



PLAN  
RICHMOND  
COUNTY



# **Municipality of the County of Richmond**

## Draft Municipal Planning Strategy

June 17, 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 fundamentally impacts how residents and stakeholders experience their communities and helps build the community and future they want.

Land use planning, as one of the primary means to shape the future of communities, 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 to humans.

Land use planning is required under the *Municipal Government Act* (the “Act”). More importantly, it represents a significant tool for municipalities and communities to ensure their future is guided by a common vision. 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 across their municipalities.

Up until the formal adoption of this Municipal Planning Strategy and accompanying Land Use By-law, the Municipality of the County of Richmond did not have comprehensive land use planning—that is, there were areas of the municipality that were not subject to municipal land use policy and regulations. Areas such as Isle Madame, St. Peter’s, and Western Richmond (Port Tupper, Port Malcolm, and Port Richmond), all had land use planning before the adoption of this Plan, while areas including Irish Cove, Framboise, and L’Ardoise did not.

Land use planning is accomplished and implemented through a municipal planning strategy, sometimes referred to as an “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 establishes specific standards and rules for development. Together, the municipal planning strategy and land use by-law, along with the rules for subdivision, are the primary documents governing land use in the Municipality of the County of Richmond.

## 1.2 Community Context

The Municipality of the County of Richmond (“the Municipality” or “Richmond County”) is located in northeast Nova Scotia on Cape Breton Island and has a land area of approximately 1,240 square kilometres. The municipality, along with Cape Breton Regional Municipality, the Municipality of the County of Inverness, the Municipality of the County of Victoria, and the Town of Port Hawkesbury, make up the municipalities on Cape Breton Island. The land area of the municipality is made up of all the land within Richmond County, except the land of the Potlotek First Nation—a Mi'kmaw community located in Richmond County.

The Potlotek First Nation, which is also known as Chapel Island, is a Mi'kmaw community located along Highway 104, just over 10 kilometres northeast of St. Peter's, and along the shores of the Bras d'Or Lake. The 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.<sup>1</sup> The Potlotek First Nation is within the *Unama'kik* district of *Mi'kma'ki*. *Mi'kma'ki* was divided into seven districts, and the *Unama'kik* district makes up all of Cape Breton Island.

The Bras d'Or Lakes were significant for the Mi'kmaq people. They were not only the site of permanent summer villages where the Mi'kmaq could access a variety of fish and aquatic species, including cod, oyster, lobsters, eel, and gaspereau, but the lakes provided transportation routes to access other fishing and hunting grounds.<sup>2</sup> This area also holds deep spiritual significance to the Mi'kmaq. The island just off the Potlotek First Nation—Chapel Island or “Miniku”—was the main meeting place for the Mi'kmaw district chiefs who came from around *Mi'kma'ki* long before the arrival of European settlers.<sup>34</sup>

Today, the Potlotek First Nation is a community of over 500 people, and Chapel Island still holds significance to the Mi'kmaq people. Chapel Island continues to be the meeting place for the Grand Council, and the community hosts a gathering for the Feast of Saint Ann which draws Mi'kmaq people from all over Atlantic Canada.<sup>5</sup>

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<sup>1</sup> Cape Breton University. (n.d.). Historical Overview. Retrieved from <https://www.cbu.ca/indigenous-affairs/mikmaq-resource-centre/mikmaq-resource-guide/historical-overview/>

<sup>2</sup> Atlantic Policy Congress. (n.d.). Potlotek First Nation. Retrieved from [https://www.apcfc.ca/wp-content/uploads/2020/06/potlotek\\_first\\_nation\\_article.pdf](https://www.apcfc.ca/wp-content/uploads/2020/06/potlotek_first_nation_article.pdf)

<sup>3</sup> Atlantic Policy Congress. (n.d.). Potlotek First Nation. Retrieved from [https://www.apcfc.ca/wp-content/uploads/2020/06/potlotek\\_first\\_nation\\_article.pdf](https://www.apcfc.ca/wp-content/uploads/2020/06/potlotek_first_nation_article.pdf)

<sup>4</sup> Government of Nova Scotia. (n.d.). Lieutenant Governor Community Spirit Award Nomination: Potlotek First Nation Community. Retrieved from [https://cch.novascotia.ca/sites/default/files/inline/igcsa\\_2019\\_application\\_-\\_potlotek\\_first\\_nation.pdf](https://cch.novascotia.ca/sites/default/files/inline/igcsa_2019_application_-_potlotek_first_nation.pdf)

<sup>5</sup> Government of Canada. (n.d.). Chapel Island National Historic Site of Canada. Retrieved from [https://www.pc.gc.ca/apps/dfhd/page\\_nhs\\_eng.aspx?id=10184](https://www.pc.gc.ca/apps/dfhd/page_nhs_eng.aspx?id=10184)

There is a great diversity of land uses in the municipality, though the municipality's connection and access to the water have had an overwhelming impact on how land is used and how development has occurred. Richmond County shares a border with the Atlantic Ocean on its eastern and southern borders, while the Bras d'Or Lakes are the dominating physical feature in the municipality's interior. Land uses and the economy developed around the fishery and access to the marine environment in Richmond—influencing the growth of centres such as Arichat, Louisdale, and St. Peter's. These population centres have maintained their significance, and today represent the major commercial and retail centres in Richmond County, with much of the remainder of the population dispersed across the significantly large land area.

