart Ltd.. The well was tested at a constant rate of 247 litres per minute (55 igpm) and had a maximum draw-down of 13.5 metres (44.2 feet) below a static water level of 9.1 metres (29.8 feet) below ground surface. The calculated transmissivity is 12.0 m<sup>3</sup>/day/m and the long term safe yield is estimated to be 130 litres per minute (187 cubic metres per day or 29 igpm).

**Well No.4** was constructed in April 2002, by C&J Martin Well Drilling Ltd. at a location approximately 350 metres (1,000=) east of LSR Well No.2 and on the property of Mr. Leo McCarron. The well was drilled to a total depth of 64.0 metres (210=) with 15 cm (6@) diameter steel casing installed to a depth of 18.3 metres (60=). Well yield from 20 to 51.8 metres (170=) was from 5 to 10 litres per minute (1 to 2 igpm). Well yield increased markedly as the well penetrated the siltstone interval at a depth of 51.8 metres and continued to increase to approximately 150 litres per minute as the well penetrated a sandstone-bearing interval from 59.4 to 62.0 metres (195 B 203=). A 72 hour, constant rate pump test was conducted on LSR Well No.4 between May 23 and 26 of 2002 by W.G. Shaw & Associates Ltd, C.J. MacLellan & Associates, and C&J Martin Well Drilling Ltd. The well was tested at a constant rate of 150 litres per minute (33 igpm) and had a maximum draw-down of 6.0 metres (19.7=) below a static water level of 10.5 metres (34.4=) below ground surface. The calculated transmissivity is 15.1 m<sup>3</sup>/day/m and the long term safe yield is estimated to be 200 litres per minute (288 cubic metres per day or 44 igpm).

**Well No.5** was constructed on May 14 of 2002 by C&J Martin Well Drilling Ltd. at a location approximately 380 metres (1,250=) southwest of LSR Well No.3. The well was drilled to a total depth of 61.0 metres (200=) with 15 cm (6@) diameter steel casing installed to a depth of 12.2 metres (40=). The well yield increased steadily from a rate of about 10 litres per minute (2 igpm) at a depth of 20.0 to 100 litres per minute (20 igpm) at the total depth of 61 metres (200=). A 72 hour, constant rate pump test was conducted on LSR Well No.5 between May 27 and 30 of 2002 by W.G. Shaw & Associates Ltd, C.J. MacLellan & Associates Inc, and C&J Martin Well Drilling Ltd. The well was tested at a constant rate of 150 litres per minute (33 igpm) and had a maximum draw-down of 8.5 metres (27.9=) below a static water level of 0.5 metres (1.6=) below ground surface. The calculated transmissivity is 14.2 m<sup>3</sup>/day/m and the long term safe yield is estimated to be 100 litres per minute (144 cubic metres per day or 22 igpm).

**Well No.6** was constructed on October 18 of 2002 by C&J Martin Well Drilling Ltd. at a location approximately 320 metres (1,000=) southeast of LSR Well No.4. The well was drilled to a total depth of 67.0 metres (220=) with 15 cm (6@) diameter steel casing installed to a depth of 12.2 metres (40=). A 72 hour, constant rate pump test was conducted on LSR Well No.6 between November 5th and 8th of 2002 by W.G. Shaw & Associates Ltd, and C&J Martin Well Drilling Ltd.

The well was tested at a constant rate of 260 litres per minute (57 igpm) and had a maximum draw-down of 11.2 metres (36.7=) below a static water level of 10.3 metres (33.8=) below ground surface. The calculated transmissivity is 15.1 m<sup>3</sup>/day/m and the long term safe yield is estimated to be 260 litres per minute (364 cubic metres per day or 55 igpm).

The total yield of all six wells is predicted to be 750 l/min. The following summarizes the well characteristics, production and status as of March, 2008.

Well #	Depth (m)	Elevation (m)	Yield (lpm)	Diameter (mm)	Date of production	Status
1	41.8	34	60	200	1978	Dormant
2	67.7	33	80	200	1978	Dormant
3	44.8	40	130	150	1978	Active
4	64.0	49.5	200	150	2002	Active
5	61.0	24.8	100	150	2002	Dormant
6	67.0	52	260	150	2006	Active

### 1.2.2 Water Treatment

The wells supply a new water treatment facility that incorporates a Filter Ag system, pressure filter tanks, contact tanks, chlorination, metering and SCADA. The treated water is pumped to a 500,000 imperial gallon standpipe reservoir adjacent to the treatment building. This system incorporates some existing filters that were placed in the old plant in 2000, and new filter trains to accept additional flow. Pumps feed the treatment building through transmission lines established in the well field.

