



## **Planning Advisory/Heritage Committee Meeting**

Monday, March 9, 2026

4:00 p.m. – 8:00 p.m.

Council Chambers

### **AGENDA**

1. Call to order
2. Approval of the agenda
3. Review of Municipality of the County of Richmond Municipal Planning Strategy and Land Use By-law
4. Adjournment



THE MUNICIPALITY OF THE COUNTY OF  
LA MUNICIPALITÉ DU COMTÉ DE  
**RICHMOND**



# **Municipality of the County of Richmond**

## Municipal Planning Strategy

January 29, 2024

Municipality of the County of Richmond

Municipal Planning Strategy

2024

First Reading: 2023.11.20

Second Reading: 2023.12.14

Ministerial Approval: 2024.05.22

Effective Date: 2024.06.05

With Amendments to: N/A

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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 shared 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 ways 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 and 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 all their communities.

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, this Municipal Planning Strategy and the associated 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.

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.apcnc.ca/wp-content/uploads/2020/06/potlotek\\_first\\_nation\\_article.pdf](https://www.apcnc.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.apcnc.ca/wp-content/uploads/2020/06/potlotek\\_first\\_nation\\_article.pdf](https://www.apcnc.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)

Europeans first settled what is now Richmond when the French built a fort near what is now St. Peters, in the 1630s, and a fur trade was established with the Mi'kmaq people. Subsequently French (and Acadian), Scottish, English, and Irish settlers moved into the region establishing their own communities. Most population was based along the coast, and many of these villages depended on fishing and boatbuilding. To this day, almost one quarter of residents list French as their mother tongue and over a third of residents are bilingual.

There are 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.

Contrasted to the 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.

### **1.3 Governance**

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

## 1.4 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.

### 1.4.1 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 1 Zone and Source Water Protection 2 Zone. These zones are 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 4-78 to 4-87.

#### **1.4.2 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:** Policies 5-38 to 5-40.

#### **1.4.3 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 4-22 to 4-26.

#### **1.4.4 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 4-1, Policies 4-45 to 4-47, Policies 4-52 to 4-65, and Policies 5-29 to 5-32.

#### **1.4.5 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 4-7, Policies 4-12 and 4-13, Policy 4-28, Policy 4-36 and 4-37, Policies 4-41 and 4-44, Policy 4-53, Policies 4-57 to 4-59, Policies 4-63 and 4-64, Policy 5-10 to 5-11, and Policy 5-16.

## **1.5 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.

### **1.5.1 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.

### **1.5.2 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 of 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 comprehensive 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 6 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 in the following locations:

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

An online public meeting was also held following the in-person open houses for residents and stakeholders who were unable to attend the in-person sessions. This meeting was recorded and posted on the project's website.

The open houses coincided with the launch of an online survey and an online interactive map. 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. The project team engaged with several stakeholders including the Cape Breton Partnership, the Bras D'Or Lakes Biosphere Reserve, and the Potlotek First Nation.

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.

**Policy 2-1: When reviewing or amending the Municipal Planning Strategy, Council shall implement the Public Participation Program - Engagement with abutting Municipalities policy.**

### **2.2.2 Draft Plan Engagement**

Engagement on the draft planning documents (draft Municipal Planning Strategy and Land Use By-law) was completed during June and July of 2022. Engagement included in-person and online consultation to collect feedback from a wide spectrum of residents and stakeholders in Richmond.

Following their completion, the draft planning documents were emailed directly to subscribers of the project's email list, and they were also posted onto the project's website. A series of four open houses were held in the municipality between June 27 and June 30. The open houses were held in the following locations:

- Framboise,
- Louisdale,
- River Bourgeois, and
- L'Ardoise.

At the open houses, the draft planning documents were presented to the public, including the key directions for the draft policy and regulations. Like the initial phase of engagement, an online public meeting was also held where the draft planning documents were presented to members of the public. This meeting was recorded, and the recording was posted on the project's website for members of the public to view.

In addition to the open houses and online public meeting, the draft zoning was placed onto the project's interactive map so members of the public could make comments on the proposed zoning. Finally, an online feedback submission form was created to get specific comments from community members on the draft planning documents. Both the online interactive map and submission forms were available on the project's website.

Following the closure of the engagement period on the draft planning documents, the project team collected and analyzed all the feedback that was received, including direct feedback via telephone and email. The feedback from the community included diverging opinions on some of the key directions of the planning documents. This feedback was taken to the Municipality's Planning Advisory Committee, which provided direction to the planning team on how to proceed with updating the planning documents. The draft planning documents were updated based on the feedback of the Planning Advisory Committee.

A final round of draft engagement was held in September of 2023. This included a mail-out to all residential addresses in the municipality and a comment period in which people could provide feedback on the updated drafts before they entered the formal adoption process.

## **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 Vision Statement

### 3.1 A Vision for Richmond County

A vision statement describes the aspiration and ambitions of the community. It sets out what the Municipality and its residents want to be in the future, and they provide a benchmark for all of Council's decisions, irrespective of changes in the Municipality's leadership or management.

In 2019, the Municipality of the County of Richmond adopted a Strategic Plan, which is a document that provides to direction to Council for future decision-making. As part of the Strategic Plan, a vision statement was adopted. To align the high-level objectives of the Strategic Plan with this Municipal Planning Strategy, Council will adopt the Strategic Plan vision for this Municipal Planning Strategy:

*The Municipality of the County of Richmond will maximize opportunities for social and economic development while retaining an attractive, sustainable, and secure environment for the enjoyment of residents.*

*Through responsible and professional leadership, continue to be a healthy and progressive community respecting the rich heritage and history that supports lifestyle quality, an extraordinary cultural mosaic, community growth and open, flexible governance.*

**Policy 3-1:** Council shall, through the policies of this Plan and through the Land Use By-law, implement the vision for the Municipality of the County of Richmond.

## 4 Land Use Designations and Zones

### 4.1 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.

#### 4.1.1 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.

#### 4.1.2 Hamlets

Within the municipality's large land area are 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.

#### 4.1.3 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, and
- Sampsonville and French Cove,

## 4.2 Rural Designation

### 4.2.1 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. Forests, agricultural lands, 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 oversight from other levels of government (agricultural lands, crown land, *etc.*) 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 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 and to promote sustainable growth and development.

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

**Policy 4-1:** Council shall, on Schedule 'A', the Future Land Use Map, designate as "Rural" lands that are rural in nature and which accommodate low-density residential development, resource-based uses, or are undeveloped and are not serviced by central water or sewer.

**Policy 4-2:** 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 4-3:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established in Section 4.5 of this Plan, within the Rural Designation.

**Policy 4-4:** Council shall, on the maps of the Land Use By-law, permit the following General Zones, established in Section 4.7 of this Plan, within the Rural Designation:

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

**Policy 4-5:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection 1 Zone and the Source Water Protection 2 Zone, established in Section 4.6 of this Plan, within the Rural Designation.

#### 4.2.2 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 residential development does occur, it usually locates along (or near) the major roads and highways in the municipality such as Highway 4 and St. Peter's Fourchu Road. 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 was traditionally established.

**Policy 4-6:** 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 4-7:** 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 4-8:** Council shall consider entering into a development agreement to enable proposals for and home-based business type accommodations with six or more units in the Rural General Zone. When considering such developments, special considerations shall be given to the following:

- (a) that the bulk and massing of the buildings are architecturally broken up to create visual interest and to minimize the contrast between the building and its surroundings;
- (b) that parking areas are planned in a way that they do not create adverse effects on neighbouring properties;
- (c) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (d) the proposal complies with the general development agreement review Policy 7-22.

**Policy 4-9:** 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.

**Policy 4-10** Council shall consider applying the Rural General Zone to other properties by amendment to the Zoning Map of the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (a) that where agricultural soils are involved the proposal complies with Policy 4-25; and
- (b) that any proposal complies with Policy 7-22.

### 4.2.3 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 4-11:** 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 4-12:** The Rural Commercial Zone shall permit a range of commercial uses, as well as residential, recreational, and institutional uses incidental to the Rural Designation.

**Policy 4-13:** Drive through restaurant uses, boarding houses with 7 to 12 sleeping units, and dwellings with 7 to 12 units per lot shall be permitted within the Rural Commercial Zone by site plan approval.

**Policy 4-14:** 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.

**Policy 4-15:** Council shall consider applying the Rural Commercial Zone to other properties by amendment to the Zoning Map of the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (a) that where agricultural soils are involved the proposal complies with Policy 4-25; and,
- (b) that any proposal complies with Policy 7-22.

#### 4.2.4 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 4-16:** 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 4-17:** 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.

**Policy 4-18:** Scrap yard uses shall be permitted within the Rural Industrial Zone by site plan approval.

**Policy 4-19:** 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 4-20:** Council shall consider applying the Rural Industrial Zone to other properties by amendment to the Zoning Map of the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (a) that where agricultural soils are involved the proposal complies with Policy 4-25; and
- (b) that any proposal complies with Policy 7-22.

**Policy 4-21:** 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 Policy 7-22.

#### 4.2.5 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.

Soils are not always a good indication of agricultural activity. 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 4-22:** 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 ideal agricultural soils.

**Policy 4-23:** 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 4-24:** The Agriculture Potential Zone shall initially 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, except where other zones would take priority per their application policy, such as serviced areas or source water protection areas.

**Policy 4-25:** When a policy of this Municipal Planning Strategy is used to change a property from the Agricultural Potential Zone by amendment to the Zoning Map of the Land Use By-law, or to advance development within the Agricultural Potential Zone by development agreement, Council shall be satisfied that the proposal:

- (a) by its nature or the regulatory limitations placed upon it minimizes the risk of land use conflicts that could impact the operation of existing agricultural operations;
- (b) is limited to the land area necessary to accommodate the proposed development;
- (c) prioritizes locating of development in a manner that minimizes, to the extent possible, the fragmentation of agricultural soils; and
- (d) if carried out by development agreement:
  - i. clusters buildings, lawns, on-site services, and accessory structures to provide a buffer to any adjacent agricultural or resource uses; and
  - ii. includes provisions to reduce the risk of land use conflict between agricultural operations and potential residential uses.

**Policy 4-26:** Council shall, through the Land Use By-law, prohibit development, with the exception of agricultural or forestry development, on private roads, created after the adoption of this plan, that provide access or are intended to provide access to more than six lots in the Agriculture Potential Zone.

**Policy 4-26a:** Council shall prohibit topsoil removal from lands with the highest agricultural potential, other than removal incidental to the development of uses permitted in the zone and ongoing use of the property.

#### 4.2.6 Lakeshore Zone

Lakes are a prominent feature of the landscape in the Municipality of the County of Richmond. Loch Lomond 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 4-27:** 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 4-28:** The Lakeshore Zone shall permit limited residential uses, and a limited range of other uses typically found in the countryside. Complementary uses including, but not limited to, marinas, marine recreation providers, outdoor recreation, and convenience stores shall also be permitted.

**Policy 4-29:** The Lakeshore Zone shall be applied on the zoning map of the Land Use By-law to Loch Lomond, Five Island Lake, and other lakes within the municipality which are subject to development or those that have the potential for development over the planning period due to their proximity to population centres or along significant travel routes. Council may, via amendment to the Land Use By-law, extend the zone to other lakes within the municipality that face development pressures.

## 4.3 Hamlet Designation

### 4.3.1 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 4-30:** 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 4-31:** Council shall, on the maps of the Land Use By-law, permit the following Hamlet Zones in the Hamlet Designation:

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

**Policy 4-32:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established in Section 4.5 of this Plan, within the Hamlet Designation.

**Policy 4-33:** Council shall, on the maps of the Land Use By-law, permit the following General Zones, established in Section 4.7 of this Plan, within the Hamlet Designation:

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

**Policy 4-34:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection 1 Zone, established in Section 4.6 of this Plan, within the Hamlet Designation.

### 4.3.2 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 4-35:** 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 4-36:** 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.

**Policy 4-37:** Residential uses with five to six dwelling units on a lot and boarding houses with five to six sleeping units shall be permitted by Site Plan Approval in the Hamlet Residential Zone.

**Policy 4-38:** Council shall consider entering into a development agreement to enable proposals for home-based business type accommodations with six or more units in the Hamlet Residential Zone. When considering such developments, special considerations shall be given to the following:

- (a) that the bulk and massing of the buildings are architecturally broken up through a mix of stepbacks, setbacks, projections, and recesses and similar visual elements in the building's facades to minimize the contrast between the building and its surroundings;
- (b) that parking areas are planned and landscaped in a way that they do not create adverse effects on neighbouring properties;
- (c) that stormwater from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (d) the proposal complies with the general development agreement review Policy 7-22.

**Policy 4-39:** The Hamlet Residential Zone shall initially 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.

### **4.3.3 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 4-40:** 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 4-41:** 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 4-42:** The Hamlet Core Zone shall initially 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 4-43:** Council shall, through the Land Use By-law, establish development standards within the Hamlet Core Zone that are more flexible than surrounding rural areas in order to encourage a critical mass of services and a clearly identifiable community core.

**Policy 4-44:** Council shall, through the Land Use By-law, permit residential proposals with seven or more dwelling units on a lot, boarding houses with seven or more sleeping units, drive-through uses, and automobile sales by site plan approval in the Hamlet Core Zone.

## **4.4 Serviced Centre Designation**

### **4.4.1 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, Sampsonville, and French Cove (along with Arichat and St. Peter's in the Secondary Plan areas), also have particular significance to municipalities as they have large amounts of public investment directed to them for infrastructure development. Water treatment plants and wastewater treatment facilities are 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 4-45:** Council shall, on Schedule 'A', the Future Land Use Map, designate as "Serviced Centre" lands that are serviced by municipal sewage collection systems and those lands which are directly adjacent to serviced areas that can be reasonably and efficiently serviced by expanding the sewer system.

**Policy 4-46:** Council shall, through the Land Use By-law, develop more detailed planning regulations for the Serviced Centre areas in comparison to the Rural and Hamlet areas to reduce the potential for land use conflicts and to maximize the use of existing municipal services.

**Policy 4-47:** Council shall, through the Land Use By-law, promote the efficient utilization of land within the Serviced Centre areas by permitting smaller lot sizes.

**Policy 4-48:** Council shall, on the maps of the Land Use By-law, permit the following Service Centre Zones within the Serviced Centre Designation:

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

**Policy 4-49:** Council shall, on the maps of the Land Use By-law, permit the Conservation Zone, established within Section 4.5 of this Plan, within the Serviced Centre Designation.

**Policy 4-50:** Council shall, on the maps of the Land Use By-law, permit the following General Zones, established in Section 4.7 of this Plan, within the Serviced Centre Designation:

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

**Policy 4-51:** Council shall, on the maps of the Land Use By-law, permit the Source Water Protection 1 Zone, established in Section 4.6 of this Plan, within the Serviced Centre Designation.

#### 4.4.2 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. Main streets are typically defined by the proximity of businesses to one another, narrow streets (usually because they were originally developed when automobiles were not 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 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. The Main Street Zone will not be initially applied in Richmond County but represents a zone that could be applied in the future.

**Policy 4-52:** 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 4-53:** Council shall, through the Land Use By-law, permit a range of pedestrian-oriented commercial uses, mid-density residential uses in mixed-use properties, and community-type uses in the Main Street Zone. 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 4-54:** Council shall, through the Land Use By-law, establish design standards that regulate the appearance of buildings and site design of properties within the Main Street Zone. The standards shall promote development that encourages a high-quality pedestrian environment as well as reinforces the traditional design and rhythm of rural ‘main streets’.

**Policy 4-55:** Council shall consider development proposals that constitute a permitted use in the zone but do not meet the prescriptive architectural and site design requirements of the Main Street Zone by Development Agreement. When considering such developments, special considerations shall be given to the following:

- (a) that the deviation from the Land Use By-law is necessary to accommodate unique architectural solutions which meet or exceed the goal of creating an inviting main street environment;
- (b) the proposal meets the intent of all plan provisions; and,
- (c) the proposal complies with the general development agreement review Policy 7-22.

#### 4.4.3 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 near 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 overloading the municipal services in their immediate vicinity. Industrial uses do not fit the character of such areas and will not be permitted.

**Policy 4-56:** 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 4-57:** 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 4-58:** Council shall, through the Land Use By-law, permit automobile-oriented commercial uses, drive-through uses, residential developments with 7 to 12 dwelling units per lot, and boarding houses with 7 to 12 sleeping units in the General Centre Zone by site plan approval.

**Policy 4-59:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than 12 dwelling units per lot or more than 12 boarding house sleeping units in the General Centre Zone. When considering such developments, special considerations shall be given to the following:

- (a) landscaping, fencing or similar visual barriers shall be provided around structures, parking, and open storage areas including solid waste facilities to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent;
- (b) where possible, on-site vegetation shall be retained and incorporated into the site landscaping, particularly for protection of environmentally sensitive or significant areas;
- (c) mature trees on the lot shall be preserved whenever possible;
- (d) where a sidewalk, trail, or similar walking path is available abutting the subject site, the primary entrance(s) of all dwelling units shall be connected to such walking paths by a means of a barrier free (accessible) pedestrian walkway at least 1.5 metres (4.92 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers;
- (e) other pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site;
- (f) vehicle circulation on-site shall be designed to support efficient movement, enable emergency services access and avoid obvious points of conflict;
- (g) stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (h) the proposal complies with the general development agreement review Policy 7-22.

**Policy 4-60:** Council shall, on the zoning map of the Land Use By-law, initially apply the General Centre Zone as default to all areas of serviced centres that are not specifically suitable for any of the other zoning options within this designation.

#### **4.4.4 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 five to six units will be regulated by means of site plan approval.

**Policy 4-61:** Council shall, through the Land Use By-law, establish the Residential Centre Zone.

**Policy 4-62:** Council shall apply the zone to serviced subdivisions of primarily residential character.

**Policy 4-63:** The Residential Centre Zone shall permit residential development up to four 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.

**Policy 4-64:** Residential development with five to six dwelling units per lot and boarding houses with five to six sleeping units shall be permitted by site plan approval in the Residential Centre Zone.

**Policy 4-65:** Council shall consider entering into a development agreement to enable proposals for home-based business type accommodations 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 to create visual interest and to minimize the contrast between the building and its surroundings;
- (b) that parking areas are planned in a way that they do not create adverse effects on neighbouring properties;
- (c) that stormwater runoff from impervious areas is appropriately managed and unlikely to cause disturbance on neighbouring properties; and
- (d) the proposal complies with the general development agreement review Policy 7-22.

#### 4.4.5 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 that can accommodate many businesses in a relatively small area.

**Policy 4-66:** 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 4-67:** 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 4-68:** 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 4-69:** 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 Policy 7-22.

#### 4.4.6 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 4-70:** Council shall, through the Land Use By-law, establish the Comprehensive Development District Zone.

**Policy 4-71:** 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 review Policy 7-22.

**Policy 4-72:** 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 is 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.

## 4.5 Conservation Designation

### 4.5.1 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 4-73:** 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 4-74:** Council shall, on the maps of the Land Use By-law, permit the following zones in the Conservation Designation:

- (a) Conservation Zone.

### 4.5.2 The Conservation Zone

The Conservation Zone is intended to carry out the purpose of the Conservation Designation. 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 4-75:** 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 4-76:** Council shall, on the zoning map of the Land Use By-law, apply the Conservation Zone to all lands within the Conservation Designation.

**Policy 4-77:** 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.

## 4.6 Source Water Protection Designation

### 4.6.1 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 to supply drinking water to residents and businesses. The corresponding water bodies that supply the municipal systems are:

- Shannon Lake

**Policy 4-78:** 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 4-79:** 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 1 Zone, and
- (b) Source Water Protection 2 Zone.

#### 4.6.2 Source Water Protection 1 Zone

In order to ensure a long-term source of clean drinking water into the future, Council will establish the Source Water Protection 1 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 the municipality's water supply areas to ensure they are protected for future generations.

**Policy 4-80:** Council shall, through the Land Use By-law, establish the Source Water Protection 1 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 4-81:** Council shall, on the zoning maps of the Land Use By-law, apply the Source Water Protection 1 Zone to all lands within the Source Water Protection Designation, except for the land within the Source Water Protection 2 Zone.

**Policy 4-82:** Council may amend the maps of the Land Use By-law to adjust the boundaries of the Source Water Protection 1 Zone provided this is to facilitate the rezoning of the Source Water Protection 2 Zone to the Source Water Protection 1 Zone, or is in compliance with any boundary adjustments identified in a source water protection plan. Otherwise, Council shall not amend the maps of the Land Use By-law to adjust the boundaries of the Source Water Protection 1 Zone without an amendment to this Plan.

**Policy 4-83:** Council shall collaborate with the Province of Nova Scotia to designate the lands around the wellhead for the municipal water supply for the communities of Louisdale, Evanston, and Whiteside as a "Protected Water Supply Area." Specifically, this area should encompass the groundwater draw down area for the Production Well #1 and Production Well #2 as delineated by Dillon Consultants (Groundwater Protection Study Louisdale Wellfield – Louisdale, Nova Scotia, 2001) and the watershed for Shannon Lake.

**Policy 4-84:** Council shall continue to explore the purchase and acquisition of land within the Shannon Lake Watershed to protect this resource for the long-term future of the municipality.

### 4.6.3 Source Water Protection 2 Zone

The water supply system for Shannon Lake consists of two wellheads on the southern side of the lake, which draw water from Shannon Lake that is then pumped to the communities of Louisdale, Evanston, and Whiteside. As a key component of the water supply system for these communities, the Municipality has applied the Source Water Protection 1 Zone to these areas. This zone, as discussed above, is intended to restrict and limit the types of land uses permitted in these areas to protect this source of drinking water.