The Municipality of the County of Richmond, by a measure of population density, is very rural. There are approximately seven 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 8,509 people, up 0.6% from 8,458 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's population declined by as much as 20 percent between 1996 and 2016, a loss of over 2,000 people.

In addition to trends that have largely meant a declining population, the municipality's population is aging. Between 2006 and 2016, the average median age in the municipality increased from 48.1 years to 54.5 years. The municipality experienced significant growth in residents aged 65 to 84 (32.1%) while at the same time, seeing a decrease in the number of 0 to 19-year-olds (27.7%) and 20 to 64-year-olds (15.3%). These population trends are important to consider as the Municipality plans for future growth and how Richmond County should respond to changing demographic circumstances.

Because of the municipality's rural nature, central services are limited in Richmond County to a few population hubs. While exact population counts are not available, Arichat, St. Peter's, and Louisdale are the primary population and service centres in Richmond County—conditions that largely coincide with the presence of central water and sewer services. Central water and sewer services are available in these areas, but the remainder of properties in the municipality typically rely on onsite wells, cisterns, and septic fields for drinking water and sewage disposal.

Despite a limited sewer and water service network, the municipality has a comprehensive network of roads and streets that enables people and goods to move within and beyond Richmond's boundary. The municipality is bisected by Nova Scotia's highway system—particularly, Highway 104 and Highway 4 which run centrally through the municipality, though Highway 104 terminates at St. Peter's. The remainder of the municipality can be accessed through 200- and 300- series roadways and local roads.

### **1.2.1 Governance**

The Municipality of the County of Richmond was incorporated as a municipality in 1879, and the municipality is governed by the Municipal Council, which is made up of five district councillors, including the Warden. The municipality is divided up into five districts, each of which elects a member of the Council. The five elected members then select from among them who will be the Warden.



### 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 Richmond:

- 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 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 Richmond, and this is reflected in the Statement of Provincial Interest Regarding Drinking Water. In the municipality, there are several public drinking water systems. 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. Drinking water comes from both surface water and groundwater sources, and municipal drinking water systems serve communities including Louisdale, Arichat, and Evanston. This 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 the development of land does not impact these as future sources of drinking water.

**Applicable Policies:** Policies 3-70 to 3-74.

### **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 Richmond; however, Council recognizes the intent of this Statement of Provincial Interest and has adopted watercourse setbacks along all watercourses and waterbodies in the municipality to prevent development in areas that could represent a risk. The Municipality will also target “upstream” causes of flooding by requiring a landscaping plan and/or a stormwater management plan for large commercial and industrial developments.

**Applicable Policies:** Policy 4-35 and Policy 4-36.

### **1.3.3 Statement of Provincial Interest Regarding Agricultural Land**

The Statement of Provincial Interest Regarding Agricultural Land specifically aims to protect land with soils classified as Class 2, Class 3, or Active Class 4 under the Canada Land Inventory. In order to meet the intent of this Statement of Provincial Interest, Council has identified and zoned lands classified as Class 2, 3, and active 4 as the Agriculture Potential Zone, with the exception of lands that accommodate, or have the potential to accommodate, denser forms of development. The provisions of this land use zone not only prioritize agricultural land uses, but it prevents potentially disruptive land uses that could impact the quality of these areas.

**Applicable Policies:** Policies 3-18 to 3-22.

### **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 denser growth in areas of the municipality that contain municipal water and sewer systems. The structure used in this plan also places limits on where services can be expanded to prevent unwanted development of municipal services.

**Applicable Policies:** Policy 3-1, Policies 3-40 to 3-64, Policy 4-29, and Policy 4-31.

### 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 the 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.

**Applicable Policies:** Policy 3-8, Policy 3-9, Policy 3-12, Policy 3-19, Policy 3-22, Policy 3-24, Policy 3-32, Policy 3-33, Policy 3-36, Policy 3-39, Policy 3-48, Policy 3-51, Policy 3-52, Policy 3-53, Policy 3-56, Policy 3-57, Policy 3-63, Policy 3-85, Policy 3-86, Policy 4-10, and Policy 4-15.

## **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 Richmond 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:

- “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.

### **1.4.2 Secondary Plan Areas**

This Municipal Planning Strategy is the overarching planning document for the Municipality of the County of Richmond. However, some areas of the municipality are currently planned through detailed “Secondary Municipal Planning Strategies” – standalone documents that include a full suite of policies and supporting contextual information for those areas. Over time, as these Secondary Municipal Planning Strategies come up for renewal they may be rolled into this Municipal Planning Strategy.

The result of this structure is that this Municipal Planning Strategy provides overall context for the entire municipality, while also serving as the primary planning document for the previously-unplanned areas. At this time, the detailed policies of this plan will apply to those previously-unplanned areas, while policies specific to other areas are found within the Secondary Municipal Planning Strategies. Therefore, the contents of this Municipal Planning Strategy are not always comprehensive in the sense of providing detailed information about all areas of the Municipality of the County of Richmond.

