



# Municipality of the District of Argyle

## MUNICIPAL PLANNING STRATEGY

Adopted: XX XXXXX XXXX

Amended: XX XXXXX XXXX



<b>1</b>	<b>PART 1: INTRODUCTION .....</b>	<b>6</b>
1.1	PURPOSE .....	6
1.2	INTERPRETATION .....	7
1.3	MUNICIPAL PROFILE.....	7
1.4	HISTORY OF THE MUNICIPALITY OF ARGYLE .....	8
<b>2</b>	<b>PART 2: GOALS AND OBJECTIVES .....</b>	<b>10</b>
2.1	MUNICIPAL VISION STATEMENT.....	11
2.2	SUSTAINABILITY COMMITMENT.....	11
2.3	GOALS AND OBJECTIVES.....	11
2.4	PARTNERSHIPS AND COLLABORATIONS .....	14
2.5	PLAN DESIGNATION AND ZONES .....	15
<b>3</b>	<b>PART 3: COASTAL COMMUNITIES.....</b>	<b>17</b>
3.1	COASTAL COMMUNITY PROFILE .....	17
3.2	COASTAL COMMUNITY DESIGNATION AND ZONES .....	17
<b>4</b>	<b>PART 4: RURAL CENTRES.....</b>	<b>21</b>
4.1	TUSKET .....	21
4.2	WEST PUBNICO .....	22
4.3	WEDGEPORT .....	23
4.4	RURAL CENTRE POLICIES.....	24
4.5	RURAL CENTRE REZONING AND DEVELOPMENT AGREEMENT CRITERIA POLICIES .....	26
<b>5</b>	<b>PART 5: RURAL DEVELOPMENT .....</b>	<b>29</b>
5.1	RURAL DEVELOPMENT (RD) DESIGNATION & ZONES.....	29
5.2	RURAL DEVELOPMENT POLICIES .....	29
<b>6</b>	<b>PART 6: VILLAGES.....</b>	<b>32</b>
6.1	EAST KEMPTVILLE .....	32
6.2	QUINAN – SPRINGHAVEN.....	32
6.3	VILLAGE DESIGNATION AND ZONES .....	32
6.4	POLICIES: .....	33
6.5	VILLAGE REZONING AND DEVELOPMENT AGREEMENT CRITERIA POLICIES.....	33
<b>7</b>	<b>HOUSING AND RESIDENTIAL USES .....</b>	<b>35</b>
7.1	STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING.....	35
7.2	HOUSING AND RESIDENTIAL USES POLICIES .....	35
7.3	RESIDENTIAL PARK DESIGNATION AND ZONE .....	35

7.4	RESIDENTIAL PARK POLICIES.....	35
7.5	HOME OCCUPATIONS.....	35
7.6	HOME OCCUPATION POLICIES.....	36
<b>8</b>	<b>PART 8: COMMERCIAL AND INDUSTRIAL DEVELOPMENT.....</b>	<b>38</b>
8.1	COMMUNITY 'HUB' COMMERCIAL DEVELOPMENT.....	38
8.2	COMMUNITY 'HUB' COMMERCIAL POLICIES .....	38
8.3	BUSINESS PARK .....	38
8.4	BUSINESS PARK POLICIES.....	39
8.5	INDUSTRIAL .....	40
8.6	INDUSTRIAL POLICIES .....	40
8.7	INDUSTRIAL REZONING AND DEVELOPMENT AGREEMENT POLICIES .....	41
8.8	MARINE INDUSTRIAL.....	41
8.9	MARINE INDUSTRIAL POLICIES.....	42
<b>9</b>	<b>PART 9: AGRICULTURE &amp; AQUACULTURE.....</b>	<b>43</b>
9.1	STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND.....	44
9.2	AGRICULTURE IN ARGYLE .....	44
9.3	AGRICULTURE POLICIES .....	45
9.4	AQUACULTURE IN ARGYLE.....	45
9.5	AQUACULTURE POLICIES .....	46
<b>10</b>	<b>PART 10: TRANSPORTATION AND INFRASTRUCTURE.....</b>	<b>47</b>
10.1	INFRASTRUCTURE: CENTRALIZED AND DECENTRALIZED MUNICIPAL SEWER SYSTEMS.....	48
10.2	INFRASTRUCTURE POLICIES.....	49
10.3	DRINKING WATER .....	49
10.4	DRINKING WATER POLICIES .....	50
10.5	SUBDIVISION, LOT ACCESS, PUBLIC AND PRIVATE ROADS.....	50
10.6	SUBDIVISION, LOT ACCESS, PUBLIC PRIVATE ROADS POLICIES .....	51
10.7	TRANSPORTATION .....	52
10.8	ROADS.....	53
10.9	ROADS POLICIES.....	53
10.10	ACTIVE TRANSPORTATION .....	53
10.11	ACTIVE TRANSPORTATION POLICIES .....	54
10.12	WATER TRANSPORTATION .....	54
10.13	WATER TRANSPORTATION POLICIES .....	54
10.14	AIR TRANSPORTATION.....	54

10.15	AIR TRANSPORTATION POLICIES.....	54
<b>11</b>	<b>PART 11: CULTURE, OPEN SPACE, AND PUBLIC FACILITIES .....</b>	<b>56</b>
11.1	RECREATION, HERITAGE AND CULTURE .....	58
11.2	CULTURE, OPEN SPACES, AND PUBLIC FACILITIES POLICIES .....	58
<b>12</b>	<b>PART 12: ENVIRONMENTAL STEWARDSHIP AND RENEWABLES.....</b>	<b>60</b>
12.1	STATEMENT OF PROVINCIAL INTEREST REGARDING FLOOD RISK AREAS.....	60
12.2	PSI POLICIES FOR FLOOD RISK AREAS .....	60
12.3	COASTAL WETLANDS, CONSERVATION AND ENVIRONMENTAL STEWARDSHIP BACKGROUND .....	60
12.4	CONSERVATION AND STEWARDSHIP POLICIES.....	62
12.5	CLIMATE CHANGE ADAPTATION .....	62
12.6	CLIMATE CHANGE ADAPTATION POLICIES.....	62
12.7	RENEWABLE ENERGY - WIND TURBINE GENERATORS OVERVIEW AND BACKGROUND.....	63
12.8	PUBNICO POINT WIND FARM DESIGNATION.....	63
12.9	SOLAR, HYDRO AND TIDAL POWER.....	64
12.10	RENEWABLE ENERGY POLICIES.....	64
<b>13</b>	<b>PART 13: IMPLEMENTATION .....</b>	<b>67</b>
13.1	OVERVIEW .....	67
13.2	IMPLEMENTATION POLICIES.....	67
13.3	PLANNING ADVISORY COMMITTEE.....	67
13.4	PUBLIC ENGAGEMENT .....	67
13.5	ADMINISTRATION .....	68
13.6	DEVELOPMENT PERMITS.....	68
13.7	VARIANCES.....	69
13.8	PUBLIC HEARING.....	69
13.9	MUNICIPAL PLANNING STRATEGY AMENDMENTS.....	69
13.10	MUNICIPAL PLANNING STRATEGY AMENDMENTS – ENGAGEMENT.....	69
13.11	LAND USE BY-LAW AMENDMENTS .....	70
13.12	DEVELOPMENT AGREEMENTS .....	70
13.13	ADMINISTRATIVE DEVELOPMENT AGREEMENTS .....	70
13.14	CRITERIA FOR DEVELOPMENT AGREEMENTS AND LAND USE BY-LAW AMENDMENTS.....	71
13.15	CAPITAL PROGRAM .....	72
13.16	CAPITAL PROGRAM POLICIES .....	72



Part 1

# Introduction

Photo by: Alix d'Entremont

# 1 PART 1: INTRODUCTION

## 1.1 PURPOSE

The Municipality of Argyle (ARGYLE) has two primary documents that guide land use planning, a Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The Municipality of Argyle currently uses the provincial subdivision regulations, and does not have its own Subdivision By-law, which is common in many communities.

This document is the Municipal Planning Strategy (MPS) for the Municipality of Argyle (ARGYLE). Nova Scotia municipalities create Municipal Planning Strategies to provide a collective vision for the community's future, driven by policies that are implemented through decisions and directions of the Municipal Council. Municipal Planning Strategies also contain the policy framework for land use planning and development control.

The Municipal Government Act provides Argyle's Council with the power to make statements of policy with respect to a broad range of activities including where future development should take place, what the land use should be (e.g. residential, commercial, mixed-use, etc.) in different areas of the Municipality, proposed activities for public land, current and future strategic transportation planning, municipal services, coordination of public programs, and any other matters related to the physical, social or economic development of the Municipality.

The broad objectives of this MPS are to:

1. **Guide Council Decision-Making:** this MPS provides guidance for the current and future elected Councils of the Municipality, helping them to refer to goals, objectives, and policies that were tailored to help guide Argyle's future, with consideration given to the needs of the community and the trends within the region and the Province. These decisions are implemented through the ongoing direction given by Council, municipal projects that the MPS proposes, the corresponding land use designations and Generalized Future Land Use Map, and the associated By-laws of the Municipality.
2. **Provide a Pathway for Growth and Development:** An MPS that reflects the changing needs of a community should be flexible and respond to the ever-changing potential for development. This MPS provides guidance on, and regulations for, where and how growth and development should occur. It also aims to simplify the procedures in place for guiding this growth by allowing room for innovation, creativity, and ingenuity. These qualities are recognized as integral to allowing the Municipality to respond to the diverse and shifting demands of a global economy in a small, tight-knit community.