Outside of the draw down areas for the wellheads is the larger Shannon Lake Watershed. The areas outside and within the wellhead areas are interconnected, and land uses outside the wellhead areas impact the quality of groundwater and surface water. These areas must also be protected to ensure Shannon Lake is preserved as a source of drinking water. Much of the Shannon Lake Watershed, however, is not owned by the Municipality or the Province and is owned by private residents. Council wishes to ensure that land outside of the wellhead draw down areas is protected from inappropriate land uses but also wants to enable residents to utilize their properties. There are also water sources, such as the Sampsonville Wellfield, that require protection but where the majority of the land is privately owned. Council will establish the Source Water Protection 2 Zone to provide protection for such drinking water supplies while allowing some flexibility for private property owners that is not available under the Source Water Protection 1 Zone.

**Policy 4-85:** Council shall, through the Land Use By-law, establish the Source Water Protection 2 Zone. This zone is intended to protect the public drinking water supplies that are located on private lands. Land uses shall be limited to municipal drinking water infrastructure, forestry uses without buildings or structures, single-unit dwellings, and recreational uses without buildings or structures.

**Policy 4-86:** Council shall, on the zoning maps of the Land Use By-law, initially apply the Source Water Protection 2 Zone to the lands within the Shannon Lake Watershed that are not subject to the Source Water Protection 1 Zone, and to the lands of the Sampsonville Wellfield.

**Policy 4-87:** Council shall not amend the maps of the Land Use By-law to adjust the boundaries of the Source Water Protection 2 Zone except:

- (a) to rezone lands from the Source Water Protection 2 Zone to the Source Water Protection 1 Zone;
- (b) In compliance with boundaries identified in a source water protection plan; or
- (c) as an amendment to this Plan.

## 4.7 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.

### 4.7.1 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 4-88:** 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 4-89:** 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 4-90:** 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.

**Policy 4-91:** Council shall consider applying the Fishing Zone to other properties by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (a) that where agricultural soils are involved, the proposal complies with Policy 4-25; and
- (b) that any proposal complies with Policy 7-22.

#### **4.7.2 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 zone lands for parks and open space uses to clearly communicate the long-term intention of those lands.

**Policy 4-92:** 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 4-93:** The lot standards within the Parks and Open Space Zone shall be flexible to accommodate a wide range of recreational uses.

**Policy 4-94:** Council shall consider applying the Parks and Open Space Zone to other properties by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (a) that where agricultural soils are involved, the proposal complies with Policy 4-25; and
- (b) that any proposal complies with Policy 7-22.

### 4.7.3 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 by 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 4-95:** Council shall, through the Land Use By-law, establish the Commercial Recreation Zone, which is intended to permit accommodations; indoor and outdoor commercial recreational uses, such as adventure parks; indoor car racing tracks; movie theatres; golf courses; bowling alleys; and similar uses. Lot standards within the Commercial Recreation Zone shall be flexible in order to accommodate a range of indoor and outdoor recreational uses.

**Policy 4-96:** 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 4-97:** 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 Policy 7-22.

**Policy 4-98:** Council shall consider entering into a development agreement to enable proposals for residential developments with more than 12 dwelling units on a lot and boarding houses with more than 12 sleeping units on a lot in the Commercial Recreation Zone. When considering such developments, special considerations shall be given to the following:

- (a) that a land use plan for the entire property is established to minimize conflicts between residential units and recreational installations on the property;

- (b) where shared water supply and wastewater treatment systems are installed outside of serviced areas, that the development agreement releases the Municipality from any obligation to take over the systems in the future; and,
- (c) the proposal complies with the general development agreement review Policy 7-22.

**Policy 4-99:** Council shall initially apply the Commercial Recreation Zone to existing businesses with a commercial recreation component.

**Policy 4-100:** Council shall consider applying the Commercial Recreation Zone to other properties by amendment to the Land Use By-law. In considering such amendments, Council shall have regard to the following:

- (d) that where agricultural soils are involved, the proposal complies with Policy 4-25; and
- (e) that any proposal complies with Policy 7-22.

#### 4.7.4 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 4-101:** Council shall, through the Land Use By-law, establish the Highway Commercial Zone, which is intended to be applied at major highway intersections to accommodate uses that cater to the travelling public or depend on direct access to the highway system.

**Policy 4-102:** Council may consider, through amendments to the Land Use By-law, requests to rezone lands to the Highway Commercial Zone within any designation, provided Council is satisfied that:

- (a) that the property being considered is situated within 1 kilometre of Highway 104;
- (b) vehicle circulation on-site can be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict;
- (c) that stormwater runoff from impervious areas can be appropriately managed and is unlikely to cause disturbance on neighbouring properties;
- (d) that where agricultural soils are involved, the proposal complies with Policy 4-25; and
- (e) the proposal complies with the general Policy 7-22.

#### 4.7.5 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 4-103:** 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 4-104:** Council shall initially apply the zone to properties of institutional character.

**Policy 4-105:** Council may consider, through amendments to the Land Use By-law, requests to rezone lands to the Institutional Zone in designations that permit this zone, provided Council is satisfied that:

- (a) vehicle circulation on-site can be designed to support efficient movement, enable emergency service access, and avoid obvious points of conflict;
- (b) stormwater runoff from impervious areas can be appropriately managed and is unlikely to cause disturbance on neighbouring properties;
- (c) where agricultural soils are involved, the proposal complies with Policy 4-25; and
- (d) the proposal complies with the general Policy 7-22.

**Policy 4-106:** Council shall, through the Land Use By-law, permit residential uses with four or fewer dwelling units on a lot within the Institutional Zone.

## 5 Topic-specific Policies

### 5.1 General Development Policies

The land use designations and zones discussed in the previous chapter provide a framework to guide and manage development in the municipality. They 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.

#### 5.1.1 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 have smaller lot sizes to utilize municipal services most efficiently.

**Policy 5-1:** 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 5-2:** 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 5-3:** Council may, through the Land Use By-law, relax lot area and frontage requirements for existing undersized lots.

**Policy 5-4:** Council may, through the Subdivision Use By-law, limit the development of flag lots in the municipality, and Council shall establish regulations to guide development on flag lots legally existing on the date of this plan’s adoption.

### 5.1.2 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, is 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, however, 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 5-5:** 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 5-6:** 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 5-7:** 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.

### 5.1.3 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 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.

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 5-8:** Council shall, through the Land Use By-law, regulate the type, size, and location of signs to balance the need for advertising with the need to protect the quality of the community.

### 5.1.4 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 5-9:** 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.

### 5.1.5 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 some existing 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.

One of the concerns expressed during the initial phase of engagement for Plan Richmond County was the quality of some of the existing housing in the municipality. Some respondents felt that a portion of the housing stock was in disrepair and non-habitable and, thus, not contributing to the overall supply of housing in Richmond County.

**Policy 5-10:** 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.

**Policy 5-11:** Council may explore opportunities, in cooperation with other agencies and orders of government, to provide funding to residents and community members for the upkeep and repair of their property.

### 5.1.6 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, art galleries, or small bed and breakfast establishments.
- Level 2 Home-based Business: Larger home-based providing a wider range of services appropriate to a rural context or mixed-use context, such as small automobile repair garages. Bed and breakfast style operations with up to five rental rooms or units also fall under this category.

**Policy 5-12:** Council shall, through the Land Use By-law, establish and permit a two-tiered approach to home-based businesses.

**Policy 5-13:** Level 1 home-based businesses shall be limited in their scope and use to align with the character of established, serviced neighbourhoods.

**Policy 5-14:** 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 5-15:** 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.

### 5.1.7 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 the municipality's residents and wants to ensure planning rules do not create barriers to supportive housing options.

**Policy 5-16:** 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 that permit residential uses of a similar scale.

## 5.2 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 landowners. It is, therefore, important that this plan's policies support an efficient, sustainable, transportation system.

### 5.2.1 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. There were many concerns expressed during the engagement for this plan that the quality of roads in the municipality is poor. Roads, such as the St. Peter's Forchu Road, were frequently cited as being in poor condition, and residents felt the condition of the roads limited their ability to get around.

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 5-17:** Council may, through the Land Use By-law and Subdivision By-law, prohibit the creation of new public roads except within the Serviced Centre Designation.

**Policy 5-18:** Council may explore opportunities for funding to improve the quality and condition of roads throughout the municipality.

## 5.2.2 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. However, the Municipality does not, at the time of writing this Plan, have minimum established standards within its Subdivision By-law. As a result, Council intends to adopt standards within the Subdivision By-law for private roads.

**Policy 5-19:** Council shall, through the Land Use By-law, prohibit development on private roads within the Serviced Centre Designation when the roads are created after this document came into effect. If an area with a standalone Secondary Plan is rolled into this Municipal Planning Strategy the prohibition for development on private roads within that area shall be dated to the effective date of the amendments.

**Policy 5-20:** 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.

### 5.2.3 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. As such, where an application proceeds through the development agreement process, Council may require sidewalks and active transportation connections to ensure these assets are developed at the outset of development.

**Policy 5-21:** Council may, through the Subdivision By-law, require sidewalks on new public roads in the Serviced Centre Designation.

**Policy 5-22:** Council shall, through the Land Use By-law, permit trails as a land use in all zones.

**Policy 5-23:** Council may require sidewalk and active transportation connections, including trails, to existing abutting networks as part of an application for a development agreement.

#### 5.2.4 Parking

The approach to manage automobile parking across the municipality is different for the various areas of Richmond County. In the Rural Areas of Richmond County, lot sizes are large enough and there is enough space between developments that regulations for parking are not necessary. However, in the Serviced Areas and Hamlets of the municipality, where buildings and land uses are closer together, a strategic approach to parking is needed.

The provision of vehicle parking spaces as part of development can be important 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 5-24:** 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 5-25:** 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.

#### 5.2.5 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 approaches to charging. As the uptake of electric vehicles continues to grow, there is also an opportunity to distinguish Richmond County as a leader in electric vehicle charging to attract potential visitors to the municipality.

**Policy 5-26:** Council shall, through the Land Use By-law, permit electric vehicle charging stations as an accessory use in all zones.

**Policy 5-27:** 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.

### **5.2.6 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 5-28:** Council shall, through the Land Use By-law, permit transit stops in all land use zones.

## 5.3 Servicing

### 5.3.1 Central Sewer

Sewage collection and treatment systems are among key services provided by the Municipality to the residents and businesses of Richmond County. 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. Central 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 denser 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 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
<b>Arichat</b>	9,000	307
<b>Petit de Grat</b>	6,000	223
<b>Louisdale</b>	10,000	307
<b>Evanston</b>	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 5-29:** Council shall ensure proper and safe operation of the municipal wastewater collection and treatment systems.

**Policy 5-30:** 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 that 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.

### 5.3.2 Central Water

Some denser residential areas in the municipality also run centralized water supply systems for 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 Richmond County.

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

Like 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 5-31:** Council shall ensure proper and safe operation of the municipal water treatment and distribution systems.

**Policy 5-32:** 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.

### 5.3.3 On-site Services

According to the provincial *Environment Act*, development lots that are not serviced by municipal wastewater collection must 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 5-33:** Council shall defer to the Provincial *Environment Act* and its regulations for rules on installation of on-site septic disposal systems.

### 5.3.4 Fire Protection Services

Because of its dispersed population and rural character, the Municipality does not have a dedicated fire protection service. Rather, fire protection services are provided by many volunteer fire departments and the many fire fighters who volunteer their time at local fire departments. With few areas serviced by central water and a shortage of dry hydrants, some areas could be at risk of not being able to supply adequate water in the event of a fire. Although the provision of central water and dry hydrants largely falls outside of the scope of this Municipal Planning Strategy, Council supports efforts that will help to ensure the health and safety of residents and businesses.

**Policy 5-34:** Council may amend the Subdivision By-law to require dry hydrants be provided for residential subdivisions of a certain size.

**Policy 5-35:** Council may commence a dry hydrant monitoring, replacement, and implementation program to ensure there is adequate fire protection infrastructure around Richmond County.

### 5.3.5 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 5-36:** Council shall consider, by development agreement, proposals for non-municipal 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) has an adequate level of servicing, including, but not limited to, firefighting capacity, for the scale of the proposed use;
- (b) can be adequately scaled if future expansions are necessary;
- (c) supports the municipality's general approach to solid waste disposal; and
- (d) conforms to the policies of Section 7.4 of this plan.

### 5.3.6 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 5-37:** 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.

## 5.4 Environmental Management

### 5.4.1 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 municipality has been subject to severe storm damage from tropical and winter storms that result in significant coastal flooding and erosion. 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 2023, 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. Council has decided to implement a minimum vertical elevation for all watercourses and waterbodies in the municipality, including freshwater bodies and coastal areas. Once the *Coastal Protection Act* is enacted, its regulations will supersede the regulations established in this plan and the Land Use By-law.

**Policy 5-38:** Council shall, through the Land Use By-law, implement a minimum horizontal and vertical 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.

#### **5.4.2 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 these impermeable surfaces in different directions until it is 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 5-39:** Council shall, through the Land Use By-law, require a landscaping plan and/or a stormwater management plan for proposals for large industrial and commercial developments to ensure the potential impacts of the proposal are limited and mitigated.

**Policy 5-40:** Council shall adopt storm water management related provisions in various Site Plan Approval and Development Agreement procedures.

## 5.5 Parks, Recreation, and Community Facilities

### 5.5.1 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. There is also a growing push in the municipality to promote trails as a form of economic development. Residents have also 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 5-41:** 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.

**Policy 5-42:** Council may look to purchase ecologically or recreationally significant coastal land to ensure there is adequate access to the shoreline for residents and community members in Richmond County.

**Policy 5-43:** Council may develop an open space plan that includes provisions for wildlife corridors to ensure animal species can move across Richmond County.

### **5.5.2 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 5-44:** 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.

### **5.5.3 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 the hosted these facilities remain as prominent landmarks within the community. Rather than see such buildings neglected, Council would like to see them given a new life in another way that benefits the community. Council will, therefore, consider proposals to utilize these buildings for other purposes.

**Policy 5-45:** 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 5-46:** 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) the 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, dust, or light trespass;
- (c) the proposal preserves and restores prominent aspects of the building; and
- (d) the proposal complies with the general development agreement policies of Section 7.4 of this plan.

## 5.6 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.

### 5.6.1 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 5-47:** 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 5-48:** 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 1 Zone, and Conservation Zone. Solar collectors as a main use in the Hamlet Designation shall be limited in size through regulations established in the Land Use By-law.

## 5.6.2 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 at the time of writing this Plan. 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 5-49:** 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 Map in the Land Use By-law. On that map Council shall establish the General Development Overlay, Wind Development Overlay, and Utility Scale Wind Development Overlay in the Land Use By-law.

**Policy 5-50:** Domestic-scale wind turbines shall be permitted in all overlays of the Wind Resource Overlay Map.

**Policy 5-51:** Utility-scale wind turbines shall only be permitted in the Wind Development Overlay Zone and Utility Scale Wind Development Overlay of the Wind Resource Overlay Map.

**Policy 5-52:** 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. Council shall establish setback thresholds within the Land Use By-law from residential dwellings based on the size of the project and whether it requires an environmental assessment.

**Policy 5-53:** Council shall, through the Land Use By-law, allow:

- (a) consenting landowners to waive setback rules for domestic scale wind turbines;
- (b) for the waiver of utility scale wind turbine setbacks where adjacent properties are also used for utility scale wind turbine development; and

- (c) where a residence is constructed within the setback distance of utility scale wind turbine development erected after the effective date of this Plan, allow for expansion of the wind turbine development provided the expansion is not located closer to the residence than the initial wind turbine development.

**Policy 5-54:** 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 5-55:** In considering a proposal to amend the boundaries of to the Wind Development 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 7.4 of this plan.

### 5.6.3 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 5-56:** 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 7.4 of this plan.

## 6 Secondary Plans

### 6.1 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 regarding 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 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 to address specific planning issues relevant only to those areas. This Chapter will provide a home for those Secondary Plans.

#### 6.1.1 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 4 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 6-1:** Council shall, on Map ‘A’, the Future Land Use Map, identify the Central Richmond Secondary Plan Area.

**Policy 6-2:** 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.

### **6.1.2 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 several 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 6-3:** Council shall, on Map 'A', the Future Land Use Map, identify the Isle Madame Secondary Plan Area.

**Policy 6-4:** 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.

### **6.1.3 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 a Secondary Municipal Planning Strategy and Land Use By-law was necessary to manage growth and development in the area. 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 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 6-5:** 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 6-6:** 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 Commercial Zone
- (c) Rural Industrial Zone
- (d) Agriculture Potential Zone
- (e) Parks and Open Space Zone
- (f) Institutional Zone
- (g) Conservation Zone

**Policy 6-7:** 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 6-8:** Council shall, through the Land Use By-law, prohibit heavy industrial uses in the Sporting Mountain Overlay.

#### **6.1.4 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 6-9:** Council shall, on Map 'A', the Future Land Use Map, identify the St. Peter's Secondary Plan Area.

**Policy 6-10:** 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.

### **6.1.5 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 6-11:** Council shall, on Map 'A', the Future Land Use Map, identify the West Richmond Secondary Plan Area.

**Policy 6-12:** 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.

# 7 Implementation

## 7.1 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.

### 7.1.1 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 interpret the intent of statements of policy, but it does not form part of the policy.

**Policy 7-1:** 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 7-2:** 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.

### **7.1.2 Effective Date and Repeal**

**Policy 7-3:** 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 7-4:** The Shannon Lake Municipal Planning Strategy, Sporting Mountain Municipal Planning Strategy, and Wind Turbine Development Municipal Planning Strategy are hereby repealed.

### 7.1.3 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.

**Policy 7-5:** 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 7-6:** Consultation undertaken through Policy 7-5 shall:

- (a) invite comment on matters of municipal interest;
- (b) invite comment in relation to Statements of Provincial Interest;
- (c) be considered by Council or the Planning Advisory Committee as its designate as part of the body of feedback received on the proposed amendment or new Municipal Planning Strategy; and
- (d) be completed prior to Council publishing its first notice for a Public Hearing on the proposed amendment or new Municipal Planning Strategy.

#### 7.1.4 Land Use Planning and Relationships with Indigenous Communities

The lands of the Municipality of the County of Richmond—and the rest of Nova Scotia for that matter—are subject to the Peace and Friendship Treaties of the 18th century. These treaties were signed between the Mi’kmaq and the British following long-standing conflicts between the French and the British for control of lands in the Maritimes. Through the Peace and Friendship Treaties, the British sought to end hostilities and encourage cooperation between the British and the First Nations.

Unlike other treaties signed with First Nations across Canada, the Peace and Friendship Treaties did not include the Mi’kmaq surrendering land or resources to the British Crown. Despite these treaties, however, First Nations across Canada, including in Nova Scotia, have been subject to centuries of exploitation, assimilation, and eradication of Indigenous people and culture through colonial policy and legislation. To an extent, this has been continued through the practice of land use planning—the practice of applying rules and regulations to land that was never ceded by the Mi’kmaq.

The realities of land use planning and other policies, legislation, and perspectives are entangled with centuries of colonialism. In the age of reconciliation with the Indigenous people of Canada, a careful and sustained approach toward relationship building taken by the Municipality and residents of Richmond County is needed. As is outlined in the Final Report of the Truth and Reconciliation Commission of Canada:

*“Reconciliation must support Aboriginal peoples as they heal from the destructive legacies of colonization that have wreaked such havoc in their lives. But it must do even more. Reconciliation must inspire Aboriginal and non-Aboriginal peoples to transform Canadian society so that our children and grandchildren can live together in dignity, peace, and prosperity on these lands we now share.”<sup>6</sup>*

Within the scope of land use planning and this Municipal Planning Strategy, the Municipality can take concrete steps and actions to relationship building with the local First Nation community: the Potlotek. While land within the First Nation is not subject to this Municipal Planning Strategy or the Land Use By-law, the land surrounding First Nations lands and the rest of the municipality are. Indigenous perspectives and interests extend beyond First Nations lands, and these must be integrated into the broader approach to land use planning in the community. Council supports working to build stronger

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<sup>6</sup>The Truth and Reconciliation Commission of Canada. (2015). Honoring the Truth, Reconciling the Future.

relationships with the First Nations of Richmond County by directly engaging with the Potlotek First Nation on planning matters.

However, rebuilding relationships with First Nations must extend beyond the scope of land use planning into the broader function and relationships of the Municipality. Understanding Indigenous perspectives, ideas, and experiences requires a holistic approach by the Municipality and the broader community to take concrete actions to build stronger relationships. The Municipality must, however, ensure any engagement and actions are genuine, respectful, and consider the capacity and time of First Nations.

**Policy 7-7:** Council shall consult and engage with the Potlotek First Nation when:

- (a) adopting a new municipal planning strategy to replace this one: and
- (b) considering amendments to this Municipal Planning Strategy.

**Policy 7-8:** Council shall work to engage and build stronger relationships with the Potlotek First Nation and other First Nation communities.

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

### 7.2.1 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 7-9:** Council shall adopt a Land Use By-law and Subdivision By-law consistent with the intent of this Plan.

**Policy 7-10:** 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 7-11:** 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.

## 7.2.2 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 7-12:** 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.

### 7.2.3 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 7-13:** Council shall consider amendments to the text of the Land Use By-law if the proposed amendment meets the general criteria set out in Policy 7-22.