### 1.2.3 Storage Reservoirs

The Lower South River reservoir is a 2300 cubic meter (500,000 igal) epoxy lined steel standpipe situated at a base elevation of 48.00 metres. The reservoir is 17.06 metres in height and 13.66 metres

in diameter. The top of tank finished elevation is 64.76m with an overflow elevation of 64.15m. The maximum elevation serviced by the reservoir is residential properties on Dunmore road that are at an elevation of approximately 30 metres. The St. Andrew=s reservoir is a concrete, in ground tank with booster pumps and has a maximum storage volume of 682m<sup>3</sup> (150,000 igal). This facility is situated at one of the highest elevations within the village. Its average operating volume is 672m<sup>3</sup> with a water level at 77.5m elevation. The new duplex booster station on the Blacksmith Valley Rd. (located next to STP) was built to increase water pressure for service to St. Andrews.

#### **1.2.4 Distribution System**

Distribution is through a 250mm diameter watermain that runs north through the industrial park to the Trans Canada. Distribution is provided via this main to the Industrial Park businesses. A 200mm diameter main heads west to the South River where it crosses and then heads south to the Dunmore Road. Two local streets off the Trans Canada are also serviced by 200mm diameter ductile Iron and PVC extensions. A 200mm diameter distribution line recently installed on the Dunmore Road 1 provides water to local residents, crosses back over the river approximately 5.0 kilometres south of the Trans Canada and feeds the St. Andrews pressure booster station recently constructed on the north side of the Blacksmith Valley road near the sewage treatment plant. The line is 4960m in length and is connected to an existing distribution line that services the Village of St. Andrews. Within the village, five short dead end distribution lines feed off the main line that range in size from 50mm diameter to 200mm diameter. Piping within the Lower south river area ranges between 5 and 30 years in age (C.J. MacLellan et al, 2002).

## 2.0 SOURCE WATER PROTECTION AREA AND WATERSHED

### 2.1 Source Water Protection Area

The Source Water Protection Area (SWPA) surrounding the Lower South River well field includes the the three wellhead protection zones. This source water protection area is divided into 3 protection zones that identify varying levels of protection based on associated risks and transmissivity of the aquifer. The different zones reflect the fact that different types of contaminants in groundwater will remain for different lengths of time, migrate at different rates and pose varying levels of health risks. The three protection zones consider travel times for contaminants within underlying geology and aquifer conditions which extend out to a 25 year travel time limit. The **Zone A** area considers a radius around each well head that is owned and fenced by the Municipality. **Zones B** and **C** restrict or recommend management practices for activities across and within these areas, such that the potential for contamination is minimized. It is expected that the protection plan will be implemented through the fringe area planning strategy and maintained by the Municipality and its stakeholder group. The Municipality will post signs identifying the water supply area and the need for public awareness. These protection zones based on groundwater travel time are:

- Zone A - Wellhead Protection Zone                      0-3 months travel time
- Zone B - Wellfield Protection Zone                      3 months to 5 years travel time
- Zone C - Recharge Zone                                      5 to 25 years travel time

These zones have been identified through work conducted during the Lower South River and St. Andrews water supply investigation (2002) and have been reviewed and accepted by staff from the local NSEL office at that time.

### 2.2 Watershed

The Lower South River well field area is owned by the Municipality through the development of the Industrial Park and private land owners, some of which have granted easements for development and access of wells No. 4 and 6. (Appendix B, Drawing # 1 provides a topographic plan of the SWPP area, protection zones, wells and access) The wellfield extends from immediately behind the existing residential and industrial lands off the Trans Canada for approximately 2000 metres in an east west direction and 1000 metres in a north south direction. Lands are typically forest covered with some woods roads, power line infrastructure and communications tower easements. The Lower South River watershed is located in the ASouth River Low Hills@ natural landscape. This landscape is characterized by gently rolling terrain with elevations of that reach range from sea level along the south coast of St. George Bay to as high as 90 metres (300=) in the upland areas.

Land uses within the watershed include the following:

- agricultural (mainly hay fields)
- residential
- industrial (mainly in the LSR Industrial Park)
- commercial (restaurants, convenience stores)
- Utility Corridor
- Transportation corridor

Surface drainage originates in the headwaters of South River, approximately 15 kilometres south of the LSR Wellfield. From the headwaters, several tributaries flow northward for about 25 kilometres at which point they discharge into Antigonish Harbour. The Lower South River area is underlain by bedrock units of predominantly mudstone with lesser amounts of sandstone, siltstone and limestone. These bedrock units are mantled by an extensive blanket of surficial sediments that are dominated by gravely silt and clay (glacial till) with subordinate amounts of sand & gravel. The surficial sediments range in thickness from several metres to 25 metres (C.J. MacLellan et al, 2002).