The 'sister' document to the Municipal Planning Strategy is the Land Use By-law (LUB). The LUB is the document that sets out the rules which help to implement the policies of the Municipal Planning Strategy by providing Zoning for all areas of the Municipality. This document pertains specifically to Land Use, and as such, does not contain rules for other elements in the MPS (e.g. transportation planning, parks planning, etc.).

An important feature of the MPS and LUB is the recognition that technology, development, and community vision changes overtime. As such, this MPS provides implementation policies to be used by Argyle Council when considering changes to the MPS and LUB. The MPS is expected to be a living document - continually updated and modified over time to reflect the changing needs of Argyle.

This Municipal Planning Strategy supersedes Argyle's previous Municipal Planning Strategy approved by the Minister of Service Nova Scotia and Municipal Relations on February 4, 2000.

This Municipal Planning Strategy was adopted by Municipal Council on <insert date of adoption>. It is the product of a review process commenced in 2009 under the Municipal Government Act and incorporates the principles and policies of the Integrated Community Sustainability Plan approved by Council March 9, 2010 and revised in October 2012. The Municipal Planning Strategy provides the policy framework for land use and development control as well as a long-range vision for the future to enable the communities within The Municipality of Argyle to prosper and thrive for generations to come. This planning document recognizes the integrated and interdependent relationship between the economic, the environmental, the social and, the cultural dimensions of our communities.

## 1.2 INTERPRETATION

For the purposes of this Municipal Planning Strategy, the planning area of the Municipality of Argyle is defined as the entire Municipality of Argyle as incorporated in 1880.

This Municipal Planning Strategy is a policy statement of Council and Council shall uphold the policies contained within the Municipal Planning Strategy. No new development can be permitted which is contrary to the policies of the Municipal Planning Strategy.

The Generalized Future Land Use Maps and Existing Land Use Maps appended to this Municipal Planning Strategy form part of the official document.

## 1.3 MUNICIPAL PROFILE

The Municipality of Argyle is located in Yarmouth County between the rural municipalities of Barrington to the east and Yarmouth to the west within the region of South Western Nova Scotia. The municipality is bounded in the north by the Municipality of the District of Clare and District of Digby in Digby County and is multicultural in nature with an Acadian, First Nation and European heritage. A significant percentage of the population are of Acadian descent and are French speaking. French language customs, and heritage are valued as important components of the distinct culture that is alive and thriving in The Municipality of Argyle and are celebrated throughout the region.

Most of the municipality's residents live in coastal communities originally settled by boat. The Tusket Islands as well as islands located in Lobster Bay form the unique southern boundary of the Municipality, with over 230 islands offering a unique coastal landscape for aquaculture and recreation. A large portion of the interior of the municipality is crown land owned by the Province of Nova Scotia and managed by the Department of Natural Resources (DNR).



*Context map of the Municipality of the District of Argyle.*

Portions of the provincially designated Tobeatic Wilderness Area and Wildlife Management Area are located in the northern part of the Municipality. The Municipality of Argyle's land base is also contained within the UNESCO designated Southwest Nova Biosphere Reserve that encompasses Queens, Shelburne, Yarmouth,

Annapolis and Digby Counties. The untouched natural beauty of this the region makes for spectacular views of the night sky; and is the first UNESCO-Starlight certified tourist destination in North America.

#### **1.4 HISTORY OF THE MUNICIPALITY OF ARGYLE**

A strong and deep rooted multi-cultural history resides in The Municipality of Argyle. Aboriginal presence in the region dates back more than seven thousand years. The French arrived in sailing ships in 1604 and dominated the region for more than a century. Settlement occurred along the coastline in order to pursue fishery and trade with the Mi'kmaq. During this time, a number of Acadian communities developed, however when the Grand Derangement commenced in 1755, inhabitants were deported and the original settlements were destroyed. Deportation of Acadians from what is now Argyle, then known as "Cap-Sable", took place later than it did in other parts of the Province and occurred between the years of 1756-1758.

The New England Planter settlers arrived in East Pubnico and Argyle as early as 1761 in response to Governor Lawrence's proclamation that was issued twice in the New England states, enticing English speaking settlers to come and take up vacated Acadian lands. The proclamation stipulated that townships would be formed when populations reached 50 families or more. Ironically, in Argyle, it was only the arrival of returning Acadian families that brought the area's population up to this level. Settlements were established at West Pubnico, Wedgeport, Sluice Point, Amiraults Hill, Hubbard's Point, and Eel Brook (including Rocco Point.)

A wave of Loyalist settlers from the American colonies arrived in 1784-85 and settled the Village of Tusket as well on as the previously un-granted lands inland to the north.

The Township of the District of Argyle was incorporated by provincial legislation in 1771. At this point in time the Township existed within the County of Queens. At that time the communities of Charlesville and Woods Harbour were included in the Township of Argyle. From 1784 until 1836, Argyle Township existed within the new County of Shelburne. This new county division was precipitated by the arrival of some 8000 Loyalists in Shelburne in 1783-1785. In 1836, when Yarmouth County was set off as its own jurisdiction, Argyle became part of Yarmouth County.

In the year 1789 the Court of General Sessions of the Peace for the Districts of Yarmouth and Argyle were established by provincial legislation. This was the equivalent of the area's first legal municipal government. Previous to this, all such local governmental decisions would have been made at sessions held in either Liverpool or Shelburne. The District of the Township of Argyle became The Municipality of Argyle in 1879-1880.

Fishing has dominated economic and settlement patterns from the beginning of European settlement with focal points of activity in coastal communities such as West and East Pubnico as well as Wedgeport. During both the eighteenth and nineteenth century shipyards were established in Tusket, Argyle and Eel Brook to build all types of vessels from sloops to full rigged ships. The age of sail resulted in increased trade and commerce and the development of resource-based industries that exported their products to the United States and beyond. Lumber mills were established in the communities of Tusket, East Kemptville, Belleville, and Argyle Head to provide ship building material and wood for export. The economy of the region suffered as a result of the decline in use of wooden ships and their replacement with vessels powered by steam. The fishing industry remains the economic backbone of Argyle's economy, with the lobster fishery being particularly important in recent years.



Part 2

# Goals and Objectives

## 2 PART 2: GOALS AND OBJECTIVES

The Council of The Municipality of Argyle strives to provide Argyle residents with local government services and leadership and is committed to promoting economic and social opportunities to enable its citizens to thrive in all of its communities. Council recognizes that Argyle is comprised of many distinct communities and neighbourhoods, and is dedicated to serving each community and neighbourhood equally while promoting shared projects and a sense-of-place for the region along with neighbouring municipalities.

The primary focus of Council's efforts is to foster diversity, resilience, and satisfaction in the community. This focus will be pursued through a series of goals and actions which are explored in detail in the following section. These goals and objectives are broad directives for Council, which should guide decision-making in the coming years. Pursuing the goals and objectives found in this Plan will help the Municipality to maintain the success that they have experienced, while carrying out the collective vision for the future.

A key focus of Council's efforts is to work towards growing the population by fostering economic opportunities so that residents have access to employment and affordable housing options which in turn allows them to remain in the community. This focus will see Council working on promoting and supporting initiatives and partnerships which give Argyle residents opportunities for excellent quality of life in their own communities regardless of age.

The Council of the Municipality of Argyle intends to promote development which will provide local employment opportunities through innovative entrepreneurship. To this end the intention of the Land Use By-law is to enable new forms of businesses and accommodate diverse land uses within the rural centres and coastal communities. While new and innovative forms of businesses and land uses are encouraged and promoted, certain types of more intensive commercial and industrial uses are recognized as having the potential to disrupt the predominately residential character of the different communities in Argyle. The Land Use By-law will restrict these types of uses to appropriately zoned areas, and will contain special requirements designed to mitigate any negative effects these uses may have on the existing community.

The Goals and Objectives of Council, as introduced through this Municipal Planning Strategy, were arrived at through public engagement initiatives with the broader community, as well as a series of workshops with Councillors and community stakeholders. The Goals and Objectives are also preceded by, and have grown from a number of related documents including the *2013-2018 Strategic Plan*, the June 2013 *Economic Development Plan*, the October 2012 *Revised Integrated Community Sustainability Plan*, the November 8, 2013 *Municipal Climate Change Action Plan* and the 2014-2017 *Argyle Recreation Commission Strategic Plan*.

In addition to economic goals, Council is also concerned with enhancing the enjoyment and safety of communities in the Municipality to maintain and improve Argyle's overall attractiveness, reputation and desirability as a place to live, work and visit. Council's commitment to long term sustainability includes having policies which support and encourage healthy social and cultural community values,

The following Vision Statement, Sustainability Commitment, and Goals and Objectives represent the blueprint for the future of the Municipality of Argyle, as determined with the help of the community and implemented by Municipal Council throughout the years to come.