**Policy 7-14:** 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 1 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 7-15:** 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 7-16:** 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 7-22.

## 7.3 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.

### 7.3.1 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 7-17:** 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 7-18:** Council shall establish a notification area of 30 metres for the approval of a site plan approval.

### 7.3.2 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 7-19:** 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 7-20:** 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 7-21:** 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 7-22. 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*.

## 7.4 General Criteria

### 7.4.1 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 7-22:** 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) in case of development proposals on soils with agricultural potential, complies with Policy 4-25,
- (d) is not premature due to:
  - 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. site-specific climate change risks such as projected sea level rise on the subject site;
  - ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;

- x. impacts on known habitat for species at risk, as identified in the Department of Natural Resources Significant Species and Habitats Database, or any successor database; and
- xi. 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.

**Policy 7-23:** In evaluating Policy 7-22(d), Council may determine that the proposal, due to its scale or nature, does not on the face of it conflict with any or all of the potential concerns identified in the subclauses. Where Council has concern about the potential for conflict with any or all of the Policy 7-22(d) subclauses or compliance with any other policy of this Plan, Council may 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.

## 7.5 Notification

**Policy 7-24:** 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 7-25:** 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.

## 7.6 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.

### 7.6.1 Municipal Planning Strategy Reviews

**Policy 7-26:** 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 7-27:** Within five years of the adoption of this Municipal Planning Strategy, Council shall initiate 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 7-28:** 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.

### 7.6.2 Amendments to the Municipal Planning Strategy

**Policy 7-29:** 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.

## **8 Schedules**

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



THE MUNICIPALITY OF THE COUNTY OF  
LA MUNICIPALITÉ DU COMTÉ DE  
**RICHMOND**



# **Municipality of the County of Richmond**

## Land Use By-law

January 29, 2024

Municipality of the County of Richmond

Land Use By-law

2024

First Reading: 2023.11.20

Second Reading: 2023.12.14

Ministerial Approval: 2024.05.2222

Effective Date: 2024.06.05

With Amendments to: N/A

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# 1 Title, Purpose, Authority, and Applicability

## 1.1 Title

1.1.1 This By-law shall be known as, and may be cited as, the Municipality of the County of Richmond Land Use By-law.

## 1.2 Purpose

1.2.1 The purpose of this By-law is to facilitate the sustainable, orderly, economical, and beneficial development and use of land and buildings within the Municipality of the County of Richmond, and for that purpose the By-law, among other things:

- (a) divides the Municipality of the County of Richmond into zones;
- (b) prescribes and regulates for each zone the purposes for which land and buildings may be used;
- (c) establishes standards for the dimensions of land within each zone and the positioning of buildings upon those lands;
- (d) establishes a method of making decisions on applications for development permits, including the issuing of development permits; and
- (e) establishes a method for making decisions on applications for site plan approval.

## 1.3 Authority

1.3.1 This By-law shall be applied in a manner consistent with the Municipality of the County of Richmond’s Municipal Planning Strategy and the *Municipal Government Act* (“Act”), as amended from time to time.

## 1.4 Applicability

1.4.1 This By-law shall apply to all lands within the Municipality, except those lands subject to Secondary Municipal Planning Strategies, as identified on Schedule ‘A’, the Zoning Map.

1.4.2 Notwithstanding Subsection 1.4.1, the wind turbine provisions of Section 6.35 shall apply to all areas of the Municipality.

## **2 Interpretation**

### **2.1 Certain Words**

2.1.1 In this By-law:

- (a) the word “shall” means mandatory compliance;
- (b) the word “may” means discretionary compliance or a choice in applying a policy or regulation;
- (c) words used in the plural include the singular, and words in the singular include the plural; and
- (d) gendered words shall be interpreted to mean any gender.

2.1.2 Words not otherwise defined in this By-law shall have the meaning assigned to them in the Act.

### **2.2 Conflict**

2.2.1 In the case of any conflict between the text of this By-law and any maps or drawings used to illustrate any aspect of this By-law, the text shall prevail.

2.2.2 Colour coding throughout this By-law and the zoning maps is for ease of reference only and the text of the By-law shall take priority.

2.2.3 In the case of any conflict between a number written in numerals and a number written in letters, the number written in numerals shall prevail.

2.2.4 In the case of conflict between a written zone name and a zone symbol, the written zone name shall prevail.

### **2.3 Definitions**

2.3.1 For the purposes of this By-law, words shall have the meaning or meanings assigned to them in Part 30—Definitions. Where a word is not defined in Part 30, the word shall have the meaning or meanings assigned by accepted Canadian English dictionaries.

### **2.4 Units of Measurement**

2.4.1 This By-law uses the metric system of measurement. Numerical measurements in this document may also be presented in other units; however, this is for convenience only. If a metric measurement conflicts with its conversion in another unit, the metric measurement shall take priority.

## **2.5 Interpretation of Zone Boundaries**

2.5.1 Boundaries between zones shall be determined as follows:

- (a) where a zone boundary is indicated as following a survey line as recorded at the Land Registration Office, the boundary shall follow that line;
- (b) where a zone boundary is indicated as following a street, private road, or controlled access highway, the centerline of the street, private road, or controlled access highway as it existed on the effective date of this By-law shall be the boundary unless otherwise indicated;
- (c) where a zone boundary is indicated as following a railway or utility right-of-way, the centerline of the right-of-way shall be the boundary unless otherwise indicated;
- (d) where the zone boundary is indicated as approximately following lot lines, the boundary shall follow the lot lines;
- (e) where the zone boundary is indicated as following a physical feature, such as, but not limited to, topographic elevations or agricultural soil classification, the Development Officer may interpret the boundary to align with a site-specific delineation completed by a qualified professional;
- (f) where the zone boundary is indicated as following the shoreline of a watercourse, the ordinary high water mark shall be the boundary; and
- (g) where none of the above provisions apply, the Development Officer shall scale the zone boundary from the zoning map.

## **2.6 Severability**

2.6.1 If any provision of this By-law is held to be invalid by a decision of a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this By-law.

## **3 Administration**

### **3.1 Administration of Land Use By-law**

- 3.1.1 Council shall appoint one (1) or more Development Officer(s) for the Municipality.
- 3.1.2 The Development Officer shall be responsible for the administration of this By-law.

### **3.2 Inspection**

- 3.2.1 Subject to Section 267 of the *Municipal Government Act*, the Development Officer or authorized agent of the Development Officer is authorized to enter, at all reasonable times, into or upon any property within the Municipality for the purpose of any inspections necessary to administer this By-law.

### **3.3 Enforcement and Penalty**

- 3.3.1 In the event of any contravention of the provisions of this By-law, the Municipality may act as provided for in Section 266 of the *Municipal Government Act*.

### **3.4 Compliance with Other Legislation**

- 3.4.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Municipality, or from obtaining any license, permission, permit, authority, or approval required by any other by-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada.
- 3.4.2 Where the provisions in this By-law conflict with those of any other by-law of the Municipality or statute or regulation of the Province of Nova Scotia or the Government of Canada, the higher or more stringent provision shall prevail.

### **3.5 Restoring to a Safe Condition**

- 3.5.1 Nothing in this By-law shall prevent the restoration of any building or structure to a safe condition when so required by a municipal order issued against a property.

### **3.6 Effective Date**

- 3.6.1 Upon adoption by the Council of the Municipality of the County of Richmond and approval by the Minister of Municipal Affairs, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Land Use By-law is in effect.

### **3.7 Repeal**

- 3.7.1 The Municipality's Shannon Lake Land Use By-law, Sporting Mountain Land Use By-law, and Wind Turbine Development Land Use By-law are hereby repealed.

### **3.8 Existing Structures and Uses**

- 3.8.1 A structure or use of land shall be deemed to exist on the effective date of this By-law if:
- (a) it has lawfully been constructed;
  - (b) it has lawfully commenced;
  - (c) it is lawfully under construction; or
  - (d) all required permits for its construction or uses were in force and effect, except that this shall not apply unless the construction or use is commenced within 12 months after the date of the latest issuance of the required permits.

## **4 Development Permitting**

### **4.1 Development Permit**

- 4.1.1 Unless otherwise stated in this By-law, no person shall undertake a development within the Municipality, including the development of any wind turbine development, without first obtaining a development permit from the Development Officer.
- 4.1.2 The Development Officer shall only issue a development permit in conformance with this By-law and any development agreement or site plan agreement in effect on the site, except where a variance is granted or in the case of an existing nonconforming use or structure, in which case a development permit shall be issued in conformance with the Act.
- 4.1.3 A development permit shall expire within the following time periods from the date issued if the development has not commenced:
- (a) Three (3) years for utility scale wind turbines.
  - (b) Two (2) years for industrial uses.
  - (c) One (1) year for all other uses.
- 4.1.4 The Development Officer may revoke a development permit where information provided on the application is found to be inaccurate or the permit was issued in error.
- 4.1.5 The Development Officer shall, at the applicant's request and subject to the payment of fees in conformance with the fee schedule adopted by resolution of Council, renew a development permit for one (1) additional year if:
- (a) the development permit has not been renewed previously; and
  - (b) the Development Officer is satisfied the development permit is consistent with the current Land Use By-law and any proposed amendments to the Land Use By-law for which Council has provided public notification regarding their intent to adopt.

## **4.2 Development Not Requiring a Development Permit**

4.2.1 The following developments shall not require a development permit:

- (a) Interior or exterior renovations or alterations to a structure that do not result in a change in volume or gross floor area, number of dwelling units, or a change in use of the structure.
- (b) Fences that do not exceed 1.9 metres (6.23 feet) in height or fences within the Rural General (RG) Zone, the Agriculture Potential (AP) Zone, the Rural Commercial (RC) Zone, the Rural Industrial (RM) Zone, or the Lakeshore (RL) Zone.
- (c) Signs smaller than 0.2 square metres (2.15 square feet) in sign area, where signs are permitted.
- (d) Temporary buildings or structures erected for a period not exceeding 60 days.
- (e) Temporary buildings or structures incidental to construction or community events.
- (f) Public and private utilities located within the street right-of-way.
- (g) Temporary greenhouses, cloches, crop hoops, or other such temporary crop structures.
- (h) Accessory electric vehicle charging stations.
- (i) Farm, fish, and forest stalls meeting the requirements of Section 6.9.
- (j) Personal offices or studios meeting the requirements of Section 6.13.1.
- (k) The teaching of one (1) student at a time, meeting the requirements of Subsection 6.15.1.
- (l) Any accessory building with a footprint of 19.97 square metres (215 square feet) or less, provided all other requirements of this By-law are met.
- (m) Signs permitted in all zones, as listed in Section 8.3.

4.2.2 For greater clarity, a building permit or other form of license may still be required for developments that are exempt from requiring a development permit. Applicants should inquire with the Municipality prior to undertaking any development.

## **4.3 No Exemption from Requirements**

4.3.1 Every development shall be subject to the requirements of this By-law whether or not a development permit is required.

## **4.4 Application Requirements**

- 4.4.1 Every application for a development permit shall be made in writing on an approved form and shall include:
- (a) the signature of the registered landowner or their duly authorized agent;
  - (b) application fees in conformance with the fee schedule adopted by resolution of Council;
  - (c) a statement of the proposed use of the land;
  - (d) a statement of the estimated commencement and completion date of development;
  - (e) a lot plan, as detailed in Section 4.5; and
  - (f) any other information required by this Land Use By-law.
- 4.4.2 In addition to 4.4.1, applications for commercial or industrial development with a footprint of 1,000 square metres (10,763.9 square feet) or greater shall include a stormwater management plan prepared by a Professional Engineer or Landscape Architect licensed to practice in Nova Scotia. Such plans shall include design calculations that confirm the development, at a minimum, meets the following criteria:
- (a) retains on-site stormwater runoff generated from the first 10 mm depth of a rainfall event; and
  - (b) balances stormwater runoff generated after the first 10 mm of a rainfall event to ensure matching of the pre- and post-development stormwater runoff conditions.

## **4.5 Lot Plan Requirements**

- 4.5.1 Every application for a development permit shall be accompanied by a lot plan of the proposed development, drawn to an appropriate scale and showing:
- (a) the true shape and dimensions of all lots to be used;
  - (b) the proposed location, height, and dimensions of the building, structure, or work for which the permit is applied;
  - (c) the approximate location of rights-of-way and easements within the subject property;
  - (d) the location of every building or structure already erected on or partly erected on such lot;
  - (e) the proposed location and dimensions of parking spaces, loading spaces, driveways, solid waste storage areas, and landscaping areas, where applicable;
  - (f) the approximate location of all watercourses on the property; and
  - (g) other such information as necessary to determine whether or not every development conforms to the requirements of this By-law.
- 4.5.2 Notwithstanding Section 4.5.1, a lot plan shall not be required for changes in the use of a building that do not alter the exterior of the building, change the parking requirements, or change landscaping and buffering requirements, unless specifically requested by the Development Officer.

## **4.6 Additional Plan Information**

- 4.6.1 Where the Development Officer is unable to determine whether the proposed development conforms to this By-law or other by-laws and regulations in force, they may require that the lot plan submitted under Section 4.5 shows:
- (a) the precise location of rights-of-way, easements, and watercourses;
  - (b) the location of every building erected upon any abutting lot;
  - (c) the location of existing and proposed walkways;
  - (d) the type and location of existing and proposed outdoor lighting;
  - (e) the type, location, and height of any existing and/or proposed retaining walls, fences, hedges, trees, shrubs, or groundcover, as well as any retained natural vegetation;
  - (f) the location and type of any amenity area or facilities provided for users of the development; and/or,
  - (g) existing and proposed service connections or on-site services.

## **4.7 Additional Studies and Plans**

4.7.1 Where necessary to determine conformance with this Land Use By-law, the Development Officer may require the applicant to provide additional information at the necessary level of detail and, if necessary, prepared by the appropriate qualified professional at the applicant's cost. Such additional information may include, but is not limited to:

- (a) site survey and/or location certificate prepared and stamped by a Nova Scotia Land Surveyor;
- (b) topography and soil conditions of the subject site;
- (c) watercourse and/or wetland delineation study;
- (d) stormwater management plan;
- (e) floor plans and elevation drawings of any proposed structures;
- (f) geotechnical study;
- (g) site grading plan;
- (h) traffic impact assessment or study;
- (i) groundwater supply study; and/or
- (j) any other information deemed necessary by the Development Officer.

## **4.8 Additional Information for Wind Turbine Developments**

4.8.1 Where a development proposal includes a wind turbine, the applicant shall provide, in addition to any other requirements of this By-law:

- (a) the turbine manufacturer's specifications and Canadian Safety Association certification;
- (b) a project definition including installed turbine(s) capacity, targeted long term production levels, scaled elevations or photos of turbines showing total height, tower height, rotor diameter, and colour;
- (c) an analysis of noise impact, including a map indicating all lands and sensitive receptors impacted by the greater than 40 decibel emission level and estimated noise levels at property lines and receptors, if the wind turbine development has a nameplate capacity equal to or greater than one (1) kilowatt (1,000 watts); and
- (d) any other information deemed necessary by the Development Officer to evaluate the application.

4.8.2 Where a proposal includes a utility scale wind turbine, the applicant shall provide, in addition to any other requirements of this By-law:

- (a) authorization documents from Transport Canada, NavCan, and any other federal departments, if applicable;
- (b) an Environmental Impact Assessment, if the turbine or wind farm has a nameplate capacity equal to or greater than two (2) megawatts;
- (c) documentation stating that the project does not disrupt provincially significant wildlife habitat or endangered species habitat; and
- (d) a decommissioning and site reclamation plan.

## **4.9 Variances**

4.9.1 Notwithstanding anything in this By-law, the Development Officer may grant a variance subject to Section 235 of the *Municipal Government Act*. Specifically, the Development Officer may 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) the location and number of parking spaces and loading spaces required;
- (f) the ground area of a structure;
- (g) the height of a structure;
- (h) the floor area occupied by a home-based business; and/or
- (i) the height and area of a sign.

4.9.2 In accordance with the *Municipal Government Act*, the Development Officer shall not grant a variance if:

- (a) the variance violates the intent of the Land Use By-law;
- (b) the difficulty experienced is general to properties in the area; or
- (c) the difficulty experienced results from an intentional disregard for the requirements of this Land Use By-law.

## **4.10 Site Plan Approval**

- 4.10.1 This By-law states the types of land uses that are subject to site plan approval through the permitted use tables and/or lists for each zone.
- 4.10.2 The approval and appeal procedures for site plan approval shall follow the requirements of the *Municipal Government Act*.
- 4.10.3 All other applicable criteria of this Land Use By-law shall still apply to any development proposed and undertaken through site plan approval, except for the following which may be varied by the Development Officer:
- (a) requirements related to yards;
  - (b) lot coverage; and,
  - (c) minimum parking requirements.
- 4.10.4 In addition to the requirements of Sections 4.4, 4.5, and 4.6, applications for site plan approval shall meet the following requirements:
- (a) The application shall be accompanied by a written request, including a rationale and any necessary supporting illustrations addressing each of the applicable criteria outlined in Part 29.
  - (b) The application shall be accompanied by a fee, in the amount established by resolution of Council.

## **4.11 Site Plan Approval Exemptions**

- 4.11.1 Notwithstanding zone requirements for site plan approval, the following developments shall be exempt from site plan approval, provided all other requirements of this By-law are met:
- (a) Interior building reconfigurations, or additions of up to a gross floor area of 25.0 square metres (269.1 square feet).
  - (b) Installation, replacement, or repair of building features, and building repairs or additions that neither change the footprint of the building nor increase parking requirements.
  - (c) Accessory structures with a footprint of less than 25.0 square metres (269.1 square feet) on a property which is not subject to a previously approved site plan, or where accessory structures are not indicated on a previously approved site plan.
  - (d) Changes to signage on a property which is not subject to a previously approved site plan, or where signage was not indicated on a previously approved site plan.
  - (e) Temporary uses.

#### **4.12 Site Plan Approval Review**

- 4.12.1 The Development Officer shall review applications for new developments permitted by site plan approval, and amendments to existing site plan approvals, against all applicable criteria of this Land Use By-law and the applicable criteria in Part 29.

#### **4.13 Site Plan Approval Notification**

- 4.13.1 Where the Development Officer has granted a site plan approval, notification of the approval shall be served upon all assessed properties that lie within 30.0 metres (98.42 feet) of the property subject to the site plan approval.

## 5 Zones and Zoning Maps

### 5.1 Zones

- 5.1.1 For the purposes of this By-law, the Municipality is divided into the following zones, the boundaries of which are shown on the attached Schedule 'A'. Such zones may be referred to by the appropriate symbols:

Zone Name	Zone Symbol
Agriculture Potential Zone	AP
Commercial Recreation Zone	CR
Comprehensive Development District Zone	CDD
Conservation Zone	C
Fishing Zone	RF
General Centre Zone	GC
Hamlet Core Zone	HC
Hamlet Residential Zone	HR
Highway Commercial Zone	HWY
Institutional Zone	I
Lakeshore Zone	RL
Light Industrial Centre Zone	MI
Main Street Zone	MS
Parks and Open Space Zone	PO
Residential Centre Zone	R
Rural Commercial Zone	RC
Rural General Zone	RG
Rural Industrial Zone	RM
Source Water Protection 1 Zone	WP1
Source Water Protection 2 Zone	WP2

- 5.1.2 In addition to 5.1.1, this Bylaw contains the following overlay zones, shown on the attached Schedule 'A' or Schedule 'B', which implement additional requirements beyond those created by the underlying zoning:

Overlay Name
General Development Overlay
Sporting Mountain Overlay
Utility Scale Wind Development Overlay
Wind Development Overlay

### 5.2 Zoning Maps

- 5.2.1 Schedule 'A' attached hereto may be cited as the "Zoning Maps".
- 5.2.2 Schedule 'B' attached hereto may be cited as the "Wind Resource Maps".
- 5.2.3 The Zoning Maps and Wind Resource Maps shall form part of this By-law.

## **6 General Provisions**

### **6.1 Application of General Provisions**

- 6.1.1 The provisions of this Part shall, unless otherwise specified, apply to all uses and zones and shall prevail over all zone requirements except where expressly stated otherwise.

### **6.2 Accessory Buildings and Structures**

- 6.2.1 Accessory buildings and structures shall be located on the same lot as the main use.
- 6.2.2 Accessory buildings and structures shall not be located in the front or flanking yard.
- 6.2.3 The combined footprint for all accessory buildings and structures shall not exceed 40 percent of the lot area.
- 6.2.4 Notwithstanding the minimum rear setback for accessory buildings and structures, boat houses, docks, wharves, or piers may be built across the lot line when said lot line corresponds to the water's edge.
- 6.2.5 Notwithstanding lot standards for accessory buildings and structures, accessory buildings legally existing on the date of this By-law's adoption with less than the required setback shall be permitted to be replaced or rebuilt in the same location provided the accessory building or structure does not increase its non-conformity.
- 6.2.6 Notwithstanding the minimum rear and side setback for accessory buildings and structures, accessory buildings without windows or perforations on the side of the building facing the abutting lot line may be built 0.6 metres (2.0 feet) from said lot line.

### **6.3 Accessory Uses**

- 6.3.1 Uses accessory to a permitted use shall be permitted in all zones.

### **6.4 Building Height Exception**

- 6.4.1 Notwithstanding building height requirements in this By-law, maximum height requirements shall not apply to church spires, solar collectors, observation towers, silos, gondolas, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators, skylights, chimneys, clock towers, guard rails, telecommunication towers, and other similar structures.