### **3.0 IDENTIFICATION OF RISKS TO WELLS AND AQUIFER**

The Lower South River well field (Water Supply Area) is an area comprised of a mixed land use including residential, commercial, industrial and transportation corridor activity. It could best be described as residential area with a large mini-home park north of the TCH, with family dwellings located in and around the fringe area including recently developed subdivisions, older rural homes, and farms located along the Dunmore Rd. Commercial activity is mainly located along the TCH with 2 service stations, 2 restaurants and 1 motel located downgrade from the well field area.

The potential risks to Lower South River water supply are many given the wellhead proximity to the Industrial park, the Utility Corridor and the Trans Canada Highway.

The following are potential risks to the Lower South River water supply:

- Nova Scotia Power, Inc. including pole hung transformers
- Transportation of hazardous liquid materials
- Residential Septic tanks
- Road Salting
- Tree clearing and burning
- Above ground (AST) and underground (UST) fuel storage tanks
- Equipment and old vehicles stored on a property
- Storage of petroleum solvents, lubricating oils, and other chemicals that may used at a business

The following sections provide discussion on the risks related to specific land use or activity.

#### **3.1 Existing Residential Development**

##### **3.1.1 Fuel Tanks**

It is common knowledge that rural residents utilize fuel oil for heating, electric baseboard or wood burning stoves. Fuel fired furnaces require the storage of fuel in a typical 200 gallon tanks that is usually located at the rear of a dwelling and secured to a base structure of the dwelling itself. When filling, securing and maintaining these, care should be given to prevent any spillage. There are 29 identified residential fuel heating tanks located either on the TCH, adjacent the Industrial Park and within the Killiam Properties Glenair Estates. They are located within Zone C and therefore pose some risk to well contamination. Since a new well has been established, it would be prudent to inform the existing and any new residents within the protection Zone C that they are in a wellhead protection area and should take the necessary steps to prevent spillage of heating fuel. The operators of Killiam

have indicated that if a trailer changes hands and a fuel tank exists, it will have to be removed prior to the new owner taking residency.

### **3.1.2 Runoff/Chemical Transport/Septic Systems**

Other activities within the three protection zones that might cause risk to the wells and the underlying aquifer are salting of roads, a few potential septic systems that may fail, and the transportation of fuels or other hazards that have potential to cause contamination if spilled or leaked onto the ground. It is known that heating fuel is transported along the Highway and within the Industrial Park as are other chemicals (propane, solvents etc.) that if spilled could be detrimental to the underlying aquifer. Road runoff is via vegetated ditching that drains generally away from the well head sites, however ditching provides a conduit to transport spilled liquids especially on a wet days to lower areas where they may penetrate the underlying soils and groundwater system. Fortunately the well heads are situated at a higher elevations than the road system. Management of the application of chemicals as well as education of haulers would be considered within the Management strategy for protection.

## **3.2 Recreation**

Recreation activities within the local area of Lower South River are generally classified as active recreation.

Active recreation includes:

- all terrain vehicle use
- snowmobile use
- cycling

These activities do occur within the adjacent road system corridor and sometimes within wood lot trails and utility corridors. These activities have the potential to accelerate erosion in fields and also the potential to release fuels to the surface through accidental oil/fuel spills. These activities can be managed through public education and the development of vehicle restrictive access within certain areas near a well site.

### **3.3 Transportation**

Potential risks associated with transportation corridors relate to hauling of hazardous materials (fuel, chemicals, solvents etc.) and road construction. Each is discussed in detail below:

#### **3.3.1 Road and Lot Construction/Maintenance**

There was recently is a road extension placed within te Industrial park in the fall of 2007was within Zone C of the protection zones. This has led to the development of lots in the immediate area. This development would require the clearing and possible burning of trees, the construction of buildings and lot development, and would require machinery to accomplish the work. Fuels would be required in this regard that may increase potential for soil erosion and fuel spillage due to equipment uses.

Road construction upgrades and new facilities are a reality within the Industrial park. It is expected that all contracts for these projects will ensure adequate erosion control as well as fuel handling and machinery maintenance.