## 2.1 MUNICIPAL VISION STATEMENT

**Argyle is a municipality of healthy and vibrant communities. We are a place to call home and a place to lay down roots. We cherish and celebrate our past and our Acadian heritage, but also look to the future for innovation. We strive to be stewards of our iconic rugged landscapes and rich natural environment. We nurture existing and traditional economies while also supporting and seeking ways to diversify, collaborate, and achieve economic growth. We are resilient. From our commitment to each other, to our community, and to our neighbours we adapt together to prosper in a changing world. Our natural beauty and sense of community has given us a *joie de vivre* that we look to share with each other, with visitors and with newcomers.**

## 2.2 SUSTAINABILITY COMMITMENT

Council's commitment to sustainability, which has informed all aspects of this Municipal Planning Strategy are based in the Integrated Community Sustainability Plan. This commitment is supported through the Goals, Objectives and Policies in this Municipal Planning Strategy.

Council recognizes sustainability as having three, interconnected branches:

1. Environmental Sustainability
2. Economic (or fiscal) Sustainability
3. Community Sustainability.

Council recognizes that respect and preservation of the natural environment and the reduction of pollution and waste help to conserve renewable and non-renewable resources. Council recognizes that undertaking these actions to protect the natural environment is also to make a commitment to economic sustainability, as it insures that these resources remain for the security, livelihood, and enjoyment of future generations.

Council recognizes that economic sustainability grows from working together supporting our local and regional economy. In this manner, the economy depends on a strong social and cultural network, in other words, Community Sustainability. When pursued together, the three branches of sustainability enhance the spirit of local entrepreneurship, cultural uniqueness, and community well-being by improving the quality of life for all of our residents.

## 2.3 GOALS AND OBJECTIVES

The Council of The Municipality of Argyle recognizes five goals which provide guidance and direction for the future development of the Municipality. The over-arching goal is to sustain viable and vibrant communities supported by a strong local economy, a versatile cultural and heritage scene, strong social networks and a healthy environment.

During the Municipal Planning Strategy Review process, the following Goals and Objectives emerged based on feedback and engagement. These Goals help to provide guidance for the policies contained in this Plan.

### **Goal One – Increase the Diversity and Resilience of the Local Economy**

Argyle has an abundance of natural resources, complete with beautiful wilderness, abundant coastlines, and a well-established fishery. These opportunities allow Argyle to be in a position to leverage existing

industries while investing in and promoting new opportunities. Diversification of the economy into industries that leverage Argyle's abundance – like aquaculture, renewable energy, or eco-tourism – will help the Municipality maximize employment opportunities, retain youth and a skilled workforce and provide the varied services and amenities required by residents and businesses in a sustainable community.

### **Objectives**

1. To encourage the development and expansion of local commercial enterprises through policies which are flexible enough to allow for innovation while being predictable and fostering stability for investors and entrepreneurs.
2. To encourage the sustainable management and diversification of resource based industries, including ocean-based industries and the Tobeatic Wilderness Area.
3. To encourage the growth of the tourism industry by nourishing local service-based and experience-based industries and businesses.
4. To support economic development initiatives that foster economic self reliance.

### **Goal Two – Increase the Diversity of Housing Options across the Municipality**

A key challenge in Argyle has been providing housing in convenient locations that meets the needs of our residents, many of whom are seniors looking to downsize, or youth looking to live independently. Adequate housing is integral to supporting those who love Argyle, and have roots in Argyle, in being able to stay in the Municipality. The Municipality needs to offer many forms of ownership and rental accommodations to provide affordable options in existing neighbourhoods where people want to live and are close to amenities and services.

This means generating a diversity of housing types, including single-detached dwellings, duplexes, grouped housing units, secondary suites, multi-unit buildings, and other unique options to offer enough choice for all residents to live comfortably and affordably. A diversity of development will be concentrated in and around the rural centres to promote more compact communities that encourage social interaction, physical activity, and provide the concentration of residents needed for additional business opportunities to be viable.

### **Objectives**

1. To permit and encourage the sustainable development of land for a variety of residential purposes.
2. To promote compatible and compact development and renovation opportunities in rural growth centres where central services are or may be available.
3. To promote innovation in meeting the challenge of developing seniors and youth residential options in the Rural Centres.

### **Goal Three – Foster an Active and Accessible Community for All Ages and Abilities**

It is important that Argyle is a welcoming community for people of all ages and abilities; a place where they not only live and work, but also play. Fostering an active and engaged community is vital for community health, social well-being, and quality of life. Argyle has an abundance of access to natural landscapes and has the opportunity to offer appealing destination travel opportunities for residents to play within their community, and within the natural world. It is Council's goal that increasing availability of and

access to parks, open spaces trails, and recreational areas be prioritized, and that access to these places be made friendly for people of all ages and abilities.

### **Objectives**

1. To encourage the use of open spaces and recreational places by all residents of Argyle.
2. To promote physically active lifestyles, complete with social interaction and the use of active transportation.
3. To foster opportunities, where appropriate, for public access to lakes, waterways, and open spaces by residents and visitors of Argyle.
4. To invest in existing and future open spaces, trails, parks, and recreational areas and develop these spaces to increase public access to natural areas and recreational amenities.
5. To cooperate with other municipalities, agencies, and levels of government to provide the services and amenities necessary for residents to ensure their physical and mental health and welfare.

### **Goal Four – Protect and Enhance Natural, Cultural, and Built Heritage**

Argyle's Acadian heritage is intertwined with the abundance of the natural environment and the uniqueness of the built environment. Argyle has a strong connection to the ocean, the shoreline, the forests, its Acadian roots, bilingualism, and an innate 'sense of community'. Those who live here know how to celebrate our heritage – through festivals, events, memorials, and museums. It is Council's goal that this celebration of our unique heritage be nourished and enhanced and will support opportunities to grow the Municipality's cultural legacy and help celebrate the past, present, and future of Argyle.

### **Objectives**

1. To direct development and growth in a manner that will preserve, enhance and protect the natural environment of the Municipality, including coastline, wetlands, watercourses, forests, and other environmentally sensitive areas.
2. To develop in a manner which protects the uniqueness of Argyle's dark-sky region, ensuring that lighting as a part of new development minimizes light pollution.
3. To protect productive agricultural land and soils and encourage the continued use of these lands for agricultural purposes.
4. To encourage the preservation of the architectural and cultural heritage of the Municipality and minimize the impact of new development on this heritage.
5. To encourage the preservation, maintenance and enhancement of land having inherent natural, biological and recreational value.
6. To encourage cultural diversity and recognize the Acadian French language and culture as an important cultural asset that must be supported and maintained for future generations.

### **Goal Five – Foster Resilient, Sustainable, and Distinct Communities**

Planning for resilient communities is more crucial than ever in the face of climate change, aging populations, and a strained healthcare system. In the face of this, communities need to support one another, inspire pride, and focus on sustaining their community's greatest assets for generations to come. It is Council's goal that Argyle's communities grow in a resilient and sustainable manner, while maintaining their distinctness. To do this, Argyle will encourage a diversity of transportation options, promote civic engagement, permit compact and mixed-use development, and consider appropriate protections from environmental threats, and capitalizing on renewable energy and other innovative ideas.

## Objectives

1. To provide a framework and process to guide land use development that is mixed-use, compact, and brings residents closer to the services that they need.
2. To minimize conflicts between land uses and ensure that new development is appropriately integrated with the existing natural and built environment.
3. To encourage the ongoing involvement of residents in decision-making, municipal events, and community wellbeing initiatives, in order to foster a sense of ownership and responsibility.
4. To cooperate with and collaborate with community groups, non-profit organizations, and residents' groups, in order to help them achieve their own goals for their communities.
5. To invest in technologies and innovations that help to build environmental resilience for Argyle's coastal communities.
6. To encourage the maintenance and improvement of all modes of transportation at the local and regional level.
7. To encourage and promote partnerships between organizations, tourist operators, schools and businesses in the municipality and to promote coordination and efficiencies in planning and development of active transportation systems.

### 2.4 PARTNERSHIPS AND COLLABORATIONS

Council recognizes the need for collaboration and cooperation among the local governments and agencies in an effort to achieve regional success and good quality of life in the Municipality. The Municipality the District of Argyle therefore has an interest in maintaining and enhancing economic development and infrastructure of regional relevance that are beyond the borders of the Municipality. Services that are located outside of our municipality are still meaningful to our residents. Some public infrastructure, such as the Town of Yarmouth's Mariners Center, is utilized by and important to many citizens of Argyle, therefore any financial support required to maintain operations or improve capital should include all the municipal units that benefit from it. Council intends to consider all mutually beneficial agreements and collaborations with the Municipality of the District of Yarmouth, the Town of Yarmouth and the other municipalities and agencies in the Tri-County region. Council also recognizes that regional economic development initiatives such as the Western Regional Enterprise Network requires a governance approach with a vision beyond municipal boundaries, led by business professionals from the region.