## 6.5 Building to be Moved

6.5.1 Moving a building onto a lot is considered development and subject to all provisions of this by-law.

## 6.6 Electric Vehicle Charging - Accessory

6.6.1 Electric vehicle charging stations shall be permitted as an accessory use in all zones and a development permit shall not be required.

## 6.7 Encroachment into Setbacks

6.7.1 Notwithstanding the zone standards in this By-law, the following encroachments into minimum required setbacks shall be permitted:

<b>Feature</b>	<b>Required Setback in which Encroachment is Permitted</b>	<b>Permitted Encroachment Distance</b>
Balconies, decks (> 0.3 m [0.98 ft] high), patios, steps, verandas, porches (open) not exceeding one (1) storey in height, and terraces (uncovered)	Any	To lot line
Barrier free access structures	Any	To lot line
Carports	Side	0.6 m (1.96 ft) from lot line
Exterior insulation retrofitted to an existing building	Any	0.3 m (0.98 ft)
Fire escapes and exterior staircases	Rear and Side	1.5 m (4.92 ft)
Sills, belt courses, cornices, eaves, gutters, chimneys, pilasters, or similar architectural features	Any	0.6 m (1.96 ft)
Window bays up to 3.0 metres (9.8 ft) wide	Front, Rear, and Flankage	1.0 m (3.28 ft)

## **6.8 Existing Undersized Lots**

- 6.8.1 Any lot legally in existence on or before the effective date of this By-law, having less than the required minimum lot frontage or area, may be:
- (a) used for a purpose permitted in the zone on the lot and a building may be erected on such lot, provided that all other applicable provisions of this By-law are satisfied; and
  - (b) increased in area and/or frontage as a result of an approved plan of subdivision and still be considered an undersized lot under this By-law.
- 6.8.2 Any lot legally created after the effective date of this By-law through a provision of the Act or Subdivision By-law that specifically exempts subdivisions from compliance with municipal Land Use By-law minimum lot area or minimum lot frontage requirements shall be considered an existing undersized lot under this Land Use By-law.

## **6.9 Farm, Fish, and Forestry Stalls**

- 6.9.1 Nothing in this By-law shall prevent the direct sale of fish or other seafood; farm products such as, but not limited to, flowers, fruit, and vegetables; and forestry products such as, but not limited to, Christmas trees, wreaths, and maple products by individuals or companies engaged in the harvesting of such, subject to the following provisions:
- (a) any associated structures shall be limited to a maximum total footprint of 10.0 square metres (107.63 square feet) on a lot;
  - (b) associated structures shall meet zone requirements for minimum side and rear setbacks, but shall not be required to meet minimum front setbacks; and
  - (c) no development permit shall be required.

## **6.10 Flag Lots**

- 6.10.1 Where development is permitted on a flag lot, zone standards for minimum lot area shall be satisfied within the main portion of the flag lot and the lot area contained within the prolongation shall not count towards satisfying that requirement.

## **6.11 Frontage on a Road**

- 6.11.1 In the Agriculture Potential Zone, lot frontage shall only be counted towards meeting the minimum requirement of the Zone where the lot fronts on an existing private road or an existing public road, or a private road providing or intended to provide access for up to six lots.
- 6.11.2 In the Source Water Protection 1 Zone and the Source Water Protection 2 Zone, lot frontage shall only be counted towards meeting the minimum requirement of the Zone where the lot fronts on an existing private road or an existing public road.
- 6.11.3 In the following Zones, lot frontage shall only be counted towards meeting the minimum requirement of the Zone where the lot fronts on a private road or an existing public road:
- (a) Commercial Recreation Zone
  - (b) Conservation Zone
  - (c) Fishing Zone
  - (d) Highway Commercial Zone
  - (e) Institutional Zone
  - (f) Lakeshore Zone
  - (g) Parks and Open Space Zone
  - (h) Rural Commercial Zone
  - (i) Rural General Zone
  - (j) Rural Industrial
- 6.11.4 In the following Zones, lot frontage shall only be counted towards meeting the minimum requirement of the Zone where the lot fronts on a public road or an existing private road:
- (a) General Centre Zone
  - (b) Main Street Zone
  - (c) Residential Centre Zone
  - (d) Light Industrial Zone

## 6.12 Home-based Businesses

6.12.1 Level I home-based businesses shall meet the following requirements:

(a) Permitted Uses	<ul style="list-style-type: none"> <li>(i) Accommodations – 1 or 2 rental units</li> <li>(ii) Animal care</li> <li>(iii) Art Gallery / Studio</li> <li>(iv) Business or Professional Office</li> <li>(v) Commercial School - 6 or fewer students</li> <li>(vi) Craft Product Workshop</li> <li>(vii) Daycare Centre – 6 or fewer clients</li> <li>(viii) Medical Clinic</li> <li>(ix) Personal Service Shop</li> <li>(x) Service and Repair Shop, excluding Small Engine Repair</li> </ul>
(b) Maximum number of on-site, non-resident employees	(i) Two (2)
(c) Maximum Floor Area of Home-based business	(i) The equivalent of 25 percent of the gross floor area of the dwelling unit or 50 square metres (538.19 square feet), whichever is less.
(d) Outdoor Storage and Display	(i) Outdoor storage and display shall not be permitted
(e) Retail Sales	(i) Retail sales shall be limited to the sale of products made, assembled, refined, or repaired on the premises; and the sale of goods or materials associated with and secondary to the main business, such as the sale of shampoo by a hairdresser.
(f) Permitted Signage	(i) One (1) non-illuminated wall or ground sign, not exceeding 1.0 square metres (10.76 square feet).

6.12.2 Level II home-based businesses shall meet the following requirements:

(a) Permitted Uses	<ul style="list-style-type: none"> <li>(i) Accommodations – 5 or fewer rental units</li> <li>(ii) Animal care</li> <li>(iii) Art Gallery / Studio</li> <li>(iv) Automobile Repair Shop – 3 or fewer automobiles at one time</li> <li>(v) Business or Professional Office</li> <li>(vi) Commercial School – 10 or fewer students</li> <li>(vii) Craft Product Workshop</li> <li>(viii) Daycare Centre – 10 or fewer clients</li> <li>(ix) Forestry Use</li> <li>(x) Medical Clinic</li> <li>(xi) Personal Service Shop</li> <li>(xii) Service and Repair Shop</li> <li>(xiii) Take-out Restaurant</li> </ul>
(b) Maximum number of on-site, non-resident employees	(i) Three (3)
(c) Maximum Floor Area of Home-based business	(i) 150 square metres (1,614.59 square feet), but when located in a dwelling, the home-based business shall not occupy more than 40 percent of the gross floor area of the dwelling unit.
(d) Outdoor Storage and Display	<ul style="list-style-type: none"> <li>(i) The total area of outdoor storage and outdoor display (combined) shall not exceed the maximum permitted floor area of the home-based business.</li> <li>(ii) Outdoor storage and outdoor display shall not be permitted in the front or flankage yard or in minimum require side and rear setbacks.</li> </ul>
(e) Retail Sales	(i) Retail sales shall be limited to the sale of products made, assembled, refined, or repaired on the premises; and the sale of goods or materials associated with and secondary to the main business, such as the sale of shampoo by a hairdresser.
(f) Permitted Signage	(i) One (1) non-illuminated wall or ground sign, not exceeding 1.0 square metres (10.76 square feet).

### **6.13 Home Offices**

6.13.1 Nothing in this By-law shall prevent, and no development permit shall be required for, the use of a portion of any dwelling or building accessory to a dwelling as a personal office or studio for residents of the dwelling if the personal office or studio is not intended to be visited by members of the public.

### **6.14 Illumination**

6.14.1 Exterior lighting on any lot shall be directed away from, and shall not cause glare on, adjoining properties or adjacent streets.

### **6.15 Instruction of One Student at a Time**

6.15.1 Nothing in this By-law shall prevent, and no development permit shall be required for, the use of a portion of any dwelling or building accessory to a dwelling for the instruction of one (1) student at a time.

### **6.16 Island Developments**

6.16.1 Notwithstanding minimum lot frontage requirements, the Development Officer may grant a development permit for development on an island that does not contain a public street, provided:

- (a) the lot has a minimum of 6.0 metres (19.68 feet) of water frontage on the body of water that creates the island; and
- (b) all other requirements of this By-law and the Subdivision By-law are satisfied.

### **6.17 Habitation of Vehicles**

6.17.1 Trucks, trailers, buses or coach bodies, or similar structures shall not be used for human habitation.

### **6.18 Kennels**

6.18.1 Notwithstanding minimum lot area and minimum side and rear yard setback requirements, kennels, where permitted, shall be subject to the following requirements:

- (a) Kennel uses shall have a minimum lot area of 10,000 square metres (107,639.1 square feet).
- (b) Side and rear yard setbacks shall be a minimum of 15.24 metres (50.0 feet).

## **6.19 Fishery Storage**

6.19.1 Notwithstanding the provisions of this By-law, the storage of equipment associated with the fishing industry use shall be permitted as an accessory use in all zones.

## **6.20 Multiple Main Buildings**

6.20.1 Unless otherwise prohibited in this By-law, any number of main buildings may locate on the same lot, subject to applicable zone requirements.

## **6.21 Multiple Land Uses on Property**

6.21.1 In any zone, where any land or building is used for more than one (1) purpose, all the provisions of this By-law relating to each use shall be satisfied. Where there is a conflict, such as in the case of lot area or lot frontage, the higher or more stringent standard shall prevail.

## **6.22 Non-conforming Structures**

6.22.1 Notwithstanding lot area, lot frontage, and minimum setback requirements of this By-law, the use of a non-conforming structure may be changed to any other use permitted in that zone, provided all other requirements of this By-law are met.

6.22.2 Non-conforming structures may be replaced, reconstructed, enlarged, renovated, and/or repaired, provided:

(a) any such construction does not further infringe on the By-law requirements(s) that created the non-conformity; and

(b) all other requirements of this By-law are met.

## **6.23 Non-conforming Uses**

6.23.1 Non-conforming uses shall be subject to the provisions for non-conforming uses of the *Municipal Government Act*, except the use may be recommenced if discontinued for a continuous period of 12 months.

6.23.2 Non-conforming uses may be converted to another non-conforming use by site plan approval, subject to the applicable provisions of Part 29.

## **6.24 Self-Storage Facilities**

- 6.24.1 Where permitted, and notwithstanding minimum side and rear yard setback requirements, self-storage facilities shall adhere to the following provisions:
- (a) Self-storage facility units accessed from the external building walls shall not be permitted to be located facing the front lot line of any self-storage facility.
  - (b) Side and rear yard setbacks shall be a minimum of 15.24 metres (50.0 feet).

## **6.25 Side Yard Requirement - Exception**

- 6.25.1 Notwithstanding anything else in the By-law, where buildings on adjacent lots share a common wall, the applicable side yard requirements shall be waived.

## **6.26 Shipping Containers**

- 6.26.1 Shipping containers shall be permitted as an accessory structure, and they shall be subject to the accessory structure provisions of Section 6.2.

## **6.27 Solar Collector Systems**

- 6.27.1 Accessory solar collector systems:
- (a) shall be permitted as an accessory use in all zones and may be mounted as free-standing structures or on buildings;
  - (b) when mounted on buildings may exceed the maximum building height in the zone by up to 2.0 metres; and
  - (c) when mounted as free-standing structures shall:
    - i. not exceed a height of 2.0 metres;
    - ii. not be located in any minimum front or flankage yard; and
    - iii. not exceed a combined panel area of 10.0 square metres.
- 6.27.2 Large-scale solar collector systems in the Hamlet Residential (HR) and Hamlet Core (HC) Zone shall be limited to a collector area of 500.0 square metres (5,381.96 square feet).

## **6.28 Sporting Mountain Overlay**

- 6.28.1 In addition to all other regulations of this By-law, the area within the Sporting Mountain Overlay, as shown of Schedule 'A', shall be subject to the provisions of this Section.
- 6.28.2 Notwithstanding anything else in this By-law, heavy industrial uses shall be prohibited within the Sporting Mountain Overlay.
- 6.28.3 Notwithstanding the requirements of this By-law, any proposal that includes a light industrial use within the Sporting Mountain Overlay shall:
- (a) not be located within 100.0 metres (328.08 feet) of the high watermark of the Bras d'Or Lakes; and
  - (b) not have a building height greater than 9.15 metres (30 feet).

## **6.29 Accessory Agriculture Uses**

- 6.29.1 Notwithstanding subsection 6.29.2, where a zone also permits "agricultural uses", the less stringent requirements shall apply.
- 6.29.2 Where an accessory agriculture use includes the keeping of livestock, the use may be permitted one (1) accessory structure, with a gross floor area no greater than 20.0 square metres (215.27 square feet), for the keeping of livestock. Please note that larger livestock structures are possible as an "agricultural uses" land use in zones that permit that use.
- 6.29.3 Where an accessory agriculture use includes the keeping of livestock, property owners should note that the *Fences and Detention of Stray Livestock Act* requires fencing adequate to prevent the escape of livestock.
- 6.29.4 Any accessory structure used for an accessory agriculture use shall be subject to the requirements of Section 6.2.

## **6.30 Storage Buildings**

- 6.30.1 A storage building shall not be an "Accessory Building" as defined in sub clause 1.2.1.2(2)(a) of the Nova Scotia Building Code Regulations.<sup>1</sup>
- 6.30.2 An Environment Approval or Qualified Persons Report verifying soil conditions adequate to contain an onsite sewer system may be required.

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<sup>1</sup> (2) Unless a municipality otherwise requires by by-law, or where regulations are in another enactment, the Code applies but a building permit is not required for (a) accessory buildings not greater than 20 m<sup>2</sup> (215.2 ft.<sup>2</sup>) in area

### **6.31 Use of Former Community Facilities**

- 6.31.1 The reuse of former community facilities, existing on [adoption date], including, but not limited to, schools, community halls, places of worship, and other similar community facilities, shall be considered to assume a use not otherwise permitted in the applicable land use zone in which the community facility is located, by Development Agreement, subject to Policy 5-46 of the Municipal Planning Strategy.

### **6.32 Utilities**

- 6.32.1 Unless otherwise stated, any public utility that is essential for the actual provision of a service, not including energy generation systems, wind turbines, and large-scale solar collector systems, shall be permitted in any zone and shall be exempt from zone standards. These utilities include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.
- 6.32.2 For greater clarity, uses not directly related to the provision of utility service shall not be included in the exemptions of this Section, and shall only be permitted in accordance with zone requirements. Such uses include, but are not limited to, administrative offices and maintenance depots.

### **6.33 Visibility at Intersections**

- 6.33.1 Notwithstanding anything else in this By-law, on a corner lot, no building, structure, fence, sign, hedge, shrub, bush or tree, or any other structure or vegetation shall be erected or permitted to grow to a height greater than 0.6 metres (1.96 feet) above grade within the corner vision triangle.

## **6.34 Watercourse Buffer**

- 6.34.1 All development, with the exception of the following, shall be prohibited within 15.24 horizontal metres (50.0 feet) and 2.5 vertical metres (8.2 feet) of the ordinary high watermark of any watercourse:
- (a) Boat houses, fishing gear sheds, docks, wharves, piers, and slipways.
  - (b) Fishing uses.
  - (c) Boardwalks, walkways, and trails with a maximum width of 3.0 metres (9.84 feet).
  - (d) Pumphouses.
  - (e) Scientific research structures.
  - (f) Public streets and infrastructure.
  - (g) Development in the Source Water Protection 1 (WP1) Zone.
  - (h) Development in the Fishing Zone (RF) Zone.
- 6.34.2 Notwithstanding Subsection 6.34.1, the 2.5 vertical metre (8.2 feet) buffer shall not apply to those lands subject to the enacted regulations of the *Coastal Protection Act*, or its successor legislation.
- 6.34.3 A lot existing on the effective date of this By-law having less than the minimum 15.24 horizontal metres (50.0 feet) buffer from the ordinary high-water mark may be used for a purpose permitted in the zone in which the lot is located, and a building may be erected, provided the zone's lot standards and all provision of this By-law are satisfied.

## **6.35 Wind Turbines**

- 6.35.1 All wind turbine development shall be developed in accordance with the provisions of the Wind Resource Maps, as shown on Schedule 'B', and the requirements of this Section, and any other applicable provision of this Land Use By-law.

### **General Development Overlay**

- 6.35.2 Within the General Development Overlay of the Wind Resource Maps:
- (a) utility scale wind turbines shall be prohibited; and
  - (b) domestic scale wind turbines shall be permitted and subject to the provisions of Subsection 6.35.5.

### **Wind Development Overlay**

- 6.35.3 Within the Wind Development Overlay of the Wind Resource Maps:
- (a) Utility scale wind turbines shall be permitted and subject to the provisions of Subsection 6.35.9 and 6.35.10.
  - (b) Domestic scale wind turbines shall be permitted and subject to the provisions of Subsection 6.35.5.

### **Utility Scale Wind Development Overlay**

- 6.35.4 Within the Utility Scale Wind Development Overlay of the Wind Resource Maps:
- (a) Utility scale wind turbines shall be permitted and subject to the provisions of Subsection 6.35.9 and 6.35.14.
  - (b) Domestic scale wind turbines shall be permitted and subject to the provisions of Subsection 6.35.5 and 6.35.14.

### **Provisions for Domestic Scale Wind Turbines**

- 6.35.5 Domestic scale wind turbines, where permitted, shall be subject to the following requirements:
- (a) The maximum height of the turbine shall be 60.0 metres (196.85 feet).
  - (b) The minimum setback from all adjacent lot boundaries shall be the greater of:
    - i. one (1) times the height of the turbine; or
    - ii. at such a distance where the mean value of sound pressure level from a wind turbine does not exceed 40 decibels at the lot line.
  - (c) There shall be no signs, advertisements, or objects attached to or added to the turbine.
  - (d) Turbines greater than 6.0 metres (19.7 feet) in height shall not be mounted on or attached to any other structure.
  - (e) All supporting structures shall be located a minimum of 3.0 metres (9.84 feet) from all lot lines.
  - (f) All supporting structures, including guy wires, shall be clearly visible to a height of a minimum of 2.0 metres (6.6 feet) above the ground.
  - (g) A maximum of one (1) domestic scale wind turbine shall be permitted per lot.
- 6.35.6 Mini wind turbines shall be exempt from the provisions of Subclause 6.35.5(b) ii. and Clause 6.35.5(g) within the General Development Overlay.

- 6.35.7 Clause 6.35.5(g) within the General Development Overlay shall be waived where the subject lot is greater than 60,000 square metres (645,834.63 square feet) in area, provided that the minimum separation distance between turbines equals the height of the tallest turbine.
- 6.35.8 Within the General Development Overlay, minimum setback requirements from all adjacent lot boundaries established in Subsection 6.35.5 shall be waived where:
- (a) such adjacent property owner agrees to grant an easement binding on the current and future land owners; or
  - (b) such adjacent property is used for a utility scale wind turbine development.

### **Special Provisions for Utility Scale Wind Turbines**

- 6.35.9 Utility scale wind turbines, where permitted, shall be subject to the following requirements:
- (a) The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be 600.0 metres (1,968.5 feet). There shall be no setback requirement from dwellings located on the same lot.
  - (b) The minimum setback for wind turbine developments with a nameplate capacity greater than two (2) megawatts or turbines requiring an Environmental Assessment, as stipulated in the *Nova Scotia Environment Act*, from all dwellings, except dwellings located on the same lot as the wind turbine, shall be 1000.0 metres (3,280.84 feet). There is no setback requirement from dwellings located on the same lot.
  - (c) There shall be no setback requirements for new dwellings constructed subsequent to a utility scale wind turbine development.
  - (d) Minimum setback from all lot lines shall be one (1) times the height of the turbine.
  - (e) Minimum setbacks from all watercourses and public highways shall be 60.0 metres (196.85 feet) or two (2) times the height of the turbine, whichever amount is greater.
  - (f) The minimum separation distance between turbines shall be equal to the height of the tallest turbine.
  - (g) There shall be no signs, advertisements or objects attached to or added to the turbine(s).

- 6.35.10 Within the Wind Development Overlay, the mean value of sound pressure level from a utility scale wind turbine shall not exceed 40 decibels or above the existing background noise, whichever is greater, at the nearest residence.
- 6.35.11 Notwithstanding the setback requirement from a dwelling contained in Clause 6.35.9(a) and Clause 6.35.9(b), where a dwelling is constructed within the setback distance of utility scale wind turbine development erected after the effective date of this By-law, the wind turbine development may expand. The setback requirement for any expansion shall be equal to or greater than the setback between the initial wind turbine development and the dwelling.
- 6.35.12 The setback requirements from lot lines contained in Clause 6.35.9(d) shall be waived where wind turbine development occurs on land where the adjacent property is subject to a lease for that purpose for a term of 19 years or greater. The setback requirement shall apply to any property which is not leased for wind turbine development.
- 6.35.13 The owner of a utility wind turbine shall remove a utility wind turbine from the lot following one (1) year of inactivity. All supporting structures on the lot shall be removed within 60 days of the date of notification by the Municipality and the surface site restored to a reasonable natural state within 18 months. A new application shall be submitted and approved before a new utility wind turbine is installed or a utility wind turbine is restarted after the expiration of the one (1) year period.

