



PLAN  
INVERNESS  
COUNTY

# Municipality of the County of Inverness

## Draft Municipal Planning Strategy

June 15, 2022

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# 1 Introduction and Context

## 1.1 Introduction

Land use planning is a collaborative process used by municipalities to help residents, business owners, and civic leaders establish and implement a vision for their communities and to build a common future for all. Planning provides a framework to guide how land is used, how and where growth and development happens, and how and where buildings are built. It therefore fundamentally impacts how residents and stakeholders experience their communities and is instrumental to building the community and future they want.

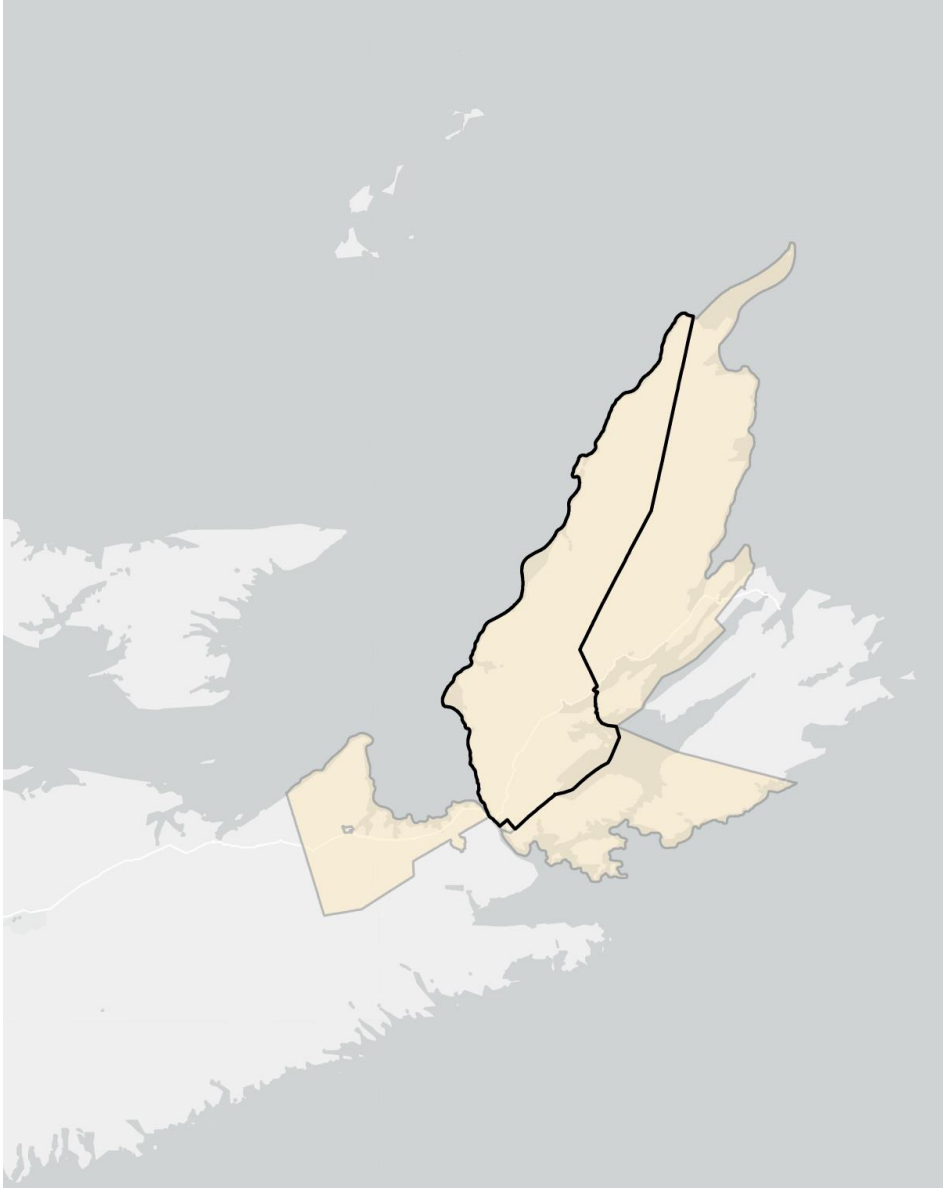
Land use planning, as one of the primary means to shape the future of the Municipality of the County of Inverness, is also critical in guiding how investments are made in infrastructure; helping communities prepare for economic, environmental, and demographic changes; enabling and promoting development that is in keeping with the municipality’s culture and character; protecting naturally sensitive and significant environments; and preventing development in areas that may pose hazards.

Land use planning is also required under the *Municipal Government Act* (the “Act”). Up until 2018, land use planning was a voluntary process in Nova Scotia—municipalities had the discretion to implement land use planning across their jurisdiction. However, changes to the *Municipal Government Act* in 2018 made it mandatory for municipalities to implement land use planning.

Land use planning is accomplished and implemented through a Municipal Planning Strategy, sometimes abbreviated as “MPS.” This document develops a long-term vision and plan for how land is going to be used in the municipality and includes policies or statements that reflect Council’s intention for land use. Municipal Planning Strategies are implemented through a Land Use By-law, which establish specific standards and rules for development. Together, the Municipal Planning Strategy and Land Use By-law, along with the Subdivision By-law which sets rules for subdivision of land, are the primary documents governing land use in the Municipality of the County of Municipality of the County of Inverness.

## 1.2 Community Context

The Municipality of the County of Inverness (“the Municipality” or “Inverness County”) is located in northeast Nova Scotia on the western coast of Cape Breton Island, and covers a land area of approximately 3,816 square kilometres. Together, the Municipality, along with Cape Breton Regional Municipality, the Municipality of the County of Richmond, the Municipality of the County of Victoria, and the Town of Port Hawkesbury, make up the five municipalities on Cape Breton Island.



Inverness County shares common land boundaries with the Municipality of the County of Victoria, the Municipality of the County of Richmond, and the Town of Port Hawkesbury. The Municipality also borders the Bras d'Or Lakes and the Atlantic Ocean. The only parts of Inverness County that do not belong to the lands of the Municipality of the County of Inverness are First Nations lands in We'koqma'q and Malagawatch, and the Town of Port Hawkesbury.

The We'koqma'q First Nation, also known as Waycobah, is a Mi'kmaw community located on the shores of the Bras d'Or Lakes, approximately 44 kilometers north of the Canso Causeway. The We'koqma'q First Nation is part of the Mi'kmaw nation which has occupied an area including the Atlantic Provinces and the Gaspé

Peninsula—an area known to the Mi'kmaw as Mi'kma'ki—for the last 10,500 years. Mi'kma'ki was divided into eight districts, and We'koqma'q is within the Unama'kik district of Mi'kma'ki. The Unama'kik district makes up all of Cape Breton Island.

The Bras d'Or Lake is significant for the Mi'kmaq people. In the past it was not only a site of permanent summer villages where the Mi'kmaq could access a variety of species, including cod, oyster, lobsters, eel, and gaspereau, but the lake provided a transportation route to access fishing and hunting grounds.

Today, the We'koqma'q First Nation is a growing community of more than 800 people. The community has roads and trails, water and sewer services, a range of health care facilities, a daycare and a school, as well as community-based youth programs including the Eagle Youth Group and Camp Rod. The community also hosts a gaming centre, a gas station, and thriving commercial fisheries and trout aquaculture operations. The First Nation Lands located in Malagawatch are largely left in their natural state and contain few dwellings and infrastructure. Uniquely, they are jointly managed by all five First Nations of Unama'kik.

The majestic Inverness coastline, Cape Breton Highlands National Park, Lake Ainslie, and the Bras d'Or Lake are the dominating geographic features in the Municipality. Most of the population centres in Inverness County are established throughout the more temperate southern half and along the west coast of the municipality, where access to water enabled communities to grow around shipping, fishing, forestry, agriculture, and other industries. These factors have shaped the history, economy, and cultures in Inverness County. Today, tourism is one of the most important industries in the municipality.

The Municipality of the County of Inverness, by a measure of population density, is very rural. There are approximately five people per square kilometre in the municipality, making it one of the least dense places in all of Nova Scotia. In 2021, the municipality had a population of 13,239 people, up 0.5% from 13,170 in 2016—the first instance of population growth in the municipality for decades. Before this growth, the municipality had experienced a continual decline in its population for many decades. The municipality population declined by more than 20 percent between 1996 and 2016, a loss of more than 3,000 people.

In addition to trends that have largely meant a declining population, the municipality's population is ageing. Between 2006 and 2016, the median age in the municipality increased from 46.2 years to 52.7 years. The municipality experienced significant growth in residents aged 65 to 84 (36.2%) while at the same time seeing a decrease in the number of 0-19-year-olds (35.4%) and 20 to 64-year-olds (18.8%).

Because of the municipality's rural nature, municipal services are limited in Inverness County, especially outside of the main population centres. Inverness, Chéticamp, Port Hood, Port Hastings, Mabou, Judique, and Whycocomagh are the primary population and service centres in Inverness County and the only communities with

municipal water and sewer services. The remainder of the areas rely on wells, cisterns, or septic fields and similar on-site installation for both drinking water supply and sewage disposal.

The municipality has a vast network of roads and highways that connect it to the rest of Cape Breton Island, enabling the efficient movement of people and goods within and beyond the municipal boundaries. Highway 19, which begins in Port Hawkesbury, runs along the west coast of the municipality, from Port Hastings to Margaree Forks, through Judique, Port Hood, Mabou, and Inverness. The western extent of the Cabot Trail (Route 30) also runs through the municipality. The Cabot Trail is approximately a 300-kilometre loop around the northern tip of Cape Breton Island that is world-renowned for its scenic views and access to nature. This route also connects the municipality to the neighbouring Municipality of the County of Victoria. The remainder of the municipality can be accessed through 200- and 300-series roadways and local roads.

The boundaries of Inverness County were defined in 1835, and in 1996 the County was amalgamated into a single municipality with the exception of Port Hawkesbury and the earlier mentioned First Nation lands. The municipality is governed by the Municipal Council which is made up of six district councillors. Once elected, the Municipal Council chooses its own Warden by ballot.

## 1.3 Statements of Provincial Interest

The Province of Nova Scotia has established five Statements of Provincial Interest which are intended to support sustainable development across the Province. While land use planning is an activity that is largely undertaken by municipalities, the Province, through legislation, can help to ensure municipalities operate under the same planning framework and to protect interests and values which are held across the province. The Statements of Provincial Interest are one way of doing so and deal with five topics that are relevant to the Municipality of the County of Inverness:

- Statement of Provincial Interest Regarding Drinking Water
- Statement of Provincial Interest Regarding Flood Risk Areas
- Statement of Provincial Interest Regarding Agricultural Land
- Statement of Provincial Interest Regarding Regarding Infrastructure
- Statement of Provincial Interest Regarding Housing

Each Statement of Provincial Interest includes a set of provisions that must be identified in land use planning documents. This Municipal Planning Strategy, and accompanying Land Use By-law, will address the Statements of Provincial Interest as outlined below.

### 1.3.1 Statement of Provincial Interest Regarding Drinking Water

Clean drinking water is essential for life in the Municipality of the County of Inverness, and this is reflected in the Statement of Provincial Interest Regarding Drinking Water. Not only is the infrastructure vital in supplying drinking water to communities, but the sources of water themselves are critical to the long-term sustainability of the municipality. Municipal Planning Strategy has identified and protected these sources of drinking water by establishing the Source Water Protection Zone. This zone is explicitly meant for the protection of drinking water sources and limits permitted uses to ensure development of land does not impact these as future sources of drinking water.



### 1.3.2 Statement of Provincial Interest Regarding Flood Risk Areas

The Statement of Provincial Interest Regarding Flood Risk Areas applies to areas designated under the Canada-Nova Scotia Flood Damage Program. There are no areas under this program that have been designated within the Municipality of the County of Inverness; however Council recognizes the intent of this Statement of Provincial Interest and has adopted special setback requirements from watercourses in the municipality.

### 1.3.3 Statement of Provincial Interest Regarding Agricultural Land

The Statement of Provincial Interest Regarding Agricultural Land specifically aims to protect lands with soils classified as Class 2, Class 3, or actively farmed Class 4 lands under the Canada Land Inventory. In order to meet the intent of this Statement of Provincial Interest, Council has identified and zoned all lands classified as Class 2, 3, and active 4 as the Agriculture Potential Zone. The provisions of this land use zone not only prioritize agricultural land uses, but this Municipal Planning Strategy includes policies to ensure they are not fragmented over the planning period.

### 1.3.4 Statement of Provincial Interest Regarding Infrastructure

The Statement of Provincial Interest Regarding Infrastructure looks to ensure infrastructure is used efficiently and effectively and that when expanded it does not place an undue burden on the municipality, its residents, or its businesses. With both municipal drinking water and sewer systems, this Municipal Planning Strategy is structured to promote growth in areas of the municipality that are already serviced. The structure used in this plan also places limits on where services can be expanded to prevent unwanted development of municipal services.

### 1.3.5 Statement of Provincial Interest Regarding Housing

Housing is a basic need for every person in the municipality, and land use planning is an important tool in ensuring there is an adequate supply of diverse housing options. The Statement of Provincial Interest Regarding Housing aims to ensure that a wide variety of housing forms, tenures, and options are available for current and future of the municipality. This Municipal Planning Strategy provides a land use framework that encourages and enables a variety of housing options in different communities across the municipality, including enabling different densities of housing, supportive housing, and manufactured housing. At the same time, the Strategy contains some policies that place regulations on some practices that remove dwellings from the housing market, such as short-term rentals.

## 1.4 How to Use this Municipal Planning Strategy

This Municipal Planning Strategy (“Plan”) establishes a set of policies that will guide and direct growth in the Municipality of the County of Inverness over this planning period. These policies are accompanied by and implemented through the Land Use By-law, a document which contains the standards and regulations for development.

### 1.4.1 Interpretation

In this Plan, where:

- “may” is permissive and typically indicates a future action for which the Municipality has policy support to undertake, but is not obliged to undertake; and
- “shall” is imperative and indicates a duty to act, which is typically implemented through the Land Use By-law.

Diagrams, sketches or photos in this Plan are provided for illustrative purposes only. Schedules form part of this Plan.

Nothing in this Plan shall affect the continuance of land uses that are lawfully in existence as of the date of this Plan coming into effect, as further regulated by the *Municipal Government Act*.

## 2 Plan Process

### 2.1 Plan Inception and Plan Development

The creation of the Municipality of Inverness' Municipal Planning Strategy and Land Use By-law, a project called "Plan Inverness", was initiated by the Municipality in September 2021. Plan Inverness was part of a larger project called "Plan Eastern Nova," a joint effort between the municipalities of Antigonish, Inverness, Richmond, and Victoria to establish Municipal Planning Strategies and Land Use By-laws for each of these municipalities. Plan Inverness originated from legislative changes by the Province of Nova Scotia that required all land in the province to be the subject of land use controls.

In 2018, the Province of Nova Scotia passed legislation through Bill 58 that required every municipality (and all land within the municipality) to be subject to a Municipal Planning Strategy and Land Use By-law. Bill 58 also established a set of 'minimum planning standards' that each municipality must meet. Prior to the adoption of this Municipal Planning Strategy and the accompanying Land Use By-law, the only municipality-wide planning rules related to wind turbine development. These rules are carried forward in this document as an overlay layer specifically regulating wind turbine structures. Beyond this, some parts of the Municipality's land area were subject to detailed municipal planning, through "Secondary Plans", which were previously adopted for Chéticamp, Inverness, Port Hood, Port Hastings and Whycomagh.