## 2.5 PLAN DESIGNATION AND ZONES

GFLUM Designation	Zones	Symbol	Colour
<b>Coastal Communities Designation</b>	<b>Coastal Community</b>	CC	
	<b>Coastal Community Industrial</b>	CCI	
	<b>Marine Industrial</b>	MI	
<b>Rural Centre Designation</b>	<b>Mixed Use</b>	MU	
	<b>Light Industrial</b>	LI	
	<b>Heavy Industrial</b>	HI	
	<b>Marine Industrial</b>	MI	
	<b>Residential Park</b>	RP	
	<b>Pubnico Point Wind Farm</b>	WF	
<b>Rural Development Designation</b>	<b>Rural Development</b>	RD	
	<b>Wellhead Protection</b>	WP	
<b>Village Designation</b>	<b>Village</b>	V	
	<b>Floodplain</b>	FP	
<b>Business Park Designation</b>	<b>Business Park</b>	BP	
<b>N/A (Zones allowed in any designation above)</b>	<b>Coastal Wetlands</b>	CW	



Part 3

# Coastal Communities

## **3 PART 3: COASTAL COMMUNITIES**

### **3.1 COASTAL COMMUNITIES PROFILE**

The majority of communities in the Municipality developed in a linear fashion within a three kilometer wide corridor along the coastal shoreline and estuaries of the Tusket and Argyle Rivers. From East Pubnico at the Shelburne County line westward to Melbourne at the Argyle-Yarmouth Municipal boundary line there are twenty-six (26) communities excluding the Rural Centres of West Pubnico, Wedgeport and Tusket. Twenty-three (23) of these communities border the shoreline or estuaries. The remaining three including Melbourne, Belleville and South Belleville are within 0.8 km to 3.2 km of the coast.

The numerous in-shore and off-shore islands are an integral feature of Argyle's coast. Traditionally many have served as a base during lobster season while others have been used for the grazing of sheep. There are also a number of seasonal dwellings, some of which are conversions of fish shanties. The total area within the mainland coastal corridor and islands is approximately 179 square kilometres.

The communities mirror the composition of development found in the Rural Centres, largely residential with a small scattered mixture of institutional, commercial and industrial uses. There are concentrations of commercial and industrial development at Pubnico Head at the junction of Highway 335 and Highway 3. There are also concentrations of fishery and marine related uses near existing wharves in east Pubnico, Lower Argyle, Sluice Point and Little River Harbour.

### **3.2 COASTAL COMMUNITIES DESIGNATION AND ZONES**

The mainland portion of the Coastal community including those inshore islands with connections to the mainland are primarily residential. Institutional, recreational, agricultural and forestry uses are dispersed among the communities and are a traditional element in built-up areas. The communities do have concerns about intensive livestock operations such as mink ranches, and for Heavy Industrial uses, which have potential to disrupt the quality-of-life of nearby residences.

Council will designate all lands and islands within the Coastal Communities designation excluding the Marine Industrial and Coastal Wetlands designations as Coastal Communities (CC) on the Generalized Future Land Use Maps. Within this designation Council will accommodate a diversity of residential, commercial, institutional, recreational, agriculture, forestry, light industrial uses.

Existing Heavy Industrial uses in the Coastal Communities designation will be zoned Coastal Community Industrial (CCI) in the Land Use By-law. All new Heavy Industrial use will require a development agreement in accordance with Policies in the Implementation Chapter. Expansions to existing GUI uses will also be subject to Policies in the Implementation Chapter. The CCI Zone will permit appropriate Light Industrial Uses and residential uses as accessory uses.

### 3.3 COASTAL COMMUNITIES DESIGNATION AND ZONES POLICIES

#### IT SHALL BE THE POLICY OF COUNCIL:

- 3.3.1 To designate sections of the mainland and all islands as Coastal Communities (CC) on the Generalized Future Land Use Maps to accommodate growth and development in a manner similar to the Rural Centres.
- 3.3.2 To establish a Coastal Community (CC) Zone on the Land Use By-law for properties designated Coastal Communities on the Generalized Future Land Use Maps which do not have existing Heavy Industrial Uses.
- 3.3.3 That the intent of the Coastal Communities (CC) designation and zone is to accommodate a wide range of residential, institutional, commercial, industrial, agricultural, recreational and utility uses.
- 3.3.4 To establish a Coastal Community Industrial (CCI) Zone in the Coastal Communities designation in Land Use By-law to accommodate all existing Heavy Industrial Uses and their accessory uses.
- 3.3.5 Council may consider rezoning from Coastal Community (CC) Zone to Coastal Community Industrial (CCI) Zone when the implementation policies of the MPS are satisfied, and Council believes it is in the best interest of the community.
- 3.3.6 Council may consider new salvage yards and scrap yards in the Coastal Community Industrial (CCI) Zone by development agreement when the implementation policies of the MPS are satisfied, and Council believes it is in the best interest of the community.
- 3.3.7 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14, in the Coastal Community (CC) Zone:
  - a) Abattoirs
  - b) Aggregate related
  - c) Agricultural related
  - d) Asphalt processing plant
  - e) Automotive Mechanical Repair
  - f) Aquaculture (Indoor and Outdoor)
  - g) Bait Freezers
  - h) Boat building & repair shops
  - i) Boat haul out
  - j) Building & Construction Contractors
  - k) Building Suppliers & Equipment Rentals
  - l) Bulk chemical storage
  - m) Bulk petroleum storage
  - n) Cannabis production and/or processing facility, Micro
  - o) Cannabis production and/or processing facility, Standard
  - p) Carpentry Shops
  - q) Cold Storage Freezers
  - r) Commercial Greenhouses
  - s) Concrete Product fabrication

- t) Craft Alcohol Production Facility
- u) Drive-Throughs
- v) Fertilizer production
- w) Fishing and marine related
- x) Fish processing plant
- y) Fish Cooler or Freezer
- z) Fish Farms
- aa) Food waste composting
- bb) Group Dwellings
- cc) Heating and/or refrigeration shops
- dd) Heavy equipment storage, maintenance & repair
- ee) Landscaping operations
- ff) Landfills
- gg) Large scale wind turbine generator
- hh) Lobster holding tanks
- ii) Lobster pounds
- jj) Lobster wire trap operations
- kk) Manufactured wood products
- ll) Marine plant farms
- mm) Marine plant processing operations
- nn) Motor vehicle race tracks
- oo) Multi-Unit Dwellings (5 to 24 units)
- pp) Net manufacturing & repair
- qq) Nurseries
- rr) Outdoor rifle range
- ss) Ocean-Oriented Industrial
- tt) Plumbing and/or electrical shops
- uu) Recycling depot
- vv) Restaurant, Evening Patio Uses
- ww) Salvage yards or Scrap Yards
- xx) Sand, gravel & topsoil operations
- yy) Sawmills
- zz) Sheet metal shops
- aaa) Solar Farm
- bbb) Townhouse Dwelling Units
- ccc) Transportation & trucking use
- ddd) Warehouse distribution & sales
- eee) Welding and/or machine shops
- fff) Wholesale distribution & sales
- ggg) Wind Farm

3.3.8 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14, in the Coastal Community Industrial (CCI) Zone:

- a) Cannabis production and/or processing facility, Standard
- b) Commercial brewery and/or distillery
- c) Pelting operation
- d) Salvage yards or scrap yards



Part 4

# Rural Centres

## 4 PART 4: RURAL CENTRES

This MPS designates three rural centres for Argyle, overlaying the communities of Tusket, West Pubnico, and Wedgeport. The Municipality's rural centres have been the historical regional centres for residential development and commercial growth in the municipality. This plan recognizes that building upon the historical investments of this region's infrastructure and development is critical for a sustainable future for the region.

### 4.1 TUSKET

The Rural Centre community of Tusket is situated in the western portion of the Municipality where Highway 3 and Highway 103 cross the Tusket River. The community acts as a hub in the transportation network of the Municipality. Regionally, it is served by Highway 103 with interchange No. 33. Arterial Highway 3 links the community to the southwest portion of the Municipality of Argyle, the Town of Yarmouth and all communities eastward to the Yarmouth-Shelburne County line. The main collector road is Highway 308 which links the communities of Belleville, Springhaven and Quinan situated to the northeast. Highway 308 running south links the communities of Hubbard's Point, Amirault's Hill, Sluice Point, Surettes Island and Morris Island. Highway 3 running southeast links the communities of Abrams River, Ste. Anne du Ruisseau and Eel Brook.

Tusket is bound by the Yarmouth-Argyle municipal boundary to the north and west, the communities of Belleville and Abram's River to the east and the communities of Hubbard's Point and Pleasant Lake to the south. The community is approximately 11 square kilometers in area and is approximately 13 kilometers east of the Town of Yarmouth. The population of the community is estimated at approximately 400 persons. The topography varies from strongly undulating to undulating and gently rolling with occasional depressions. The average elevation is approximately 50 feet. Salt marshes are located in the western shore of the Tusket River.