#### **Wind Turbines in the Port Hawkesbury Watershed**

- 6.35.14 Prior to the issuance of a development permit, any wind turbine proposed to be erected in the Port Hawkesbury Watershed Section "B" is required to get written permission from the Minister of Environment of the Province of Nova Scotia for approval in accordance with the "Port Hawkesbury Watershed Protected Water Area Designation and Regulations" made under Subsections 106(5) and (6) of the *Environment Act*.

## 7 Parking

### 7.1 Application of Parking Requirements

7.1.1 The requirements of this Part shall apply to the:

- (a) General Centre (GC) Zone,
- (b) Hamlet Core (HC) Zone,
- (c) Hamlet Residential (HR) Zone,
- (d) Main Street (MS) Zone, and
- (e) Residential Centre (R) Zone.

7.1.2 The requirements of this Part shall not apply to any land use that was in existence on the effective date of this By-law.

7.1.3 Where a change in use would require parking that could not be accommodated on the lot without the demolition, in whole or in part, of a main building existing on [adoption date] the Development Officer may consider a reduction in the number of parking spaces via the variance process as outlined in Section 4.9.

### 7.2 Minimum Number of Automobile Parking Spaces

7.2.1 Where a lot contains more than one (1) use, the number of required parking spaces shall be the sum of the number of parking spaces required for each use.

7.2.2 Where the number of automobile parking spaces required includes a fraction or fractions of whole spaces, the number of spaces for all uses shall be totaled before any rounding, and then the total shall be rounded to the nearest whole number. Half spaces shall be rounded down.

7.2.3 Required automobile parking spaces shall be:

- (a) a minimum of 2.5 metres (8.20 feet) wide by 5.5 metres (18.04 feet) long for 90-degree spaces;
- (b) a minimum of 3.6 metres (11.81 feet) wide by 5.7 metres (18.70 feet) long for angled spaces; and
- (c) except for dwellings with fewer than four (4) units, shall be capable of being accessed without travelling through another parking space.

7.2.4 Parking shall be provided and maintained in conformity with Table 7-1. If a use is not listed in Table 7-1, no parking minimums shall apply.

<b>Table 7-1</b>	
<b>Use</b>	<b>Parking Spaces Required</b>
Accommodation	1 space per suite or rental
Art Gallery / Studio	1 space
Animal Care	3 spaces
Automobile Body or Repair Shop	2 spaces per service bay
Banks and Financial Institutions	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Boarding House	1 space per sleeping unit
Business or Professional Office	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Commercial Recreation - Indoor	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Convenience Store	3 spaces
Dwellings	1 space per dwelling unit
Funeral Home	1 space per 25 m <sup>2</sup> (269.10 ft <sup>2</sup> ) GFA, not including area dedicated to crematoria
Personal Service Shop	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Post Office	4 spaces
Private Club	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Restaurant - Eat-in	1 space per 25 m <sup>2</sup> (269.10 ft <sup>2</sup> ) GFA
Restaurant - Drive-through	1 space per 45 m <sup>2</sup> (484.37 ft <sup>2</sup> ) GFA
Restaurant - Take out	3 spaces
Retail Store	1 space per 30 m <sup>2</sup> (322.91 ft <sup>2</sup> ) GFA
School - Commercial	1 space per 50 m <sup>2</sup> (538.19 ft <sup>2</sup> ) GFA
Service and Repair Shop	3 spaces

“GFA” = Gross floor area

### **7.3 Location of Automobile Parking**

- 7.3.1 Parking shall not be located in the front yard in the Main Street (MS) Zone.
- 7.3.2 No more than four (4) parking spaces shall be located in the front yard of any dwelling.

### **7.4 Parking Exemption**

- 7.4.1 Notwithstanding Section 7.2, all minimum automobile parking space requirements shall be waived in the Main Street (MS) Zone.

### **7.5 Automobile Parking Area Standards**

- 7.5.1 Where parking facilities for more than four (4) automobiles are required or provided, the facilities shall meet the following requirements:
  - (a) The parking area shall be maintained with a stable surface that is treated to prevent dust and loose particles.
  - (b) The lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from streets, adjacent lots and buildings.
  - (c) A structure, not more than 4.6 metres (15.09 feet) in height and not more than 5.0 square metres (53.81 square feet) in area may be erected in the parking area for the use of attendants.
  - (d) The parking area shall be within 100.0 metres (square feet) of the location it is intended to serve, and shall be situated in the same zone.
  - (e) When the parking area is of a permanent hard surface, each parking space shall be clearly marked and maintained as such.

## **8 Signage**

### **8.1 Signage Provisions for All Zones**

- 8.1.1 All signs and all parts thereof, including copy, framework, supports, background, and anchors shall be kept in a good state of repair and working order.
- 8.1.2 Any sign that no longer advertises a bona fide business conducted or a product sold are deemed to be obsolete and shall be removed once the use has been discontinued for a period exceeding 60 days. In the case of seasonal businesses, the use shall be considered discontinued on December 31<sup>st</sup> of a calendar year if the use was not operated in that calendar year.
- 8.1.3 Where this Part is inconsistent with the regulations made or administered by the Province of Nova Scotia respecting advertising signs on or near public highways, the more restrictive regulations shall apply.

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

8.2.1 Notwithstanding any other provision of this By-law, the following signs shall not be permitted in any zone:

- (a) Signs or sign structures that constitutes a hazard to public health or safety;
- (b) Signs that obstruct free ingress to or egress from a fire escape door, window, or other required exit way;
- (c) Signs that obstruct access to any fire hydrant or firefighting hose connection;
- (d) Signs which have any visible moving part or mechanical movement of any description;
- (e) Flashing or animated signs;
- (f) Signs not erected by a public authority which make use of words such as "STOP", "LOOK", "ONE WAY", "DANGER", "YIELD", or other similar words, phrases, symbols, lights, or characters displayed in such a manner as to interfere with, mislead, or confuse traffic along a public road;
- (g) Signs on public property or within a public right-of-way, unless erected by a government body or unless written permission to do so has been obtained from the governmental body;
- (h) Signs painted on, attached to, or supported by a tree, stone, cliff, or other natural object;
- (i) Signs that, by reason of size, location, content, colouring, or manner of illumination, obstruct the vision of automobile drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; and
- (j) Signs located on the roof of any structure.

### **8.3 Signs Permitted in all Zones**

8.3.1 Notwithstanding any other provisions of this By-law except Section 8.2, the following signs are permitted in all zones without the requirement for a development permit:

- (a) “No Trespassing” signs or other such signs regulating the use of a property, and of not more than 0.2 square metres (2.15 square feet) in sign area.
- (b) Signs erected by a governmental body, or under the direction of such a body, and bearing no commercial advertising, such as traffic signs, safety signs, signs identifying public schools, public election lists, signs giving legal notice, planning application signs, and public identification and information signs.
- (c) Election signs.
- (d) Memorial signs or tablets and signs denoting the date of erection of a structure.
- (e) A maximum of two (2) real estate signs on a property, each one not exceeding 0.5 square metres (5.38 square feet) in sign area, which advertise the sale, rental, or lease of the premise.
- (f) Signs identifying the name and occupation of the resident, and of not more than 0.2 square metres (2.15 square feet) in sign area.
- (g) Signs bearing the name or civic number of a building, and of not more than 0.2 square metres (2.15 square feet) in sign area.
- (h) Signs mounted on the interior surface of sporting facilities such as, but not limited to, signs mounted on baseball diamond fences.
- (i) Signs regulating or denoting on-premises traffic, or parking or other signs denoting the direction or function of various parts of a building or premise, provided that such signs are less than 0.5 square metres (5.38 square feet) in sign area.
- (j) The flag, pennant, or insignia of any nation, province, or state or of any religious, charitable, or fraternal organization.
- (k) Interpretive panels describing the history, science, or cultural relevance of a location.
- (l) A sign incidental to the construction of a residential, commercial, or industrial building, which is located on the same lot as the structure under construction. Such sign shall have a sign area of no more than 6.0 square metres (64.58 square feet) and shall be removed within sixty days following the completion of construction.

- (m) Temporary signs associated with a specific event, which does not exceed 1.5 square metres (16.14 square feet) in sign area. Such signs shall not be placed more than 14 calendar days before an event and shall be removed within seven (7) of the event's conclusion.
- (n) Signs erected in compliance with any Municipality of the County of Richmond signage program and holding a valid permit as may be required by any by-law or Council policy applicable to any such program.

## **8.4 Signage Provisions for the Serviced Areas and Hamlet Areas**

8.4.1 The signage provisions of this Section shall apply to those lands located within the following zones:

- (a) General Centre (GC) Zone
- (b) Hamlet Core (HC) Zone
- (c) Hamlet Residential (HR) Zone
- (d) Main Street (MS) Zone
- (e) Residential Centre (R) Zone

8.4.2 No person shall erect or relocate any signs, except those permitted under Section 8.3, without first obtaining a development permit from the Development Officer, and no development permit shall be issued to erect a sign unless all the sign provisions of this By-law are satisfied.

8.4.3 A development permit shall not be required for:

- (a) a changeable copy sign with a valid development permit, where the changeable portion of the sign is altered so long as the sign or sign structure is not modified in any other way; or
- (b) the repainting, cleaning, or repairing of a sign or sign structure, for which has a valid development permit, so long as the sign or sign structure is not modified in any other way.

8.4.4 In addition to the provisions of Section 4.4 of this By-law, the following information shall be provided by the applicant for a development permit for a sign:

- (a) the name and address of the owner of the sign;
- (b) the name and address of owner or person in possession of the premises where the sign is to be located;
- (c) clear and legible drawings showing the exact location of the sign that is the subject of the permit and all other existing signs on the same premises; and
- (d) drawings showing the dimensions, supports, sizes, materials of sign, and the method of attachment and the character of structural members to which attachments are to be made.

8.4.5 Permitted signage shall be outlined in Table 8-1. All requirements are maximums:

Table 8-1					
	Main Street Zone	General Centre Zone	Residential Centre Zone	Hamlet Residential Zone	Hamlet Core Zone
Ground Sign	6 m (19.68 ft) tall / 4 m <sup>2</sup> (43.05 ft <sup>2</sup> ) sign area	10 m (32.81 ft) tall / 7 m <sup>2</sup> (75.35 ft <sup>2</sup> ) sign area	Not Permitted	Not Permitted	6 m (19.68 ft) tall / 4 m <sup>2</sup> (43.05 ft <sup>2</sup> ) sign area
Wall Sign	10% of wall	20% of wall	5% of wall	5% of wall	15% of wall
Projecting Sign	1 m (3.28 feet) projection / 1 m <sup>2</sup> (10.76 ft <sup>2</sup> ) sign area	1.5 m (4.92 feet) projection / 2 m <sup>2</sup> (21.52 ft <sup>2</sup> ) sign area	1 m (3.28 feet) projection / 1 m <sup>2</sup> (10.76 ft <sup>2</sup> ) sign area	1 m (3.28 feet) projection / 1 m <sup>2</sup> (10.76 ft <sup>2</sup> ) sign area	1.5 m (4.92 feet) projection / 2 m <sup>2</sup> (21.52 ft <sup>2</sup> ) sign area
Mobile Sign	Not permitted	One per property	Not permitted	Not permitted	One per property
Sandwich Board Signs	One per business	One per business	One per business	One per business	One per business
Roof Signs	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Third Party Signs	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

## 8.5 Illumination

8.5.1 Signs may be internally illuminated or illuminated through the use of shielded downlighting but such illumination shall not flash.

## 9 Main Street (MS) Zone

### 9.1 Permitted Uses

9.1.1 The following uses shall be permitted in the Main Street (MS) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Animal Care
- (c) Banks and Financial Institutions
- (d) Boarding (Rooming) Houses – up to 6 sleeping units per lot
- (e) Commercial Recreation – Indoor
- (f) Community Centre
- (g) Craft Food and Beverage Production
- (h) Cultural Facilities
- (i) Daycare Centre
- (j) Drinking Establishment
- (k) Dwellings – up to 12 dwelling units per lot
- (l) Electric Vehicle Charging – as a main use
- (m) Farmers’ Market
- (n) Funeral Home
- (o) Government Uses
- (p) Interpretive Centre
- (q) Marina
- (r) Medical Clinic
- (s) Nursing Home
- (t) Office
- (u) Parking Structures and Surface Parking Lots
- (v) Parks and Playgrounds
- (w) Personal Service Shop
- (x) Place of Worship
- (y) Private Club
- (z) Public Recreation
- (aa) Public Transportation

- (bb) Recycling Depot
- (cc) Residential Care Facility
- (dd) Restaurant – Eat-in
- (ee) Restaurant – Take-out
- (ff) Retail Store
- (gg) School – Academic
- (hh) School – Commercial
- (ii) School – Post-secondary
- (jj) Service and Repair Shop
- (kk) Small Options Home
- (ll) Trails and Conservation
- (mm) Water Access
- (nn) Workshops

## **9.2 Permitted Uses with Conditions**

- 9.2.1 The following uses shall be permitted in the Main Street (MS) Zone subject to the requirements of this By-law and any conditions noted:
- (a) Accessory Agriculture Uses – Section 6.29
  - (b) Home-based Business – Level I – Section 6.12
  - (c) Home-based Business – Level II – Section 6.12

## **9.3 Permitted Uses by Site Plan Approval**

- 9.3.1 The following uses shall be permitted in the Main Street (MS) Zone by Site Plan Approval subject to the requirements of this By-law:
- (a) Dwellings – over 12 dwelling units per lot

## **9.4 Permitted Uses by Development Agreement**

- 9.4.1 The following uses shall be considered in the Main Street (MS) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:
- (a) Energy Generation Systems – MPS Policy 5-56
  - (b) Any land use permitted by this zone but not in compliance with the design standards of Section 9.6 – MPS Policy 4-55

## 9.5 Main Street (MS) Zone Development Standards

9.5.1 In the Main Street (MS) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	200 m <sup>2</sup>	2152.80 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	6 m	19.69 ft
Minimum Front/Flankage Setback	1.5 m	4.92 ft
Maximum Front/Flankage Setback	6 m	19.69 ft
Minimum Side Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	1 m	3.28 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Maximum Building Height		
• Main Building	18 m	59.06 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

9.5.2 Where an easement in the front or flankage yard prevents construction within the maximum setback, the maximum setback shall apply to the edge of the easement instead.

9.5.3 The maximum front setback shall only apply to one (1) main building per lot, i.e., the main building closest to the street line.

## **9.6 Design Standards in the Main Street (MS) Zone**

9.6.1 Main buildings developed or enlarged within the Main Street (MS) Zone shall comply with the requirements of this Section.

### **Building Composition**

9.6.2 A minimum of 50 percent of the lot width, along a line parallel to the street line and at a distance of the maximum front and flankage setback shall be occupied by a building.

9.6.3 The minimum building height shall be 6.0 metres (19.68 feet).

9.6.4 The minimum floor-to-floor height of the ground floor shall be 3.5 metres (11.48 feet).

9.6.5 Above a height of 8.0 metres (26.24 feet):

(a) buildings shall have a setback of a minimum 2.5 metres (8.20 feet) away from the front and flankage lot line; or

(b) all floor area above that elevation shall be developed within the attic of a sloped roof.

9.6.6 If the building exceeds 12.0 metres (39.37 feet) in width, the facades shall be broken into sections no larger than 12.0 metres (39.37 feet) in width using architectural elements such as projections, recesses, awnings, colour, texture, pilasters, and columns, to break up the continuous massing of the front and flankage elevations.

9.6.7 Utilities such as vents, mechanical rooms/equipment, and elevator penthouses shall be integrated with the architectural treatment of the roof, be located so as to be inconspicuous from any sidewalk, or be screened with materials and finishes compatible with the buildings design.

### **Wall Openings**

- 9.6.8 Doors to commercial uses shall be partially or fully glazed.
- 9.6.9 In the first storey, blank walls without any articulation or windows may not exceed a horizontal length of 5.0 metres (16.40 feet).
- 9.6.10 At least 50 percent of the surface area of a building's ground floor wall facing the street line shall be glazed.
- 9.6.11 All new developments shall provide a clearly defined pedestrian entrance. The main pedestrian entrance shall be visually distinct from other openings in the street wall.
- 9.6.12 All main entrances shall be ornamented by one of the following:
- (a) awnings;
  - (b) emphasized door lintels;
  - (c) a portico or otherwise cantilevered roof;
  - (d) pilasters on the sides of the entrance; or
  - (e) none of the above if the entire ground floor is visually separated from upper floors by projecting string courses or a difference in cladding.
- 9.6.13 On corner lots, the building shall have entrances on the corner within a bevel or within both walls facing a street line..
- 9.6.14 Vehicular entrances to buildings within a wall facing a street line shall be set back by at least 2.0 metres (6.56 feet) from the facade.

### **Site design**

- 9.6.15 Pedestrian priority areas shall be clearly defined and allow for a comfortable and safe pedestrian movement. This may be achieved through the use of landscaping, surface materials, or other design features.
- 9.6.16 Large areas of uninterrupted parking shall be avoided. The parking lots shall not have more than 20 stalls in any direction without an interruption by landscaping of at least 2.0 metres (6.56 feet) width.

## 10 General Centre (GC) Zone

### 10.1 Permitted Uses

10.1.1 The following uses shall be permitted in the General Centre (GC) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Animal Care
- (c) Banks and Financial Institutions
- (d) Boarding (Rooming) House – up to 6 sleeping units per lot
- (e) Building Supply and Equipment Depot
- (f) Cemetery
- (g) Commercial Recreation – Indoor
- (h) Commercial Recreation – Outdoor
- (i) Community Centre
- (j) Craft Food and Beverage Production
- (k) Cultural Facilities
- (l) Daycare Centre
- (m) Drinking Establishment
- (n) Dwelling – up to 6 dwelling units per lot
- (o) Electric Vehicle Charging – as a main use
- (p) Emergency Services
- (q) Farmers' Market
- (r) Funeral Home
- (s) Government Uses
- (t) Hospital
- (u) Interpretive Centre
- (v) Marina
- (w) Marine Recreation Provider
- (x) Medical Clinic
- (y) Nursing Home
- (z) Office

- (aa) Parking Structures and Surface Parking Lots
- (bb) Parks and Playgrounds
- (cc) Personal Service Shop
- (dd) Place of Worship
- (ee) Private Club
- (ff) Public Recreation
- (gg) Public Transportation
- (hh) Recycling Depot
- (ii) Residential Care Facility
- (jj) Restaurant – Eat-in
- (kk) Restaurant – Take-out
- (ll) Retail Store
- (mm) School – Academic
- (nn) School – Commercial
- (oo) School – Post-secondary
- (pp) Service and Repair Shop
- (qq) Small Options Home
- (rr) Trails and Conservation
- (ss) Water Access
- (tt) Wholesale
- (uu) Workshop

## **10.2 Permitted Uses with Conditions**

10.2.1 The following uses shall be permitted in the General Centre (GC) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Self-Storage Facilities – Section 6.24

### **10.3 Permitted Uses by Site Plan Approval**

10.3.1 The following uses shall be permitted in the General Centre (GC) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Dwelling – 7 to 12 dwelling units per lot
- (b) Automobile Body Shop
- (c) Automobile Service Station
- (d) Automobile Washing
- (e) Automobile Repair
- (f) Automobile Sales
- (g) Boarding (Rooming) House – 7 to 12 sleeping units per lot
- (h) Restaurants – Drive-through

### **10.4 Permitted Uses by Development Agreement**

10.4.1 The following uses shall be considered in the General Centre (GC) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Dwelling – over 12 dwelling units per lot – MPS Policy 4-59
- (b) Boarding (Rooming) Houses – over 12 sleeping units per lot – MPS Policy 4-59
- (c) Energy Generation Systems – MPS Policy 5-56

## 10.5 General Centre (GC) Zone Development Standards

10.5.1 In the General Centre (GC) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	350 m <sup>2</sup>	3767.40 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	6 m	19.69 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	2 m	6.56 ft
• Accessory Building	1 m	3.28 ft
Minimum Rear Setback		
• Main Building	3 m	9.84 ft
• Accessory Building	3 m	9.84 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

# 11 Residential Centre (R) Zone

## 11.1 Permitted Uses

11.1.1 The following uses shall be permitted in the Residential Centre (R) Zone subject to the requirements of this By-law:

- (a) Accommodations – up to 3 rental units per lot
- (b) Boarding (Rooming) House – up to 4 sleeping units per lot
- (c) Cemetery
- (d) Community Centre
- (e) Dwelling – up to 4 dwelling units per lot
- (f) Government Uses
- (g) Medical Clinic
- (h) Nursing Home
- (i) Parks and Playgrounds
- (j) Place of Worship
- (k) Private Club
- (l) Public Recreation
- (m) Residential Care Facility
- (n) School – Academic
- (o) Small Options Home
- (p) Trails and Conservation
- (q) Water Access

## 11.2 Permitted Uses with Conditions

11.2.1 The following uses shall be permitted in the Residential Centre (R) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business Level I – Section 6.12

### 11.3 Permitted Uses by Site Plan Approval

11.3.1 The following uses shall be permitted in the Residential Centre (R) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Boarding (Rooming) House – 5 to 6 sleeping units per lot
- (b) Dwelling – 5 to 6 dwelling units per lot

### 11.4 Permitted Uses by Development Agreement

11.4.1 The following uses shall be considered in the Residential Centre (R) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Accommodations as Home-based Business with six or more units – MPS Policy 4-65
- (b) Energy Generation Systems – MPS Policy 5-56

### 11.5 Residential Centre (R) Zone Development Standards

11.5.1 In the Residential Centre (R) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	350 m <sup>2</sup>	3767.40 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	10 m	32.81 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	2 m	6.56 ft
• Accessory Building	1 m	3.28 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	8 m	26.25 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 12 Light Industrial Centre (MI) Zone

### 12.1 Permitted Uses

12.1.1 The following uses shall be permitted in the Light Industrial Centre (MI) Zone subject to the requirements of this By-law:

- (a) Aggregate Related Industries
- (b) Agricultural Uses
- (c) Animal Care
- (d) Automobile Body Shop
- (e) Automobile Repair
- (f) Automobile Sales
- (g) Automobile Service Station
- (h) Automobile Washing
- (i) Banks and Financial Institutions
- (j) Building Supply and Equipment Depot
- (k) Commercial Recreation – Indoor
- (l) Commercial Recreation – Outdoor
- (m) Craft Food and Beverage Production
- (n) Drinking Establishment
- (o) Electric Vehicle Charging – as a main use
- (p) Emergency Services
- (q) Farmers’ Market
- (r) Fishery Related Uses
- (s) Forestry Related Uses
- (t) Funeral Home
- (u) Government Uses
- (v) Hospital
- (w) Light Industrial
- (x) Marina
- (y) Marine Recreation Provider
- (z) Medical Clinic

- (aa) Office
- (bb) Parking Structures and Surface Parking Lots
- (cc) Parks and Playgrounds
- (dd) Personal Service Shop
- (ee) Private Club
- (ff) Public Recreation
- (gg) Public Transportation
- (hh) Recycling Depot
- (ii) Restaurant – Eat-in
- (jj) Restaurant – Take-out
- (kk) Retail Store
- (ll) School – Commercial
- (mm) Service and Repair Shop
- (nn) Trails and Conservation
- (oo) Transportation and Logistics
- (pp) Warehousing
- (qq) Water Access
- (rr) Wholesale
- (ss) Workshop

## **12.2 Permitted Uses with Conditions**

12.2.1 The following uses shall be permitted in the Light Industrial Centre (MI) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Home-based Business Level I – Section 6.12
- (b) Home-based Business Level II – Section 6.12
- (c) Kennel – Section 6.18
- (d) Self-storage facilities – Section 6.24

## **12.3 Permitted Uses by Site Plan Approval**

12.3.1 The following uses shall be permitted in the Light Industrial Centre (MI) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Restaurant – Drive-through

## 12.4 Permitted Uses by Development Agreement

12.4.1 The following uses shall be considered in the Light Industrial Centre (MI) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 12.5 Light Industrial Centre (MI) Zone Development Standards

12.5.1 In the Light Industrial Centre (MI) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	1800 m <sup>2</sup>	19375.20 ft <sup>2</sup>
• Unserviced Lot	-	-
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	8 m	26.25 ft
Minimum Side Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	8 m	26.25 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	8 m	26.25 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

12.5.2 Notwithstanding the development standards in Subsection 12.5.1, where a light industrial use in the Light Industrial Centre (MI) Zone abuts a lot containing a residential use or a residential land use zone and, in the opinion of the Development Officer, has the potential to create nuisances for neighbouring uses, the Development Officer may increase rear and side yard setbacks to 15.24 metres (50 feet).