#### **3.3.2 Hauling of Materials**

The following substances that are hauled by truck that have potential to contaminant the aquifer in the event of a spill:

- Road sand (NSTPW)
- Road salt (NSTPW)
- Heating Oil (Carriers of fuel)
- Diesel fuel (Carriers of fuel)
- Gasoline (Carriers of fuel)
- Propane (Carriers of fuel)
- Solvents (Carriers of solvent)
- Waste Oils (Carriers of oils)

If roads are slippery due to weather or blocked for unknown reasons, the potential for spills is evident. Awareness and education of users of the road system through the identification of the Water Supply Area and the need for preventative action is a mechanism that is easily implemented by the Municipality. A contingency plan would assist in the reduction of the impact of a potential spill.

#### **4.0 RISK MANAGEMENT RECOMMENDATIONS**

A SWPP contains a variety of management options that work together to effectively manage risks to groundwater supply wells and its aquifer. These management options fall within a number of categories referred to as the ABC=s of source water protection. They include the Acquisition of land, Bylaws, Best Management Practices, Contingency plans, Designation, Education and Stewardship.

**Acquisition of Land:** The acquisition of land by the Municipality provides for ownership and subsequent control of activities that would occur on that parcel of land. This would allow for a high level of protection near the well head. The Municipality does own lands that the wells are situated on and also are the developers of the Industrial Park. They have fenced individual wellheads and pumphouse structures and have the ability to restrict as necessary to eliminate and reduce potential risks, the type of development within the Industrial Park.

**Land Use Bylaws - Municipal Planning Strategy:** The Municipality of the County of Antigonish is currently completing draft Fringe Area Planning Strategy which will consider the recommendations and management options identified in this plan. the Planning strategy provides the mechanism to develop land use bylaws which might be considered in sensitive areas including the well field and aquifer area.

**Best Management practices:** These standardized and accepted practices for activities and products are practical and effective when trying to minimize and reduce contaminants from reaching well heads or source water. They can be applied to various aspects of residential development including oil tank maintenance and installation, construction activities and septic system installation and maintenance. They are also applicable to industrial and commercial activities in that they can assist in development of notices regarding SWPPs as well as identification of traffic routes for hauling or carrying potentially hazardous materials. Recreation activities can also be considered under this mechanism.

**Contingency Planning:** Contingency Planning provides specific protocols that are followed in the event of an accident, spill or other mis fortune. The goal of such a plan is to protect the public against contamination and to ensure the long term viability of the Source Water Supply.

**Education and Stewardship:** The development and active promotion of an education and stewardship program is an effective means for protecting wellheads and the aquifer. Education of stakeholders can reduce the uncertainty of the goals of the Town and can introduce a change in behavior if necessary. Education also creates a sense of ownership and responsibility among residents in a water supply area, which can significantly increase the success of other con-current management practices adopted.

The following sections describe the management options selected to address and reduce the risks identified in Section 3.0 that may affect the wellheads and aquifer in the Lower South River Area.

#### **4.1 Residential**

A risk to the Lower South River water supply has to do with the replacement and maintenance of residential home heating fuel oil tanks. In addition there are also risks associated with yard storage of materials and vehicles. The management options selected to address these risks are:

- The Municipality advise existing and new homeowners within Zone C that they are in a water supply protection area and should therefore be aware and take precautions when replacing and maintaining fuel oil tanks. Storage of derelict vehicles should not be promoted and is not endorsed.
- Develop a homeowner education flyer to assist the residents in understanding the importance of maintaining oil tanks and the potential impact they have on the water system if malfunctioning. The information would be based on NSDEL literature for Oil tanks as well as Dos and Don=ts with regard to storage of materials on property. A public meeting could occur to discuss with and present material to those residents in the immediate area. Mapping of the protection zones and their limits would be made available.

#### **4.2 Industrial**

The hauling of hazardous chemicals and the placement of road salts through protection zones B & C create a risk on the aquifer. If activities associated with the day to day movement of materials are not managed properly, than runoff and migration of contaminants to the groundwater system may occur. The transportation of chemicals to and from the industrial park occupants and their businesses as well as the proper handling and storage at the site are critical to the protection of the water supply. The following recommendation as developed through the Source Water Protection Plan is provided.

- Determine the status of an Emergency Response plan for the community in the event of a spill.
- Provide information flyers or brochures to present best management practices for fuel storage, spill clean-up, chemical storage for consideration if not already known.
- Develop signs and place in the field that advise the public, haulers of chemicals and operators of facilities that a Municipality of the County of Antigonish Water Supply is directly below the roadway and they need to consider responsible actions when conducting day to day activities in the area.