This Municipal Planning Strategy replaces the 'Municipal Planning Strategy for the County of Inverness Concerning the Regulation of Wind Turbine Development' as the overarching planning document for the Municipality, while the secondary plans remain. These 'secondary plans' are described in more detail in Chapter 5 of this Plan.

The Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Inverness were created through a multi-step process that involved significant background research, public consultation, as well as policy and regulatory development. The background research involved conducting demographic, socio-economic, and spatial analysis to understand how the municipality has changed and what the current state of land use was.

## 2.2 Public Engagement

### 2.2.1 Initial Engagement

The initial public engagement for Plan Inverness took place between November 2021 and February 2022. Taking place during the COVID-19 pandemic, engagement included both online and in-person consultations.

The project officially launched with a press release from the municipality and was followed by a series of in-person open houses. In total there were three open houses held in the municipality in the following locations:

- Margaree Centre
- Mabou
- Judique

Another open house scheduled for Chéticamp had to be cancelled due to a severe rain storm with heavy flooding. The open houses coincided with the launch of an online survey and an online interactive map for residents and community members. The survey sought responses regarding planning-specific issues as well as community ambitions. Conversely, the online interactive map allowed residents to provide location-specific comments on land use zoning maps of the municipality.

Local and regional stakeholders also had the opportunity to provide their feedback on how land should be used and managed in the municipality through a series of online interviews and group discussions.

While the open house allowed residents and community members to get a better understanding of the project and how planning is conducted, there was a desire from the community to work collaboratively to create a vision for the municipality. A visioning workbook was developed which was designed to help individuals, families, friends and organizations to share their vision for the future of their community.

The results from the initial phase of engagement were condensed into a brief Plan Inverness Engagement Summary document. The summary included a qualitative analysis of the responses received from community members and stakeholders during the initial round of engagement.

Taken together, the information gathered during the initial phase of engagement was foundational to the development of policies and regulations contained within this Municipal Planning Strategy and the Land Use By-law.

### 2.2.2 Draft Plan Engagement

[To be completed following Draft Plan Engagement]

## 2.3 Key Issues

Throughout the initial phase of engagement, community members and stakeholders shared their ideas, opinions, and insights regarding the growth and development of the municipality. During the initial phase, several key issues emerged based on the feedback of stakeholders.

### 2.3.1 The Environment

Residents and community members in Inverness place high importance on the natural environment. Assets including the many beaches, trails, and rivers are vital in the daily lives of community members and they play an important role in the natural landscape. However, respondents expressed concern with how growth and development could impede access to these assets, especially as Inverness becomes an increasingly popular destination for investment. Respondents would also like to see protections for water bodies within Inverness County, including lakes and rivers, as well as ensuring development is appropriately set back from the shoreline.

### 2.3.2 Housing

Access to affordable, adequate, and safe housing was often cited as a challenge in the Municipality of the County of Inverness during the initial phase of engagement. Respondents felt that there was a lack of rental options, entry level homes for young families and supportive housing for seniors to age in place. The aging population of the Municipality generally needs more options to downsize from large home, while still being able to remain in their home communities.

Other concerns around housing included:

- Regulating short term rentals to provide more year-round housing,
- Attracting and retaining young families in the community, and
- Housing options for seasonal workers and other newcomers.



### 2.3.3 Services, Amenities, and Infrastructure

While there are several large population centres across Inverness County, much of the municipality is rural, with limited access to municipal infrastructure and other commercial services and amenities. One of the main concerns cited by respondents was the lack of municipal infrastructure, especially water and sewer, to help facilitate development in Inverness County.

Many of the challenges regarding infrastructure and services fall outside of the scope of a Municipal Planning Strategy, such as access to high-speed internet, though respondents felt they were important considerations for the future of the municipality. Finally, there was a desire for restrictions around industrial development and wind turbines in the municipality to help preserve landscapes and the natural environment.

### 2.3.4 Economic Development and Demographic Challenges

We heard some specific feedback concerning a desire to see incentives put in place to encourage development in established communities with amenities and infrastructure to support higher residential density. Growing populations in established community cores means a greater number of residents to support more local businesses and amenities, especially those open year-round, which is strongly desired by many respondents.

Business owners have also named a number of challenges which they feel affect their operations in the Municipality. Due to the aging population profile, it is increasingly difficult to find staff for some lines of business. This is compounded with the current after-effects of the pandemic, which e.g. caused many service workers in bars and restaurants to change career paths. For a municipality that generates so much economic activity from tourism, this poses a significant problem. Finding new staff is also hampered by the earlier mentioned shortage in rental housing options.

Lack of commercial and industrial real estate was also flagged as an issue in the municipality by about 50% of survey respondents.

### 2.3.5 Implications of New Planning Rules

This Municipal Planning Strategy and accompanying Land Use By-law establishes land use planning policies and regulations for areas of the municipality that were formerly not subject to land use planning. Several respondents and community members in the Municipality of the County of Inverness expressed their concern with controls and regulations placed on private land, and many questioned whether land use planning was necessary. Nevertheless, other respondents saw value in adopting land use planning rules and regulations to help preserve the rural nature of the municipality while also promoting sensible and systematic growth.

# 3 Land Use Designations and Zones

## 3.1 Community Structure

The Municipality of the County of Inverness has a diverse landscape, with each community holding its own unique identity, scale, and character. However, there are also some similarities to be found across communities, and from a land use and development perspective each area within the Municipality can be broadly characterized into one of three categories: rural areas, hamlets and serviced areas.

**Policy 3-1:** Council shall, through the maps of the Municipal Planning Strategy, and through the Land Use By-law, implement the general framework for future growth and development in the municipality by designating areas as Rural, Hamlets, or Serviced Areas in this Municipal Planning Strategy.

### 3.1.1 Rural Areas

The vast majority of the land area within the Municipality is rural in nature. These areas are characterized by natural areas, resource-based activities such as forestry and agriculture, and larger recreational areas. Many of the Municipality’s residents call the Rural Areas home, although residential densities tend to be much lower than those to be found in the Hamlets or Serviced Areas. Most infrastructure in these areas is either privately or provincially owned and managed.

### 3.1.2 Hamlets

Within the Municipality’s large land area are a number of unserviced communities that serve as local hubs for the surrounding area. They may have a concentration of commercial services, a community hall, or more diversity in housing options than the surrounding area.

Hamlet communities within the Municipality include:

- Pleasant Bay
- Margaree Forks
- Margaree Centre
- Creignish
- Orangedale

### 3.1.3 Serviced Centres

Serviced areas encompass the communities with central water, central sewer, or both, as well as adjacent areas where these services could be efficiently and sustainably expanded. The presence of these central services—and central sewer in particular—supports smaller lot sizes and higher densities of development. These communities are also typically characterized by a wider range of residential options and commercial services, and may host other types of municipal infrastructure, such as sidewalks.

Serviced centre communities include:

- Mabou
- Judique

Serviced centre communities which are subject to comprehensive planning through Secondary Plans under this Municipal Planning Strategy include:

- Cheticamp
- Inverness
- Port Hood
- Port Hastings
- Whycomomagh

## 3.2 Rural Designation

### 3.2.1 The Rural Designation and Permitted Zones

The varying, unique landscape of the Municipality of the County of Inverness has been vital in shaping the history, culture, and economy of the community. Large agricultural and pastoral holdings, forests, marshes, beaches, and inland watercourses and waterbodies dominate the landscape.

These lands are often associated with the resource-based industries; forestry, fishing, and agriculture make up a significant portion of the land uses, while low density residential development, varying commercial and industrial uses, marine-based development, and recreational properties are also present in these areas of the municipality. Rural lands are mostly characterized by development on large, unserviced lots.

Traditionally, these land uses have been able to exist without significant land use controls. Their location—away from significant population centres—and the oversight from other levels of government has meant the municipality has not been compelled to provide a rigorous level of land use control for resource-based uses. While the adoption of this Municipal Planning Strategy will result in land use controls placed on the rural areas of the municipality, it is Council’s intention to limit the scope of land use regulations so as to ensure rural and resource-based land uses can continue with relative ease all the while establishing a framework to reduce the potential for land use conflicts.

The Rural Designation is meant to guide land use planning and development decisions with respect to the rural lands in the municipality.

**Policy 3-2:** Council shall establish, on Schedule ‘A’, the Future Land Use Map, the Rural Designation.

**Policy 3-3:** Council shall, on the maps of the Land Use By-law, permit the following Rural Zones in the Rural Designation:

- (a) Rural General Zone,
- (b) Rural Commercial Zone,
- (c) Rural Industrial Zone,
- (d) Agriculture Potential Zone, and
- (e) Lakeshore Zone.

**Policy 3-4:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established in Section 3.5 of this Plan, within the Rural Designation.

**Policy 3-5:** Council shall, on the maps of the Land Use By-law, permit the following General Zones, established in Section 3.7 of this Plan, within the Rural Designation:

- (f) Parks and Open Space Zone,
- (g) Institutional Zone,
- (h) Commercial Recreation Zone,
- (i) Fishing Zone, and
- (j) Highway Commercial Zone.

**Policy 3-6:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection Zone, established in Section 3.6 of this Plan, within the Rural Designation.



### 3.2.2 Rural General Zone

Vast areas of the Municipality are sparsely populated and have functioned without municipal planning prior to this document. For these parts of natural and cultural landscape, it is the intent of this strategy to minimize regulatory burden and largely permit most types of eclectic land uses that can presently be found in these areas, while limiting the potential of land use conflicts at the same time.

Much of the Municipality's landscape remains undeveloped or is used for traditional resource-based activities such as forestry or aggregate extraction. These types of uses occur along the major roads and highways or in the inland areas away from major transportation routes. In the case of the latter, these resource areas are accessed from a series of interconnecting 'back roads' that allow commercial trucks to move to and from the logging and extraction sites. Because of the rural nature of the municipality, these types of uses are expected to take place here and are often outside of municipal planning as they are regulated through provincial licensing.

Where development does occur, such as residential development, it usually occurs along (or in close proximity to) the major roads and highways in the municipality such as Highway 19 or the Cabot Trail, or along private roads. Because of the limited land use controls that have existed in parts of the municipality, commercial and industrial developments may also be present. Council intends to permit a range of uses in the Rural General Zone, including limited commercial and industrial uses, that coincide with the mixed development pattern that has traditionally occurred.

**Policy 3-7:** Council shall, through the Land Use By-law, establish the Rural General Zone. This land use zone is intended to support resource-based uses, including, but not limited to, forestry and agriculture, and limited development on existing transportation routes and private roads.

**Policy 3-8:** The Rural General Zone shall permit limited residential, commercial, and industrial land uses, in addition to a variety of resource-based and rural land uses including agricultural uses.

**Policy 3-9:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than three dwelling units and bed and breakfast uses with six or more units in the Rural General Zone. When considering such developments, special considerations shall be given to the following:

- (a) that the bulk and massing of the buildings are architecturally broken up to create visual interest and to minimize the contrast between the building and its surroundings;
- (b) that parking areas are planned and landscaped in a way that they do not create adverse effects on neighbouring properties;
- (c) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (d) the proposal complies with the general development agreement approval policies of Section 6.4.

**Policy 3-10:** The Rural General Zone shall be applied on the zoning map of the Land Use By-law as a base zone to all areas that display general characteristics and do not require any distinct set of planning rules.

### 3.2.3 Rural Commercial Zone

While the highest concentration of commercial activity in the municipality takes place in the serviced centre areas and hamlets, there are instances where commercial businesses are necessary in the rural, unserviced areas.

With the vast number of small communities and regional attractions, commercial uses such as hotels and accommodations, automobile service stations, restaurants or larger retail stores are necessary outside of the “hub” communities of the municipality. Some of these commercial uses create a land use setting that is different from the general rural areas.

There is also a need for commercial uses that directly serve the rural and resource uses on the surrounding lands. Council is supportive of the establishment of the Rural Commercial Zone to promote a range of commercial services and amenities meant for the local residents, rural and resource uses, and those that cater to the travelling public.

**Policy 3-11:** Council shall, through the Land Use By-law, establish the Rural Commercial Zone. This land use zone is intended to support a range of commercial services that cater to the travelling public and local communities in the rural areas of the municipality.

**Policy 3-12:** The Rural Commercial Zone shall permit a range of commercial uses, as well as residential, recreational, and institutional uses incidental to the Rural Designation. Drive-through uses shall be permitted within the Rural Commercial Zone by site plan approval.

**Policy 3-13:** The Rural Commercial Zone shall initially be applied on the zoning map of the Land Use By-law to existing commercial businesses within the Rural Designation.

### 3.2.4 Rural Industrial Zone

The term “industrial” encompasses a wide variety of uses—from warehousing and wholesaling to manufacturing, assembling, fabrication, or processing uses. Because of the availability of large lots and with low population densities, rural areas are often suited for industrial uses. These areas can more easily accommodate potential nuisances such as commercial truck traffic, manufacturing noise, and large shipping and storage areas. Industrial uses in rural areas are also important components of supporting resource-based industries, by providing the necessary processing facilities for raw materials. For these reasons, Council supports the establishment of the Rural Industrial Zone to accommodate a range of industrial uses in the rural areas of the municipality including, but not limited to scrapyards, solid waste facilities, and industrial uses with large footprints.

**Policy 3-14:** Council shall, through the Land Use By-law, establish the Rural Industrial Zone. This land use zone is intended to support a range of industrial uses and limited commercial uses.

**Policy 3-15:** The Rural Industrial Zone shall permit non-obnoxious and obnoxious industrial uses, resource-based uses, automotive uses, and limited commercial uses that are related to, or supportive of, industrial uses. Scrap-yard uses shall be permitted within the Rural Industrial Zone by site plan approval.

**Policy 3-16:** The Rural Industrial Zone shall initially be applied on the zoning map of the Land Use By-law to those existing industrial uses within the Rural Designation.

**Policy 3-17:** Council shall consider entering into a development agreement to enable heavy industrial uses and solid waste disposal facilities on lots 10,000 square metres or greater within the Rural Industrial Zone, subject to the policies in Section 6.4.

### 3.2.5 Agriculture Potential Zone

Municipalities in Nova Scotia are, by way of the *Municipal Government Act*, required to identify and protect high-value agricultural soils, which is defined as Class 2, Class 3, and actively-farmed Class 4 soils as identified by the Canada Land Inventory (Nova Scotia has no Class 1 soils).

Overall, the Municipality of the County of Inverness has a significant amount of high-quality, arable land. Class 2 soils are rare, and three pockets of such lands exist covering only about 0.6% of the Municipality. However, Class 3 soils are very wide-spread with the largest accumulations present in the River Denys Valley and a triangular area between Judique, Port Hood and Inverness. Along with other pockets of land such as the Margaree Valley, Class 3 soils make up about 24% of land within the Municipality. Class 4 soils add another 4% of land, which is spread out in various locations.

Good soils are not always a good indication of agricultural activity or potential. Poor climate or difficult terrain can make otherwise fertile soils unsuitable for farming, while some crops (such as blueberries) thrive on otherwise poor soils. However, in the Municipality of the County of Inverness there is an overall correlation between good soils and agricultural activity.