## 2 Plan Process

### 2.1 Plan Inception and Plan Development

The creation of the Municipality of County of Richmond’s Municipal Planning Strategy and Land Use By-law, a project called “Plan Richmond”, was initiated by the Municipality in September 2021. Plan Richmond County was part of a larger project called “Plan Eastern Nova,” a joint effort between the county municipalities of Antigonish, Inverness, Richmond, and Victoria to establish municipal planning strategies and land use by-laws for each respective municipality. Plan Richmond originated from legislative changes by the Province of Nova Scotia that required all land in the province to be the subject of municipal 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 had to 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. Beyond this, some parts of the Municipality of Richmond’s land area were subject to detailed municipal planning, through “secondary plans”. This included the Village of St. Peter’s, Isle Madame, and Central Richmond. This Municipal Planning Strategy replaces the Wind Turbine Development Municipal Planning Strategy as the overarching planning document for the Municipality, and it also replaces the Shannon Lake Municipal Planning Strategy and the Sporting Mountain Municipal Planning Strategy, while the other secondary plans remain. These ‘secondary plans’ are described in more detail in Chapter 5 of this Plan.

The Municipality of the County of Richmond’s Municipal Planning Strategy and Land Use By-law were created through a multi-step process that involved significant background research, public consultation, and policy and regulatory development. The background research involved conducting demographic, socio-economic, and spatial analyses to understand how the municipality has changed and what the current state of land use was. Background documents, including the background report, were distributed to residents and community members interested in the planning process and guided the plan development process.

## 2.2 Public Engagement

### 2.2.1 Initial Engagement

The initial public engagement for Plan Richmond County took place between November 2021 and February 2022. Taking place during the COVID-19 Pandemic, engagement included both online and in-person consultations to enable a wide spectrum of input. 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 five open houses held in the Municipality of the County of Richmond in the following locations:

- Louisdale,
- Arichat,
- River Bourgeois,
- St. George's Channel, and
- L'Ardoise.

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 from residents and community members 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 community visioning workbook was developed which was designed to help individuals, families, friends, and organizations to share their vision for the future of their community. Individuals or groups of individuals could fill out the workbook and submit their responses to the planning team.

The results from the initial phase of engagement were summarized in a brief 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 Richmond County. During the initial phase, several key issues emerged based on the feedback of stakeholders.

### **2.3.1 The Environment**

The environment was a major topic of discussion during the initial phase of engagement for Plan Richmond County. The Municipality of the County of Richmond is situated in a remarkably beautiful natural environment, and residents and community members are deeply connected to the landscape and environment. Perhaps most significantly, access to and the quality of water were frequently cited as concerns during the initial phase of engagement. Respondents noted their concern for development that impacted the quality of lakes, rivers, and streams in the municipality, with a particular note for the Bras d'Or Lakes. Generally, respondents wished to see a balance between permitting development and providing controls that protected the natural environment.

### **2.3.2 Housing**

Access to affordable, adequate, and safe housing was often cited as a challenge in Richmond County. Many engagement respondents noted that their current housing situation was inadequate, and both renters and owners often cited that their homes needed major repairs. Another issue relevant to both renters and owners was the need to access services by automobiles which meant more of a household's time and income was being spent on accessing services and amenities. Finally, for renters, respondents noted there was a shortage of rental options in the municipality. Respondents wanted to see a greater diversity and options available for housing in the municipality.

### **2.3.3 Services, Amenities, and Infrastructure**

Respondents during the initial phase of engagement revealed one of the greatest challenges in the municipality was access to services and quality of infrastructure. The quality of roads, access to healthcare, and lack of retail services were frequently mentioned by respondents. 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.



#### **2.3.4 Economic Development and Demographic Challenges**

Many respondents noted that there are opportunities for tourism-based services to help bolster the economy; however, many respondents felt that issues related to housing and services were integrated—a lack of housing options and employment opportunities impact the ability to live and work in Richmond County. Respondents hoped to see more employment opportunities meant for youth and young families to help attract and retain people in their communities. The municipality has seen a drastic reduction and ageing of its population which left many respondents questioning how the municipality will continue to grow.

#### **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 and areas of the municipality that did not meet provincial land use standards. Several respondents and community members in the Municipality of the County of Richmond 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 and development that is in keeping with the character of individual communities.

## 3 Land Use Designations and Zones

### 3.1 Community Structure

From Point Tupper to Fourchu, and everything in-between, the Municipality of the County of Richmond has a diverse landscape, with each community holding its own unique identity, scale, and character. Local history, topography, and economies, among many other factors, help to shape the form, function, and identity of communities across the municipality. However, despite this diversity, 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.

#### 3.1.1 Rural Areas

Much of the land area within the Municipality is rural in nature. These areas are characterized by natural areas, resource-based development, vacant lots and crown land, and larger recreational areas. Many of the Municipality's residents call the Rural Areas home, although residential densities tend to be lower than can 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 several 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 L'Ardoise and River Bourgeois.

#### 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:

- Louisdale
- Sampsonville and French Cove

## 3.2 Rural Designation

### 3.2.1 The Rural Designation and Permitted Zones

The varying, unique landscape of the Municipality of the County of Richmond has been vital in shaping the history, culture, and economy of the community. 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 municipality's economy, 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. These land uses are often 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 these rural areas. 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:

- (a) Parks and Open Space Zone.
- (b) Institutional Zone.
- (c) Commercial Recreation Zone.
- (d) Fishing Zone.
- (e) 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**

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 extraction sites. Because of the rural nature of the municipality, these types of uses are expected to take place here.