#### **4.3 Recreation**

Active Recreation within the Industrial Park and specifically Zone B of the Wellfield area is an activity in which residents and neighboring people participate in. Active recreational activities along utility corridors and roadways are available, some of which result in appropriate access to restricted lands, access to water features as well as extensive use of controlled areas. In an effort to improve conditions in these areas while promoting recreation and protecting the aquifer, the following are recommended for consideration:

- Provide education materials as identified above for property owners that educate the general public on the water supply extent and measures that they may consider when accessing recreational areas.
- Establish signs along trails/roadway that identify the water supply area and that responsible actions are promoted within these areas including picking up after pets, restricting vehicle access to designated areas and litter control.

#### **4.4 Transportation**

The Committee recognizes the potential impact of hauling and carrying hazardous materials through the protection zones of the production wells. To better educate the haulers of such materials the following is recommended:

- The Municipality of the County of Antigonish place signs at the entrance of the Industrial Park as well as on the entrance and exit point of Zone C along the Trans Canada Highway which will advise users of the road that they are entering a Source Water Protection Area and that they are advised to take the necessary actions to eliminate the potential for spills and accidents.
- The NSTPW staff assess and determine the applicable method and materials for road deicing in an attempt to reduce the quantity of road salt application in the immediate area of the protection Zones.
- The NSTPW department ensure that all road works undertaken by staff or contractors employ the necessary containment devices for temporary fuel storage and erosion controls to reduce the potential for migration of sediments from construction sites. This can be achieved through the inclusion of wording in all contracts and purchase orders.

## **5.0 IMPLEMENTATION**

Following the adoption of the SWPP by Council the management strategies that have been identified to manage potential risks to the well heads and aquifer, must be implemented. The measures identified in the management strategy that can be implemented through municipal planning and zoning, education, sign placement and actual improvements in the field. Generally they consist of:

- Develop a broad education and stewardship program outlining the purpose and status of the management plan and opportunities for participation. This could be presented in the form of a news letter and include information on the wells, roads, recreation amenities, traffic routes, oil tanks and general stewardship initiatives. Promote feedback from residential and business owners.
- Establish signage at all access points to the Protection Zones as well as the Industrial Park indicating that the area is a Source Water Protection Area and provide contact information in case of emergency.
- Review existing Contingency Plans and Emergency response protocols to identify gaps and updates as necessary.

The remaining strategies identified in section 4.0 are listed in the following chart as a BMP or other mechanism with their respective schedule for implementation.



## **6.0 EVALUATION and MONITORING**

The Municipality has recently upgrade the Lower South River water supply, its treatment and storage as well as extending the supply into the village of St. Andrews. The Water Utility Operators have been dealing with water supply issues for many years and have also seen improvements. Residents in the surrounding areas have been dealing individual wells with both water quality and quantity issues. It is a priority that protection of the Upgraded Lower South River Water Supply be maintained by the residents, the SWPAC and the Municipality.

Regular monitoring at the production well heads and treatment buildings is a requirement of the NSEL and conducted by the Municipal staff. This data is typically collected and summarized and could therefore be utilized as baseline data once the Source Water Protection Plan is established. The dormant wells that have been taken out of production could be utilized as monitoring wells when the need to assess migration of a contaminant arises. These wells would assist when evaluating any occurrences of spills or potential risks in this area.

In an effort to assess whether the management activities are effective or to determine whether a specific activity may be impacting on the aquifer and groundwater system, these wells can be accessed to obtain samples that would be tested for indicator parameters to show whether a particular contaminant has entered the aquifer. In doing so, the following should be considered by the SWPAC and the Municipality of the County of Antigonish for implementation as and addition to the annual monitoring that is ongoing by the Water Utility.

- On a seasonal basis, identify any changes in potential External Source Contamination
- Communicate with the Water Utility annually to determine whether water quality data from production well has shown any changes or gradual increases in parameters.
- Prepare a brief annual report on the observations and monitoring data for review by the SWPAC, the Municipality such that adjustments to the Protection Plan can be identified and considered.
- Prepare an inventory of above ground residential and Industrial fuel oil tanks that are within the three protection zones such that an annual visits can occur to confirm tank integrity and security.
- Observe recreational activities on a seasonal basis to record extent of activity, location and type and whether impact is occurring that might lead to contamination to the aquifer.
- Confirm annually, the application volumes of de-icing products.
- Determine through resident and business owner input (questionnaire) whether awareness of the Well Head and Source Water Protection Plan is on the rise. (This has been initiated as part of the Protection Plan development and described below).