Council therefore recognizes the importance of agriculture and the need to ensure active agricultural lands and lands with agricultural potential are protected for the long-term benefit of residents in the municipality and the province beyond. Council also recognizes that the climate and terrain within the municipality do not always align with good soils. As a result, Council will establish the Agriculture Potential Zone. The zone is intended to identify good agricultural soils, as well as established agricultural areas that are located on “medium” soils, and prioritize agricultural activities in these areas. However, rather than take an overly-strict approach to other types of development in these areas, Council will focus on avoiding the fragmentation of lands with agricultural potential by permitting a wide range of land uses but directing such development mostly to established roads.

**Policy 3-18:** Council shall, through the Land Use By-law, establish the Agriculture Potential Zone. This land use zone is intended to prioritize agricultural development on good agricultural soils as well as well-established agricultural areas even if they are not located on good agricultural soils.

**Policy 3-19:** The Agriculture Potential Zone shall permit agricultural and forestry uses; a limited range of residential, recreational, and community uses; and commercial uses that provide agricultural-adjacent experiences, such as craft beverage producers and farmers’ markets.



**Policy 3-20:** The Agriculture Potential Zone shall be applied on the zoning map of the Land Use By-law to all properties containing soils categorized as Class 2, Class 3, and actively farmed Class 4 soils as identified in the Canada Land Inventory.

**Policy 3-21:** Council shall, through the Land Use By-law, prohibit development, with the exception of agricultural or forestry development, where more than six lots, created after the adoption of this plan, front onto a private road to prevent the fragmentation of agricultural and forestry lands.

**Policy 3-22:** Council shall consider entering into a development agreement to enable proposals for residential developments with between four and 12 dwelling units in the Agriculture Potential Zone. When considering such developments, special considerations shall be given to the following:

- (a) that parking areas are planned and landscaped in a way that they do not create adverse effects on neighbouring properties;
- (b) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties;
- (c) that the proposal does not negatively impact the agricultural productivity of adjacent properties; and,
- (d) the proposal complies with the general development agreement approval policies of Section 6.4.

### 3.2.6 Lakeshore Zone

Lakes exist throughout the landscape of the Municipality of the County of Inverness. There are 910 lakes and still waters with a water surface of at least 1,000 m<sup>2</sup> in the Municipality, and thousands of smaller ones. Jointly they are home to an abundance of aquatic and terrestrial species. Larger lakes are, however, also popular destinations for recreational development for seasonal properties and accommodations. To accommodate recreational development and associated septic systems, large areas of land must be cleared and graded, threatening the integrity of the plants and animal species that rely on lakes for their habitat. This risk has created concerns for more regulation around Lake Ainslie, the largest body of freshwater in the Municipality.

While Council generally supports development in the rural, lakeside areas of the municipality, Council also believes the Municipality has a responsibility to ensure development in these areas is conducted in a manner that helps to ensure they can be enjoyed for generations to come. For these reasons, Council will establish the Lakeshore Zone. This Zone will take a careful approach to development around lakes with specific development pressures, including establishing setbacks from the lake, limiting the types of permitted development, and requiring larger minimum lot sizes, to protect these valued resources.

The Lakeshore Zone will be applied to lakes within the municipality with existing dense development, or those that have the potential for such types of development.

**Policy 3-23:** Council shall, through the Land Use By-law, establish the Lakeshore Zone. This land use zone is intended to enable lakeside development with thoughtful development standards intended to protect the integrity of lakeside ecosystems.

**Policy 3-24:** The Lakeshore Zone shall permit limited residential and accommodation uses, including, but not limited to, single dwellings and bed and breakfasts.

**Policy 3-25:** The Lakeshore Zone shall be initially applied on the zoning map of the Land Use By-law to lands between Lake Ainslie and the next road closest to the shore. Council may extend the zone to other lakes around which development pressures occur.

### 3.3 Hamlet Designation

#### 3.3.1 The Hamlet Designation and Permitted Zones

While much of The Municipality of the County of Inverness is rural, there are many small, well-defined communities that are local centres or community hubs for the surrounding area. These “hamlets” may also be built around a specific industry, such as a fishing wharf or tourism destination. While these communities do not feature central water or sewer, they may feature other forms of infrastructure, such as libraries, community halls, museums or private businesses with a strong community role.

The hamlets all share the common feature of acting as hubs for the surrounding area, but they do not all align in their overall size or the intensity and character of their residential and commercial development. The individual characteristics of hamlets will, therefore, be recognized through variations in where zoning is applied.

**Policy 3-26:** Council shall, on Schedule ‘A’, the Future Land Use Map, designate as “Hamlet” lands that provide a higher density of development, services, and/or community facilities but are not serviced by central sewer.

**Policy 3-27:** Council shall, on the maps of the Land Use By-law, permit the following Hamlet Zones in the Hamlet Designation:

- (a) Hamlet Residential Zone, and
- (b) Hamlet Core Zone.

**Policy 3-28:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established in Section 3.5 of this Plan, within the Hamlet Designation.

**Policy 3-29:** Council shall, on the maps of the Land Use By-law, also permit the following General Zones, established in Section 3.7 of this Plan, within the Hamlet Designation:

- (a) Parks and Open Space Zone,
- (b) Institutional Zone, and
- (c) Fishing Zone.

**Policy 3-30:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection Zone, established in Section 3.6 of this Plan, within the Rural Designation.

### 3.3.2 Hamlet Residential Zone

A common feature among the Municipality's hamlets is a concentration of residential development. Typically, this takes the form of lower-density residential development, such as detached homes. However, hamlets are often located next to tourism destinations such as the Railway Museum in Orangedale, popular outdoor recreation opportunities such as the Celtic Shores Coastal Trail in Creignish, or commercial and resource-based industries such as the fishing harbour in Pleasant Bay. As a result, there is also the potential need for other approaches to housing. The Hamlet Residential Zone will recognize existing residential areas within the hamlets, as well as areas where new housing should be developed.

**Policy 3-31:** Council shall, through the Land Use By-law, establish the Hamlet Residential Zone. This land use zone is intended to identify residentially-focused areas within the hamlets.

**Policy 3-32:** The Hamlet Residential Zone shall permit low- and medium-density residential uses, as well as complementary community facilities, such as schools and places of worship. Residential uses with four to six dwelling units shall be permitted by Site Plan Approval.

**Policy 3-33:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than six dwelling units and bed and breakfast uses with six or more units in the Hamlet Residential Zone. When considering such developments, special considerations shall be given to the following:

- (a) that the bulk and massing of the buildings are architecturally broken up through a mix of stepbacks, setbacks, projections and recesses and similar visual elements in the building's facades to minimize the contrast between the building and its surroundings;
- (b) that parking areas are planned and landscaped in a way that they do not create adverse effects on neighbouring properties;
- (c) that stormwater from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and,
- (d) the proposal complies with the general development agreement approval policies of Section 6.4.

**Policy 3-34:** The Hamlet Residential Zone shall be applied on the zoning map of the Land Use By-law to existing residential areas within hamlets, and areas within hamlets where residential expansion is prioritized.

### 3.3.3 Hamlet Core Zone

Hamlets are the service centres for surrounding areas, and as such may host a range of commercial establishments, community-based services, and activities related to tourism and various industries. While hamlets remain rural in nature, they typically feature a well-defined core area, or could establish such a “heart” in the future. However, the size and location of this core varies from community to community, and zoning should reflect this.

**Policy 3-35:** Council shall, through the Land Use By-law, establish the Hamlet Core Zone. This land use zone is intended to encourage the establishment or continuation of a community core that offers a higher concentration of services and housing options.

**Policy 3-36:** The Hamlet Core Zone shall permit low- and medium-density residential uses, a range of community services, smaller commercial operations appropriate to the semi-rural nature of hamlets, tourism-related businesses, and lower-impact activities related to resource industries. Kennels shall be permitted provided the proposed use can meet additional lot requirements, established in the Land Use By-law, to minimize potential land use conflicts.

**Policy 3-37:** The Hamlet Core Zone shall be applied on the zoning map of the Land Use By-law to existing community cores within hamlets, or areas within hamlets where the establishment of a core is desired. The extent of the Hamlet Core Zone should be appropriate to the specific character of each hamlet.

**Policy 3-38:** Council shall, through the Land Use By-law, establish development standards within the Hamlet Core Zone that are more flexible than surrounding rural areas in order to encourage a critical mass of services and a clearly-identifiable community core.

**Policy 3-39:** Council shall, through the Land Use By-law, permit residential proposals with seven or more dwelling units, drive through uses, and automobile sales by site plan approval.



## 3.4 Serviced Centre Designation

### 3.4.1 The Serviced Centre Designation and Permitted Zones

The availability of municipal services in the ground is a particularly defining factor for the character of a community and appropriateness of land uses. Where water and sewer have been historically provided by the municipality, this has typically allowed property parcels to become smaller and buildings to move closer together. This means that serviced communities have a more tightly-knit network of streets and many amenities within walking distance.

Where residential densities are higher, commercial offerings usually follow suit and provide some basic shopping amenities, services, and various eating establishments. Serviced Centres typically also feature community buildings, post offices, and places of worship. Sidewalks and decorative street lighting are also available as additional infrastructure in Mabou.

Where so many residents, jobs, and amenities are concentrated in one area, detailed planning rules are more needed than in the rural areas of the Municipality. More proximity means a higher likelihood of land use conflicts between incompatible property types. There is also a higher chance that without regulations, land uses could be developed that simply do not fit the character of a community.

Serviced areas also have a particular significance to municipalities, as they accumulate the majority of public investment into infrastructure. Water treatment plants and sewage treatment plants are among the most valuable assets in municipal inventories, and the upkeep of water and sewer lines across a community is expensive in nature. Where sidewalks are provided, such as in Mabou or in most of the Secondary Plan Areas, they typically necessitate a stormwater management system (as opposed to open ditches) and night time lighting. All of these assets require regular maintenance and drive operational cost.

Due to the amount of taxpayers' money invested in these various aspects of a serviced community, it is also in the public's best interest to ensure that development in serviced areas occurs in an orderly and efficient manner. These highly valuable lands should therefore be well utilized and contribute to communities that are attractive, livable, and that help municipal finances through a reasonable relationship between property tax revenue and municipal cost.

Serviced centres are also pivotal to solutions for housing challenges. The demographic profile of rural Nova Scotia, recent immigration trends, and the composition of current building stock in the municipality have created a substantial shortage of downsized and rental housing options. This problem was constantly echoed throughout public engagement sessions during the preparation of this Plan. Small and affordable housing options can only be realistically achieved by increasing residential densities, which is unlikely to

be a workable solution outside of serviced areas. Even though the typical building stock of residential dwellings in serviced areas is dominated by single unit dwellings, higher-density residential dwellings should not be excluded from residential areas if sustainable solutions to the housing shortage are to be sought. However, there is a need for a trade-off between preservation of a community's existing character and introduction of more sustainable housing forms, which will be sought by various multiple-unit-related policies of this section.

**Policy 3-40:** Council shall, on Schedule ['A'], the Future Land Use Map, designate as "Serviced Centre" lands that are serviced by municipal water supply, municipal sewage collection systems, or both.

**Policy 3-41:** In order to maximize the public benefit from serviced centres, Council shall promote liveable communities and orderly development while minimizing potential land use conflicts through a higher degree of planning regulations in the Serviced Centre Designation.

**Policy 3-42:** Council shall promote compact settlement form and efficient utilization of land within the Serviced Centre Designation through smaller lot sizes and a focus on infill development.

**Policy 3-43:** Council shall, on the maps of the Land Use By-law, permit the following Service Centre Zones within the Serviced Centre Designation:

- (a) Main Street Zone,
- (b) General Centre Zone,
- (c) Residential Centre Zone,
- (d) Light Industrial Centre Zone, and
- (e) Comprehensive Development District Zone.

**Policy 3-44:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established within Section 3.5 of this Plan, within the Serviced Centre Designation

**Policy 3-45:** Council shall, on the maps of the Land Use By-law, also permit the following General Zones, established in Section 3.7 of this Plan, within the Serviced Centre Designation: Parks and Open Space Zone, and Institutional Zone.

**Policy 3-46:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection Zone, established in Section 3.6 of this Plan, within the Rural Designation.

### 3.4.2 Main Street Zone

Historically, much of the community life in rural centres has revolved around main streets of settlements. These main stretches of roads have transformed over time but, nevertheless, still play a vital role in community life to this day. Main streets give communities their visual identity and invite residents to socialize with their neighbours, especially if some small parks and plazas are nearby. It is therefore important to preserve and promote environments that are pleasant and inviting for pedestrians.

In order to draw in pedestrians and convince tourists to stop in a community, commercial developments need to be designed in an inviting manner that allow for interaction between the buildings, streets, and sidewalks. Since main streets have also typically developed earlier than adjacent subdivisions, there tend to be more historic homes on these main stretches.

New commercial developments are encouraged to be developed in mixed-use fashion within this zone, with residential units being located on upper stories or in the rear of properties. Main streets are a highly suitable location for affordable residential units as they are typically the least car-dependent places in rural areas.

All of these circumstances require that main streets are treated in a distinct way and regulated through a separate zone. The zone will prioritize land uses that facilitate interaction and feature design rules which promote the traditional look and rhythm of main streets.

**Policy 3-47:** Council shall, through the Land Use By-law, establish the Main Street Zone. This zone is intended to accommodate commercial uses primarily focused on pedestrians and to establish and promote a “main street” character.

**Policy 3-48:** The Main Street Zone shall permit pedestrian-oriented commercial uses, mid-density residential uses in mixed-use properties, and community-type uses. Zone standards shall be flexible to promote infill development. Residential uses consisting of 12 or more dwelling units shall be permitted by site plan approval.

**Policy 3-49:** The Main Street Zone shall include design standards that regulate the appearance of buildings and site design of properties within the zone, aiming to promote pedestrian environments as well as a traditional look and rhythm of architecture typical for rural main streets.

**Policy 3-50:** Council shall, on the zoning map of the Land Use By-law, initially apply the Main Street Zone to lots abutting Highway 19 in the central sections of Mabou.

### 3.4.3 General Centre Zone

Communities in the Municipality of the County of Inverness are vibrant and eclectic, and often contain areas where a variety of commercial and residential property types occur within proximity of each other. Such areas can be found in Judique and Mabou. Where such a wide range of land uses currently co-exists without major conflicts, it becomes part of the community's character and should be embraced by corresponding planning rules. Such mixed areas offer opportunities for new businesses to settle and the economy to grow, while simultaneously reducing the need for driving due to the proximity of businesses and residences. Such areas are also suitable locations for development of multi-unit dwellings or grouped dwellings on individual lots.

Despite all the advantages of mixing different types of development, some land uses of higher intensity will need to be regulated to prevent overly disruptive land uses from interfering with regular functioning of these area. This refers primarily to land uses that generate significant vehicle traffic, such as gas stations or drive-through restaurants. Residential developments with more than six housing units fit into the same category. Mixed-use buildings are generally encouraged.

Commercial and larger residential development will also be guided by some basic design rules that will help with the visual appearance of such areas. Residential developments with more than 12 housing units will need to follow the development agreement procedure, mainly to ensure that they are not overstraining the municipal services in their immediate vicinity. Industrial uses do not fit the character of such areas and will not be permitted.