The core of the community is situated on the east side of the Tusket River between Highway 103 and the Frank Doucette Road. Within this area there is a mix of residential, institutional and commercial uses. A commercial node, however, is located generally adjacent the Highway 103 interchange. Institutional uses in the community include a post office, municipal administration building, credit union, community services building, a satellite community college, a high school and a provincial government office. Of significance is the oldest standing courthouse and jail in Canada constructed in 1805 now serving as a museum, and the former Baptist Church that has been converted into the Municipal Archive Building. A business park and residential park are situated north of the highway interchange. A central sewage collection and treatment system serves the residential park, business park and core area of the community, enabling higher density residential development in the serviced area. The remaining portions of the community are served by on-site sewage disposal systems and dug or drilled wells.

Commercial development has located primarily on Highway 308 near the Highway 103 interchange. On the north side of the highway ramp a mini-mall complex includes an accounting office, sports vehicle shop, restaurant and construction company office. An automobile sales dealership, service station, restaurant, used clothing store, furniture store, insurance office, automobile undercoating business and an office building are located south of the interchange. A general and grocery store is located at the convergence of Highway 3 and Highway 308 in the core of the historic village area. There are also several home occupations in the community.

As in West Pubnico and Wedgeport, the single detached dwelling is the predominant housing type. Other housing types include a duplex, a triplex, six dwelling conversions of three and four units and a 15-unit

senior citizen home. Recreational uses in the community include a ballfield, a track and field facility and a private tennis club. Highway 308 in the centre of the community provides an access point to 56 kilometres of multi use recreational trails on the converted former CN rail line running 17 km east to the Town of Yarmouth and 39 km west to Pubnico Head. On the west side of the river is a top soil and gravel storage and processing operation as well as a fish storage facility. Utility uses include a power generating (diesel) station on the west side of the river and a telephone substation in the core area.

## **4.2 WEST PUBNICO**

The Rural Centre community of West Pubnico comprises the contiguous communities of West Pubnico, Middle West Pubnico and Lower West Pubnico. This community is the most highly developed area in the Municipality having a population of approximately 1,800 persons. It is situated on a fifteen square kilometre peninsula bound by Pubnico Harbour to the East and Lobster Bay to the south and west. The topography is characterized by low rolling hills with occasional depressions. The average elevation is approximately 50 feet. Salt marshes are a typical feature on both shorelines.

The community, for the most part, has developed in a linear fashion along Highway 335 on the east side of the peninsula. On the southern tip of Pubnico Point where Highway 335 pavement ends, a 30 megawatt wind farm consisting of seventeen large wind turbine generators was developed in 2004. This wind farm was the first operated successfully in Nova Scotia, and has operated successfully and is an integral element in the community. As large-scale wind energy has developed and expanded subsequently in Nova Scotia, standards for large scale wind turbine installations have also evolved. To recognize the existing status of the Pubnico Point wind farm Council has established a wind farm designation and zone in the Rural Centre of West Pubnico to incorporate zone requirements intended to apply only to the existing large-scale wind turbine generators at Pubnico Point.

In the western portion of the peninsula development is generally restricted to local public roads which dead end at wharves or the shoreline. There are, however, several private roads and rights-of-way serving residential development. The bulk of development is served by municipal sanitary sewer services while the water supply is obtained from individually owned dug or drilled wells.

The general development characteristic of the community, with the exception of industry near wharf facilities, is residential with a mixture of scattered institutional, recreational, commercial, industrial and utility uses. The traditional Single Detached Dwelling is the preferred housing type accounting for the majority of homes in the community. Other dwelling types include multiple unit conversions from larger single detached homes, and two senior residences.

Institutional uses in West Pubnico includes a church, elementary school, community hall, two post offices, a museum and a Historic Acadian Village on a seventeen-acre site, a fire department and service clubs. Recreational facilities are available on an organized level and include a ball field, a summer day camp and a tennis/multi-purpose court. An 18-hole golf course is located approximately five miles north of the community at Pubnico Head.

Commercial uses have established along Highway 335 and, for a short distance, westward along Abbots Harbour Road. Retail uses include a grocery and dry goods store, fish market, a hardware store, pharmacy and liquor store. Other uses include a service station, an auto parts dealer, restaurants, a motel, a rappie pie manufacturing business, insurance office, medical clinic, credit union and bank to mention a few. As well, there are a number of residents conducting businesses, household arts or professional uses in their

homes or in accessory buildings. These uses include hairdressing, plumbing and heating, flooring shop, window manufacturing and a hardware store. Industrial uses throughout the mixed-use fabric include repair shops, bulk oil storage, warehousing, a machine shop, fish processing plants, boat shops and other fishery related industries.

An extensive central sewer system services a large portion of the community with both residential areas and industrial areas benefitting from the service, enabling higher density development in residential areas and utilization of valuable limited coastal areas for fishing industry expansion.

Police protection for this community as well as the rest of the Municipality is provided by the Yarmouth County detachment of the RCMP stationed in the Town of Yarmouth.

### **4.3 WEDGEPORT**

The community of Wedgeport is the second most highly developed community in the Municipality of Argyle with a population of approximately 1,700 persons. It is similar to West Pubnico in that it is a peninsula community comprising the contiguous villages of Lower Wedgeport and the built-up area of Upper Wedgeport, having a total area of approximately ten square kilometres. It is bound by the Tusket River to the east and Goose Bay to the west and is approximately eleven kilometres southeast of the Town of Yarmouth. The topography is undulating to rolling with isolated depressions. In most areas, the elevation does not exceed 50 feet. Salt marshes are in the northern sector of the community on both shorelines.

Unlike West Pubnico, Wedgeport has a well developed and interconnecting road network. This has resulted in a compact linear development pattern that is more evenly distributed throughout the length and breadth of the peninsula. Reciprocally, it has resulted in a significant amount of undeveloped land that is landlocked. Many of the local roads such as Chemin des Cottreau, Frotten Point, Doucet Wharf and the Tuna Wharf Road terminate at the shoreline or at wharves. All development is served by individual on-site sewage disposal systems and dug or drilled wells.

The dominant development characteristic is residential with a scattered mixture of institutional, recreational, commercial, utility and industrial uses. Fishery and marine oriented industries have located in the vicinity of existing wharves. The traditional single detached dwelling is the preferred housing type accounting for the majority of dwellings in the community. Other home types include dwelling conversions and a fifteen-unit seniors residence.

Institutional uses include a church, elementary school, two post offices, museum, fire department, two service clubs and a private club. Recreational uses are limited to a combination playground and ball field, two tennis courts and a sports field at the school. A summer day camp is provided at the combination facility.

Commercial uses are primarily along Highway 334 and include a general store, a convenience store with fuel pumps, ice cream take-out, restaurant and a credit union. There are also a number of home occupations in homes or accessory buildings. These uses include the manufacture of lobster traps, fish equipment shop, beauty salons, landscape nursery and a boat shop. Industrial uses are, for the most part, fishery and marine oriented and include such uses as a ballast shop, storage and warehousing, woodworking shop, auto repair shop and fish plant offices and storage. Industrial uses in the vicinity of existing wharves include a marine shop, gear sheds, boat shops, fish processing plants and freezers.

#### 4.4 RESIDENTIAL PARK DESIGNATION AND ZONE

The original 1989 concept for development of Municipally owned lands in the northern portion of the Tusket Rural Centre included industrial, residential and recreational uses. The Business Park was developed first on the portion of land bordering Highway 308, and in 2008 Council undertook the development of the western portion of the lands bordering the Tusket River constructing a new Municipal access road and reserving an area of land on the river for future public access. Eight (8) residential lots with frontage on the river were created and all of the lots have been sold. In 2020 six (6) of the lots have been developed. As the emphasis is for residential development in the park Council will permit home occupations only in the park.

#### 4.5 RURAL CENTRE POLICIES

**IT SHALL BE THE POLICY OF COUNCIL:**

- 4.5.1 To designate the communities of West Pubnico, Wedgeport and Tusket as Rural Centres (RC) designation on the Generalized Future Land Use Maps to accommodate a wide range of uses in a manner which is flexible and sensitive to the needs of the residents. The existing wind farm Pubnico Point will be excluded from this designation.
- 4.5.2 That the intent of the Rural Centres (RC) designation is to accommodate a wide range of residential, institutional, commercial, agricultural, recreational, wind energy, and utility uses.
- 4.5.3 To establish in the Rural Centres (RC) designation the following zones:
  - a) Mixed Use (MU) Zone;
  - b) a Light Industrial (LI) zone and a Heavy Industrial (HI) Zone. Existing industrial uses will be zoned according to their operations, either as Light Industrial (LI) zone or Heavy Industrial (HI) zone.
  - c) a Pubnico Point Wind Farm (WF) Zone in the Land Use By-law at the Pubnico Point Wind Farm site.
  - d) a Residential Park (RP) Zone for the western portion of the current and former Municipal lands in Tusket.
  - e) a Marine Industrial (MI) Zone as per the policies of Section 8.9.