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 4 and St. Peter's Fourchu Road, 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 parking areas are planned 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; and
- (c) the proposal complies with the general development agreement approval policies of Section 6.3.2 of this Plan.

**Policy 3-10:** The Rural General Zone shall be applied on the zoning map of the Land Use By-law to those areas of the municipality which support resource-based uses, low-density development, or are undeveloped, and which have not been identified as possessing significant agricultural potential.

### **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, such as Louisdale and Arichat, 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 accommodations, automobile service stations, or restaurants are necessary outside of the “hub” communities of the municipality. 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 on lots 10,000 square metres or greater within the Rural Industrial Zone, subject to the policies of Section 6.3.2 of this Plan.



### 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). The Municipality of the County of Richmond does not have a significant amount of high-quality, arable land, though there are areas with soils capable of supporting agriculture. The areas south of Sporting Mountain and the most western areas along the Bras d'Or Lakes contain Class 3 soils in the municipality.

However, 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 very poor soils.

Council recognizes the importance of agriculture to the Municipality 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 well-established agricultural areas that are not located on "good" 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 other uses but directing such development 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 Class 2, Class 3, and active Class 4 soils in the municipality as identified in the Canada Land Inventory, as well as well-established agricultural areas that are not located on good soils.

**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 [adoption date], 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 6.3.2 of this Plan.

### **3.2.6 Lakeshore Zone**

Lakes are a prominent feature of the landscape in the Municipality of the County of Richmond. Loch Lamond and Five Island Lake are but two of the many lakes within the municipality that are vital to the natural landscape and cultural identity of residents and community members. The 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 quality of these areas and the integrity of the plants and animal species that rely on lakes for their habitat.

While Council generally supports development in the rural, lakeside areas of the municipality, it 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, 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 development, or those that have the potential for development, such as lakes that are close to existing roads or population centres.

**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 applied on the zoning map of the Land Use By-law to Loch Lamond, Five Island Lake, and other lakes within the Municipality which are subject to development or those that have the potential for development.

### 3.3 Hamlet Designation

#### 3.3.1 The Hamlet Designation and Permitted Zones

While much of Richmond County is rural, there are a few, 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. L’Ardoise is an excellent example of a hamlet in Richmond County—the community was formed around the fishing industry, and today, the working wharf is supported by many other shops and institutions that serve the local community and surrounding areas. While these communities do not feature central water or sewer, they may feature other forms of infrastructure, such as sidewalks.

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.
- (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, 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.
- (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 Richmond County'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, popular outdoor recreation opportunities (like beaches), or commercial and resource-based industries such as fishing. 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 dwellings 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 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 6.3.2 of this Plan.

**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 resource 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 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—especially municipal water and sewer—is a particularly defining factor for the character of a community and the appropriateness of land uses. In communities where the municipality has provided water and sewer services, lot sizes have generally become smaller, and buildings spaced closer together. These serviced communities often have a denser network of streets and amenities, including commercial shops and restaurants.

Because these serviced communities have resulted in a concentration of residents, jobs, and amenities, more detailed planning rules are needed compared to the rural areas of the municipality. The proximity of people and businesses in serviced centres means there is a higher likelihood of land use conflicts between incompatible property types. There is also a higher chance that without land use planning, land uses could be developed that simply do not fit the character of a community.

Serviced centres, like Louisdale, St. Peter’s, and Arichat, also have particular significance to municipalities as they have large amounts of public investment directed to them for infrastructure development. Water treatment plants and waste water treatment facilities are extremely valuable assets for municipalities, and so too are the water and sewer lines that connect these facilities to residents and businesses. However, the installation and maintenance of these assets require significant initial and ongoing investments to ensure they serve the community. It is in the public’s and municipality’s best interest to promote development in serviced areas that occur 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 the 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 solutions can only be realistically achieved by increasing residential densities, which is unlikely to be practically workable 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

the preservation of a community's existing character and the introduction of more sustainable housing forms, which will be sought by various multiple-unit-related policies in 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.
- (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:

- (a) Parks and Open Space Zone.
- (b) 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**

Historic development patterns in rural centres have traditionally resulted in the establishment of a ‘main street’ in these communities. Often the focal point of rural centres, these main streets have transformed over time, but still play a vital role in community life and the provision of services and amenities for residents and visitors to these communities. Main streets are typically defined by the proximity of businesses to one another, narrow streets (usually because they were originally developed when horses were the main form of transportation), and small to medium-sized mixed use buildings. Because of their visual distinctiveness, residents and community members share a deep connection to main streets, and, therefore, it is important to promote growth and development that accentuates and strengthens these areas.

It is the inviting design and historic nature of main streets that make them pleasant for locals and visitors, and this makes them ideal locations for commercial businesses and establishments. These areas, because of their centrality in a community, also make them a suitable location for denser forms of housing which can help with housing affordability 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 Main Street 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 over 12 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.

### **3.4.3 General Centre Zone**

Communities in Richmond County are vibrant and eclectic, and often contain areas where a variety of commercial and residential property types occur in close proximity to each other. Such areas can be found in Louisdale, St. Peter's, and Arichat. Where such a wide range of land uses currently co-exist 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 how surrounding areas function. Developments that generate large amounts of customer traffic, such as gas stations, drive-throughs, car washes, or larger residential developments, require additional planning attention to ensure they do not negatively impact neighbouring uses.