**Policy 3-51:** Council shall, through the Land Use By-law, establish the General Centre Zone. This zone is intended to accommodate a wide range of uses as they typically occur in community cores.

**Policy 3-52:** The General Centre Zone shall permit low to mid-density residential uses and commercial uses up to a reasonable threshold of intensity. Zone standards shall be flexible to promote infill development.

**Policy 3-53:** Council shall, through the Land Use By-law, permit automobile-oriented commercial uses, drive-through uses, and residential developments up to 12 units by site plan approval.

**Policy 3-54:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than 12 dwelling units in the General Centre Zone. When considering such developments, special considerations shall be given to the following:

- (a) landscaping, fencing or similar visual barriers shall be provided around structures, parking and open storage areas including garbage collection to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent;
- (b) where possible, vegetation on-site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas;
- (c) mature trees on the lot shall be preserved whenever possible;
- (d) Where a sidewalk, trail or similar walking paths are available nearby, the primary entrance(s) of all dwelling units shall be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.92 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers.
- (e) Other pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site.
- (f) Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict.
- (g) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (h) the proposal complies with the general development agreement approval policies of Section 6.4.

**Policy 3-55:** Council shall, on the zoning map of the Land Use By-law, initially apply the General Centre Zone as default to all areas that are not specifically suitable for any of the other zoning options within this designation.

#### 3.4.4 Residential Centre Zone

Some areas within serviced centres have over time become neighbourhoods of primarily residential character, such as the Birch Street Subdivision in Mabou. Where such clusters of housing have emerged, the range of permitted land uses needs to be narrowed down to prevent land use conflicts from emerging.

The Residential Centre Zone is, therefore, introduced, generally aiming to accommodate existing development forms; promote infill development; and enable and encourage the development of compact, walkable neighbourhoods on currently-undeveloped lands. Larger residential developments are needed by the housing market, but can have adverse impacts on a neighbourhood if they are poorly designed. Consequently, development with four to six units will be regulated by means of site plan approvals, while residential developments with more than six units will require a development agreement.

**Policy 3-56:** Council shall, through the Land Use By-law, establish the Residential Centre Zone.

**Policy 3-57:** Council shall apply the zone to serviced subdivisions of primarily residential character.

**Policy 3-58:** The Residential Centre Zone shall permit residential development up to three units per lot and a narrow range of commercial and community uses which seamlessly fit into a residential environment. Zone standards shall be flexible to promote infill Development. Residential developments with four to six units shall be permitted by site plan approval.

**Policy 3-59:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than six dwelling units or bed and breakfast establishments with six or more units in the Residential Centre Zone. When considering such developments, special considerations shall be given to the following:

- (a) that the bulk and massing of the buildings are architecturally broken up through a mix of stepbacks, setbacks, projections and recesses and similar visual elements in the building's facades to minimize the contrast between the building and its surroundings;
- (b) that the building features are reminiscent of traditional rural homes including but not limited to thick window mouldings, vertically oriented windows, porches or decks and similar features;
- (c) landscaping, fencing or similar visual barriers shall be provided around structures, parking and open storage areas including garbage collection to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent;
- (d) where possible, vegetation on-site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas;
- (e) mature trees on the lot shall be preserved whenever possible;
- (f) Where a sidewalk, trail or similar walking paths are available nearby, the primary entrance(s) of all dwelling units shall be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.92 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers;
- (g) Other pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site;
- (h) Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict;
- (i) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and,
- (j) the proposal complies with the general development agreement approval policies of Section 6.4.



### 3.4.5 Light Industrial Centre Zone

Serviced community centres often attract some industrial development such as light manufacturing and warehouses. These are generally welcome additions of employment and economic activity in the communities of Inverness County. However, many of the resulting land uses are too disruptive to be mixed into the general community fabric, and will therefore be regulated through a separate zone. To make optimal use of municipal infrastructure provided in serviced areas, the zone shall focus on small to medium lots which can accommodate a large number of businesses in a relatively small area.

**Policy 3-60:** Council shall, through the Land Use By-law, establish the Light Industrial Centre Zone. This zone is intended to accommodate light industrial development of limited intensity on small to medium lot sizes.

**Policy 3-61:** The Light Industrial Centre Zone shall permit light manufacturing and assembly, production facilities, service and maintenance shops, automobile sales, large retail establishments, recycling depots, storage, warehousing, and similar uses. Drive-through restaurants shall be permitted in the Light Industrial Centre Zone by site plan approval.

**Policy 3-62:** Within the Light Industrial Centre Zone, uses that have an increased potential of emitting noises and odours shall be restricted by special buffering requirements from non-industrial developments.

**Policy 3-63:** Council shall consider proposals to amend the maps of the Land Use By-law to rezone lands in the Serviced Centre Designation to the Light Industrial Centre Zone. Council shall not approve such a rezoning unless Council is satisfied that:

- (a) the property to be rezoned is not within the Main Street Zone or Residential Centre zone at the time of the proposal;
- (b) all standards and requirements of the Light Industrial Centre Zone are observed for the proposed development; and
- (c) the proposal meets the general criteria for amending the Land Use By-law, set out in Section 6.4.

### 3.4.6 Comprehensive Development District Zone

In some instances, planning cannot be effectively applied on a property-by-property basis, but instead requires a holistic approach for the redevelopment of an entire section of a community. These situations typically occur when abandoned properties are redeveloped or when large tracts of greenfield land are being proposed for development.

Such key sites can be pivotal to community life in serviced centres, and therefore require a close review of the site can integrate into the community in terms of land uses, transportation links, and public places.

**Policy 3-64:** Council shall, through the Land Use By-law, establish the Comprehensive Development District Zone.

**Policy 3-65:** Development within the Comprehensive Development District Zone shall only be permitted by development agreement. When considering entering into a development agreement for proposals in the Comprehensive Development District Zone, Council shall ensure:

- (a) The planned district provides a mix of land uses as appropriate to the location of the site. Where appropriate, this should include a variety of residential types and densities and a mix of commercial and community uses. Uses and densities beyond what is otherwise permitted in Serviced Centres may be considered.
- (b) The adequacy of existing and proposed active and public transportation and automobile distribution networks within and adjacent to the site, including the manner in which proposed roadways within the development are linked with streets of adjacent developments to provide for a cohesive, grid-like network of local and collector streets and active transportation infrastructure.
- (c) The development does not create the potential to landlock or reduce the ability to subdivide adjacent parcels.
- (d) The development provides for efficient pedestrian movement into, out of, and within the development, especially between commercial and residential neighbourhoods.
- (e) The adequacy of surface area of park land, which is to be transferred to the municipality through the subdivision process.
- (f) Appropriate phasing of the development relative to the distribution of the specific land uses and infrastructure within all or a portion of the site.

- (g) The development agreement contains appropriate architectural controls, site controls, and stormwater controls which create relative comfort and design of streets and buildings promoting a development conducive to active transportation, human-scaled developments, visual variety and interest for active transportation users.
- (h) The proposal complies with the general development agreement approval policies of Section 6.4.

**Policy 3-66:** Council may consider, for lands within the Serviced Centre Designation, requests to rezone lands to the Comprehensive Development District Zone provided Council is satisfied:

- (a) the area being considered meets a minimum area of three hectares;
- (b) the proposal cannot be accommodated through the standard permitting process or by rezoning to another zone or zones permitted within the Serviced Centre Designation; and,
- (c) the complexity, scale, or other characteristic of the proposal is such that Council believes the proposal would benefit from a public review process.

## 3.5 Conservation Designation

### 3.5.1 The Conservation Designation and Permitted Zones

The natural environment in the Municipality of the County of Inverness is not only a significant part of the cultural identity in the municipality, but it plays an important role in the ecological integrity and ecosystem and natural services that make the Municipality a spectacular place to live and visit. These areas include beaches, wetlands, coastal habitats, nature reserves, among many others. Although, in many instances, these areas are protected by provincial or federal laws, it is important for the Municipality to communicate the significance of these features. Council will protect ecologically and culturally sensitive and significant areas through the Conservation Designation of this Municipal Planning Strategy.

**Policy 3-67:** Council shall establish, on Schedule ['A'], the Future Land Use Map, the Conservation Designation. This designation shall be applied to areas of natural and cultural sensitivity and significance, such as large wetlands, protected beaches, and wilderness areas.

**Policy 3-68:** Council shall, on the maps of the Land Use By-law, permit the following zones in the Conservation Designation:

- (a) Conservation Zone.

### 3.5.2 The Conservation Zone

The Conservation Zone is intended to carry out the purpose of the Conservation District. Permitted land uses and development in the Conservation Zone will be very limited to minimize potential disturbances to environmentally or culturally sensitive and significant areas.

**Policy 3-69:** Council shall, through the Land Use By-law, establish the Conservation Zone. This land use zone is intended to protect environmentally and culturally sensitive and significant areas. Land uses permitted in the Conservation Zone shall be limited to low-impact recreational uses and uses dedicated to the scientific or cultural study of the conservation areas.

**Policy 3-70:** Council shall, on the zoning map of the Land Use By-law, apply the Conservation Zone to all lands within the Conservation Designation.

**Policy 3-71:** Council shall not permit an amendment to the maps of the Land Use By-law to rezone lands within the Conservation Zone without an amendment to this Plan.

## 3.6 Source Water Protection Designation

### 3.6.1 Source Water Protection Designation and Permitted Zones

Common to every resident and business in the municipality is the need for a source of clean drinking water. While much of the municipality derives its drinking water from on-site sources, such as wells or cisterns, several communities are serviced by the Municipality's drinking water system. These systems mostly rely on well heads that tap into local watersheds in order to supply drinking water to residents and businesses. Therefore, such watersheds need special protection mechanisms that lower the risk of contamination. For this reason, a mix of provincial and/or municipal source water protection regulations has been adopted in the following areas:

- Chéticamp (within Secondary Plan Area)
- Inverness (within Secondary Plan Area)
- Port Ban / South Cape Highlands
- Mabou
- Port Hood (within Secondary Plan Area)
- Judique
- Whycomomagh (within Secondary Plan Area)
- Melville / Crandall Road (part of Port Hawkesbury Watershed Protected Area Designation)

**Policy 3-72:** Council shall establish, on Schedule 'A', the Future Land Use Map, the Source Water Protection Designation. This designation shall be applied to all lands outside of Secondary Plan areas, which have been designated as source water protection areas in municipal or provincial by-laws or regulations, except for the area of the 'Port Hawkesbury Watershed Protected Water Area' designated under the Environment Act.

**Policy 3-73:** Council shall, on the maps of the Land Use By-law, permit the following zones in the Source Water Protection Designation:

- (a) Source Water Protection Zone

**Policy 3-74:** Council shall establish, on Schedule 'A', the Future Land Use Map, the Watershed Protection Designation. This designation shall be generally applied to the majority of lands within the 'Port Hawkesbury Watershed Protected Water Area' designated under the Environment Act, except for lands around 1721 Highway 4, on which a commercial use has previously been established.

**Policy 3-75:** Council shall, on the maps of the Land Use By-law, permit the following zones in the Watershed Protection Designation:

- (a) Watershed Protection Zone

### 3.6.2 Source Water Protection Zone

In order to ensure a long-term source of clean drinking water into the future, Council will establish the Source Water Protection Zone. This zone is intended to have strict land use controls to limit most types of development and to ensure that existing sources of drinking water are preserved. Additionally, although it is outside of the scope of this Municipal Planning Strategy, the Municipality supports the creation of watershed management plans and strategies for all of the Municipality's water supply areas to ensure they are protected for future generations.

**Policy 3-76:** Council shall, through the Land Use By-law, establish the Source Water Protection Zone. This zone is intended to protect and preserve existing municipal water supplies by limiting development and land uses to those that will not jeopardize the long-term use of these areas as sources of drinking water.

**Policy 3-77:** Council shall, on the zoning maps of the Land Use By-law, apply the Source Water Protection Zone to all lands within the Source Water Protection Designation, except for the lands within the 'Port Hawkesbury Watershed Protected Water Area Designation'.

### 3.6.3 Watershed Protection Zone

The Watershed Protection Zone is specifically created to mirror the Provincial Regulations of the 'Port Hawkesbury Watershed Protected Water Area Designation'. This designation covers a very large area just outside of the Town of Port Hawkesbury, where the Province prescribed a more lenient level of restrictions than in those of the Source Water Protection Zone. Related to municipal land use planning, the main requirement of this regulation under the Environment Act is the prohibition to create new roads.

**Policy 3-78:** Council shall, through the Land Use By-law, establish the Watershed Protection Zone. This zone is intended to protect and preserve this watershed in line with provincial requirements.

**Policy 3-79:** Council shall, on the zoning maps of the Land Use By-law, apply the Watershed Protection Zone to all lands within the 'Port Hawkesbury Watershed Protected Water Area Designation', except for the lands in proximity to PID#50006402.

**Policy 3-80:** Council shall prohibit the creation of any kind of public or private roads within the Watershed Protection Zone through the Subdivision By-law.

## 3.7 General Zones

The previous sections address land use “Designations”, which establish a framework for the types of land use zones that are permitted in various locations throughout the municipality. However, some land use zones, and the uses they permit, are applicable across the various types of communities in the municipality. This section of the Plan creates zones that are permitted in various Designations.

### 3.7.1 Fishing Zone

The Municipality of the County of Inverness boasts about 347 kilometres of maritime coastline on the Gulf of St. Lawrence and another 211 kilometres on the Bras d’Or Lakes. Unsurprisingly, the Municipality’s economy has therefore developed many fishery and marine-related land uses. There are several existing small-craft harbours that provide harbourage from many local fishers, including Baxter’s Cove, Little Judique Ponds, Mabou Harbour, Finlay Point, Margaree Harbour, Grand Etang and Pleasant Bay. Further harbours are located within Secondary Plan Areas of Chéticamp and Inverness. Inland marine-related uses, such as aquaculture, are also present. Often, these uses also include areas for manufacturing and processing related to marine uses, thus requiring a unique framework for land use planning. To ensure small craft harbours and their associated uses and other inland marine uses are protected, Council will establish the Fishing Zone.

**Policy 3-81:** Council shall, through the Land Use By-law, establish the Fishing Zone. This land use zone is intended to support fishing and marine uses in the rural, inland and coastal areas of the municipality.

**Policy 3-82:** The Fishing Zone shall permit a range of marine and fishing uses, including processing, manufacturing, and commercial and institutional uses directly related to fishing uses.

**Policy 3-83:** Council shall, on the zoning maps of the Land Use By-law, apply the Fishing Zone to existing small craft harbours marine-industrial uses along inland watercourse and water bodies and to fishery-related uses in the vicinity.



### 3.7.2 Parks and Open Space Zone

Parks and open space uses are often appropriate in many land use zones, and they can simply adopt the same land use zone as the surrounding lands. However, in instance when a park is a significant landmark or represents specific cultural or historic values, Council may wish to formally designate lands for parks and open space uses to clearly communicate the long-term intention of those lands. This applies for example to the West Mabou Beach or Marble Mountain Provincial Parks.

**Policy 3-84:** Council shall, through the Land Use By-law, establish the Parks and Open Space Zone to preserve land for parks and open space uses.

**Policy 3-85:** The lot standards within the Parks and Open Space Zone shall be flexible to accommodate a wide range of recreational uses.