- 4.5.4 That the intent of the Light Industrial (LI) zone and a Heavy Industrial (HI) zone will be to provide land for existing industrial development in the rural centres.
- 4.5.5 That single detached dwellings will be permitted as a main or accessory use in the LI and HI zones or a single dwelling unit within any main or accessory building in the LI and HI zones, if a minimum two (2) acre minimum lot area is met.
- 4.5.6 That the intent of the Pubnico Point Wind Farm (WF) zone will be to facilitate the continued operation of the existing wind farm on Pubnico Point, including supporting accessory uses. This zone will establish permitted uses and requirements including minimum separation distances between wind turbine generators and dwellings to apply to development within the Pubnico Point Wind Farm (WF) zone.
- 4.5.7 To exclude from the Rural Centre designation certain agricultural uses, commercial uses, industrial uses and recreational uses deemed not compatible with the fabric of the Rural Centre communities.
- 4.5.8 Council shall consider the following uses by site plan approval in the Mixed Use (MU) Zone:
- a) Group Dwelling Units
  - b) Small Scale Wind Turbine Generator
- 4.5.9 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Mixed Use (MU) Zone:
- a) Cannabis Production and/or Processing Facility, Micro
  - b) Drive-throughs
  - c) Mini-Home Community
  - d) Multi-Unit Dwelling (5 to 24 Units)
  - e) Restaurant, Evening Patio Use
  - f) Salvage Yards and Scrap Yards
  - g) Solar Farm
- 4.5.10 Council shall consider the following uses by site plan approval in the Light Industrial (LI) Zone:
- a) Small Scale Wind Turbine Generator
- 4.5.11 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Light Industrial (LI) Zone:
- a) Aquaculture (Indoor and Outdoor)
  - b) Drive-throughs
  - c) Restaurant, Evening Patio Use
- 4.5.12 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Heavy Industrial (HI) Zone:
- a) Cannabis Production and/or Processing Facility, Standard
  - b) Commercial Brewery and/or Distillery
  - c) Drive-throughs
  - d) Restaurant, Evening Patio Use
  - e) Salvage Yards or Scrap Yards

- 4.5.13 Council shall consider the following uses by site plan approval in the Residential Park (RP) Zone:
- a) Group Dwellings
- 4.5.14 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Residential Park (RP) Zone:
- a) Multi-Unit Dwelling (5 to 24 units)
- 4.5.15 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Pubnico Point Wind Farm (WF) Zone:
- a) Large Scale Wind Turbine Generator
  - b) Wind Farm

#### **4.6 RURAL CENTRE REZONING AND DEVELOPMENT AGREEMENT CRITERIA POLICIES**

##### **IT SHALL BE THE POLICY OF COUNCIL:**

- 4.6.1 To consider rezoning MU Zoned properties to the corresponding LI or HI zone for new or expanding enterprises, in accordance with the implementation policies of this Strategy.
- 4.6.2 To consider proposals for rezoning from LI or HI to MU for a use permitted in the MU zone subject the implementation policies of this Strategy.
- 4.6.3 To accommodate residential uses containing more than four units and Mini-Home Communities in the MU zone by development agreement subject to policy 13.14 of this Strategy.
- 4.6.4 To permit automobile salvage yard uses as accessory uses to automobile mechanical repair uses by development agreement in the Rural Centre designation in the Mixed Use (MU) zone subject to the following requirements:
- I. That a minimum separation distance of 935 ft. (285 m) shall be maintained between the automobile salvage yard and any dwelling
  - II. The salvage yard shall be screened from view from the travelling public on public highways and public recreation areas during all seasons of the year.
  - III. The owner and/or operator of the facility shall adhere to the provisions of the Nova Scotia Environment and Labour Guidelines for Siting and Operation of Salvage Yards, especially the provisions which require:
    - a) all tires to be disposed of at an approved facility at least once a year
    - b) fences shall be regularly maintained with the exterior surface of the fence being a uniform colour and kept free of stored material
    - c) Vehicle carcasses shall be crushed and sent for disposal on a regular basis at least once every two years

- d) No stripping of parts from vehicles outside the fenced yard boundaries
- IV. The hours of operation of the business shall adhere to standard business work week practice and night and weekend work be restricted
- V. The salvage yard operation be consistent with and limited to an accessory use for an automobile mechanical repair business, and that the salvage yard use not include general salvage not related to the principle main automobile repair use on the property
- VI. The proposed development will not, by way of emissions of odour, dust, smoke or noise or vibration disrupt or detrimentally effect abutting or nearby land uses nor be a use characterized by producing wastes that can contaminate soils and watercourses or be incompatible by reason of traffic generation, appearance or outdoor storage
- VII. Any matter which may be addressed in the By-law, e.g. requirements for yards, parking
- VIII. Any other matters enabled under Section 227 of the Municipal Government Act



Part 5

# Rural Development

## 5 PART 5: RURAL DEVELOPMENT

The northern inland portion of the Municipality of Argyle is the least populated and developed region of the municipality. This area located outside the Rural Centre, Coastal Communities and Village designations is predominantly crown land or land designated by the Province of Nova Scotia as the Tobeatic Wilderness area, the Tobeatic Wildlife Management area and the Shelburne Barrens. Much of the crown land located outside the Tobeatic is managed by the Department of Natural Resources as woodlot holdings. The headwaters of the Tusket, Shelburne and Clyde Rivers are found in this region. This sparsely developed portion of the municipality is characterized by mixed land uses including residential, agricultural, forestry, institutional, commercial and industrial type uses. Cottage development along pristine lakeshores and rivers has been the predominant type of residential development that has occurred in this area over the last twenty years.

### 5.1 RURAL DEVELOPMENT (RD) DESIGNATION & ZONES

It is anticipated that this region of the municipality will continue to exhibit a low density of population and be regarded as a remote rural area. Land use regulation in this region will be limited to controlling large scale industrial type uses and potentially obnoxious uses. Therefore Council will designate this area as Rural Development on the Generalized Future Land Use Map 1 of the Municipal Planning Strategy and establish a Rural Development (RD) Zone in the Land Use By-law.

### 5.2 RURAL DEVELOPMENT POLICIES

#### IT SHALL BE THE POLICY OF COUNCIL:

- 5.2.1 To designate all lands outside the Rural Centres, Coastal Communities, Business Park, and Village designations as Rural Development (RD) on the Generalized Future Land Use Maps of this Strategy and to permit a wide range of residential, institutional, recreational, commercial, forestry, agricultural and industrial uses.
- 5.2.2 To create a Rural Development (RD) zone and a Wellhead Protection (WP) zone in the Land Use By-law. The specified area in Middle East Pubnico shall be the Wellhead Protection (WP) zone.
- 5.2.3 To permit all residential, institutional, recreational, industrial, agricultural, Forestry, historic villages and commercial developments in the Rural Development (RD) zone.
- 5.2.4 Council shall consider the following uses by site plan approval in the Rural Development (RD) Zone:
  - a) Group Dwelling
  - b) Small Scale Wind Turbine Generator
- 5.2.5 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14, in the Rural Development (RD) Zone:
  - a) Cannabis Production and/or processing facility, Standard
  - b) Commercial Brewery and/or Distillery
  - c) Drive-Throughs
  - d) Fish Composting Operations
  - e) Motor Vehicle Race Tracks
  - f) Multi-Unit Dwelling (5 to 24 Units)

- g) Outdoor Rifle Range
- h) Pelting Operation
- i) Restaurant, Evening Patio Use
- j) Salvage Yards or Scrap Yards