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 3-50:** 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 the community cores of Louisdale and other centres.

**Policy 3-51:** 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 3-52:** Council shall, through the Land Use By-law, permit automobile-oriented commercial uses, drive-through uses, and residential developments between seven and 12 dwelling units in the General Centre Zone by site plan approval.

**Policy 3-53:** 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) 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; and
- (c) the proposal complies with the general development agreement approval policies of Section 6.3.2 of this Plan.

**Policy 3-54:** 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. These areas maintain a relatively compact, but lower-density form of development. 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 3-55:** Council shall, through the Land Use By-law, establish the Residential Centre Zone.

**Policy 3-56:** 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 development with four to six dwelling units shall be permitted by site plan approval.

**Policy 3-57:** 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) that parking areas are planned and landscaped in a way that they do not create adverse effects on neighbouring properties;
- (d) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (e) the proposal complies with the general development agreement approval policies of Section 6.3.2 of this Plan.

### **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 Richmond 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 land use zone. To make optimal use of municipal infrastructure provided in serviced areas, the zone shall focus on small to medium lots which can accommodate many businesses in a relatively small area.

**Policy 3-58:** 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 3-59:** 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 3-60:** 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 3-61:** 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:

- (a) that the property to be rezoned is not within the Main Street Zone or Residential Centre Zone at the time of the proposal;
- (b) that all standards of the Light Industrial Centre Zone are observed for the proposed development; and
- (c) that the proposal meets the general criteria for amending the Land Use By-law, set out in the policies of Section 6.3.2 of this Plan.

### 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 large, abandoned properties are redeveloped or when undeveloped land is 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 3-62:** Council shall, through the Land Use By-law, establish the Comprehensive Development District Zone.

**Policy 3-63:** 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 6.3.2 of this Plan.

**Policy 3-64:** 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 Richmond is not only a significant part of the cultural identity of the municipality, but it plays an important role in the ecological integrity and ecosystem and natural services that make Richmond County a spectacular place to live and visit. These areas include beaches, wetlands, coastal habitats, and 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 3-65:** 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 3-66:** 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 3-67:** 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 3-68:** Council shall, on the zoning map of the Land Use By-law, apply the Conservation Zone to all lands within the Conservation Designation.

**Policy 3-69:** 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, there are parts of the municipality, including Louisdale and Evanston, that are serviced by the Municipality's drinking water system. These systems rely on surface water bodies and their local watersheds in order to supply drinking water to residents and businesses. The corresponding water bodies that supply the municipal systems are:

- Shannon Lake

**Policy 3-70:** Council shall establish, on Schedule 'A', the Future Land Use Map, the Source Water Protection Designation. This designation shall be applied to the source water areas for municipal drinking water supplies.

**Policy 3-71:** 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.

### **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 3-72:** 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 3-73:** 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.

**Policy 3-74:** Council shall not amend the maps of the Land Use By-law to adjust the boundaries of the Source Water Protection Zone without an amendment to this Plan except in compliance with the boundaries identified in a source water protection plan.

## 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

With its hundreds of kilometres of coastline and many inland water bodies and watercourses, the municipality’s economy, unsurprisingly, has developed partly around the fishery and marine-related uses. There are several existing small-craft harbours that provide harbourage from many local fishers, including in L’Ardoise. Often, these uses also include areas for manufacturing and processing related to marine uses, related cultural facilities (like fishing museums), and marine-oriented tourism operations, 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 3-75:** 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 3-76:** 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 3-77:** 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 some instances, Council may wish to formally designate lands for parks and open space uses to clearly communicate the long-term intention of those lands.

**Policy 3-78:** 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 3-79:** 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 3-80:** 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 3-81:** 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 3-82:** Council shall consider entering into a development agreement to enable proposals for outdoor car 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 of Section 6.3.2 of this Plan.

### **3.7.4 Highway Commercial Zone**

As a highly visited area of the province, the land along highways, and, in particular, 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. In Richmond County, this includes areas along Highway 104. However, with a limited number of highway interchanges in the municipality, Council wishes to preserve these areas for commercial uses that cater to the travelling public or those that require direct access to the highway system, such as an ambulance depot.

**Policy 3-83:** 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.

### **3.7.5 Institutional Zone**

The municipality is supported by a strong foundation of institutional and community uses. Uses such as schools, hospitals, places of worship, 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 3-84:** 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 3-85:** Council shall, through the Land Use By-law, permit residential uses with three or fewer dwelling units within the Institutional Zone.

**Policy 3-86:** Council shall consider entering into a development agreement to enable proposals for residential developments with four to 12 dwelling units within the Institutional Zone, subject to the policies of Section 6.3.2 of this Plan.

## 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 (e.g., serviced versus unserved, coastal versus inland) or certain types of development (e.g., residential, industrial, commercial, etc.); 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. This chapter addresses those shared issues.

#### 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 an urban 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.

#### **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. This may create a scenario where a use or structure, which was legally developed in good faith, may no longer be permitted. In addition, many areas of the Municipality of the County of Richmond had no planning rules prior to the adoption of this Municipal Planning Strategy; in those areas existing uses and structures would be granted '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 must then conform to the new planning rules. 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 relaxations as provided for by the Act.

**Policy 4-5:** 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 4-6:** 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.