### 3.7.3 Commercial Recreation Zone

Recreational pursuits are not only important in the daily lives of residents and community members, but they are increasingly becoming an integral part of the local economy in the municipality. Places like movie theatres, bowling alleys, and bingo halls are well-loved spaces in the communities, while golf courses, outdoor adventure businesses, and other outdoor commercial recreational assets cater to local use and use from visitors from across Nova Scotia and beyond.

Council intends to continue to enable and facilitate the growth of indoor and outdoor recreational uses across the municipality through the Commercial Recreation Zone. However, while uses such as campgrounds, RV parks, shooting ranges, and animal and car racing tracks may potentially benefit the community, they also could have negative impacts on neighbouring uses. For uses that have the potential to create land use conflicts, Council will require an additional level of oversight.

**Policy 3-86:** Council shall, through the Land Use By-law, establish the Commercial Recreation Zone, which is intended to permit indoor and outdoor commercial recreational uses, including, but not limited to, adventure parks, indoor car racing tracks, movie theatres, golf courses, and bowling alleys. Lot standards within the Commercial Recreation Zone shall be flexible in order to accommodate a range of indoor and outdoor recreational uses.

**Policy 3-87:** Council shall, through the Land Use By-law, permit campgrounds and RV parks within the Commercial Recreation Zone by Site Plan Approval, with evaluation criteria intended to limit impacts on surrounding uses.

**Policy 3-88:** Council shall consider entering into a development agreement to enable proposals for outdoor motor racing tracks, outdoor animal racing tracks, and shooting ranges, on lots 10,000 square metres or greater within the Commercial Recreation Zone, subject to the policies in 6.4.

### 3.7.4 Highway Commercial Zone

As a highly visited area of the province, the land along highways, and, in particular, at highway exits and interchanges can be excellent locations for commercial businesses that benefit from easy access to the highway system. These areas are often highly visible and integrated into the broader transportation network, meaning they can accommodate a range of uses that serve the travelling public. Council therefore wishes to preserve these areas for commercial uses or those that require direct access to the highway system, such as logistics or ambulance depots.

Outside of Secondary Plan Areas, no application for this type of zoning seems needed at present. However, Council envisions that this zone may be used for future intensifications around the Trans Canada Highway, potential construction of a Highway 104 bypass near Port Hawkesbury or in case of dissolving the Port Hastings or Whycomomagh Secondary Plan Areas.

**Policy 3-89:** Council shall, through the Land Use By-law, establish the Highway Commercial Zone, which is intended to be applied at major highway intersections to accommodate uses that cater to the travelling public or depend on direct access to the highway system.

**Policy 3-90:** Council may consider, through amendments to the Land Use By-law, requests to rezone lands to the Highway Commercial Zone within any designation, provided Council is satisfied that:

- (a) the property being considered is situated within 1 kilometre from the Trans Canada Highway or Highway 104;
- (b) landscaping, fencing or similar visual barriers shall be provided around structures, parking and open storage areas including garbage collection to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent;
- (c) Pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site;
- (d) Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict;
- (e) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and,
- (f) the proposal complies with the general development agreement approval policies of Section 6.4.

### 3.7.5 Institutional Zone

The municipality is supported by a strong foundation of institutional and community uses. Uses such as schools, hospitals, fire halls, Municipal Offices, and municipal recreation centres all serve a specific role in the ongoing function of the municipality and the day-to-day lives of residents and community members. Some smaller institutions may be similar in scale to other uses within a community, and will be permitted directly in other land use zones. However, larger institutions may require more thought, or Council may wish to specifically identify and communicate the intent of certain institutional lands. To support the ongoing function of these uses and to enable their future development, Council will establish the Institutional Zone.

**Policy 3-91:** Council shall, through the Land Use By-law, establish the Institutional Zone. This land use zone is intended to accommodate a wide range of community and institutional uses.

**Policy 3-92:** Council shall, through the Land Use By-law, permit residential uses with three or fewer dwelling units within the Institutional Zone.

**Policy 3-93:** Council shall consider entering into a development agreement to enable proposals for residential developments within the Institutional Zone, subject to the policies in Section 6.4.

## 4 Topic-specific Policies

### 4.1 General Development Policies

The land use designations and zones discussed in the previous chapter will provide a framework to guide and manage development in the municipality. They will recognize and address specific land use planning issues and challenges associated with certain areas. However, some issues and opportunities are shared among all areas of the municipality. These issues include signage, the regulation and buildings and lots, and non-conforming uses and structures.

#### 4.1.1 Regulation of Buildings and Lots

Land use planning can have a significant impact on the look and feel of a community, and fundamental to land use planning is the establishment of rules and regulations that influence the location and size of buildings on a lot and the size of new lots. In areas where lot sizes and buildings are smaller and where buildings are closer to each other, this helps to foster characteristics of a ‘town’ or ‘village’ setting. In these areas, residential and commercial densities are often higher, enabling greater access to services and amenities. Conversely, in areas where lot sizes are large and buildings are spaced out from one another, this is more suited for rural and lower-density areas of the municipality.

Lot size is also strongly correlated with the availability of central services such as municipal sewer and water. In these areas, it is particularly advantageous to smaller lot sizes to utilize municipal services most efficiently.

**Policy 4-1:** Council shall, through the Land Use By-law, regulate the size, location, and number of buildings on a lot in order to carry out the intent of each land use designation and land use zone.

**Policy 4-2:** Council shall, through the Land Use By-law and Subdivision By-law, regulate the size of newly created lots that are consistent with the intent of each land use designation and land use zone.

**Policy 4-3:** Council may, through the Land Use By-law, relax lot area and frontage requirements of existing undersized lots.

**Policy 4-4:** Council shall, through the Land Use By-law, limit the development of flag lots in the municipality, and Council shall establish regulations for flag lots legally existing on the date of this Plan’s adoption.

**Policy 4-5:** Council may, through the Land Use By-law, enable the development of existing undersized lots.

#### 4.1.2 Non-conforming Uses and Structures

When land use planning policy and regulations change, uses or structures that were once permitted may no longer be allowed under the new planning documents. Since there were no planning rules in the majority of the Municipality of the County of Inverness prior to this document, this could potentially affect a large number of properties. In such cases, existing uses and structures will therefore be granted 'legal non-conforming' status if they do not align with the rules that are implemented by this Plan and its associated Land Use By-law.

The *Municipal Government Act* guarantees certain protections for non-conforming uses and structures that were legally developed to ensure they can continue to operate and function. One of the provisions for non-conforming uses, however, is that once a use has ceased to operate for a period of six months, it loses its 'legal non-conforming' status. Similarly, the Act does not permit non-conforming structures to expand.

The Act also enables municipalities to relax these regulations. Council does not wish to establish undue hardships on property owners who developed in good faith, and intends to implement the following relaxations under the framework provided by the Act:

**Policy 4-6:** Council shall, through the Land Use By-law, extend the period before a non-conforming use is considered discontinued to 12 months, as enabled by the Municipal Government Act.

**Policy 4-7:** Council shall, through the Land Use By-law, permit the expansion of a non-conforming structure provided the expansion does not increase the non-conformity of the structure.

#### 4.1.3 Signage

Advertising signage plays an important role in the local economy of rural communities. Signage provides information to the travelling public about the services and amenities available in an area. Signage may be located on the lot on which the business is located or it may be placed many kilometres away from the site of the business as a means to attract potential customers and patrons. This dual approach is utilized to great effect in the municipality, especially as driving distances between destinations and population centres can be significant in magnitude.

However, just as signage is important for the local community and economy, when left unfettered and unregulated, it can result in 'sign pollution' which can result in negative impacts on the amenity and landscape. It can also result in derelict, and sometimes dangerous signs being left erected. Council supports a careful and balanced approach to advertising signage to ensure businesses can advertise their businesses while also maintaining and protecting the character of the municipality.

**Policy 4-8:** The type, size, and location and signs shall be regulated through the Land Use By-law to balance the need for advertising with the need to protect the quality of the community.

#### 4.1.4 Islands

A number of Islands are located throughout the Municipality, mostly to be found along the coast of the Bras d'Or Lakes. Because islands may have a unique shape or orientation, standard development rules established in the Land Use By-law may inadvertently preclude these areas from development. Council will relax development standards for islands to enable their use and development.

**Policy 4-9:** Council shall, through the Land Use By-law, relax lot frontage standards for islands in the Planning Area.



#### 4.1.5 Residential Development

Housing is one of the necessities of life. Access to affordable, appropriate, and safe housing is a need for every person living and wanting to live in the Municipality of the County of Inverness. However, with a housing market skewed towards single dwellings, limited new residential development occurring, and many homes in need of substantial repairs, there is a shortage of suitable housing options in the municipality.

Housing diversity not only includes different tenures of housing (e.g., renter versus owner), but it includes different styles (e.g., duplex versus triplex), sizes, and price points for people to choose from. Council is supportive of efforts that enable a growth in a diversity of the housing options that are available that align with the general development patterns across the Municipality.

**Policy 4-10:** Council shall, through the policies of this Municipal Planning Strategy and the regulations of the Land Use By-law, enable diversity in the form, scale, and location of housing that is permitted in the Municipality.

#### 4.1.6 Home Based Businesses

Where population densities are low—like that in the Municipality of the County of Inverness—the business case for traditional commercial development may not exist in many areas. However, home-based businesses offer homeowners and tenants the opportunity to develop and grow small-scale businesses while also helping provide their communities and neighbourhoods with many of the necessary day-to-day services like childcare and personal services. Home-based businesses also provide the venue for artisans to perfect their craft and build a customer base.

Council recognizes and supports home-based businesses and the benefits they bring to the community and municipality, but is aware that some home-based businesses can create challenges for neighboring uses. As such, Council supports establishing a two-tiered approach to home-based businesses:

- Level 1 Home-based Business: Small, limited home-based businesses, such as personal service shops or art galleries.
- Level 2 Home-based Business: Larger home-based providing a wider range of services appropriate to a rural context, such as small automobile repair garages.

**Policy 4-11:** Council shall, through the Land Use By-law, establish and permit a two-tiered approach to home-based businesses.

**Policy 4-12:** Level 1 home-based businesses shall be limited in their scope and use so as to align with the character of established, serviced neighbourhoods.

**Policy 4-13:** Level 2 home-based businesses shall be more permissive than Level 1 home-based businesses, including provisions that allow additional uses, outdoor storage and display, and larger floor areas. Level 2 home-based businesses shall be permitted in the Main Street Zone, General Centre Zone, Light Industrial Centre Zone, Hamlet Residential Zone, Hamlet Core Zone, Rural General Zone, Rural Commercial Zone, Agriculture Potential Zone, and the Lakeshore Zone.

**Policy 4-14:** The type, size, and signage, and other criteria for home-based businesses shall be established in the Land Use By-law to mitigate any potential impacts the home-based business has on surrounding uses.

#### 4.1.7 Residential Facilities and Small Options Homes

The diverse residents of the Municipality of the County of Inverness require housing options that support their needs. In some cases, this may include residential care or other forms of support to varying degrees. The spectrum of supportive housing can range from residential facilities offering 24/7 care for residents to small options homes where adults share a living arrangement supplemented by support workers. Council strongly believes in meeting the housing needs of all of the municipality's residents, and wants to ensure planning rules do not create barriers to supportive housing options.

**Policy 4-15:** Supportive housing options, such as small options homes and residential care facilities, shall be permitted, through the Land Use By-law, in all land use zones which permit residential uses to a similar scale.

## 4.2 Transportation

The municipality depends on a well-connected transportation system to move people and goods throughout the municipality and between the municipality and other areas of the world. Providing this infrastructure is a major responsibility for the Province, the Municipality, and, in some cases, private land owners. It is, therefore, important that this Plan's policies support an efficient, sustainable, transportation system.

### 4.2.1 Public Roads

Public roads are roads owned by a municipal, provincial, or federal government. They provide the primary transportation links between communities in the Municipality, and often also serve as the roads within neighbourhoods. As of 2022, the Municipality owns 36 kilometres of roads.

Since 1995, any new public road created through the process of subdivision becomes the responsibility of the Municipality. This creates a need for the Municipality to maintain these roads and to replace them when they reach end-of-life. It is in the Municipality's interest to ensure these roads are clustered within limited areas, where ongoing maintenance (such as snow clearing) is efficient and financially-sustainable. As a result, Council intends to limit where new public roads can be created through the subdivision process.

**Policy 4-16:** Council shall, through the Land Use By-law and Subdivision By-law, prohibit the creation of new public roads except within the Serviced Centre Designation and the Hamlet Designation.

### 4.2.2 Private Roads

Private roads are roads that are not owned by a municipal, provincial, or federal government. They enable development in areas where it would not be financially feasible to build roads to a public standard due to the low density of development. However, private roads can also come with challenges such as differences in maintenance expectations when they are shared by multiple people. As a result, Council believes that private roads should only be used in areas where there are few other feasible options.

Council also believes that private roads should be built to a basic minimum standard to ensure property owners can expect reasonable maintenance requirements and safe roadway widths to accommodate emergency vehicles and heavy equipment, such as construction material deliveries. As a result, Council has adopted road design standards within the Subdivision By-law.

**Policy 4-17:** Council shall, through the Land Use By-law, prohibit development on private roads within the Serviced Centre Designation, when the roads are created after this document came into effect.

#### 4.2.3 Sidewalks and Active Transportation

An effective network of sidewalks and other active transportation facilities, such as trails, provides important opportunities for recreation and for safe travel to services and other destinations. Some facilities are focused primarily on the recreational aspect, such as the Celtic Shores Coastal Trail, while others may be designed primarily to connect people from where they live to school, work, or places to shop. Council is very supportive of expanding the network of trails within the municipality, as well as the development of sidewalks in areas where the density of development is appropriate to support and utilize this infrastructure.

The easiest time to develop an effective active transportation network is at the outset of development. This allows for thoughtful connections to areas beyond the development, as well as reduced construction costs compared to later retrofit installations.

**Policy 4-18:** Council may, through the Subdivision By-law, require sidewalks on new public roads in the Serviced Centre Designation.

**Policy 4-19:** Council shall, through the Land Use By-law, permit trails as a land use in all zones.

**Policy 4-20:** Where development occurs in proximity to existing active transportation infrastructure, Council shall require connections to the network through the Land Use By-law.

#### 4.2.4 Parking

The provision of vehicle parking spaces as part of development can be important in order to avoid spillover of parking into neighbouring areas. However, the hard surfaces necessary for parking spaces can increase stormwater runoff, and too much parking can push buildings too far apart, making communities less attractive for pedestrians. Providing too much parking is also an unnecessary cost burden that is ultimately passed on to building tenants or customers.

**Policy 4-21:** Council shall, through the Land Use By-law, require the provision of parking spaces in the Serviced Centre Designation and Hamlet Designation, with the number of required parking spaces aimed at reducing the impact of the use on surrounding areas, rather than fully accommodating peak parking needs at all times.

**Policy 4-22:** Council shall, through the Land Use By-law, exempt development within the Main Street Zone from minimum parking requirements to promote compact development and land use efficiency.

#### 4.2.5 Electric Vehicle Charging

Electric vehicles are growing in popularity, which comes with the need to charge them. Unlike gasoline and diesel vehicles, much of the “fueling” for electric vehicles is expected to occur while the vehicle is otherwise parked at home, at work, or at destinations like restaurants and hotels. In addition, there is a growing network of “fast chargers” that provide charging during longer journeys, much like a traditional gas station. Planning rules in the municipality need to account for both of these approaches to charging.