## **13 Hamlet Residential (HR) Zone**

### **13.1 Permitted Uses**

13.1.1 The following uses shall be permitted in the Hamlet Residential (HR) Zone subject to the requirements of this By-law:

- (a) Accommodations – up to 3 rental units per lot
- (b) Agricultural Uses
- (c) Boarding (Rooming) House – up to 4 sleeping units per lot
- (d) Cemetery
- (e) Community Centre
- (f) Dwelling – up to 4 dwelling units per lot
- (g) Fishery Related Uses
- (h) Forestry Related Uses
- (i) Government Uses
- (j) Medical Clinic
- (k) Nursing Home
- (l) Parks and Playgrounds
- (m) Place of Worship
- (n) Private Club
- (o) Public Recreation
- (p) Residential Care Facility
- (q) School – Academic
- (r) Small Options Home
- (s) Trails and Conservation
- (t) Water Access

## **13.2 Permitted Uses with Conditions**

13.2.1 The following uses shall be permitted in the Hamlet Residential (HR) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business Level I – Section 6.12
- (c) Home-based Business Level II – Section 6.12
- (d) Solar Collector Systems – Large-scale – Section 6.27
- (e) Storage Building – Section 6.29

## **13.3 Permitted Uses by Site Plan Approval**

13.3.1 The following uses shall be permitted in the Hamlet Residential (HR) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Dwelling – 5 to 6 dwelling units per lot
- (b) Boarding (Rooming) House – 5 to 6 sleeping units per lot

## **13.4 Permitted Uses by Development Agreement**

13.4.1 The following uses shall be considered in the Hamlet Residential (HR) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Accommodations as Home-based Business with 6 or more units – MPS Policy 4-38
- (b) Energy Generation Systems – MPS Policy 5-56

## 13.5 Hamlet Residential (HR) Zone Development Standards

13.5.1 In the Hamlet Residential (HR) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	10 m	32.81 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	3 m	9.84 ft
• Accessory Building	3 m	9.84 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	3 m	9.84 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 14 Hamlet Core (HC) Zone

### 14.1 Permitted Uses

14.1.1 The following uses shall be permitted in the Hamlet Core (HC) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Agricultural Uses
- (c) Animal Care
- (d) Automobile Body Shop
- (e) Automobile Repair
- (f) Automobile Service Station
- (g) Automobile Washing
- (h) Banks and Financial Institutions
- (i) Boarding (Rooming) House – up to 6 sleeping units per lot
- (j) Building Supply and Equipment Depot
- (k) Cemetery
- (l) Commercial Recreation – Indoor
- (m) Commercial Recreation – Outdoor
- (n) Community Centre
- (o) Craft Food and Beverage Production
- (p) Cultural Facilities
- (q) Daycare Centre
- (r) Drinking Establishment
- (s) Dwelling – up to 6 dwelling units per lot
- (t) Electric Vehicle Charging – as a main use
- (u) Emergency Services
- (v) Farmers' Market
- (w) Fishery Related Uses
- (x) Forestry Related Uses
- (y) Funeral Home
- (z) Government Uses

- (aa) Hospital
- (bb) Interpretive Centre
- (cc) Marina
- (dd) Marine Recreation Providers
- (ee) Medical Clinic
- (ff) Nursing Home
- (gg) Office
- (hh) Parking Structures and Surface Parking Lots
- (ii) Parks and Playgrounds
- (jj) Personal Service Shop
- (kk) Place of Worship
- (ll) Private Club
- (mm) Public Recreation
- (nn) Public Transportation
- (oo) Recycling Depot
- (pp) Residential Care Facility
- (qq) Restaurant – Eat-in
- (rr) Restaurant – Take-out
- (ss) Retail Store
- (tt) School – Academic
- (uu) School – Commercial
- (vv) School – Post-secondary
- (ww) Service and Repair Shop
- (xx) Small Options Home
- (yy) Trails and Conservation
- (zz) Transportation and Logistics
- (aaa) Warehousing
- (bbb) Water Access
- (ccc) Wholesale
- (ddd) Workshop

## **14.2 Permitted Uses with Conditions**

14.2.1 The following uses shall be permitted in the Hamlet Core (HC) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Kennel – Section 6.18
- (e) Light Industrial – Section 14.6
- (f) Self-Storage Facilities – Section 6.24
- (g) Solar Collector Systems – Large-scale – Section 6.27
- (h) Storage Building – Section 6.29

## **14.3 Permitted Uses by Site Plan Approval**

14.3.1 The following uses shall be permitted in the Hamlet Core (HC) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Automobile Sales
- (b) Boarding (Rooming) Houses – over 6 sleeping units per lot
- (c) Dwelling – over 6 dwelling units per lot
- (d) Restaurants – Drive-through

## **14.4 Permitted Uses by Development Agreement**

14.4.1 The following uses shall be considered in the Hamlet Core (HC) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 14.5 Hamlet Core (HC) Zone Development Standards

14.5.1 In the Hamlet Core (HC) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	10 m	32.81 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	3 m	9.84 ft
• Accessory Building	3 m	9.84 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	3 m	9.84 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 14.6 Light Industrial Uses in the Hamlet Core (HC) Zone

14.6.1 Within the Hamlet Core (HC) Zone, light industrial uses may be permitted up to 500.0 square metres (5,381.95 square feet) in gross floor area.

## 15 Rural General (RG) Zone

### 15.1 Permitted Uses

15.1.1 The following uses shall be permitted in Rural General (RG) Zone subject to the requirements of this By-law:

- (a) Accommodations – up to 3 rental units per lot
- (b) Agricultural Uses
- (c) Animal Care
- (d) Automobile Body Shop
- (e) Automobile Repair
- (f) Automobile Washing
- (g) Boarding (Rooming) House – up to 4 sleeping units per lot
- (h) Building Supply and Equipment Depots
- (i) Cemetery
- (j) Commercial Recreation – Outdoor
- (k) Community Centre
- (l) Convenience Store
- (m) Craft Food and Beverage Production
- (n) Cultural Facilities
- (o) Daycare Centre
- (p) Dwelling – up to 4 dwelling units per lot
- (q) Electric Vehicle Charging – as a main use
- (r) Emergency Services
- (s) Farmers' Market
- (t) Fishery Related Uses
- (u) Forestry Related Uses
- (v) Funeral Home
- (w) Government Uses
- (x) Interpretive Centre
- (y) Marina
- (z) Medical Clinic

- (aa) Nursing Home
- (bb) Office
- (cc) Parking Structures and Surface Parking Lots
- (dd) Parks and Playgrounds
- (ee) Personal Service Shop
- (ff) Place of Worship
- (gg) Private Club
- (hh) Public Recreation
- (ii) Public Transportation
- (jj) Residential Care Facility
- (kk) Restaurant – Eat-in
- (ll) Restaurant – Take-out
- (mm) School – Academic
- (nn) Service and Repair Shop
- (oo) Small Options Home
- (pp) Solar Collector Systems – Large-scale
- (qq) Trails and Conservation
- (rr) Water Access
- (ss) Workshop

## **15.2 Permitted Uses with Conditions**

15.2.1 The following uses shall be permitted in the Rural General (RG) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Kennel – Section 6.18
- (e) Retail Stores – Section 15.5
- (f) Storage Building – Section 6.29

### 15.3 Permitted Uses by Development Agreement

15.3.1 The following uses shall be considered in the Rural General (RG) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Accommodations as Home-based Business with 6 or more units – MPS Policy 4-8
- (b) Energy Generation Systems – MPS Policy 5-56

### 15.4 Rural General (RG) Zone Development Standards

15.4.1 In the Rural General (RG) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	8 m	26.25 ft
Minimum Side Setback		
• Main Building	5 m	16.40 ft
• Accessory Building	5 m	16.40 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	4 m	13.12 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### 15.5 Retail Stores Uses in the Rural General (RG) Zone

15.5.1 Within the Rural General (RG) Zone, retail stores may be permitted up to 250.0 square metres (2,690.98 square feet) in gross floor area

## 16 Rural Commercial (RC) Zone

### 16.1 Permitted Uses

16.1.1 The following uses shall be permitted in Rural Commercial (RC) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Agricultural Uses
- (c) Animal Care
- (d) Automobile Body Shop
- (e) Automobile Repair
- (f) Automobile Sales
- (g) Automobile Service Station
- (h) Automobile Washing
- (i) Banks and Financial Institutions
- (j) Boarding (Rooming) House – up to 6 sleeping units per lot
- (k) Building Supply and Equipment Depot
- (l) Cemetery
- (m) Commercial Recreation – Indoor
- (n) Commercial Recreation – Outdoor
- (o) Convenience Store
- (p) Community Centre
- (q) Craft Food and Beverage Production
- (r) Cultural Facilities
- (s) Daycare Centre
- (t) Drinking Establishment
- (u) Dwelling – up to 6 dwelling units per lot
- (v) Electric Vehicle Charging – as a main use
- (w) Emergency Services
- (x) Farmers' Market
- (y) Fishery Related Uses
- (z) Forestry Related Uses

- (aa) Funeral Home
- (bb) Government Uses
- (cc) Interpretive Centres
- (dd) Marina
- (ee) Medical Clinic
- (ff) Nursing Home
- (gg) Office
- (hh) Parking Structures and Surface Parking Lots
- (ii) Parks and Playgrounds
- (jj) Personal Service Shop
- (kk) Place of Worship
- (ll) Private Clubs
- (mm) Public Recreation
- (nn) Public Transportation
- (oo) Recycling Depot
- (pp) Residential Care Facility
- (qq) Restaurant – Eat-in
- (rr) Restaurant – Take-out
- (ss) Retail Store
- (tt) School – Academic
- (uu) School – Commercial
- (vv) Service and Repair Shop
- (ww) Small Options Home
- (xx) Solar Collector Systems – Large-scale
- (yy) Trails and Conservation
- (zz) Transportation and Logistics
- (aaa) Warehousing
- (bbb) Water Access
- (ccc) Wholesale
- (ddd) Workshop

## **16.2 Permitted Uses with Conditions**

16.2.1 The following uses shall be permitted in the Rural Commercial (RC) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Kennel – Section 6.18
- (e) Light Industrial – Section 16.6
- (f) Self-Storage Facilities – Section 6.24
- (g) Storage Building – Section 6.29

## **16.3 Permitted Uses by Site Plan Approval**

16.3.1 The following uses shall be permitted in the Rural Commercial (RC) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Boarding (Rooming) Houses – 7 to 12 sleeping units per lot
- (b) Dwelling – 7 to 12 dwelling units per lot
- (c) Restaurant – Drive-through

## **16.4 Permitted Uses by Development Agreement**

16.4.1 The following uses shall be considered in the Rural Commercial (RC) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 16.5 Rural Commercial (RC) Zone Development Standards

16.5.1 In the Rural Commercial (RC) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	8 m	26.25 ft
Minimum Side Setback		
• Main Building	5 m	16.40 ft
• Accessory Building	5 m	16.40 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	4 m	13.12 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 16.6 Light Industrial Uses in the Rural Commercial (RC) Zone

16.6.1 Within the Rural Commercial (RC) Zone, light industrial uses may be permitted up to 500.0 square metres (5,381.96 square feet) in gross floor area.

## 17 Rural Industrial (RM) Zone

### 17.1 Permitted Uses

17.1.1 The following uses shall be permitted in Rural Industrial (RM) Zone subject to the requirements of this By-law:

- (a) Aggregate Related Industries
- (b) Agricultural Uses
- (c) Automobile Body Shop
- (d) Automobile Repair
- (e) Automobile Sales
- (f) Automobile Service Station
- (g) Automobile Washing
- (h) Building Supply and Equipment Depot
- (i) Craft Food and Beverage Production
- (j) Electric Vehicle Charging – as a main use
- (k) Emergency Services
- (l) Farmers' Market
- (m) Fishery Related Uses
- (n) Forestry Related Uses
- (o) Funeral Home
- (p) Government Uses
- (q) Light Industrial Uses
- (r) Office
- (s) Parking Structures and Surface Parking Lots
- (t) Parks and Playgrounds
- (u) Place of Worship
- (v) Public Recreation
- (w) Public Transportation
- (x) Recycling Depot
- (y) School – Commercial
- (z) Service and Repair Shop

- (aa) Solar Collector Systems – Large-scale
- (bb) Trails and Conservation
- (cc) Transportation and Logistics
- (dd) Warehousing
- (ee) Water Access
- (ff) Wholesale
- (gg) Workshop

## **17.2 Permitted Uses with Conditions**

17.2.1 The following uses shall be permitted in the Rural Industrial (RM) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Kennel – Section 6.18
- (b) Self-Storage Facilities – Section 6.24

## **17.3 Permitted Uses by Site Plan Approval**

17.3.1 The following uses shall be permitted in the Rural Industrial (RM) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Scrap Yard

## **17.4 Permitted Uses by Development Agreement**

17.4.1 The following uses shall be considered in the Rural Industrial (RM) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56
- (b) Heavy Industrial – on lots larger than 10,000 m<sup>2</sup> – MPS Policy 4-21
- (c) Solid Waste Disposal Facilities – MPS Policy 5-36

## 17.5 Rural Industrial (RM) Zone Development Standards

17.5.1 In the Rural Industrial (RM) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	3,700 m <sup>2</sup>	39826.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	8 m	26.25 ft
Minimum Side Setback		
• Main Building	5 m	16.40 ft
• Accessory Building	8 m	26.25 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	4 m	13.12 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 18 Agriculture Potential (AP) Zone

### 18.1 Permitted Uses

18.1.1 The following uses shall be permitted in Agriculture Potential (AP) Zone subject to the requirements of this By-law:

- (a) Accommodations – up to 3 rental units per lot
- (b) Agricultural Uses
- (c) Animal Care
- (d) Boarding (Rooming) House – up to 6 sleeping units per lot
- (e) Community Centre
- (f) Convenience Store
- (g) Craft Food and Beverage Production
- (h) Cultural Facilities
- (i) Daycare
- (j) Dwelling – up to 3 dwelling units per lot
- (k) Emergency Services
- (l) Farmers' Market
- (m) Fishery Related Uses
- (n) Forestry Related Uses
- (o) Government Uses
- (p) Interpretive Centres
- (q) Medical Clinic
- (r) Office
- (s) Parks and Playgrounds
- (t) Place of Worship
- (u) Public Recreation
- (v) Restaurant – Eat-in
- (w) Restaurant – Take-out
- (x) School – Academic
- (y) Service and Repair Shop
- (z) Small Options Home
- (aa) Trails and Conservation
- (bb) Water Access
- (cc) Workshop

## 18.2 Permitted Uses with Conditions

18.2.1 The following uses shall be permitted in the Agriculture Potential (AP) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Kennel – Section 6.18
- (e) Retail Stores – Section 18.5
- (f) Storage Building – Section 6.29

## 18.3 Permitted Uses by Development Agreement

18.3.1 The following uses shall be considered in the Agriculture Potential (AP) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 18.4 Agriculture Potential (AP) Zone Development Standards

18.4.1 In the Agriculture Potential (AP) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	3,700 m <sup>2</sup>	39826.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	8 m	26.25 ft
Minimum Side Setback		
• Main Building	5 m	16.40 ft
• Accessory Building	5 m	16.40 ft
Minimum Rear Setback		
• Main Building	8 m	26.25 ft
• Accessory Building	4 m	13.12 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## **18.5 Retail Stores Uses in the Agriculture Potential (AP) Zone**

- 18.5.1 Within the Agriculture Potential (AP) Zone, retail stores may be permitted up to 250.0 square metres (2,690.98 square feet) in gross floor area

## **19 Lakeshore (RL) Zone**

### **19.1 Permitted Uses**

19.1.1 The following uses shall be permitted in Lakeshore (RL) Zone subject to the requirements of this By-law:

- (a) Accommodations – up to 3 rental units per lot
- (b) Agricultural Uses
- (c) Commercial Recreation – Outdoor
- (d) Community Centre
- (e) Convenience Store
- (f) Dwellings – up to 3 dwelling units per lot
- (g) Government Uses
- (h) Interpretive Centre
- (i) Marina
- (j) Marine Recreation Providers
- (k) Parks and Playgrounds
- (l) Place of Worship
- (m) Public Recreation
- (n) Small Options Home
- (o) Trails and Conservation
- (p) Water Access

### **19.2 Permitted Uses with Conditions**

19.2.1 The following uses shall be permitted in the Lakeshore (RL) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Home-based Business – Level I – Section 6.12
- (c) Home-based Business – Level II – Section 6.12
- (d) Retail Store – Section 19.5
- (e) Storage Building – Section 6.29

### 19.3 Permitted Uses by Development Agreement

19.3.1 The following uses shall be considered in the Lakeshore (RL) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

### 19.4 Lakeshore (RL) Zone Development Standards

19.4.1 In the Lakeshore (RL) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	9,290.25 m <sup>2</sup>	100000.25 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	4 m	13.12 ft
Minimum Side Setback		
• Main Building	5 m	16.40 ft
• Accessory Building	5 m	16.40 ft
Minimum Rear Setback		
• Main Building	15.24 m	50.00 ft
• Accessory Building	15.24 m	50.00 ft
Maximum Building Height		
• Main Building	12.2 m	40.03 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

### 19.5 Retail Stores Uses in the Lakeshore (RL) Zone

19.5.1 Within the Lakeshore (RL) Zone, retail stores may be permitted up to 250.0 square metres (2,690.98 square feet) in gross floor area.