**Policy 4-7:** Council shall, through the Land Use By-law, permit the conversion of a non-conforming use to another non-conforming use by site plan approval provided the new use, by its nature or by the conditions placed upon it, is equally or less impactful to the surrounding area in terms of noise, odour, traffic generation, and aesthetics than the use it replaces.

### **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**

Islands form a prominent feature of the landscape in the municipality. As a municipality that shares its boundary with the Atlantic Ocean and the Bras d'Or Lake, there are several islands in the municipality, especially along the southern boundary of the municipality's mainland. 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 that are not subject to secondary planning.

#### **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 Richmond. However, with a housing market skewed towards single dwellings, limited new residential development occurring, and many homes not safe or suitable for habitation, there is a shortage of 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 to enable 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 in many areas of Richmond—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 Richmond County 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 residential 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.

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.

### 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 intends to adopt standards within the Subdivision By-law for private roads.

**Policy 4-17:** Council shall, through the Land Use By-law, prohibit development on private roads created after [adoption date] within the Serviced Centre Designation.

**Policy 4-18:** Council may consider the implementation of minimum standards for private roads within the Subdivision By-law, and such standards may include, but are not limited to:

- (a) The requirement for private roads to be on their own lot;
- (b) Minimum widths for the private road right-of-way and for the road surface;
- (c) The design of drainage systems; and
- (d) Minimum standards for the appropriate materials and thicknesses for private road roadbeds.

### **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 Richmond Rail 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 4-19:** Council may, through the Subdivision By-law, require sidewalks on new public roads in the Serviced Centre Designation.

**Policy 4-20:** Council shall, through the Land Use By-law, permit trails as a land use in all zones.

**Policy 4-21:** Council may require sidewalk and active transportation connections, including trails, to existing networks as part of an application for a development agreement.

#### **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 4-22:** 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 4-23:** 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 4-24:** Council shall, through the Land Use By-law, permit electric vehicle charging stations as an accessory use in all zones.

**Policy 4-25:** 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 Public Transit**

Richmond 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 this Plan.

**Policy 4-27:** 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 Municipality operates centralized sewage collection and treatment systems in Arichat, Petit de Grat, Louisdale, and Evanston. The following table shows some key metrics of the sewage collection systems in these communities.

	Approximate Length of Network (m)	Approximate Number of Connections to Network
Arichat	9,000	307
Petit de Grat	6,000	223
Louisdale	10,000	307
Evanston	4,000	94

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 4-28:** Council shall ensure proper and safe operation of the municipal wastewater collection and treatment systems.

**Policy 4-29:** 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 freshwater lakes, from where the water is treated before distributed into the system. The Municipality operates centralized water treatment and distribution facilities in Louisdale-Evanston and Arichat-Petit de Grat. St. Peter’s also has a central water system but it is operated by the Village Commission. The following table shows some key metrics of municipal water supply in these communities.

	Approximate Length of Network (m)	Approximate Number of Connections to Network
Louisdale-Evanston	22,000	550
Arichat-Petit de Grat	18,000	520

Similar 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 4-30:** Council shall ensure proper and safe operation of the municipal water treatment and distribution systems.

**Policy 4-31:** 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 Nova Scotia 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 4-32:** 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 one facility related to solid waste management located in West Arichat. The facility functions as a solid waste, recycling, and composting facility for the whole municipality, but there may come a time when a new solid waste facility may need to be constructed to accommodate future growth in the municipality. To mitigate land use conflicts, Council supports a higher level of management for proposals containing solid waste disposal.

**Policy 4-33:** Council shall consider, by development agreement, proposals for solid waste disposal sites within the Rural Industrial Zone, except within the Sporting Mountain Designation where solid waste uses shall not be permitted, 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 6.3.2 of this Plan.

#### **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 4-34:** 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 hundreds of kilometres of coastal shoreline and countless lakes, rivers, and other watercourses, shoreline development is an important topic in Richmond County. 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, Richmond County 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, including areas along the Bras d'Or Lakes. In light of the forthcoming provincial regulations, Council has decided not to implement a separate set of municipal regulations.

**Policy 4-35:** 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 generation.

**Policy 4-36:** 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.

## 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 Richmond 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 may, 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 Richmond County 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**

Communities like Louisdale and L'Ardoise 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 that 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 6.3.2 of this Plan.

## 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 reach up to 100 metres (330 feet) 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 is home to utility scale turbines at one location on Isle Madame.

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.

Smaller scale turbines, or ‘domestic’ turbines, 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.

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. The smallest domestic turbines can be purchased at retail stores, generating anywhere from 50 to over 500 watts.

Richmond County 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.

**Policy 4-43:** Council shall, 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 in the Land Use By-law.

**Policy 4-44:** Domestic-scale wind turbines shall be permitted across the General Development Overlay Zone and the Wind Development Overlay Zone of the Wind Resource Overlay.

**Policy 4-45:** Utility-scale wind turbines shall only be permitted in the Wind Development Overlay Zone of the Wind Resource Overlay.

**Policy 4-46:** Council shall, through the Land Use By-law, regulate the size and scale of permitted wind turbines, required setbacks, noise requirements for wind turbine development, development application requirements, and any other matters pertaining to wind turbine development.

**Policy 4-47:** Council shall, through the Land Use By-law, allow consenting landowners to waive setback rules for wind turbines.