**Policy 4-23:** Council shall, through the Land Use By-law, permit electric vehicle charging stations as an accessory use in all zones.

**Policy 4-24:** Council shall, through the Land Use By-law, permit electric vehicle charging stations as a main use in zones that prioritize commercial and industrial uses.

#### 4.2.6 Airports and Helipads

Fully designated airports are under federal jurisdiction and not subject to municipal planning. However, this planning exemption does not extend to private helipads. Regular take-offs and landings of helicopters can be extremely disruptive to an area and will therefore be regulated through development agreements, unless the helipad is customarily and normally incidental to the main use on the lot (e.g. in the case of a hospital).

**Policy 4-25:** Council shall consider entering into a development agreement to enable proposals for helipads which are not customarily and normally incidental to the main use on the lot in the Light Industrial Centre Zone, Rural General Zone, Rural Commercial Zone, Rural Industrial Zone, and Commercial Recreation Zone. When considering such proposals, Council shall have regard to:

- (a) Possibilities of unreasonable disruptions to the enjoyment of neighbouring properties;
- (b) Times of the day when operations are permitted;
- (c) the establishment of provisions for the safe storage of fuel; and
- (d) the policies of Section 6.4.

#### 4.2.7 Public Transit

Inverness County is supported by Strait Area Transit, a public transportation service that offers point-to-point transportation services in Richmond County, Inverness County, and the Town of Port Hawkesbury. Strait Area Transit also has a fixed route between the Town of Port Hawkesbury and the community of Inverness.

Council is supportive of public transit operations and will permit transit stops broadly throughout the municipality. Council also intends to consider the provision of appropriate transit facilities as part of any development conducted by development agreement, through the policies of Section 6.4.

**Policy 4-26:** Council shall, through the Land Use By-law, permit transit stops in all land use zones.

## 4.3 Servicing

### 4.3.1 Central Sewer

Sewage collection and treatment systems are among key services provided by a municipality to its residents. Based on the *Environment Act* and its related regulations, small lots for development generally cannot be subdivided unless there is a central sewage system in place. Sewage collection systems are essential to public health and safety where development densities exceed a threshold beyond the capacity of the local soils to treat the effluent from septic systems.

Central sewage systems have therefore a twofold role: on one hand they enable urban-style developments and concentrated, walkable land use patterns while on the other they ensure safe operation and living conditions in areas that already display these types of settlement patterns.

Consequently, they are a very crucial component of municipal infrastructure and need to be maintained and developed with appropriate care.

The following table shows the sewage collection systems operated by the Municipality, with sewer length data as of 2019:

	Length of Force Mains (m)	Length of Gravity Lines (m)	Total Network Length (m)
<b>Chéticamp</b>	4,000	3,095	<b>7,095</b>
<b>Inverness</b>	433	13,240	<b>13,673</b>
<b>Judique</b>		1,851	<b>1,851</b>
<b>Mabou</b>	920	7,151	<b>8,071</b>
<b>Hastings</b>	3,450	3,450	<b>6,900</b>
<b>Port Hood</b>	619	9,279	<b>9,898</b>
<b>Whycocomagh</b>	1,300	7,681	<b>8,981</b>

Several of the wastewater treatment plants for these communities have operated for a long time. During an infrastructure assessment conducted in 2019, three of the six wastewater treatments plants were recommended to be fully replaced. The Municipality will need to invest in repairs and upgrades to maintain the functionality of the plants in order to allow for orderly development and operations of concentrated land uses in the municipality.

Centralized sewage systems are a very expensive asset to maintain and operate and take up significant portions of the municipal budgets. Good utilization of central sewage systems should therefore be promoted through infill development while extensions of the network should only be considered if a clear need is demonstrated (i.e. a community need that goes beyond the benefit of individual property owners).

**Policy 4-27:** Council shall ensure proper and safe operation of the municipal wastewater collection and treatment systems.

**Policy 4-28:** It is the intention of Council to consider expansions to the existing sewer and water systems only to locations where a clear need is demonstrated which goes beyond the gain of individual property owners benefitting from such extension. Such need may include, but is not limited to, treating an environmental problem, enabling the development of a major economic initiative, or continuing a development pattern that is of sufficient density to sustainably finance the ongoing maintenance and capital costs of the system.



#### 4.3.2 Central Water

Some denser residential areas in the Municipality also run centralized water supply systems for local residents and businesses. These water supplies originate in municipal wells, from where the water is treated before distributed into the system. The following table shows the water supply systems operated by the Municipality, with water main data as of 2019:

	Length of network (m)
Chéticamp	4,835
Inverness	18,087
Judique	2,914
Mabou	7,603
Hastings	6,900
Port Hood	12,087
Whycomomagh	18,907

Similarly to the considerations about central wastewater systems, water supply systems need to be operated to high safety standards in line with the Environment Act and its related regulations. Another parallel to central wastewater systems is that these valuable assets should not be expanded into adjacent areas unless there is a clearly demonstrated need to do so.

**Policy 4-29:** Council shall ensure proper and safe operation of the municipal water treatment and distribution systems.

**Policy 4-30:** It is the intention of Council to consider expansions to the existing municipal water supply networks only when a clear need is demonstrated which goes beyond the gain of individual property owners benefitting from such extension. Such need may include, but is not limited to, treating a public health problem, enabling the development of a major economic initiative, or continuing a development pattern that is of sufficient density to sustainably finance the ongoing maintenance and capital costs of the system.

#### 4.3.3 On-site Services

Based on the provincial *Environment Act*, development lots that are not serviced by municipal wastewater collection have to be subdivided in accordance with the NS On-site Sewage Disposal Systems Regulations. These regulations set minimum lot sizes depending on prevalent soil conditions on the lot.

The provincial regulations under the *Environment Act* supersede any municipal lot size requirements, unless they are more stringent than the provincial requirement. Consequently, the development officer shall administer provincial on-site sewage disposal regulations when endorsing subdivision files for approval.

**Policy 4-31:** Council shall defer to the Provincial *Environment Act* and its regulations for rules on installation of on-site septic disposal systems.

#### 4.3.4 Solid Waste Facilities

The Municipality operates several facilities and services related to solid waste management. Among the facilities there is the Waste Management Facility in Kenloch which includes a landfill. Additionally, the Recycling Facility in Strathlorne is operating to serve municipal recycling needs.

Further to this, the municipality is also served by several Enviro Depots in Port Hood, Inverness and Chéticamp which operate as bottle exchange points.

Businesses are generally required to hire commercial operators for their garbage pickup needs. Residential properties are encouraged to manage their organic waste on-site.

**Policy 4-32:** Council shall consider, by development agreement, proposals for solid waste disposal sites within the Rural Industrial Zone, provided Council is satisfied the proposal:

- (a) will not have a negative impact on surrounding land uses;
- (b) has consideration for and mitigates any potential impacts to the natural environment;
- (c) has an adequate level of servicing, including, but not limited to, firefighting capacity, for the scale of the proposed use;
- (d) can be adequately scaled if future expansions are necessary;
- (e) supports the municipality's general approach to solid waste disposal; and
- (f) conforms to the policies of Section 6.4.

#### 4.3.5 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.

**Policy 4-33:** Council shall, through the Land Use By-law, permit public and private utilities, with the exception of electrical generation facilities, in all zones within the plan area.

## 4.4 Environmental Management

### 4.4.1 Shoreline Development

With 511 kilometres of coastal shoreline and countless lakes, rivers, and other watercourses, shoreline development is an important topic in the Municipality of the County of Inverness. While shorelines are particularly attractive places to develop, they are also sensitive to disturbance and can also present risks in terms of flooding and erosion.

The riparian area at the threshold of land and water is essential for the health of watercourses. It provides an important buffer that captures runoff and surface pollutants, and is essential habitat for many species. Many fish depend on riparian areas as a safe habitat for young to grow in the relative safety provided by riparian plants before moving to open water. While Council encourages landowners to keep the riparian area in its natural state, municipalities in Nova Scotia have very few tools to prevent landowners from clearing riparian areas. However, the Municipality can do its part by preventing development from locating too close to this important area.

Along coastal areas, damage to shoreline development from sea level rise, storm surge, and coastal erosion are also a concern. The Government of Nova Scotia has acted on developing a province-wide approach to development regulation in these areas through the passing of the *Coastal Protection Act* in 2019. As of 2022 that Act has not yet been implemented through regulations. However, it is expected that such regulations will include a minimum vertical elevation for development and provisions to consider the potential risks of shoreline erosion. In light of the forthcoming provincial regulations, Council has decided not to establish a separate set of municipal regulations.

**Policy 4-34:** Council shall, through the Land Use By-law, implement a minimum horizontal buffer between development and the ordinary high water mark of watercourses. Exceptions shall be made for uses and structures that functionally depend on access to the water, and for the relocation of existing structures within the buffer provided such relocation does not reduce the buffer size.

#### 4.4.2 Stormwater Management

Stormwater management is increasingly becoming a challenge for municipalities across Nova Scotia. With development often comes the conversion of natural lands to impermeable surfaces such as roads and buildings. Where precipitation could once infiltrate the surface into the water table, it now runs off of these impermeable surfaces in different directions until it's absorbed or is collected in a watercourse or water body. As climate change continues to shift climate and weather patterns, the municipality may face more frequent and severe precipitation events, exacerbating stormwater concerns. For these reasons, Council supports adopting strategies within its planning documents to reduce the impacts developments have on stormwater.

**Policy 4-35:** Council shall, through the Land Use By-law, require a landscaping plan and/or a stormwater management plan for proposals for large industrial and commercial developments to ensure the potential impacts of the proposal are limited and mitigated.

**Policy 4-36:** Council shall adopt storm water management related provisions in various Site Plan Approval and Development Agreement procedures.

## 4.5 Parks, Recreation, and Community Facilities

### 4.5.1 Park Dedication

As a predominantly rural community, many residents in the Municipality of the County of Inverness have their outdoor recreation needs met through private land or provincial and federal lands. However, the Municipality still has an important role to play through the provision of formal parkland in more developed areas, as well as trails and other forms of rural park infrastructure. In particular, residents have noted concerns about losing traditional access to the coast and other watercourses, and Council wishes to help preserve these accesses.

The *Municipal Government Act* enables municipalities to require land for public purposes (parkland) as part of the subdivision process. Council intends to implement these provisions, but wants to be strategic about where such lands are located, rather than ending up with small parcels of land in areas where they will not be publicly used or where park development and maintenance is difficult. As a result, Council will prioritize lands that provide public access to watercourses or comply with municipal recreation plans. In instances where a subdivision does not have the opportunity to provide these lands, Council will instead take a cash dedication to commit to acquiring and improving suitable lands in other areas, as enabled by the Act.

**Policy 4-37:** Council shall, through the Subdivision By-law, require the dedication of lands for public purposes as part of the subdivision process. Such dedication shall take the form of:

- (a) usable lands for public access to watercourses where the subdivision abuts a watercourse;
- (b) usable lands in areas identified in a recreation plan adopted by Council; or
- (c) cash-in-lieu otherwise.

#### 4.5.2 Recreational Vehicles

Recreational vehicles ('RVs') are a popular way to travel. Many property owners in the Municipality also use them as an alternative to a cottage building or as temporary accommodations while a cottage building is under construction. While RVs are technically vehicles, they share many characteristics with buildings, including requiring a cleared area on the land and enabling people to stay overnight for a long period of time. This can have an impact on the land and watercourses, as well as the density of people in an area. Council wishes to continue to enable people to use RVs for recreational accommodations, but wants to ensure large gatherings of RVs are properly sited within a campground designed for that purpose.

**Policy 4-38:** Council shall, through the Land Use By-law, include within the definition of "campground" the use of land for more than three RVs for the purpose of providing accommodations.



### 4.5.3 Community Facilities

The communities of the Municipality of the County of Inverness feature a range of community facilities, such as community halls, churches and other places of worship, and schools. These facilities lie at the heart of the municipality, providing essential opportunities for social interaction, recreation, and a strong community identity. Council is strongly supportive of these facilities, and intends to broadly permit them throughout the municipality, typically without requiring special zoning.

Council also recognizes that the role of community facilities changes, and occasionally a hall, church, or school will close. While the use may cease, the buildings the hosted these facilities remain as prominent landmarks within the community. Rather than see such buildings neglected, Council would like to see them given a new life in another way that benefits the community. Council will, therefore, consider proposals to utilize these buildings for other purposes.

**Policy 4-39:** Council shall, through the Land Use By-law, widely permit community facilities, with the type and scale of permitted facility tailored to intent of each land use zone.

**Policy 4-40:** Council shall consider entering into a development agreement to reuse former schools, community halls, places of worship, and other similar community facilities for uses not otherwise permitted in the applicable land use zone. When considering such developments, special considerations shall be given to the following:

- (a) proposal provides a community benefit such as, but not limited to, the provision of housing or the provision of a commercial space that provides opportunity for community to gather;
- (b) the proposed use will not, by its nature or by the controls placed upon it by the development agreement, impact surrounding uses due to noise, odour, or dust;
- (c) the proposal preserves and restores prominent aspects of the building; and
- (d) the proposal complies with the general development agreement policies of Section 6.4.

## 4.6 Energy

With the political, economic and ecological pressure to lessen dependence on fossil fuels for energy supply, communities throughout Atlantic Canada are looking at alternative sources of energy. The Government of Nova Scotia's Renewable Energy Regulations require that by 2030, 80% of the Province's electricity will come from renewable sources, including wind, biomass, tidal and solar power.

### 4.6.1 Solar Collectors

Solar collectors convert the energy of the sun to useable energy either in the form of electricity (solar photovoltaics) or heat (solar hot water or space heating). Their popularity is growing in Nova Scotia as a means for residents to produce renewable energy. The scalable nature of installations makes it possible to design systems well-tailored to the energy needs and financial means of a potential owner.

Solar collectors are also increasingly installed as commercial projects, selling electricity to the grid to supply the needs of all Nova Scotians.

Solar collectors typically have no moving parts and can be installed on existing structures, so are relatively unobtrusive beyond aesthetic preferences. Council wishes to support residents in providing renewable energy, so will widely permit solar collectors as an accessory use. Council also supports commercial-scale projects, but is aware of the potential for these projects to use large areas of land. In serviced areas this can result in the inefficient use of the valuable sewer or water services in the ground.

**Policy 4-41:** Council shall, through the Land Use By-law, permit solar collectors as an accessory use in all zones and shall provide an exemption from building height limits to enable solar collectors to be installed on top of buildings.

**Policy 4-42:** Council shall, through the Land Use By-law, permit solar collectors as a main use except in zones in the Serviced Centre Designation, Source Water Protection Zone, and Conservation Zone. Solar collectors as a main use in the Hamlet Centre Designation shall be limited in size.

#### 4.6.2 Wind Turbines

Wind energy is becoming an important and increasingly viable source of energy. In recent years, a number of wind turbine projects have been constructed throughout Nova Scotia, with several more under consideration currently. These facilities range from single turbines to “wind farms”, consisting of many turbines clustered together. According to the Canadian Renewable Energy Association, Canada had an installed capacity of 14,304 MW at the end of 2021, enough to power the equivalent of approximately 3.6 million homes and a number that will certainly increase in coming years. Along with construction of the turbines, some concerns have emerged, especially regarding visual and sound impacts on nearby residences.