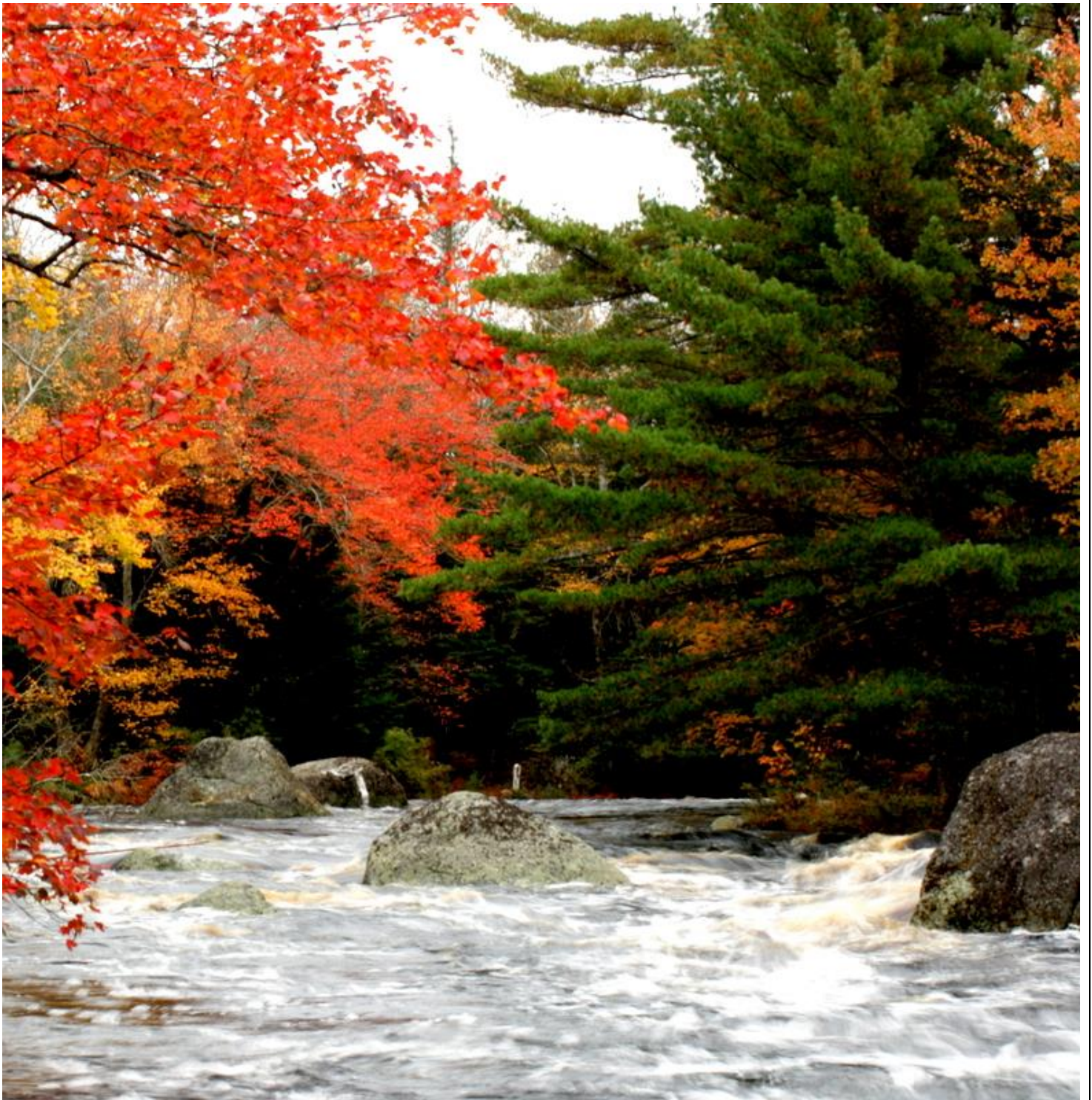
5.2.6 Council shall consider the following uses through site plan approval in the Wellhead Protection (WP) Zone:

- a) Group Dwellings
- b) Small Scale Wind Turbine Generator

5.2.7 Council may consider the following uses through development agreement, pursuant to the requirements of Policy 13.14, in the Wellhead Protection (WP) Zone:

- a) Drive-Through
- b) Restaurant, Evening Patio Use
- c) Large Scale Wind Turbine Generator

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Part 6

# Villages

## **6 PART 6: VILLAGES**

Two village core areas have developed in Argyle away from the coast, the communities of East Kemptville, and Quinan/Springhaven. In this MPS, these areas are referred to as villages.

### **6.1 EAST KEMPTVILLE**

The community of East Kemptville is located in the northwestern region of the Municipality. It is land locked from the southern sectors of the Municipality and it is required to travel through the Municipality of Yarmouth to gain access to the community. Highway 203 is the main arterial highway serving the community. It is approximately ten (10) square kilometers in area and is approximately thirty (30) kilometers from Tusket. Most of the development is linear along Highway 203 with some development on the Polly, Indian Hill, Gray and Back Roads. Services include a Department of Natural Resources depot, a wilderness retreat resort facility, a pet crematorium and an inactive tin mine operation. There is a ballfield on the Polly Rd and a volunteer fire department is located just west of the Tusket River in Kemptville in the Municipality of Yarmouth. Forestry and some farming are the principle activities in the community. In addition to the permanent residences there are a number of seasonal residences on the lakeshores and riverbanks.

### **6.2 QUINAN – SPRINGHAVEN**

The communities of Springhaven and Quinan are also located in the northern sector of the Municipality south of East Kemptville and only accessible from Highway 308 North. The communities developed in a linear fashion along Highway 308 with some development on the Curry, Salem, Bill White, Doucette and Frotten Roads. Amenities in the community include a volunteer fire department, church, community club and multipurpose court. Businesses include an auto repair business and a privately operated astronomical observatory on the Frotten Road. A number of large multi-lot seasonal recreational subdivisions have been developed on the lakeshores in the area.

### **6.3 VILLAGE DESIGNATION AND ZONES**

East Kemptville, Springhaven and Quinan are the most rural communities in the Municipality. Similar to other communities fur farming is one of the issues with a potential to disrupt residents, and this use will not be permitted within the village boundaries. Automobile salvage yard uses will be dealt with by development agreement in a similar manner as in the Rural Centres. Council will designate these communities as Village on the Generalized Future Land Use Maps. Within this designation Council will accommodate the following uses: all residential, institutional, recreational, commercial, agricultural and forestry, and light industrial uses. Heavy Industrial uses except sawmills and planer mills will not be permitted.

A special Floodplain Zone will be created in Quinan to include the floodplain area at the juncture of the Quinan and Tusket Rivers which has traditionally experienced substantial flooding at times of heavy rains. The November 12, 2013 Municipal Climate Change Action Plan (MCCAP) amendments to the Integrated Community Sustainability Plan of March 9, 2010 identifies this flood risk area in detail in its Schedule C. Council will include this identified area as the Quinan Floodplain Zone and will restrict multiple unit developments within this zone.

## 6.4 POLICIES:

### IT SHALL BE THE POLICY OF COUNCIL:

- 6.4.1 To designate the communities of East Kemptville and Springhaven-Quinan as Village designation on the Generalized Future Land Use Maps.
- 6.4.2 To zone in the Land Use By-law all lands in the Village designations as Village (V) Zone except for the defined floodplain area in Quinan which will be zoned Floodplain (FP) zone. This area is defined in the Integrated Community Sustainability Plan of March 9, 2010 as Schedule C as Floodplain (FP) Zone in Quinan.
- 6.4.3 To permit in the Village (V) Zone all compatible residential, institutional, recreational, commercial, agricultural uses, forestry and light industrial uses.
- 6.4.4 Council shall consider the following uses through site plan approval in the Village (V) Zone:
  - a) Group Dwelling
  - b) Small Scale Wind Turbine Generator
- 6.4.5 Council may consider the following uses through development agreement, pursuant to the requirements of Policy 13.14 in the Village (V) Zone:
  - a) Commercial Brewery and/or Distillery
  - b) Drive-Throughs
  - c) Multi-Unit Dwelling (5 to 24 Units)
  - d) Restaurant, Evening Patio Use
  - e) Salvage Yards or Scrap Yards
  - f) Other Heavy Industrial Uses
- 6.4.6 To establish general zone requirements in the Floodplain (FP) Zone that match those of the Village (V) Zone, except for permitted uses. Uses in the Floodplain (FP) Zone will have additional limitations in order to prevent potential contamination of waterways, and reduce risk for emergency response issues.
- 6.4.7 Council shall adopt regulations to control the alteration of land levels and the removal or placement of topsoil within the Floodplain (FP) Zone.
- 6.4.8 Council shall require that any main structure permitted in the Floodplain (FP) Zone be flood proofed to an elevation that exceeds the established flood elevation. No basements shall be permitted within the established flood elevation.
- 6.4.9 Council shall consider the following uses through site plan approval in the Floodplain (FP) Zone:
  - a) Small Scale Wind Turbine Generator



Part 7

# Housing and Residential Uses

## 7 HOUSING AND RESIDENTIAL USES

### 7.1 STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING

The Council supports the development of housing for all residents in the Municipality with its goal of promoting a variety of housing forms suitable for all ages and incomes that offer residents a choice of accommodation possibilities so that they may remain in their community throughout their lives. Strategy policies to enable subdivision with minimum lot frontages to make efficient use of existing available land and to maintain and expand central sewer systems where feasible contributes to affordability for new housing. Council efforts to meet the objective of seeking innovative housing options for seniors gives support to policies to address affordable, special needs and rental accommodations.

### 7.2 HOUSING AND RESIDENTIAL USES POLICIES

#### IT SHALL BE THE POLICY OF COUNCIL:

- 7.2.1 To support the development of a variety of housing forms suitable for all ages and incomes.
- 7.2.2 To support the development of alternate forms of housing which expand opportunities for residents to continue to live in their rural community throughout their lives.
- 7.2.3 To support and encourage developers to find innovative, creative and affordable housing solutions utilizing existing municipal housing stock or creating new affordable housing options.
- 7.2.4 To support and encourage developers to utilize existing municipal infrastructure where possible to maximize housing density and to utilize the capacity of existing infrastructure.

### 7.3 HOME OCCUPATIONS

Home Occupations are business uses conducted on a residential property. In the Municipality traditionally, many businesses begin on a small scale based in a residence or accessory building on a residential property. Council encourages small business entrepreneurs and economic initiatives and recognizes the importance of permitting businesses within communities which provide employment opportunities and facilitate growth and diversification of the local economy.