## **6.1 Business Owner Contact**

A description of the Site name, its activity and potential source of contaminant as inventoried through field observations and property owner survey is contained in Appendix C, Table No. 2. Business owners in the well field protection area were contacted in two specific situations:

- A mail out questionnaire complete with letter description of the SWP Plan development, risk table information, management practices and mapping was hand delivered to all property owners within and close proximity of the three protection zones. This questionnaire was issued in anticipation of comments either being positive or negative on the proposed plan. Three responses were received, two via the phone and another in letter format.
- Door to Door follow-up to all parties within the industrial park that did not return or fill out the questionnaire was undertaken in an effort to gain stakeholder comments, concerns or issues with the proposed Protection Plan as well as information on their particular property and operation as applicable. Most businesses were inventoried through this mechanism. Overall a positive response was noted within the industrial park as well as the local mini home residential community.

The majority of businesses and homeowners in and around the Source Water Protection Area were very cooperative and aware of the surrounding wellfield. The inventory of residential and industrial/commercial users focused on the presence of above ground and underground storage tanks, and any other activities or materials on the property that would be considered a potential source of contamination. (See Appendices for a typical questionnaire).

The Source Water Protection Plan should be reviewed annually by all interested parties and may progress over time to address new issues as they evolve.

Respectfully Submitted,

Alan J. Bond, Chair  
Lower South River Source Water Protection Advisory Committee

## **7.0 REFERENCES**

C.J. MacLellan and Associates Inc. and W.G. Shaw and Associates Ltd. December, 2002. Lower South River and St. Andrews, Water Supply Investigation and Infrastructure Upgrade: Final Report

Nova Scotia Environment and Labour, Water and Wastewater Branch. 2004. Developing a Municipal Source Water Protection Plan: A Guide for Water Utilities and Municipalities.

## **Appendix A**

### **Draft Terms of Reference (TOR)**

## **Lower South River Source Water Protection Plan Advisory Committee Draft Terms of Reference**

These Terms of References shall serve to constitute the Source Water Protection Plan Advisory Committee (SWPPAC) as an advisory group to Municipality of the County of Antigonish and any government agencies, individuals or stakeholders affected by the implementation and management of a Source Water Protection Plan.

### **Mandate**

The SWPPAC will report to the Municipality of the County of Antigonish and its Water Utilities.

### **General**

1. The SWPPAC will review and make recommendations on all activities affecting the Source Water Protection Area (SWPA) as requested by the Municipality of the County of Antigonish and its Water Utilities.
2. The SWPPAC may request individuals or groups to make representation to the committee on matters affecting the SWPA.
3. The SWPPAC will review and comment on water quality and quantity monitoring programs and other studies related to the SWPA.
4. The SWPPAC will liaise with government agencies not represented on the committee with regard to matters affecting the SWPA.
5. The SWPPAC will develop water protection information and educational programs in conjunction with the Municipality for local residents, land owners and users of the SWPA watershed.

### **Membership**

1. Membership will be voluntary
2. Membership may consist of:
  - members of the public; preferably land owners and residents within the SWPA
  - one technical representative from the Municipality
  - one member of County Council

### **Operation of the Committee**

1. The Chair of the SWPP Advisory Committee is appointed annually by the membership at the meeting closest to April 1<sup>st</sup> of each year. Members will serve on the SWPPAC for one year.
2. The Municipality will provide secretarial services.
3. The Advisory Committee will conduct business by consensus. Should the Committee be unable to attain consensual agreement on an issue, then the Municipality may appoint a facilitator. Should this process fail, voting may be necessary. All motions require support from at least two-thirds majority of members present.
4. The SWPPAC will meet as necessary, but as a minimum once a year.
5. The Advisory Committee is responsible for preparing a summary of its activities.
6. The Chair will act as Committee spokesperson.
7. The SWPPAC may call for input from other land and/or business owners in the SWPA from time to time.