For the Municipality’s land use planning purposes, there are two scales of wind turbine development. The larger turbines are often called ‘utility scale’ wind turbines, and they are designed to supply power commercially for Nova Scotia Power Inc. (NSPI). These turbines typically can reach 100 metres in height and are typically developed by companies that have agreements in place with NSPI for the sale of the electricity. Many turbine developments are stand-alone operations where there is only one turbine at a location, while others may be grouped into a larger “wind farm”. As of 2022, the Municipality of the County of Inverness is home to utility scale turbines in the Saint Rose Hills and Chéticamp Backlands.,

The size of the turbines refers to their nameplate capacity, which equals the electricity produced when the wind velocity results in the greatest conversion efficiency.

##### **Mini Wind Turbines**

Domestic scale turbines come in a variety of sizes, some producing as little as 50 watts of electricity to charge a battery, though most produce in the range of 1-10 kW of electricity. These turbines can be installed as stand-alone structures, or are quite often attached to the side wall or roof of a building.

The Canadian Wind Energy Association defines the smallest turbines, those producing less than 1 kW (1000 watts) as “mini wind turbines.” These mini turbines, which are available at some retail outlets in Canada, have little impact on surrounding properties. As such, Council believes they should be defined separately and do not need to be regulated as strictly. Council feels there is no need for a minimum lot size to be imposed for mini wind turbine construction and that the property line setbacks in place for other domestic scale turbines should suffice for these mini turbines.

**Policy 4-43:** Micro wind turbines shall be permitted where they satisfy the requirement of being an accessory use to a main use on a lot.

## Domestic Wind Turbines

Wind Turbines over 1 kW, are also being installed throughout the province. As the term implies, these turbines generate power primarily for private use by homes, farms and businesses. Many of these turbines are installed “behind the meter” and can substantially reduce or entirely replace power consumption from the grid. In addition, some domestic wind turbines have been constructed in remote areas not serviced by NSPI. Nova Scotia Power’s Enhanced Net Metering program also allows domestic turbines, generating 100 kilowatts or less, to be interconnected with the main utility and only draw from the provincial power grid when needed. Surplus energy generated by the turbine gets delivered to the provincial grid and the customer can credit that energy against any future use.

Council feels that domestic scale turbines should be set back from all property lines, in order to wholly contain the turbine on the lot if it were to fall. These setbacks would also help to protect neighbouring properties, particularly in densely populated areas, from the noise, visual impact or other environmental concerns that domestic scale turbines could produce. As Council feels that domestic scale turbines are not suitable for higher density residential areas, minimum lot sizes will also be imposed.

Council also recognizes that some domestic turbines are large enough to provide electricity to more than one household, and that residents may want to share the power generated by a turbine. As property line setbacks are used to protect neighbouring residences from potential impacts of domestic scale turbines, if neighbours wish to waive these setbacks in order to share the benefits of wind turbines, or for any other reason, Council feels it is reasonable that in site-specific circumstances the setbacks may be eliminated.

## Utility Scale Wind Turbines

Utility scale wind turbines shall be defined as those producing more than 100 kW of electricity, and Council expects most utility scale wind turbines to be much bigger than that, often in the range of 750 kW to 2 MW, since these turbines are intended to produce power to sell to NSPI. Given the size of the structures, as well as the significant infrastructure and capital required for construction and servicing, such developments often occur as wind farms.

Even a small increase in wind velocity has a great impact on energy produced, so location and design are very important. As of 2022, the largest wind farm in Nova Scotia is South Canoe in Lunenburg County, with a nameplate capacity of 102 megawatts of electricity (the output of one megawatt of wind power is enough electricity to power approximately 350 homes). The Province requires that wind turbines producing 2 megawatts or more undertake an environmental assessment. Federal requirements may also apply.

Turbine development locations will be regulated using setbacks, creating minimum separation distances that are intended to address concerns of noise, visual impact, environmental protection and other off-site impacts. While there is some disagreement between industrial, residential and environmental interests as to appropriate setbacks, Council believes this approach will provide for wind turbine development in the future and also provide a degree of protection to homeowners to continue the use of their residential property. Additionally, in order to protect water bodies and prevent erosion, turbines should be adequately set back from watercourses. Council believes that a greater setback from coastlines should be implemented given concerns relating to increased coastal erosion and storm surges due to projected sea level rises. Likewise, due to concerns about blade throw or ice throw, turbines should also be adequately set back from public roads.

**Policy 4-44:** Council shall throughout all designations of this Plan, notwithstanding uses permitted in each zone of the Land Use By-law, regulate the placement of utility-scale and domestic-scale wind turbines through the establishment of the wind resource overlay zones on the Wind Resource Zoning Map of the Land Use By-law.

### **General Resource Overlay Zone**

Overall, the Municipality of the County of Inverness is supportive of wind energy and believes that it is important that this source of energy be developed without jeopardizing the rights of their residents to fully enjoy their property and way of life. Council intends to provide for the development of wind turbines and to regulate them in such a way that other uses, especially residential development, will not be adversely affected. Council is aware that there will be no perfect solution acceptable to all residents and the developers of wind energy, but will strive to arrive at a reasonable balance in their approach to control future wind turbine development.

The setback requirements will not apply to future residential growth locating closely or relatively closely to existing turbines. Council's position is that homeowners who do so will be fully aware of the distance their residence will be to a turbine and will have accepted any adverse effects, if any, that the turbine may have on them. The same is true of future purchasers of these residences. Existing wind turbine development that does not meet the setback requirements will be allowed to continue as non-conforming structures, but an expansion resulting in further reduction of setbacks will not be permitted.

**Policy 4-45:** It shall be the policy of Council to establish, the General Resource Overlay Zone in the Land Use By-law. It shall be the policy of Council to permit within the General Resource Overlay Zone both domestic-scale and utility-scale wind turbines as of right and by way of development permit.

**Policy 4-46:** Council shall establish minimum lot size and setback requirements from all property lines for wind turbines in the General Resource Overlay Zone. Notwithstanding this minimum setback requirement, where a domestic scale wind turbine development is proposed on a lot where the immediately adjacent property is subject to a long term lease for the domestic wind turbine use, the setback requirement for the turbine from a property line shall not apply.

**Policy 4-47:** Council shall allow consenting landowners to waive setback requirements for domestic scale turbines.

**Policy 4-48:** Council shall define in the Land Use By-law “mini wind turbines” as domestic scale turbines with a nameplate capacity of less than 1 kilowatt (1000 watts). The intention of Council is that the minimum lot size requirements in the Land Use By-law be waived for “mini wind turbines”.

**Policy 4-49:** To protect from erosion, Council shall establish a setback for utility scale turbines from all watercourses, with a greater setback specified for coastal areas.

**Policy 4-50:** Council shall establish minimum setbacks from all public roads for utility scale turbines.

### **Utility-Scale Turbine Exclusion Overlay Zone**

Within Inverness County there are is a National Park, as well as many Provincial Wilderness Areas, Nature Reserves and a Heritage River. In keeping with the spirit of these protective designations, a Utility-Scale Turbine Exclusion Zone will be created, in order to provide these federally-designed and provincially-designated areas with additional protection from development pressures. Council may also elect to zone additional areas into the Utility-Scale Turbine Exclusion zone in order to protect views considered particularly important to a community for cultural reasons.

Domestic-scale turbines will still be permitted as-of-right in these areas, as they can a means of providing renewable energy to isolated locations, particularly any buildings required to assist in the management of these parks and protected areas.

**Policy 4-51:** It shall be the policy of Council to establish the Utility-Scale Turbine Exclusion Overlay Zone in the Land Use By-law. This zone shall be applied to lands that are federally-designated or provincially-designated as a park or protected area. Council may also elect to zone lands that provide or are a part of views that are significant culturally to a community.

**Policy 4-52:** Within the Utility-Scale Turbine Exclusion Overlay zone, it shall be the Policy of Council to permit domestic-scale and mini wind turbines with the same conditions as in the General Resource Overlay Zone, and to prohibit utility-scale wind turbines.

### Implementation of Wind Resource Overlay Zones

**Policy 4-53:** It shall be the policy of Council to consider changes to the wind resource overlay zones through amendment to the Land Use By-law subject to the Policies of Section 6.4.

#### 4.6.3 Other Energy Systems

Solar and wind are currently the main growth technologies for electrical energy in Nova Scotia. However, there are other technologies such as tidal power or geothermal power that may see new installations under certain site conditions. Projects owned and operated by the Municipality can be implemented without development permits.

In case of private sector project proponents, it is important for the Municipality to have a tool to consider other energy systems when such proposals arise. This policy is intentionally broad to enable consideration of technologies that may not yet be mature, or even invented yet. However, Council intends to take a close look at any such proposals through the development agreement process to ensure they are appropriate for the context in which they are proposed.

**Policy 4-54:** Council may implement municipal energy system projects without development permits.

**Policy 4-55:** Council shall consider entering into a development agreement to enable proposals for energy systems other than wind turbines and solar collectors in all use zones. When considering such developments, special considerations shall be given to the following:

- (a) the proposal is consistent with the intent of the land use zone in which it is proposed; and the proposal complies with the general development agreement policies of Section 6.4;

## 5 Secondary Plans

### 5.1 Introduction

This Municipal Planning Strategy applies to the entire area with the Municipality of the County of Inverness. However, there are a number of “Secondary Plans” that were previously developed in order to establish planning in specific areas of the Municipality, and continue to remain in effect today as standalone documents. In areas subject to existing Secondary Plans, it is Council’s intention to defer to these documents on matters of planning and development for all land uses and structures other than wind turbines.

Over time, as these Secondary Plans come up for review and renewal, it is Council’s intention to merge those documents into this Municipal Planning Strategy in order to take a cohesive and streamlined approach to planning throughout the Municipality. In doing so, some aspects of those Secondary Plans may continue to remain relevant and necessary, and will be integrated as sections within this Chapter.

Furthermore, Council may, in the future, wish to establish Secondary Plans for other areas of the Municipality in order to address specific planning issues relevant only to those areas. This Chapter will provide a home for those Secondary Plans.

### 5.2 Chéticamp Secondary Municipal Planning Strategy

The geographical environment of the Chéticamp Plan Area is characterized by two main features - the Cape Breton Highlands and the Gulf of St. Lawrence. Land within the Plan Area is generally characterized by gently rolling hills with slopes from three to eight percent.

Apart from the surrounding Highlands, Chéticamp Island is the second most important topographical feature of the Plan Area. This land form provides a sheltered harbour for the many fishing boats and pleasure crafts in the Plan Area. The Island also has some of the best soils for agriculture purposes and contains a provincial community pasture. A vast majority of the landholdings on the island is in public ownership and leased to private individuals for agriculture purposes (grazing and pasture).

**Policy 5-1:** Council shall, on Map ‘A’, the Future Land Use Map, identify the Chéticamp Secondary Plan Area.

**Policy 5-2:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the Chéticamp Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the Chéticamp Secondary Plan and associated Chéticamp Land Use By-law.



### 5.3 Inverness Secondary Municipal Planning Strategy

The Inverness Plan Area is dedicated to the Municipality's largest community with a rich history in mining and a strong presence of the tourist economy. The Plan Area encompasses all of the County's namesake community of Inverness and large sections of neighbouring communities such as Inverside, Strathlorne and Broad cove Banks. The greatest concentration of development is located along Central Ave, which serves as the commercial core of the community and runs along Central Avenue (Route 19). This artery contains a mix of commercial and residential land uses. Other major developments in the community include the Inverness Consolidated Memorial Hospital with its adjacent Invenrary Manor, a track for horse races, the Inverness Education Centre, a golf course and various other business and community buildings.

**Policy 5-3:** Council shall, on Map 'A', the Future Land Use Map, identify the Inverness Secondary Plan Area.

**Policy 5-4:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the Inverness Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the Inverness Secondary Plan and associated Inverness Land Use By-law.

## 5.4 Port Hastings Secondary Municipal Planning Strategy

Port Hastings and the surrounding area is located on the eastern shore of the Strait of Canso on Cape Breton Island immediately adjacent to the Canso Causeway which joins the island to mainland Nova Scotia. The Plan Area is therefore situated on the Trans Canada Highway, approximately 280 kilometres east of Halifax and 140 kilometres west of Sydney.

Apart from the core community of Port Hastings, other small communities located in the Plan Area include Lexington, New Town, Macdale and Pleasant Hill. The Port Hastings Plan Area is immediately adjacent to the Town of Port Hawkesbury and contains the Town's airport known as Allan J. MacEachen Airport (YPS). All lands within the boundaries of the Port Hastings Plan Area total approximately 11.33 square miles (29.46 square kilometres). Of this total area only approximately 2.33 square miles (6.06 square kilometres) is presently cleared for development. This estimate includes land uses such as residential, commercial, institutional, industrial, etc. along with agricultural and other cleared but undeveloped lands.

**Policy 5-5:** Council shall, on Map 'A', the Future Land Use Map, identify the Port Hastings Secondary Plan Area.

**Policy 5-6:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the Port Hastings Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the Port Hastings Secondary Plan and associated Port Hastings Land Use By-law.

## 5.5 Port Hood Secondary Municipal Planning Strategy

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

The Port Hood Planning Area is largely consistent with the boundaries of the former incorporated Town of Port Hood, and also includes the offshore islands of Port Hood Island and Henry Island.

**Policy 5-7:** Council shall, on Map 'X', the Future Land Use Map, identify the Port Hood Secondary Plan Area.

**Policy 5-8:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the Port Hood Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the Port Hood Secondary Plan and associated Port Hood Land Use By-law.

## 5.6 Whycomomagh Secondary Municipal Planning Strategy

The community of Whycomomagh is situated on the Trans Canada Highway, approximately 32 kilometres southwest of Baddeck at the head of St. Patrick's Channel. Nestled amid rolling hills, the community overlooks Whycomomagh Bay. A present-day observer would never suppose that this tranquil, naturally beautiful place was once a bustling centre for trade and industry. The Whycomomagh Plan Area encompasses all lands along the highway from the Provincial Park to We'koqma'q First Nation and along Whycomomagh-Mabou Road to Churchview.

**Policy 5-9:** Council shall, on Map 'X', the Future Land Use Map, identify the Whycomomagh Secondary Plan Area.

**Policy 5-10:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the Whycomomagh Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the Whycomomagh Secondary Plan and associated Whycomomagh Land Use By-law.

## 6 Implementation

### 6.1 Administration

Unlike most municipalities across Nova Scotia, the Municipality of the County of Inverness employs a regional and shared approach to land use planning. Land use planning policy and regulations are administered and implemented by the Eastern District Planning Commission, a regional planning authority, which provides planning, subdivision, and building inspection services for the Counties of Victoria, Richmond, Inverness, and Antigonish and the Towns of Port Hawkesbury and Antigonish.

Through this Municipal Planning Strategy, the Municipality and Eastern District Planning Commission set about implementing the vision, goals, and policies to manage land use and development. This Municipal Planning Strategy and its associated Land Use By-law are enabled consistent with the *Municipal Government Act*, as amended.