## 20 Fishing (RF) Zone

### 20.1 Permitted Uses

20.1.1 The following uses shall be permitted in Fishing (RF) Zone subject to the requirements of this By-law:

- (a) Agricultural Uses
- (b) Community Centre
- (c) Convenience Store
- (d) Craft Food and Beverage Production
- (e) Cultural Facilities
- (f) Farmers' Market
- (g) Fishery Related Uses
- (h) Government Uses
- (i) Interpretive Centre
- (j) Light Industrial Uses
- (k) Marina
- (l) Marine Recreation Providers
- (m) Parking Structures and Surface Parking Lots
- (n) Parks and Playgrounds
- (o) Place of Worship
- (p) Private Club
- (q) Public Recreation
- (r) Restaurant – Eat-in
- (s) Restaurant – Take-out
- (t) Trails and Conservation
- (u) Warehousing
- (v) Water Access
- (w) Workshop

## 20.2 Permitted Uses with Conditions

20.2.1 The following uses shall be permitted in the Fishing (RF) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture – Section 6.29

## 20.3 Permitted Uses by Development Agreement

20.3.1 The following uses shall be considered in the Fishing (RF) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 20.4 Fishing (RF) Zone Development Standards

20.4.1 In the Fishing (RF) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	-	-
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	0 m	0.00 ft
Minimum Side Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	6 m	19.69 ft
Minimum Rear Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	12 m	39.37 ft
Maximum Building Height		
• Main Building	20 m	65.62 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## **21 Parks and Open Space (PO) Zone**

### **21.1 Permitted Uses**

21.1.1 The following uses shall be permitted in Parks and Open Space (PO) Zone subject to the requirements of this By-law:

- (a) Cemetery
- (b) Community Centre
- (c) Cultural Facilities
- (d) Farmers' Market
- (e) Government Uses
- (f) Interpretive Centre
- (g) Marine Recreation Providers
- (h) Parking Structures and Surface Parking Lots
- (i) Parks and Playgrounds
- (j) Public Recreation
- (k) Trails and Conservation
- (l) Water Access

### **21.2 Permitted Uses with Conditions**

21.2.1 The following uses shall be permitted in the Parks and Open Space (PO) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Restaurants – Take-out – Section 21.5

### **21.3 Permitted Uses by Development Agreement**

21.3.1 The following uses shall be considered in the Parks and Open Space (PO) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 21.4 Parks and Open Space (PO) Zone Development Standards

21.4.1 In the Parks and Open Space (PO) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	6 m	19.69 ft
Minimum Side Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 21.5 Special Requirements – Take-out Restaurants

21.5.1 Take-out restaurants in the Parks and Open Space (PO) Zone shall be limited to a gross floor area of 20.0 square metres (215.27 square feet).

## 22 Highway Commercial (HWY) Zone

### 22.1 Permitted Uses

22.1.1 The following uses shall be permitted in Highway Commercial (HWY) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Automobile Body Shop
- (c) Automobile Repair
- (d) Automobile Sales
- (e) Automobile Service Station
- (f) Automobile Washing
- (g) Banks and Financial Institutions
- (h) Commercial Recreation – Indoor
- (i) Commercial Recreation – Outdoor
- (j) Community Centre
- (k) Convenience Store
- (l) Cultural Facilities
- (m) Electric Vehicle Charging – as a main use
- (n) Emergency Services
- (o) Farmers’ Market
- (p) Government Uses
- (q) Interpretive Centre
- (r) Light Industrial Uses
- (s) Medical Clinic
- (t) Parking Structures and Surface Parking Lots
- (u) Parks and Playgrounds
- (v) Place of Worship
- (w) Private Club
- (x) Public Recreation
- (y) Public Transportation
- (z) Restaurant – Drive-through

- (aa) Restaurant – Eat-in
- (bb) Restaurant – Take-out
- (cc) Retail Store
- (dd) Trails and Conservation
- (ee) Transportation and Logistics
- (ff) Warehousing
- (gg) Water Access
- (hh) Wholesale

## **22.2 Permitted Uses with Conditions**

22.2.1 The following uses shall be permitted in the Highway Commercial (HWY) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Self-Storage Facilities – Section 6.24

## **22.3 Permitted Uses by Development Agreement**

22.3.1 The following uses shall be considered in the Highway Commercial (HWY) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 22.4 Highway Commercial (HWY) Zone Development Standards

22.4.1 In the Highway Commercial (HWY) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	925 m <sup>2</sup>	9956.70 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 23 Commercial Recreation (CR) Zone

### 23.1 Permitted Uses

23.1.1 The following uses shall be permitted in Commercial Recreation (CR) Zone subject to the requirements of this By-law:

- (a) Accommodations
- (b) Boarding (Rooming) House – up to 12 sleeping units per lot
- (c) Commercial Recreation – Indoor
- (d) Commercial Recreation – Outdoor
- (e) Community Centre
- (f) Cultural Facilities
- (g) Daycare Centre
- (h) Drinking Establishment
- (i) Dwelling – up to 12 dwelling units per lot
- (j) Farmers' Market
- (k) Government Uses
- (l) Interpretive Centre
- (m) Marina
- (n) Marine Recreation Providers
- (o) Parking Structures and Surface Parking Lots
- (p) Parks and Playgrounds
- (q) Private Club
- (r) Public Recreation
- (s) Public Transportation
- (t) Restaurant – Eat-in
- (u) Restaurant – Take-out
- (v) Retail Store
- (w) Small Options Home
- (x) Trails and Conservation
- (y) Water Access
- (z) Workshop

## **23.2 Permitted Uses with Conditions**

23.2.1 The following uses shall be permitted in the Commercial Recreation (CR) Zone subject to the requirements of this By-law and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29
- (b) Storage Building – Section 6.29

## **23.3 Permitted Uses by Site Plan Approval**

23.3.1 The following uses shall be permitted in the Commercial Recreation (CR) Zone by Site Plan Approval subject to the requirements of this By-law:

- (a) Campgrounds

## **23.4 Permitted Uses by Development Agreement**

23.4.1 The following uses shall be considered in the Commercial Recreation (CR) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Boarding (Rooming) House – over 12 sleeping units per lot – MPS Policy 4-98
- (b) Dwelling – over 12 dwelling units per lot – MPS Policy 4-98
- (c) Energy Generation Systems – MPS Policy 5-56
- (d) Racetracks – on lots larger than 10,000 m<sup>2</sup> – MPS Policy 4-97
- (e) Shooting Range – on lots larger than 10,000 m<sup>2</sup> – MPS Policy 4-97

## 23.5 Commercial Recreation (CR) Zone Development Standards

23.5.1 In the Commercial Recreation (CR) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 24 Institutional (I) Zone

### 24.1 Permitted Uses

24.1.1 The following uses shall be permitted in Institutional (I) Zone subject to the requirements of this By-law:

- (a) Agricultural Uses
- (b) Cemetery
- (c) Community Centre
- (d) Cultural Facilities
- (e) Daycare Centre
- (f) Dwellings
- (g) Emergency Services
- (h) Farmers' Market
- (i) Funeral Home
- (j) Government Uses
- (k) Hospital
- (l) Interpretive Centres
- (m) Medical Clinic
- (n) Nursing Home
- (o) Office
- (p) Parking Structures and Surface Parking Lots
- (q) Parks and Playgrounds
- (r) Place of Worship
- (s) Private Club
- (t) Public Recreation
- (u) Public Transportation
- (v) Residential Care Facility
- (w) School – Academic
- (x) School – Commercial
- (y) School – Post-secondary
- (z) Small Options Home

- (aa) Solar Collector Systems – Large-scale
- (bb) Trails and Conservation
- (cc) Water Access

## 24.2 Permitted Uses with Conditions

24.2.1 The following uses shall be permitted in the Institutional (I) Zone subject to the requirements of this bylaw and any conditions noted:

- (a) Accessory Agriculture Uses – Section 6.29

## 24.3 Permitted Uses by Development Agreement

24.3.1 The following uses shall be considered in the Institutional (I) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 24.4 Institutional (I) Zone Development Standards

24.4.1 In the Institutional (I) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	925 m <sup>2</sup>	9956.70 ft <sup>2</sup>
• Unserviced Lot	2,700 m <sup>2</sup>	29062.80 ft <sup>2</sup>
Minimum Lot Frontage	15 m	49.21 ft
Minimum Front/Flankage Setback	3 m	9.84 ft
Minimum Side Setback		
• Main Building	3 m	9.84 ft
• Accessory Building	3 m	9.84 ft
Minimum Rear Setback		
• Main Building	6 m	19.69 ft
• Accessory Building	6 m	19.69 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 25 Source Water Protection 1 (WP1) Zone

### 25.1 Permitted Uses

25.1.1 The following uses shall be permitted in Source Water Protection 1 (WP1) Zone subject to the requirements of this By-law:

- (a) Government Uses
- (b) Parks and Playgrounds
- (c) Public Recreation
- (d) Trails and Conservation
- (e) Water Access

### 25.2 Permitted Uses by Development Agreement

25.2.1 The following uses shall be considered in the Source Water Protection 1 (WP1) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

### 25.3 Source Water Protection 1 (WP1) Zone Development Standards

25.3.1 In the Source Water Protection 1 (WP1) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	0 m <sup>2</sup>	0.00 ft <sup>2</sup>
• Unserviced Lot	0 m <sup>2</sup>	0.00 ft <sup>2</sup>
Minimum Lot Frontage	0 m	0.00 ft
Minimum Front/Flankage Setback	0 m	0.00 ft
Minimum Side Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	0 m	0.00 ft
Minimum Rear Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	0 m	0.00 ft
Maximum Building Height		
• Main Building	-	-
• Accessory Building	-	-

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## **26 Source Water Protection 2 (WP2) Zone**

### **26.1 Permitted Uses**

26.1.1 The following uses shall be permitted in Source Water Protection 2 (WP2) Zone subject to the requirements of this By-law:

- (a) Forestry uses – excluding buildings or structures
- (b) Dwelling – up to 1 dwelling unit per lot
- (c) Government Uses
- (d) Parks and Playgrounds
- (e) Public Recreation – excluding buildings or structures
- (f) Trails and Conservation
- (g) Water Access

### **26.2 Permitted Uses by Development Agreement**

26.2.1 The following uses shall be considered in the Source Water Protection 2 (WP2) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

## 26.3 Source Water Protection 2 (WP2) Zone Development Standards

26.3.1 In the Source Water Protection 2 (WP2) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area* • Serviced Lot • Unserviced Lot	929.03 m <sup>2</sup> 40,468.6 m <sup>2</sup>	10000.08 ft <sup>2</sup> 435604.01 ft <sup>2</sup>
Minimum Lot Frontage • Serviced Lot • Unserviced Lot	22.86 m 152.4 m	75.00 ft 500.00 ft
Minimum Front/Flankage Setback • Serviced Lot • Unserviced Lot	6.09 m 15.24 m	19.98 ft 50.00 ft
Minimum Side Setback (Main Building and Accessory Building) • Serviced Lot • Unserviced Lot	6.09 m 15.24 m	19.98 ft 50.00 ft
Minimum Rear Setback (Main Building and Accessory Building) • Serviced Lot • Unserviced Lot	6 m 6 m	19.69 ft 19.69 ft
Maximum Building Height • Main Building • Accessory Building	15.2 m 8 m	49.87 ft 26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 27 Conservation (C) Zone

### 27.1 Permitted Uses

27.1.1 The following uses shall be permitted in Conservation (C) Zone subject to the requirements of this By-law:

- (a) Interpretive Centre
- (b) Parks and Playgrounds
- (c) Public Recreation
- (d) Trails and Conservation
- (e) Water Access

### 27.2 Permitted Uses by Development Agreement

27.2.1 The following uses shall be considered in the Conservation (C) Zone by Development Agreement, subject to the applicable policies in the Municipal Planning Strategy:

- (a) Energy Generation Systems – MPS Policy 5-56

### 27.3 Conservation (C) Zone Development Standards

27.3.1 In the Conservation (C) Zone, no development permit shall be issued except in conformance with the following requirements:

Minimum Lot Area*		
• Serviced Lot	0 m <sup>2</sup>	0.00 ft <sup>2</sup>
• Unserviced Lot	0 m <sup>2</sup>	0.00 ft <sup>2</sup>
Minimum Lot Frontage	0 m	0.00 ft
Minimum Front/Flankage Setback	0 m	0.00 ft
Minimum Side Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	0 m	0.00 ft
Minimum Rear Setback		
• Main Building	0 m	0.00 ft
• Accessory Building	0 m	0.00 ft
Maximum Building Height		
• Main Building	15.2 m	49.87 ft
• Accessory Building	8 m	26.25 ft

\*Minimum lot sizes and some elements relating to configuration are also dependent upon approval by the Provincial Department of Environment and Climate Change and in some instances, by the Provincial Department of Transportation and Public Works. In cases of discrepancy, the more stringent requirements shall apply.

## 28 Comprehensive Development District (CDD) Zone

### 28.1 Permitted Uses

28.1.1 The following uses shall be permitted in Comprehensive Development District (CDD) Zone subject to the requirements of this By-law:

- (a) Dwellings – Existing

### 28.2 Permitted Uses by Development Agreement

28.2.1 Uses within the Comprehensive Development District Zone shall be permitted only by Development Agreement subject to the applicable policies in the Municipal Planning Strategy.

Minimum Front/Flankage Setback	Per DA	Per DA
Maximum Front/Flankage Setback	Per DA	Per DA
Minimum Side Setback		
• Main Building	Per DA	Per DA
• Accessory Building	Per DA	Per DA
Minimum Rear Setback		
• Main Building	Per DA	Per DA
• Accessory Building	Per DA	Per DA
Maximum Building Height		
• Main Building	Per DA	Per DA
• Accessory Building	Per DA	Per DA

## **29 Site Plan Approval**

### **29.1 Introduction to Approval Criteria**

- 29.1.1 This Part contains criteria to be considered in addition to all other requirements of this By-law when approving development through the site plan approval process.
- 29.1.2 Site Plans Approvals under this document are intended to be applied in a flexible manner through a negotiated process between the applicant and the Development Officer.
- 29.1.3 Development shall reasonably meet all site planning criteria of the following sections, as they apply to certain types of development.
- 29.1.4 The Development Officer may waive the requirement for compliance with certain criteria if they are deemed irrelevant for the quality of the resulting development in the particular context of the application for Site Plan Approval.

## **29.2 Residential Site Plan Approval**

29.2.1 Where a zone permits dwellings or boarding houses by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the matters of Section 29.2 have been addressed.

### **Planting, Landscaping and Adverse Effect Mitigation**

29.2.2 Landscaping, fencing or similar visual barriers shall be provided around structures, parking, open storage areas, and waste management facilities to minimize visual impacts and privacy intrusion on surrounding residential properties to a reasonable extent.

29.2.3 Where possible, vegetation on-site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.

29.2.4 Mature trees on the lot shall be preserved whenever possible.

29.2.5 Stormwater run-off from parking areas and other impervious surfaces shall be addressed.

29.2.6 Where on-site septic systems are employed, potential run-off on neighbouring properties shall be addressed.

### **Movement Through the Site**

29.2.7 Where a sidewalk, trail or similar walking paths are available abutting the subject property, the primary entrance(s) of all dwelling units shall be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.92 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers.

29.2.8 Other pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site.

29.2.9 Vehicle access and egress to and from the property shall be clearly demarcated and designed with pedestrian safety in mind. The driveway(s) shall not measure more than 3.0 metres (9.84 feet) in width for single-lane and 6.0 metres (19.68 feet) in width for double-lane driveways. Where more than one driveway on a public road is sought, the driveway accesses shall be approved by the government having authority over that road.

29.2.10 Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict.

## **29.3 Automobile Shop and Drive-through Site Plan Approval**

29.3.1 Where a zone permits automobile service stations, automobile washing, automobile repair, automobile sales or drive-through restaurants by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the matters Section 29.3 have been addressed.

### **Planting, Landscaping and Adverse Effect Mitigation**

29.3.2 Landscaping, fencing or similar visual barriers shall be provided around vehicle queuing areas, sales windows, parking, open storage areas, and waste management facilities to minimize visual impacts on/for neighbouring properties.

29.3.3 Where possible, vegetation on-site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.

29.3.4 Stormwater run-off from parking areas and other impervious surfaces shall be addressed.

29.3.5 Where on-site septic systems are employed, potential run-off on neighbouring properties shall be addressed.

29.3.6 Outdoor storage shall not be permitted in the front and flankage yards.

### **Movement Through the Site**

29.3.7 Where a sidewalk, trail or similar walking paths are abutting the subject site, the primary entrance to the business shall be connected to such walking paths by means of a barrier-free (accessible) pedestrian walkway at least 1.5 metres (4.92 feet) in width and paved with asphalt, concrete, bricks, or interlocking pavers.

29.3.8 Other pedestrian walkways shall be clearly delineated on the property and allow for efficient movement throughout the site.

29.3.9 Vehicle access and egress to and from the property is clearly demarcated and designed with pedestrian safety in mind. The driveway(s) do not measure more than 3.0 metres (9.84 feet) in width for single-lane and 6.0 metres (19.68 feet) in width for double-lane driveways. Where more than one driveway on a public road is sought, the driveway accesses shall be approved by the government having authority over that road.

29.3.10 Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict.

29.3.11 Required parking areas shall be located at the side or rear of any new building.

### **Location of New Structures**

29.3.12 The main buildings shall have a primary facade and a public entrance facing the street.

29.3.13 New structures shall be located in a manner to be optimally separated from developments on adjacent lots to minimize negative impacts including lighting, fumes, or other nuisances deemed relevant by the Development Officer.

### **Drive-through Specific Requirements**

29.3.14 When a drive-through service or drive-through restaurant abuts a property with existing dwellings, any intercoms, speakers, and service windows shall be located in a manner so as to best direct noise away from neighbouring dwellings.

29.3.15 Stacking lanes of drive-throughs shall not be located between the front lot line and the main building.

29.3.16 Entrances to drive-through stacking lanes shall be configured as to minimize conflict with vehicle access points from the street or on-site automobile parking.

29.3.17 Stacking lanes shall provide an adequate number of queuing spaces, determined by a qualified professional, to accommodate peak demand for the proposed use.

## **29.4 Campground Site Plan Approval**

29.4.1 Where a zone permits campgrounds by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the matters Section 29.4 have been addressed.

### **Campground Layout**

29.4.2 Campgrounds shall be designed to avoid undue hazards for traffic circulation, or create pedestrian hazards.

29.4.3 All building and non-building uses associated with a campground and RV park, including, but not limited to, campsites, playgrounds, parks, parking, solid waste, RV pumping stations, roadways, public gathering areas, washrooms, and outdoor storage, shall be set back a minimum of 15.0 metres (49.21 feet) from all lot lines.

29.4.4 The development shall have adequate emergency service access.

29.4.5 Garbage, recycling, and refuse collection shall be fully enclosed and concealed, and they shall be available to all users of the campground. Any containers used for garbage, recycling, and refuse collection shall be locking or include mechanisms that prevent access by wildlife.

### **Landscaping and Grading**

29.4.6 Where possible, vegetation on site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas and to create buffers along the campground perimeter.

29.4.7 All areas disturbed by development shall be landscaped.

29.4.8 Measures including lot grading and stormwater management practices shall be integrated in the site concept to adequately dispose, retain, and manage stormwater and surface water.

29.4.9 Where on-site septic systems are employed, potential run-off on neighbouring properties shall be addressed.

### **Campsites Spaces**

29.4.10 Each campsite shall be clearly delineated on the site plan.

29.4.11 Any fire places wood burning devices shall be located a minimum of 30.0 metres (98.42 feet) from all lot lines.

### **Movement through the Site**

29.4.12 Pedestrian walkways and trails within the camping site shall be clearly delineated on the plan.

29.4.13 Where a sidewalk, trail or similar active transportation infrastructure are available abutting the subject site, the on-site paths and trails shall connect to the external walkways wherever possible.

29.4.14 Vehicle access and egress to and from the campground shall be clearly demarcated and designed with pedestrian safety in mind. Where more than one driveway on a public road is sought, the driveway accesses shall be approved by the government having authority over that road.

29.4.15 Vehicle circulation on-site shall be designed to support efficient movement, enable emergency service access and avoid obvious points of conflict.

## **29.5 Scrap Yard Site Plan Approval**

- 29.5.1 Where a zone permits scrap yards by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the matters of Section 29.5 have been addressed.
- 29.5.2 Landscaped buffers, fencing, or similar visual barriers shall be provided in all locations where parked vehicles, technical parts, garbage, or other debris could be otherwise seen from adjacent lots or streets.
- 29.5.3 Where possible, vegetation on-site shall be retained and incorporated into the site landscaping, particularly for the protection of environmentally sensitive or significant areas.is
- 29.5.4 A detailed stormwater management plan, prepared by a Professional Engineer or Landscape Architect licensed to practice in Nova Scotia shall be included within the site plan.
- 29.5.5 No storage or deposit areas shall be located within 30.0 metres (98.42 feet) from the ordinary high water mark of any watercourse or the ocean.

## **29.6 Conversion of a Non-conforming Use**

- 29.6.1 Where a proposal includes the conversion of a non-conforming use to another non-conforming use by site plan approval, the Development Officer shall approve a site plan where the requirements of this Land Use By-law and the matters of Section 29.6 have been addressed.
- 29.6.2 The Development Officer shall be satisfied 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.
- 29.6.3 The site plan shall control the conversion in a manner that is compatible with the purpose and permitted uses in the zone. Controls may include, but are not limited to, enhanced buffering and screening; the positioning, bulk, and design of buildings and structures; mitigation measures for noise, dust, and other emissions; the location and design of parking areas; landscaping; lighting design; and controls on outdoor storage and display.

## 30 Definitions

### A

**Accessory Agriculture Use** means the use of land and structures for agricultural activities on a hobbyist scale, such as community gardens or small-scale agricultural activities in conjunction with a dwelling.

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

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

**Accommodation** means the provision of a building, buildings, or part thereof to a single party or group of the travelling public, for payment or compensation, for a period of 28 days or less, and may include, but is not limited to, tourist facilities such as hotels; motels; hostels; and entire home, individual room, cottage, cabin, geodesic dome, or yurt rentals.

**Act** means, unless otherwise specified, the *Municipal Government Act* of the Province of Nova Scotia, as amended.

**Agricultural Use** means a use of land and buildings for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture and animal husbandry and the necessary accessory uses for packing, storing, or treating the produce and shall include the use of buildings and land for the preparation and production of food product meant for animals.