**Appendix B**  
**Drawings/Figures**





## **Appendix C**

### **Tables**

Table No. 1

## Generalized Guidelines for Proposed Source Water Protection Measures for the Lower South River Wellfield

	<b>Zone A</b> <b>Wellhead Protection Zone</b> <i>0 - 3 Months Travel Time</i>	<b>Zone B</b> <b>Wellfield Protection Zone</b> <i>3 Months to 5 Years Travel Time</i>	<b>Zone C</b> <b>Recharge Protection Zone</b> <i>5 to 25 Years Travel Time</i>
<b>Activities &amp; Materials</b>	Part of A & G Crane Rentals Ltd. Property	A & G Crane Rentals Ltd. Antigonish Dry Storage Antigonish Boat Works Ltd. Scotia Diesel Services Ltd. Steelmac Limited Several Residential Properties	Casey Concrete Dandorden Enterprises Smith and Fraser Mobile Homes Numerous Residential Properties
<b>Petroleum Fuels including</b> gasoline diesel jet fuel fuel oil	Due to the relatively high solubility, persistence and toxicity of many petroleum fuels, storage and use of these products within Zone A is <b>not permitted</b> .  Due to the possibility of a large spill of petroleum products, bulk transport cannot take place through Zone A. Alternate routes to be used.	Storage of petroleum fuels and lubricants in containers greater than 1,000 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. "Full containment" practices to be implemented.  Transporter of Bulk petroleum fuels and lubricants <b>must be informed</b> on the location of the Source Water Protected Area and that special provisions for transport are required.	Storage of petroleum fuels and lubricants in containers greater than 10,000 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. "Full containment" practices to be implemented.  Transporter of Bulk petroleum fuels and lubricants <b>must be made aware</b> of the location of the Source Water Protected Area and that special provisions for transport are required.
<b>Petroleum Solvents</b> paint thinners degreasers	Due to the relatively high solubility, persistence and toxicity of petroleum solvents, storage and use of these products within Zone A is <b>not permitted</b> .  Due to the possibility of a large spill of petroleum solvents, bulk transport cannot take place through Zone A. Alternate routes to be used.	Storage of petroleum fuels and lubricants in containers greater than 1,000 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. "Full containment" practices to be implemented.  Bulk transport of petroleum solvents should avoid Zone B transport avenues if possible. Suppliers must be informed that their delivery is within a Source Water Protected Area.	Storage of petroleum solvents in containers greater than 500 litres capacity should have secondary containment in the form of a double walled tank or a berm around the tank. Use of petroleum solvents should be conducted with "full containment" practices.  Handling of Bulk petroleum solvents shall be conducted with special provisions, transporter to be made aware of the the location of the Source Water Protected Area.
<b>Chlorinated Organic Compounds</b> dry cleaning chemicals PCBs	Due to the relatively high , persistence and toxicity of many chlorinated organic compounds, storage and use of these products within Zone A is <b>not permitted</b> .  Due to the possibility of a spill of chemicals, bulk transport cannot take place through Zone A. Alternate routes should be used.	Storage of chlorinated organic compounds in containers greater than 50 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. "Full containment" practices to be implemented.  Bulk transport of chlorinated organic compounds should avoid Zone B where possible. Suppliers to be informed that their delivery is within a Source Water Protected Area.	Storage of chlorinated organic compounds in containers greater than 200 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. Use of petroleum solvents should be conducted with "full containment" practices  Handling of Bulk chlorinated organic compounds shall be conducted with special provision, transporter to be being made aware of that delivery is within a Source Water Protected Area.
<b>Pesticides &amp; Herbicides</b>	Due to the high solubility, persistence and toxicity of most pesticides and herbicides, storage and use of these products within Zone A is not permitted.  Due to the possibility of a large spill of pesticides and herbicides, bulk transport cannot take place through Zone A. Alternate routes should be used.	Storage of pesticides and herbicides containers greater than 50 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. Use of pesticides and herbicides are to be of a non-commercial nature.  Bulk transport of pesticides and herbicides should avoid Zone B. Suppliers to be informed that their delivery is within a Source Water Protected Area.	Storage of pesticides and herbicides containers greater than 200 litres capacity <b>must have secondary containment</b> in the form of a double walled tank or a berm around the tank. Use of pesticides and herbicides should be of a non-commercial nature.  Bulk transport of pesticides and herbicides to be restricted. Suppliers to be informed of the the location of the Source Water Protected Area.
<b>Fertilizers</b> synthetic manure	Due to the potential for introducing nutrients into the source water, storage and use of these products within Zone A is <b>not permitted</b> .	Storage and use of fertilizers within Zone B is to be of a non-commercial nature such as lawn care only	No special provisions for the storage, use and transport of fertilizers within Zone C are suggested.
<b>Road Salt</b> de-icing agents	The leaching of road salt into groundwater systems has the potential to increase the concentration of sodium in groundwater pumped by the wells, the storage and use of road salt within Zone A is <b>not permitted</b> .	Road de-icing within Zone B should be accomplished using salt-sand mixtures, application to reduced as feasible. The bulk storage of road salt within Zone B is <b>not permitted</b> .	No special measures are recommended for Zone C.
<b>Sewage Disposal Systems</b> septic systems	Due to the potential for introduction of pathogens and nutrients to the source water, sewage disposal systems should be prohibited from Zone A.	Sewage disposal systems are to be restricted to small commercial and residential systems within Zone B.	Sewage disposal systems are restricted to small commercial and residential systems within Zone C.
<b>Groundwater Withdrawals</b> well pumping artesian flow	Due to the potential for reducing the long term safe yield of the Lower South River production wells and the potential for the introduction of contaminants to the aquifer, therefore no private water supply wells be permitted in Zone A.	Private water supply wells are not permitted in Zone B. Existing private wells should be allowed under a grandfather agreement.	Only small commercial and residential private water supply wells are recommended within Zone C. Generally groundwater withdrawals should be less than 23,000 litres per day.
<b>Groundwater Heat Pumps</b>	Due to the potential for reducing the long term safe yield of the Lower South River production wells and the potential for the introduction of contaminants to the aquifer, groundwater heat pump wells will not be permitted in Zone A.	Groundwater heat pump systems are not recommended within Zone B.	Only small commercial and residential groundwater heat pump systems are recommended within Zone C. Generally groundwater withdrawals should be less than 23,000 litres per day.
<b>Forestry Development</b>	Forestry development can significantly reduce natural recharge to groundwater aquifers and is therefore not permitted for Zone A.	Forestry development is permitted for Zone B.	No special measures are recommended for Zone C.
<b>Mining &amp; Quarries</b> rock quarries sand pits	Mining and quarrying activities remove the soil and surficial sediments that provide natural protection to the bedrock aquifers, these activities are <b>not permitted</b> within Zone A.	Mining and quarrying activities are <b>not recommended</b> for Zone B.	Mining and quarrying activities are <b>not recommended</b> for Zone C.