#### 6.1.1 Statements of Policy

The policies within this Municipal Planning Strategy establish Council's intention with respect to the management of land use and development in the Municipality. Statements of policy are denoted by the text "**Policy X-Y**", whereas "X" is replaced by the chapter number and "Y" by the appropriate sequential policy number.

In addition to the statements of policy, this Municipal Planning Strategy contains preamble, or descriptive text, before a set of policies. This preamble is used to help interpreted the intent of statements of policy, but it does not carry the same weight as the policy itself.

**Policy 6-1:** Policy statements of Council shall be denoted in this Plan with the text "**Policy #-#**", with the number signs (hash) replaced by the appropriate chapter number and sequential policy number, respectively.

**Policy 6-2:** Written content of this Municipal Planning Strategy not contained within a Policy statement of Council shall be regarded as a preamble. Preambles may be considered to interpret the intent of Policy statements of Council, but do not form a part of the Policy statement.

### 6.1.2 Effective Date and Repeal of Previous Strategies

**Policy 6-3:** This Municipal Planning Strategy and implementing Land Use By-law shall come into effect on the date that a notice is published in a newspaper, circulating in the municipality, informing the public that the planning documents are in effect.

**Policy 6-4:** The Municipal Planning Strategy for the County of Inverness Concerning the Regulation of Wind Turbine Development is hereby repealed.

### 6.1.3 Regional Cooperation

The development of this Municipal Planning Strategy included consultation with neighbouring municipalities. The Town of Port Hawkesbury, the Municipality of the County of Victoria and the Municipality of the County of Richmond were partners in the Plan Eastern Nova project and thus were integrated throughout the entire planning process. The project team, Eastern District Planning Commission, and representatives met multiple times to discuss areas of potential alignment between the two municipalities' planning documents.

Since future planning decisions made in the municipality can impact adjacent municipalities and communities, it is important the Municipality continue to support a cooperative approach where land use decisions could potentially impact adjacent municipalities. Council supports efforts to notify and consult neighbouring municipalities when considering amendments to this Municipal Planning Strategy and when adopting new municipal planning strategies in the future.

Although not a municipality, another significant community the Municipality must look to notify regarding planning decisions is the We'koqma'q First Nation. The community of We'koqma'q First Nation is approximately forty-four (44) kilometers north of the Canso Causeway. It is bordered by the Bras D'or Lake and a mountainous range known as Skye Mountain.

The Mi'kmaq were the first peoples to populate the shores of the lake. The area is rich in hunting and fishing grounds the landscape is tranquil and picturesque. We'koqma'q First Nation also co-manages the 'Malagawatch 4' lands situated on Boom Island and Big Harbour Island.

Council is supportive of integrating the We'koqma'q First Nation early into the planning process for Municipal Planning Strategy amendments and when the Municipality adopts new municipal planning strategies.

**Policy 6-5:** Council shall consult and engage with the We'koqma'q First Nation, Town of Port Hawkesbury, the Municipality of the County of Victoria and the Municipality of the County of Richmond when:

- (a) adopting a new municipal planning strategy to replace this one; or,
- (b) Considering amendments to this Municipal Planning Strategy which would affect lands that share a common boundary with either of these jurisdictions.

**Policy 6-6:** Council shall formally notify the We'koqma'q First Nation within 14 days of initiation of any non-housekeeping amendment to the Municipal Planning Strategy or the initiation of any process to adopt a fully revised plan document.

## 6.2 Land Use By-law and Subdivision By-law

### 6.2.1 Adoption

The land use policies in this Municipal Planning Strategy are primarily implemented through a Land Use By-law. This By-law sets out zones, the permitted uses for each zone, development standards for each zone and/or for certain types of uses, and the uses and circumstances for development by development agreement and site plan approval. In doing this, the By-law reflects the policies of the Municipal Planning Strategy. Council approves the Land Use By-law at the same time this Plan is approved.

The Subdivision By-law is another tool used by Council to implement this Plan. It sets out the requirements and processes for such things as subdividing land, creating streets, and providing recreational lands.

The Land Use By-law and Subdivision By-law are administered by one or more Development Officers appointed by Council of the Municipality of the County of Inverness. The Development Officer is responsible for issuing development permits in accordance with the By-law.

**Policy 6-7:** Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

**Policy 6-8:** Council shall appoint one or more Development Officers to administer the Land Use By-law and the Subdivision By-law and to issue and deny permits under the terms of these By-laws.

**Policy 6-9:** The Subdivision By-law shall:

- (a) apply to the whole of the Municipality;
- (b) ensure that any subdivision, with the exception of lots created using the variance provisions of Part 9 of the *Municipal Government Act*, conforms with the lot requirements contained in the Land Use By-law;
- (c) establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure;
- (d) contain provisions intended to ensure that lots are suitable for onsite sewage disposal where there is no central sewer system, as required per provincial regulations under the *Environment Act*;
- (e) contain provisions for dedicating land or an equivalent value for park, playground, and similar public purposes;
- (f) contain any other provisions needed to fulfill the intent of this Plan.



### 6.2.2 Variances

The *Municipal Government Act* gives the Development Officer the power to grant “variances” from the requirements of the Land Use By-law. This is intended to alleviate hardships where an irregular set of circumstances on a lot makes it unreasonably difficult to comply with the requirements of the By-law. The Act sets out the circumstances when such variances may be granted, the Land Use By-law provisions for which variances may be granted, and the process for granting such variances.

**Policy 6-10:** Council shall, in accordance with Section 235 of the *Municipal Government Act*, permit the Development Officer to vary:

- (a) the percentage of land that may be built upon;
- (b) the size or other requirements relating to setbacks;
- (c) lot frontage;
- (d) lot area;
- (e) location and number of parking spaces and loading spaces required;
- (f) ground area of a structure;
- (g) height of a structure;
- (h) floor area occupied by a home-based business; and/or
- (i) height and area of a sign for properties in the Highway Commercial Zone.

### 6.2.3 Amending the Land Use By-law

Council recognizes it cannot foresee all possible types of development that might be acceptable in the municipality in general, or on a specific piece of land. As such, there will be times when the Land Use By-law needs to be amended to accommodate a new development trend or specific development proposal.

Council also recognizes that it is possible to inadvertently make mapping errors in preparing the maps that accompanying this Plan and the Land Use By-law. Such errors do not reflect the policies in this Plan and thus will be corrected by By-law amendments.

**Policy 6-11:** Council shall amend the text of the Land Use By-law if the proposed amendment meets the general criteria set out in Subsection 6.4.1.

**Policy 6-12:** Council shall consider amendments to the maps of the Land Use By-law when the proposed zoning change is not specifically prohibited within this Plan and at least one of the following three conditions is true:

- (a) the proposed zone is enabled by this Plan for use within the same designation;
- (b) a non-conforming use appears to have been created by an inadvertent administrative oversight in the Municipal Planning Strategy and Land Use By-law preparation process, resulting in a property being zoned inconsistent with stated policies in this Plan; or,
- (c) notwithstanding the zones permitted within a designation, the land to be rezoned is not in the Source Water Protection Zone or Conservation Zone, is under 2 hectares in area and is adjacent to a designation that permits the proposed zone. For greater clarity, land that abuts a right-of-way, such as a street, trail or railway line, is considered to be adjacent to the designation on the other side of the right-of-way.

**Policy 6-13:** Council shall not amend the maps of the Land Use By-law if the lot and existing buildings do not meet the requirements of the proposed zone.

**Policy 6-14:** Council shall not amend the maps of the Land Use By-law unless Council is satisfied that:

- (a) the proposal meets the zone intent and any applicable zone placement criteria set out in policies, elsewhere in this Plan, applicable to the proposed zone; and
- (b) the proposed zone and the uses it permits meet the general criteria set out in Subsection 6.4.1.

## 6.3 Site Plan Approval and Development Agreements

Outside of the standard development permitting process (“as of right”), Council has other tools that enable a finer-grained level of management over a development. Two such tools are Site Plan Approval and Development Agreements.

### 6.3.1 Site Plan Approval

Site plan approval is a development process by which applicants must meet additional standards established and outlined in the Land Use By-law. The *Municipal Government Act* outlines what these additional requirements may pertain to, including where structures and parking is located on a lot, retention of vegetation, and the location of walkways. Uses that are enabled by the site plan approval process must be prescribed in this Municipal Planning Strategy. Unlike the “as of right” development process, the additional standards and requirements part of site plan approval are often qualitative, giving the Development Officer greater flexibility and the ability to negotiate with an applicant.

The Development Officer must be satisfied that the proposal meets the applicable standards, at which point a site plan approval is established and the Development Officer can issue development permits.

**Policy 6-15:** Council shall enable the use of the site plan approval process within the Land Use By-law as a tool to review developments that require additional oversight or management or where Council sees benefit in providing flexibility for land use proposals.

**Policy 6-16:** Council shall establish a notification area of 30 metres in the Serviced Centre Designation, 60 metres in the Hamlet Designation, and 100 metres in all other designations for the approval of a site plan approval.

### 6.3.2 Development Agreements

Development agreements are planning tools, enabled by the *Municipal Government Act*, that give Municipal Council a finer level of control over a proposed development. They are written legal documents between Municipal Council and the property owner and are registered upon the title of the land (the agreement does not cease if the land is sold or if the property owner dies).

Development agreements are intended to enable staff, Council, and the public to give input on aspects of a development that would otherwise not be permitted through the standards in the Land Use By-law. This allows the Municipality to holistically evaluate a proposal and implement measures to mitigate potential impacts that may arise.

Like uses enabled by site plan approval, the Municipal Planning Strategy must outline uses that are permitted by a development agreement.

**Policy 6-17:** Where enabled by the policies within this Municipal Planning Strategy, Council shall consider entering into a development agreement with an applicant to enable a proposed development.

**Policy 6-18:** A development agreement that has been approved by Council shall:

- (a) specify the development, expansion, alteration, or change permitted;
- (b) specify the conditions under which the development may, or may not, occur;
- (c) set terms and conditions by which Council may amend or terminate and discharge the agreement.

**Policy 6-19:** Council may specify conditions in the development agreement to bring the proposal into alignment with the enabling policy and general criteria set out in Subsection 6.4.1. Such conditions may include, but are not limited to:

- (a) servicing;
- (b) the type, location, and orientation of structures;
- (c) the architectural design of structures, including, but not limited to, bulk, scale, height, roof shape, building and cladding materials, and the shape and size and placement of doors and windows;
- (d) the provision of open space and amenities;
- (e) the type, size, and location of signage;
- (f) the type and orientation of exterior lighting;
- (g) management of solid waste, compost, and recycling;
- (h) pedestrian, bicycle, public transit, and vehicular circulation;
- (i) connections to existing or planned pedestrian, bicycle, and vehicular networks;
- (j) the location and number of bicycle and vehicular parking and loading spaces;
- (k) access for emergency vehicles;
- (l) the location and type of landscaping, including fences and other forms of screening;
- (m) stormwater management;
- (n) grading and erosion control;
- (o) the emission of noise, odour, light, liquids, gases, and dust;
- (p) the type of materials stored and/or sold on site;
- (q) hours of operation;
- (r) the phasing of development;
- (s) financial bonding for the construction and maintenance of components of the development, including, but not limited to, roads and landscaping;
- (t) mitigation measures for construction impacts;
- (u) time limits for the initiation and/or completion of development;
- (v) all other matters enabled in Section 227 of the Municipal Government Act.

## 6.4 General Criteria

### 6.4.1 Evaluating Land Use By-law Amendments and Development Agreement

Amendments to the Land Use By-law and the adoption of development agreements are processes that require careful thought. As such, Council has established a set of general criteria to consider when evaluating all Land Use By-law amendments and development agreement proposals.

**Policy 6-20:** Council shall not amend the Land Use By-law or enter into a development agreement unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Planning Strategy;
- (b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;
- (c) has regard for:
  - i. the ability of the Municipality to absorb public costs related to the proposal;
  - ii. impacts on existing drinking water supplies, both private and public;
  - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
  - iv. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
  - v. the adequacy of fire protection services and equipment;
  - vi. the adequacy and proximity of schools and other community facilities;
  - vii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
  - viii. Its impact on nearby watercourses wetlands, or watercourse and/or wetland alteration as regulated by the Environment Act;
  - ix. site-specific climate change risks such as threats of flooding;
  - x. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;

- xi. impacts on known habitat for species at risk;
- xii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way; and
- xiii. negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.

**Policy 6-21:** Council may, in addition to any other required information, require any or all of the following information, prepared by an appropriate qualified professional at the applicant's cost, and at a level sufficiently detailed to evaluate whether the criteria for amending the Land Use By-law or entering into a development agreement have been met:

- (a) a detailed site plan showing features such as, but not limited to:
  - i. topography;
  - ii. location and dimensions of existing and proposed property and/or unit lines;
  - iii. location of zoning boundaries;
  - iv. use, location, and dimensions of existing and proposed structures;
  - v. existing and proposed watercourses and wetlands;
  - vi. location of minimum coastal elevation;
  - vii. location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
  - viii. location and dimensions of driveways, parking lots, and parking spaces;
  - ix. type and amount of site clearing required, if any;
  - x. location of buffers;
  - xi. location and dimensions of existing and proposed parks and recreation lands, whether public or private;
  - xii. location of utilities;
  - xiii. development densities;
- (b) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
- (c) a site grading plan;
- (d) a landscaping plan;
- (e) a drainage and stormwater management plan;



- (f) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre- and post-development;
- (g) a traffic impact assessment that evaluates the ability of existing road, bicycle, and pedestrian networks to accommodate traffic generated by the proposed development;
- (h) a geotechnical study;
- (i) environmental studies, including, but not limited to, studies addressing Species at Risk, climate change, and environmental contamination;
- (j) a shadow study;
- (k) a wind study;
- (l) a vibration study; and
- (m) a noise study.

## 6.5 Monitoring, Reviewing, and Updating this Plan

Municipal Planning Strategies are not set in stone. They are meant to be flexible, ‘living’ documents that can adapt and change as circumstances change. Over the life of this Plan, it may need to be updated following reviews of the document or amended as issues, values, and opportunities change. In either case, a strong set of policies is required to guide decision-making when and how Council should facilitate reviews and updates to the document.

### 6.5.1 Municipal Planning Strategy Reviews

**Policy 6-22:** Within two years of the adoption of this Municipal Planning Strategy, Council shall initiate a ‘housekeeping’ review to identify errors, omissions, or ways to improve or streamline the Plan.

**Policy 6-23:** Within five years of the adoption of this Municipal Planning Strategy and every five years thereafter, Council shall complete a review of the Plan. The intent of this review is to identify emerging policy issues and gaps in the Plan and adopt new or modified Plan policies to address these issues and gaps.

**Policy 6-24:** Within 10 years of adopting this Municipal Planning Strategy, Council shall complete a comprehensive review of this Plan to conduct extensive public consultation; to review the policies and to update or replace component of the Plan.

### 6.5.2 Amendments to the Municipal Planning Strategy

**Policy 6-25:** Council may consider an amendment to this Municipal Planning Strategy when:

- (a) any policy intent is to be changed;
- (b) an amendment to the Land Use By-law or Subdivision By-law would conflict with any portion of the Municipal Planning Strategy; or
- (c) When this Municipal Planning Strategy is inconsistent with any Statements of Provincial Interest or Provincial Minimum Planning Requirements.

## 7 Schedules

### **Schedule 'A'** – Future Land Use Map