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

**Animal Care** means the use of land, buildings, or structures for the care of animals and includes veterinary care, grooming, and day care but does not include the breeding of animals or overnight boarding.

**Automobile Body Shop** means the use of a building or premises primarily for the commercial repair of damage to the chassis and shell of an automobile, including major and minor collision damage, frame and panel straightening, repainting, and refinishing and similar activity.

**Automobile Service Station** means the use of building or part thereof or a clearly defined space on a lot used for washing of motor vehicles and/or the retail sale of liquid or compressed gas automobile fuels and lubricating oils and may include the sale of automobile accessories and the minor servicing and minor repairing essential to the actual operation of motor vehicles but does not include an automobile repair shop, automobile sales, or automobile body shop.

**Automobile Repair** means the use of a building or part thereof for the repair and service of motor vehicles and may include muffler, brake, radiator, engine, tire, glass replacement, wheel alignment, and other specialized activities directly related to the repair or alteration of motor vehicles, but shall not include paint and body repairs, the manufacture or fabrication of motor vehicle parts for the purpose of sale, or the retailing of gasoline or other fuels.

## B

**Boarding (Rooming) House** means a dwelling in which the proprietor rents out two or more separate boarding house sleeping units within a dwelling unit but does not include rooms advertised to the travelling public.

**Boarding House Sleeping Unit** means a habitable room or rooms that are part of a boarding house and contain sleeping quarters for the use of tenants which are rented individually, but do not contain a private washroom and kitchen within the unit.

**Building** means any structure, whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials, or equipment, but does not include frames for sheltering crops.

**Building Supply and Equipment Depot** means the use of buildings or land for the storage of materials and equipment in support of a building and construction-related trade such as, but not limited to, carpenters, electricians, masons, landscapers, and plumbers.

# C

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

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

**Cemetery** means the use of land for the burial of the dead and related purposes, such as a columbaria and mausoleums, and excludes a crematorium use, which is included in the definition of funeral home.

**Central Sewer System** means a system of piping and plant for the collection, transportation, and treatment of sewage from multiple lots, of such design and installation as to satisfy the requirements of all agencies concerned both Provincial and municipal.

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

**Commercial Recreation, Indoor** means any land use that offers active or passive recreation for monetary gain for the operator of the site and includes but is not limited to cinemas, concert and performance halls, spectator venues, game rooms, escape rooms, bowling alleys, and indoor paintball fields.

**Commercial Recreation, Outdoor** means any land use that offers active or passive recreation for monetary gain for the operator of the site and includes but is not limited to ski hills, golf courses, gondolas, equestrian centres, and archery ranges, but shall not include shooting ranges and race tracks.

**Corner Vision Triangle** means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection a distance of 2.0 metres along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the 'corner vision triangle'.

**Craft Food and Beverage Production** means the use of a building or part thereof to produce:

- (a) specialized food products intended for retail sale;
- (b) not more than 150,000 hectolitres of beer, wine, mead, premixed cocktails, kombucha, or non-alcoholic beverages in a year;
- (c) or not more than 75,000 litres of distilled spirits in a year; and may include public tasting and retail sales of the product but does not include a restaurant or drinking establishment unless those uses are permitted as a main use in the applicable use zone.

**Council** means the Council of the Municipality of the County of Richmond.

**Cultural Facilities** means the use of land, buildings, or part thereof, for the promotion of art, culture, and learning and without limiting the generality of the foregoing includes public art galleries, libraries, museums, performance arts theatres, visual arts centres, and other similar uses.

## D

**Day Care Centre** means the use of a building or part thereof for the care of people without overnight accommodation, but does not include a school.

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

**Development Agreement** means an agreement between a land owner and the municipality as enabled and regulated by the *Municipal Government Act*.

**Development Officer** means the officer of the Municipality of the County of Richmond with the duty of administering the provisions of the Land Use By-law as appointed by Council.

**Drinking Establishment** means premises that serve alcoholic beverages with or without food.

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

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

## E

**Effective Date** means the day when upon adoption by the Council of the Municipality of the County of Richmond and approval by the Minister of Municipal Affairs, this By-law took effect by means of a notice that was published in a newspaper. For greater clarity, it means the first and initial date of coming into force and excludes any dates of later amendments to the document.

**Electric Vehicle Charging** means infrastructure that supplies energy for the charging of electric vehicles, such as plug-in electric and hybrid vehicles.

**Emergency Services** means the use of a building or land for the protection of public health, safety, and property and shall include, but is not limited to, fire stations, ambulance depots, police stations, and search-and-rescue facilities, but does not include a correctional facility.

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

**Existing** means a structure, use or road lawfully in operation, in existence or under construction on the specified date or, if no date is specified, on the effective date of this By-law. Existing means also a structure, use or road which has lawfully received all required permits for its construction or uses and such permits are not older than twelve (12) months.

# F

**Farmers' Market** means the use of land, buildings, structures, or part thereof by five or more vendors where the greater part of the goods for sale are products of the farm, the forest, or the sea, whether in their natural form or processed by the vendor, and the remainder of the goods are craft products produced by the vendors or their immediate families.

**Fishery Related Uses** means the use of land, buildings, or part thereof for activities related to shipbuilding and repair, the commercial fishery, and the provisioning of ships and shall include, but is not limited to, boatyards, fish processing, shipbuilding and repair, ship chandlery, and the storage of commercial fishing gear.

**Footprint** means the total ground floor area of a building enclosed within the exterior faces of the exterior walls, and for the purpose of this definition the walls forming a courtyard shall be deemed to be exterior walls.

**Forestry Related Use** means the use of land or buildings to produce timber or pulp and uses associated with the forestry industry, including sawmills, maple sugaring operations, Christmas tree u-picks, tree nurseries, shingle mills, forestry vehicle and equipment storage, maintenance buildings and yards, and wholesale outlets for wood and wood products.

**Funeral Home** means the use of a building or part thereof for the preparation, temporary display, and/or funeral ceremony of deceased persons or domestic pets and may include a crematorium.

# G

**Government Uses** means a municipal, provincial or federal government office, courthouse, registry office, health clinic, welfare center, employment office, post office, buildings required for other government service delivery including municipal servicing or a building of any government agency or crown corporation.

**Grade** means

- (a) when used in reference to a building or structure, the average elevation of the finished surface of the ground where it meets the exterior of foundation of the building or structure, exclusive of any artificial embankment or entrenchment; or
- (b) when used in reference to a street, road, or highway, the elevation of the street, road, or highway established by the Municipality or other designated authority.

**Gross Floor Area** means the sum of the floor areas of a building above and below grade, measured between the exterior faces of the exterior walls of the building at each floor level, and for the purpose of this definition, the walls forming a courtyard shall be deemed to be exterior walls.

## H

**Heavy Industrial** means the use of land or buildings for manufacturing, assembly, and/or processing and which use may be located in whole or in part to the exterior of the building and which use, by the nature of its operation may cause land use conflicts. This definition shall not include fishery related uses but shall include, but is not limited to, explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

**Height** means the vertical distance on a building or structure between the established grade and:

- (a) the highest point of the roof surface or the parapet, whichever is greater, of a flat roof;
- (b) the deck line of a mansard roof;
- (c) the mean level between the eaves and ridges of gabled, hip, gambrel, or other type of pitched roof;
- (d) excluding any construction used as ornament or for the mechanical operation of the building or structures, a mechanical penthouse, chimney, tower, cupola, or steeple.

**Home-based Business** means a business activity that is accessory to a dwelling and involves the provision or sale of goods and/or services to the public and where the dwelling is the principal residence of the business operator.

**Hospital** means an institution for the treatment of persons afflicted with or suffering from sickness, disease or injury and may or may not include a medical clinic.

## I

**Interpretive Centre** means the use of a building or structure or part thereof to communicate to the public the historical, scientific, or cultural information about a location and/or to provide tourism and wayfinding information to the public.

## J

# K

**Kennel** means the use of land, a building, or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised and sold, and/or boarded.

# L

**Landscaping** means any combination of trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, paving, grading, screening, or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen or barrier to mitigate any objectionable aspects that may detrimentally affect adjacent land.

**Light Industrial** means the use of a building for machining, manufacturing, assembly, and/or processing and such use shall be wholly contained within the building and shall not include explosives, petrochemical, coke, or paint plants; rendering or poultry plants; tanneries; abattoirs; refineries; or industrial cleaners.

**Loading Space** means a vacant area of land provided and maintained upon the same lot or lots upon which the principal use is located and which area:

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

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

**Corner lot** means a lot situated at the intersection of and abutting on two or more streets. The shorter lot line shall be deemed the front lot line of the said lot.

**Through lot** means a lot, which is not a corner lot, with frontage on more than one street.

**Flag Lot** means a lot that meets the minimum lot frontage requirements of the zone in which it is located but contains a prolongation or “pole” that extends from the lot frontage to the main body of the lot and which prolongation has a width less than the minimum lot frontage permitted in the applicable zone.

**Lot Area** means the total horizontal area within the lot lines of a lot.

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

**Lot Frontage** means the length of the straight line between the two points where the side lot lines intersect the front lot line along any public street or private road. Where the front lot line is not straight or where it meets one or more side lot lines at an angle of less than 80 degrees or more than 100 degrees,

- (a) establish a line joining the midpoint of the front lot line with the midpoint of the rear lot line or, in the case of a triangular lot, with the apex of the triangle formed by the side lot lines;
  - (b) establish the point on the line established in (a) that is the distance of the minimum front setback required in the applicable zone from the street; and
  - (c) measure the distance between the side lot lines along the line perpendicular to the line established in (a) at the point established in (b).

**Lot Line** means a boundary line of a lot.

**Flankage lot line** means any lot line on a corner lot which abuts the street but is not the front lot line or rear lot line.

**Front lot line** means the line dividing the lot from the street; in the case of a corner lot the shortest boundary line abutting the street shall be deemed the front lot line and the longer boundary line(s) abutting the street shall be deemed the flankage lot line(s) and where such lot lines are of equal length the front lot line shall be any of the lot lines abutting a street. In the case of a through lot, any boundary dividing the lot from a street may be deemed to be the front lot line.

**Rear lot line** means the lot line furthest from or opposite to the front lot line.

**Side lot line** means a lot line other than a front, rear, or flankage lot line.

## M

**Main Building** means the building in which the principal purpose for which the building lot is used.

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

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

**Marina** means a facility where boats may be docked or moored and where fuel and other marine supplies are sold to the boating public.

**Marine Recreation Provider** means the use of land, buildings, or structures for a commercial business that, due to its nature of the use, relies on the sea or ocean as an integral part of its operation, including but not limited to boat tours, canoe and kayak rentals, and jet ski rentals, but does not include uses related to the commercial fishing industry.

**Medical Clinic** means the use of a building or part thereof where medical or therapeutic diagnosis and/or treatment services are provided to the general public, but does not include a public or private hospital.

**Municipality** means the Municipality of the County of Richmond.

## N

**Nameplate Capacity** means the manufacturer's maximum rated output of the electrical generator found in the nacelle of a wind turbine. This equals the electricity produced when the wind velocity is such as where the conversion efficiency is at its greatest.

**Nursing Home** means an extended or immediate care facility licensed under the *Homes for Special Care Act*, or successor legislation, to provide full time skilled nursing care to individuals who, by reason of age, chronic illness, or infirmity, are unable to care for themselves.

## O

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

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

**Ordinary High Watermark** means:

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

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

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

## P

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

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

**Place of Worship** means a place dedicated to religious worship and may include, but is not limited to, halls or auditoriums for religious gathering, accessory office space for administrators, day nurseries operated for patrons, and classroom space for religious instruction.

**Private Club** means the use of a building or part thereof for a meeting place for members of an organization and may include a lodge, a legion, a fraternity or sorority house, and a labour union hall.

**Private Road** means a private street or road as defined in the Subdivision By-law of the Municipality of the County of Richmond.

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

**Public and Private Utilities** means a closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

**Public Recreation** means the use of land, buildings, or parts thereof for tennis courts, lawn bowling greens, skating rinks, skateboard parks, athletic fields, band shells, pavilions, outdoor swimming pools, recreational boat launches, and similar uses to the foregoing, together with necessary and accessory buildings and structures, but not including indoor commercial recreation or outdoor commercial recreation or a track for the racing of animals, or any form of motorized vehicles.

**Public Road** means a public street or road as defined in the Subdivision By-law of the Municipality of the County of Richmond.

**Public Transportation** means the use of land, buildings, or part thereof for the transportation of passengers and related activities and includes bus stations, taxi stands, and railway stations but does not include airports.

## Q

**Qualified Person** means an individual who has undergone proper educational training and gained experience and expertise to become certified or recognized as able to practice in a particular profession in the province of Nova Scotia and, if required by applicable legislation, is a member in good standing in the professional body representing and/or regulating the profession in Nova Scotia.

## R

**Race Track** means the use of land for the purpose of racing motorcycles, all terrain vehicles, automobiles, or similar motorized vehicles, and animals, including, but not limited to, horses or dogs, over a constructed track or course or where the continuous use of land creates a track or course.

**Recreational Vehicle (“RV”)** means a vehicle intended as temporary accommodation for travel, vacation, or recreational use. Such vehicles may include, but are not limited to, a motor home, fold-down camping trailer, truck camper, holiday trailer, or fifth wheel travel trailer, but does not include any vehicle that meets the definition of a derelict vehicle under the *Municipal Government Act*.

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

**Renewable Energy Generation System** means any device or group of devices that converts an energy from natural sources such as ocean waves or tides, rivers, geothermal, or biomass to electrical energy, but does not include energy generation from fossil fuels or nuclear power and does not include wind turbines or solar panels, which are covered under separate definitions.

**Residential Care Facility** means the use of a building or part thereof as a family home, group care facility, or similar facility for the non-medical care of more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

**Restaurant** means a building or part thereof where food and/or drink intended for immediate consumption is prepared and served to the public.

**Restaurant, Drive-through** means a restaurant or part thereof where the intent is to provide food and/or drink to customers while they remain in their motor vehicles.

**Restaurant, Eat-in** means a restaurant or part thereof where food and/or drink may be consumed within the building or on an attached, formalized outdoor space.

**Restaurant, Take-out** means a restaurant or part thereof that does not provide facilities for consumption of food or drink on the premises, or only provides informal outdoor eating facilities, such as picnic tables.

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

# S

**School, Academic** means the use of a building or part thereof as an educational establishment, whether public or private, intended for the academic instruction of students up to the completion of Grade 12, and may include elementary schools, junior high schools, high schools, and consolidated schools, but does not include daycares as the main use.

**School, Commercial** means the use of a building or part thereof as an educational establishment, whether public or private, intended for instruction in extracurricular activities and/or vocational skills and shall include, but is not limited to, dance schools, music schools, sports schools, driving schools, culinary institutes, hair schools, computer schools, and other similar schools, but does not include post-secondary schools.

**School, Post-secondary** means the use of a building or part thereof as a degree- or diploma-granting public educational establishment intended for the academic instruction of students after the completion of Grade 12.

**Scrap Yard** means the use of land for keeping or storing used bodies or parts of automobiles or any other type of used equipment, vehicles, machinery, or materials of any kind, regardless of whether such use occupies all or a part of the lot or lots upon which it is located, or whether it is a use operated for commercial or other purposes, or whether the use is subject to salvage yard licensing requirements of the Province of Nova Scotia.

**Self-storage Facility** means the use of a building, collection of buildings, or part thereof for individual, small, self-contained units that are leased or owned for the storage of business or household goods or contractor supplies.

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

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

**Serviced Lot** means a lot that is serviced by a central sewer system.

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

**Setback, Flankage** means the horizontal distance measured from the flankage lot line and the nearest main wall of any building or structure on the lot.

**Setback, Front** means the horizontal distance extending the full lot width, between the front lot line and the nearest main wall of any building or structure on the lot.

**Setback, Rear** means the horizontal distance extending across the full lot width, between the rear lot line and the nearest wall of any main building or structure on the lot.

**Setback, Side** means the horizontal distance between the front setback and rear setback, and between the side lot line and the nearest wall of any main structure on the lot.

**Shipping Container** means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal freight containers (sea containers) and the body of transport trailers or straight truck boxes, but does not include a motor vehicle.

**Shooting Range** means the use of land or buildings for sport shooting including, but not limited to, sport shooting that involves the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or other similar items.

**Shoreline** means the ordinary high watermark of a coastal or other body of water.

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

**Ground Sign** means a sign supported by one or more uprights, poles or braces placed in or upon the ground.

**Illuminated Sign** means a sign that provides artificial light directly, or through any transparent or translucent material, from a source of light connected with such sign, or a sign illuminated by a light focused, upon or chiefly directed at the surface of the sign.

**Mobile Sign** means any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle or trailer that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

**Number of Signs** means a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship or elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**Projecting Sign** means a sign which projects from and is supported by a wall of a building.

**Roof Sign** means any sign erected upon, against, or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

**Sign Area** means the area of the smallest triangle, rectangle, or circle or semi-circle that can wholly enclose the surface area of the sign. All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area. Three dimensional signs shall be treated as dual-faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle or semi-circle, which can totally circumscribe the sign in the plan of its largest dimension.

**Third Party Sign** means a sign that advertises a business that is not situated on the same lot on which the sign is placed.

**Wall Sign** means a sign that is attached to and supported by wall of a building.

**Small Options Home** means the use of a building or part thereof for a family home, group care facility, or similar facility for the non-medical care for not more than six persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual, but does not include a facility licensed by Corrections Canada or Nova Scotia Corrections or successor bodies.

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

**Street** means a public road or private road.

**Street Line** means the boundary line of a street.

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

**Solar Collector System** means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector system may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

**Solar Collector System, Accessory** means a solar collector system designed and sized with a primary purpose to offset or meet the energy needs of other uses on the site. While such systems may generate, on an annual basis, a small monetary profit through programs such as net metering, such profits shall be secondary and incidental to the purpose of offsetting on-site energy needs.

**Solar Collector System, Commercial** means a solar collector system designed and sized with a primary purpose to provide electricity or other forms of energy to the grid or other off-site uses.

# T

**Transportation and Logistics** means the use of a building, structure, land, or part thereof used for the purpose of transporting any kind of item or thing by truck or other vehicle, including, but not limited to, loading facilities, storage, and maintenance facilities, but does not include the transport of people.

# U

**Unserviced Lot** means a lot that is not serviced by a central sewer system.

**Use** means the purpose for which any land, building, or structure is utilized.

# V

**Variance** means a relaxation or reduction of the Land Use By-law requirements for a specific site, as stipulated in the *Municipal Government Act*.

# W

**Warehousing** means the use of a building or part thereof for the storage of commercial or industrial wares or goods, excluding retail stores and self storage facilities.

**Water Access** means the use of land or structures to provide watercraft access to marine or fresh water bodies and shall include, but is not limited to, wharves, docks, slipways, ramps, quays, and marine railroads.

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

**Water Frontage** means the length of a lot line abutting a water body, measured along the Ordinary High Water Mark of as defined in the Nova Scotia Land Surveyors Regulations.

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

**Wind Turbine** means a device for converting wind power to electricity.

**Wind Turbine, Domestic** means a device for converting wind power to electricity, which has a nameplate capacity of not more than 100 Kilowatts (kW) and which is intended primarily to reduce on-site consumption of utility power.

**Wind Turbine, Mini** means a device for converting wind power to electricity which has a name plate capacity of less than one (1) Kilowatt (1000 watts) and which is intended to reduce on-site consumption of utility power.

**Wind Turbine, Utility** means a device for converting wind power to electricity, which has a name plate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm.

**Workshop** means the use of a building or part thereof for the creation of products assembled or made by hand or by small custom production processes including (but not limited to) potters, pewterers, goldsmiths, silversmiths, jewellers, toymakers, leather workers, upholsterers, woodworkers, furniture makers, musical instrument makers, clothing designers, clothesmakers, shoemakers, antique refinishers, glass workers, stained glass workers and sailmakers. This definition shall also include “maker spaces”.

**X**

# Y

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

**Flankage Yard** means a yard extending across the full width of a lot between the flankage lot line and the nearest wall of any building or structure on the lot.

**Front Yard** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.

**Rear Yard** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

**Side Yard** means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest wall of any building or structure on the lot.

# Z

**Zone** means a designated area of land shown on Schedule 'A' of this By-law.

## **31 Schedules and Appendices**

31.1.1 Schedules form an official part of this By-law.

31.1.2 Appendices are for information purposes and may be changed by resolution of Council without formally amending this By-law.

### **Schedule 'A' – Zoning Map**

### **Schedule 'B' – Wind Resource Maps**

## Appendix 'A' – Summary of Development Agreement Policies

<b>Use</b>	<b>Zone</b>	<b>MPS Policy</b>
Adaptive reuse of former community facilities	All	5-46
All, except existing dwellings	Comprehensive Development District	4-71
Dwelling units or boarding house sleeping units, more than 12 on a lot	General Centre	4-59
	Commercial Recreation	4-98
Energy generation systems other than solar or wind	All	5-56
Heavy industrial uses	Rural Industrial	4-21
Home-based type accommodations units, more than 5 on a lot	Rural General	4-8
	Residential Centre	4-65
	Hamlet Residential	4-38
Proposals that do not comply with architectural and site design requirements	Main Street	4-55
Racetracks	Commercial Recreation Zone	4-97
Shooting ranges	Commercial Recreation Zone	4-97
Solid waste disposal, non-municipal	Rural Industrial	5-36