**Policy 4-48:** Council shall, through the Land Use By-law, establish a time by which inactive wind turbines and all supporting structures must be removed from the site and the site be restored to a natural condition. Council shall be made aware of decisions to remove any wind turbines and determine a time by which developers must notify Council of such.

**Policy 4-49:** In considering a proposal to amend the boundaries of to the Wind Resource Overlay, it shall be the policy of Council to have regard for the following:

- (a) the adequacy of the area of land being rezoned in relation to the number of turbines being proposed;
- (b) the potential for electromagnetic interference on radio, telecommunications, or radar systems;
- (c) the proposal meets the setback and other requirements in the Land Use By-law; and
- (d) the proposal meets the implementation criteria listed in policies of Section 6.3.2 of this Plan.

### **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 that are in development, such as tidal power, and existing technologies that may see new installations under certain site conditions, such as hydroelectricity. 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 4-50:** 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
- (b) the proposal complies with the general development agreement policies of Section 6.3.2 of this Plan.

## 5 Secondary Plans

### 5.1 Richmond County Secondary Plans

This Municipal Planning Strategy applies to the entire area with the Municipality of the County of Richmond. 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 as standalone documents, except, as previously noted, the Sporting Mountain Plan and Shannon Lake Plan which have been integrated into this Municipal Planning Strategy.

In areas subject to existing Secondary Plans, it is Council’s intention to defer to these documents on matters of planning and development, except in regard to wind turbines. However, 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.

#### 5.1.1 Central Richmond Secondary Municipal Planning Strategy

The Central Richmond Plan area covers a physical land area of approximately 110 square kilometers. The Plan area is located about 12 kilometres from the Canso Causeway and about four kilometres from the Town of Port Hawkesbury. The Central Richmond Plan area is characterized by its member communities and their relationship to the water. The more identifiable settlements include Evanston, Whiteside, Walkerville, Grantville, Hureauville, Lower River Inhabitants and surrounding areas.

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

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

### **5.1.2 Isle Madame Secondary Municipal Planning Strategy**

Isle Madame is an island located off the southwestern shore of Cape Breton Island. The island is located approximately 60 kilometres from the Canso Causeway and 130 kilometres from Sydney. The scenic Fleur-de-Lis Trail passes through the island and connects it to Route 104, the main transportation route linking communities on the eastern side of Cape Breton Island. The Isle Madame Planning Area consists of all of Isle Madame, Petit-de-Grat Island and Janvrin's Island and contains a number of communities including Arichat, West Arichat, Petit-de-Grat, D'Escousse and Poulamon as well as linear or ribbon development along the highways and coastlines of the island.

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

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

### **5.1.3 Sporting Mountain Secondary Plan Area**

In 1996, the Municipality of the County of Richmond adopted a Secondary Municipal Planning Strategy for the area known as “Sporting Mountain.” Sporting Mountain is a rural area adjacent to the Bras d’Or Lakes with an abundance of wildlife and is rich in natural beauty and natural resources such as gravel, minerals and forests.

Prior to the Plan’s adoption, on 9 March, 1993, a group of residents of the Sporting Mountain area met in the community hall at St. George’s Channel to discuss a proposal for a treatment facility to process oil-contaminated soil on the mountain at Thibeauville. The process itself involved hauling in loads of the soil by truck, spreading it out over a designated site and treating it with bacterial agents to decompose the organic elements of the oil: once those elements were deemed at safe levels, the soil would be stockpiled near the site, and new loads would be brought in to repeat the process. Since the site in question was located near the headwaters of the False Bay brook system, and since the system fed into a promising coastal aquaculture development, several people involved with that industry expressed alarm about the possibility of oil-contaminated run-off ruining their investment. Those concerns were shared by others, who feared a possible negative impact on tourism, on recreational use of the land, and upon the region’s water supply.

Without adequate land use controls, however, the community and Municipality had little control over what types of development could be pursued in the area. Municipal Council at the time decided that in order to manage growth and development in the area, a Secondary Municipal Planning Strategy and Land Use By-law was necessary. The overriding objective of the Plan was to protect the environment of Sporting Mountain (specifically water sources) by excluding heavy industrial uses from the area and by establishing controls on medium industrial land uses. Generally, the Plan encompassed an area of land from Cleveland along the Richmond/Inverness border to West Bay; along West Bay to Roberta; from Roberta along Scotts River, to the intersection of the Oban Road; along the Oban Road to the limits of the St. Peters Plan Area; along Highway 104 to the grant limits of Grand Anse; and along Kempt Road (Route 4) to Cleveland.

While the Plan served the community well for the proceeding 20+ years following its adoption, as a “single-issue” plan—that is, it only really dealt with the prospect of industrial development—it did not meet the minimum planning standards established by the Province following the passing of Bill 58. And, as it is Council’s intention to eventually adopt all Secondary Plans into this Municipal Planning Strategy, Council felt it was a good opportunity to bring the Sporting Mountain Secondary Plan into this Municipal Planning Strategy.



The intention of the original Sporting Mountain Secondary Municipal Planning Strategy has been carried into this document through the creation of the Sporting Mountain Designation.

**Policy 5-5:** Council shall establish, on Schedule 'A', the Future Land Use Map, the Sporting Mountain Designation. This designation shall be applied to the area known as Sporting Mountain, as established in the 1996 Secondary Municipal Planning Strategy for Sporting Mountain.