Notes: Containment devices to be installed at time of tank replacement and subject to inspection by Municipal staff

**Table No. 2 Lower South River - Source Water Protection Plan  
Sites Containing Hazardous Substances - ICI & Residential**

6813-1A

31-Jan-05

Site Name	Storage Tanks						Vehicles & Equipment On Property	Refuse & Debris On Property	Other
	Installation	Type	Capacity	Contents	Tank	Status			
	Year		litres		Construction				
AG Crane Ltd. (crane service)		AST	1,136	gasoline	steel, single wall	in use	small transport trucks	various metallic material	floor drain system in repair shop?
		AST	1,136	diesel	steel, single wall	in use	crane units		
		AST	900	n/a	steel, single wall		passenger cars and trucks		
Levys Leathers Ltd. (leather products manufacture)		AST	4,546	propane	steel	in use	large transport trucks		small amounts of various solvents used
Building owner: Dandorden Enterprises							small delivery vehicles		and stored
							passenger cars and trucks		tanning oils and dyes stored inside building
MacDonald Garage (general vehicle repair)							passenger cars and trucks	passenger vehicle parts	floor drain system in repair shop?
								various metallic material	
								abandoned fuel tanks	
Rainbow Car Wash							small transport trucks		
							passenger cars and trucks		
Scotia Diesel Services Ltd. (diesel engine repair)		AST	4,546	propane	steel	in use	large transport trucks	various metallic, wood, plastic	floor drain system in repair shop
		AST	1,136	waste oil	steel	in use	small delivery vehicles		lubricating oils stored and used
		AST	1,136	waste oil	steel	in use	passenger cars and trucks		petroleum solvents stored and used
SteelMac Limited (steel fabrication)		no	storage	tanks			small transport trucks	various steel products	
							passenger cars and trucks		
							lifting equipment		
Smith & Fraser Mobile Homes		AST	2,000	gasoline	steel, single wall	in use	passenger cars and trucks		
		AST	2,000	diesel	steel, single wall	in use			
Welding Shop (general welding)		AST	4,546	propane	steel	in use	small transport trucks	abandoned truck bodies	floor drain system in repair shop
		AST	2,000	diesel	steel, single wall		small delivery vehicles	various metallic debris	abandoned fuel oil tanks (850 L)
							passenger cars and trucks		lubricating oils stored and used
Casey Concrete Ltd.		AST	1,136	diesel	steel	in use	cement trucks		petroleum solvents stored and used
		AST	2,273	furnace oil	steel				mixing agents stored and used
Benoits Repair Shop/Garage							passenger cars and trucks	passenger vehicle parts	fibreglass tanks inside
								various metallic, wood, plastic	
Glenair Estates (trailer park) 26 confirmed oil tanks in use	5-10 years	AST	900	furnace oil	steel, single wall	in use	passenger cars and trucks		
residential (south side TCH east of industrial park) 3 tanks	17 years								
		AST	900	furnace oil	steel, single wall	in use	passenger cars and trucks		
residential (Taylors Road) 1 confirmed UST		UST	2,270	furnace oil	steel	not in use			being maintained, tested on regular basis

AST - Above Ground Storage Tank

UST - Underground Storage Tank

ICI - Industrial/Commercial/Institutional