**Policy 5-6:** Council shall, on the maps of the Land Use By-law, permit the following zones in the Sporting Mountain Designation:

- (a) Rural General Zone.
- (b) Rural Industrial Zone.
- (c) Agriculture Potential Zone.
- (d) Parks and Open Space Zone.
- (e) Institutional Zone.
- (f) Conservation Zone.

**Policy 5-7:** Council shall, through the Land Use By-law, establish an overlay zone for the Sporting Mountain Planning Area to implement specific regulations that pertain to the Sporting Mountain area.

**Policy 5-8:** Council shall, through the Land Use By-law, prohibit heavy industrial uses in the Sporting Mountain Designation.

#### **5.1.4 St. Peter's Secondary Municipal Planning Strategy**

St. Peter's is a village located in central Richmond County. The village is located 44 kilometres from Port Hawkesbury and approximately 85 kilometres from Sydney. The Planning area for the St. Peter's Secondary Municipal Planning Strategy includes the area within the Village of St. Peter's.

**Policy 5-9:** Council shall, on Map 'A', the Future Land Use Map, identify the St. Peter's Secondary Plan Area.

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

### **5.1.5 West Richmond Secondary Municipal Planning Strategy**

This Plan area serves the area including Point Tupper, Port Malcolm, and Port Richmond. The Plan area is located along the Strait of Canso and includes a mix of residential and industrial uses. The Plan also includes protections for the Landrie Lake Watershed.

**Policy 5-11:** Council shall, on Map 'A', the Future Land Use Map, identify the West Richmond Secondary Plan Area.

**Policy 5-12:** Notwithstanding the contents of this Municipal Planning Strategy and the Land Use By-law, within the West Richmond Secondary Plan Area all planning matters except wind turbines shall be subject to the requirements of the West Richmond Secondary Plan and associated West Richmond Land Use By-law.

## 6 Implementation

### 6.1 Administration

Unlike most municipalities across Nova Scotia, the Municipality of the County of Richmond 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 (EDPC), 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 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 #-#**", where the numbers are replaced by the chapter number and appropriate sequential policy number, respectively.

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 form part of the policy.

**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 considered preamble. Preamble 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**

**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 Shannon Lake Municipal Planning Strategy, Sporting Mountain Municipal Planning Strategy, and Wind Turbine Development Municipal Planning Strategy are hereby repealed.

### **6.1.3 Regional Cooperation**

The development of this Municipal Planning Strategy included consultation with neighbouring municipalities. The Towns of Antigonish and Port Hawkesbury and the Municipality of the County of Inverness, Victoria, and Antigonish were partners in the project so were integrated throughout the entire planning process. Cape Breton Regional Municipality (CBRM) was similarly undertaking a plan review at the time this Plan was under development, so the project team, Eastern District Planning Commission, and representatives met 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 Potlotek First Nation. The First Nation is located 10 kilometres east of St. Peter's along the Bras d'Or Lake. Council is supportive of integrating the Potlotek 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 Town of Port Hawkesbury, Cape Breton Regional Municipality, and the Municipality of the County of Inverness when:

- (a) adopting a new municipal planning strategy to replace this one: and
- (b) Considering amendments to this Municipal Planning Strategy which would affect lands that share a common boundary with the Town of Port Hawkesbury, Cape Breton Regional Municipality, and the Municipality of the County of Inverness.

**Policy 6-6:** Council shall formally notify the Potlotek First Nation within 14 days of initiation of any non-housekeeping amendment to the Municipal Planning Strategy and initiation of any process to adopt a new municipal planning strategy.

## 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 the 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 a Development Officer appointed by the Municipality's Council. The Development Officer is responsible for issuing development permits in accordance with the By-laws.

**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

Section 235 of 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 reasonably impossible 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 Policy 6-20.

**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, 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 Policy 6-20.

## 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 Policy 6-20. 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; and
- (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 Notification

**Policy 6-22:** Where Council has given notice of its intention to adopt an amendment to the Land Use By-law or to enter into a development agreement, notification of the amendment or development agreement shall be served upon all assessed property owners as follows:

- (a) Within the Serviced Centre Designation, notice shall be served on all properties that lie within 30 metres of the property that is subject to the proposed amendment or development agreement.
- (b) Within the Hamlet Designation, notice shall be served on all properties that lie within 60 metres of the property that is subject to the proposed amendment or development agreement.
- (c) Within all other land use designations of this Plan, notice shall be served on all properties that lie within 100 metres of the property that is subject to the proposed amendment or development agreement.

**Policy 6-23:** Notification of a development agreement or amendment to the Land Use By-law shall:

- (a) outline the proposed amendment or development agreement;
- (b) identify the property(s) subject to the proposed amendment or development agreement: and
- (c) state the time, date, and place of a public hearing regarding the proposed amendment or development agreement.



## **6.6 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.

### **6.6.1 Municipal Planning Strategy Reviews**

**Policy 6-24:** 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 6-25:** 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 6-26:** 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 Vision, Goals, and policies; and to update or replace component of the Plan.

### **6.6.2 Amendments to the Municipal Planning Strategy**

**Policy 6-27:** Council shall 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.

## 7 Schedules

Schedule 'A' – Future Land Use Map [to be produced following public review of draft zoning]