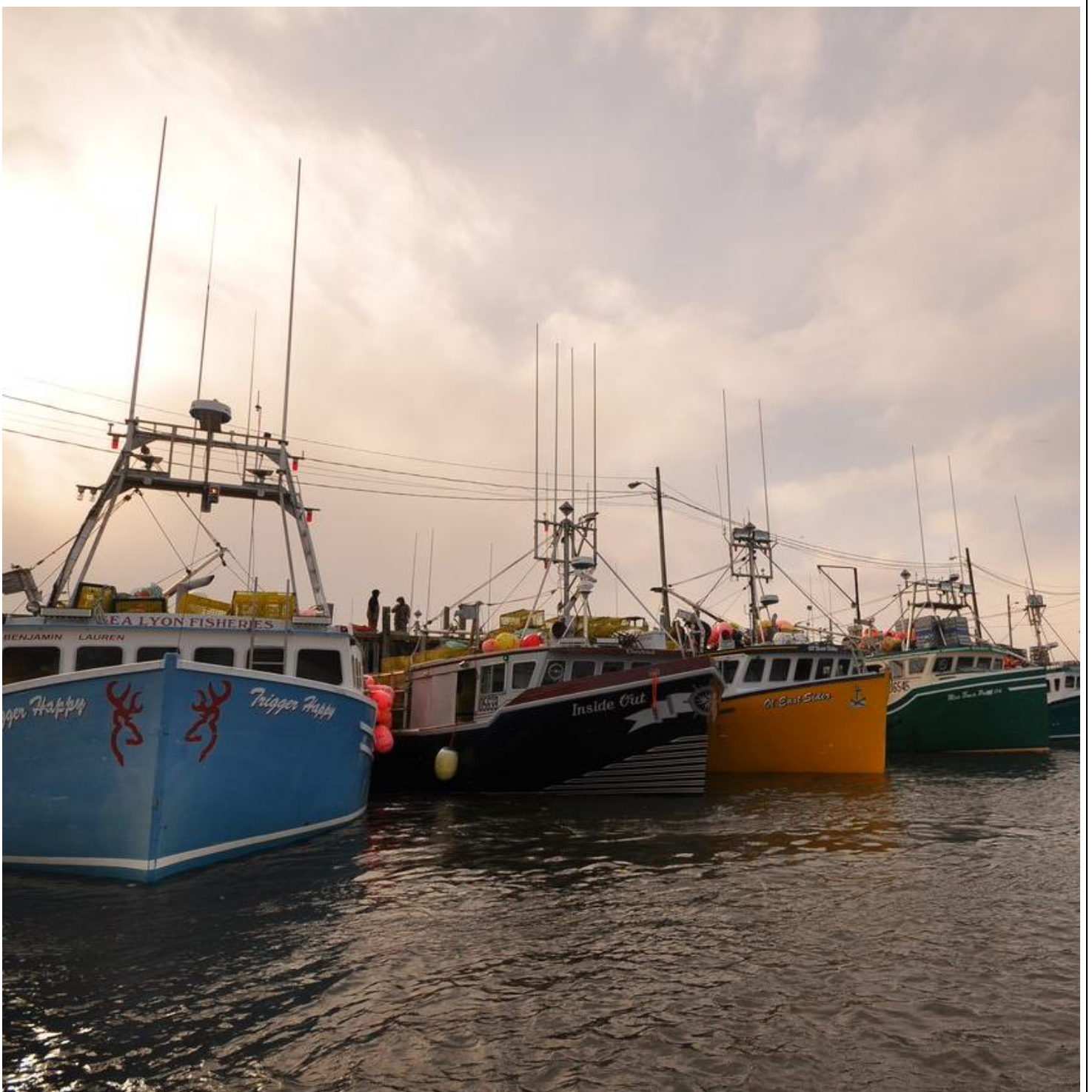
While encouraging home occupations it is also recognized that some business activities, especially involving industrial businesses, have the potential to disrupt neighbourhoods. Council will include special provisions in the Land Use By-law intended to minimize any conflicts with home occupations by requiring minimum size lots, maximum floor areas used for home occupations, setbacks, parking requirements and screening for outdoor work and storage areas.

To accommodate existing industrial home occupations which predate the Land Use By-law and which exceed the requirements in the By-law, a special provision in accordance with Section 242 of the Municipal Government Act will be included permitting the continuation of nonconforming Light and Heavy Industrial home occupations and permitting alterations, enlargements or extensions to these uses providing said changes do not further reduce any yard that does not conform to the By-law, and all other provisions of the By-law are satisfied.

## 7.4 HOME OCCUPATION POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 7.4.1 To permit home occupation uses in the Land Use By-law subject to requirements.
- 7.4.2 To establish special provisions and requirements in the By-law for home occupations with respect to:
  - a) dwelling appearance
  - b) the floor area within the dwelling or accessory building that may be devoted to the business use
  - c) parking requirements
  - d) special minimum yard requirement for all home occupations
  - e) special yard and screening requirements for outdoor display, storage and work areas
  - f) noise restrictions relating to home occupation activities
- 7.4.3 To establish a special provision in the By-law permitting the continuation or change in use of a home occupation which utilizes an existing floor area exceeding that established in the By-law provided that parking requirements are met.
- 7.4.4 To establish special variation provisions in the By-law enabled under Section 242 of the Municipal Government Act addressing nonconforming home occupation uses as conforming uses.



Part 8

# Commercial and Industrial Development

## 8 PART 8: COMMERCIAL AND INDUSTRIAL DEVELOPMENT

### 8.1 COMMUNITY 'HUB' COMMERCIAL DEVELOPMENT

Commercial areas in the Municipality tend to be concentrated in specific locations, serving a catchment of different communities within proximity to these amenities and services. Primarily, these clusters have grown in West Pubnico, Wedgeport, and Tusket and have been designated and zoned through this Municipal Planning Strategy and Land Use By-law as Mixed Use. This style of commercial growth, which roughly resembles 'hubs' of commercial with nearby spokes of residential areas provides reliable access to services for people living in various communities within Argyle. The concentration of commercial areas often encourages the use of active transportation from nearby clusters of residential neighbourhoods or between different businesses and helps to promote a sense of place and community where social interaction and community building happens organically. The 'hub' style of commercial development also limits the necessity for people to drive long distances or leave the Municipality to access the amenities and services that they need on a regular basis. It is important that people in Argyle continue to have these amenities close to their homes and that these commercial 'hubs' continue to grow and promote local business and entrepreneurship. It is the intention of Council to promote and encourage the further development of these 'hubs' of community commercial and business activity.

### 8.2 COMMUNITY 'HUB' COMMERCIAL POLICIES

#### IT SHALL BE THE POLICY OF COUNCIL:

- 8.2.1 To promote and encourage the clustering of businesses, such as local shops and services, in the 'Hubs' located in the Mixed Use areas of Tusket, West Pubnico, and Wedgeport.
- 8.2.2 To emphasize the need for both commercial and residential growth in the Mixed Use 'hubs' within to encourage equitable access to amenities and services where clusters of higher density is currently located or will be located in the future.
- 8.2.3 To, when considering a proposal or application in a Mixed Use 'hub', encourage services or amenities that would positively contribute to the use of active transportation and the occurrence of social interaction in that neighbourhood.
- 8.2.4 To encourage and maintenance and further development of the community 'hub' areas as community meeting places through:
  - a) Maintaining existing public buildings and open space in the area;
  - b) Investigating the possibilities of providing additional public amenities in the areas such as benches, planters, pocket green areas and other appropriate enhancements;
  - c) Encouraging actions aimed at enhancing private storefront appearances and gathering spaces around these private storefronts.

### 8.3 BUSINESS PARK

The Tusket Business Park was established in 1989 and subdivided to create an adjacent Residential Park in 2008. The Business Park is located on approximately forty (40) acres in the northern portion of Tusket. It is bound by Highway 308 North to the east, The Residential Park to the west and private lands to the north and south.

As of 2020, seventeen lots have been created, all of which are approximately two (2) acres in area, all of which are serviced with sewer in the Tusket Wastewater Management District. All lots have frontage on

Slocum Drive, a paved public highway which intersects with Highway 308. The park is ideally located near the 103 Highway interchange near other business outlets in the vicinity. This location is intended to encourage a diversity of growth and development in this area of the Municipality.

The Business Park designation and Business Park (BP) Zone in of the Land Use By-law will accommodate all commercial, Light Industrial, institutional, communication and utility uses, emergency services and government buildings. Heavy industrial uses will be permitted by development agreement excluding fish reduction plants, fish composting, asphalt paving plants, landfill operations, food waste composing and construction and demolition debris operations will not be permitted.

#### **8.4 BUSINESS PARK POLICIES**

##### **IT SHALL BE THE POLICY OF COUNCIL:**

- 8.4.1 To designate the Business Park lands in the Rural Centre of Tusket as Business Park (BP) designation on the Generalized Future Land Use Maps.
- 8.4.2 To establish a Business Park (BP) Zone in the Land Use By-law to accommodate uses compatible to a business park setting, with a mix of permitted commercial, industrial uses, and institutional uses.
- 8.4.3 Council shall consider the following uses by development agreement, pursuant to the requirements of Policy 13.14, in the Business Park (BP) Zone:
  - a) Abattoirs
  - b) Aggregate Related Uses
  - c) Agricultural Related Uses
  - d) Asphalt Processing Plant
  - e) Boat Building & Repair Shops
  - f) Bulk Chemical Storage
  - g) Bulk Petroleum Storage
  - h) Concrete Product fabrication
  - i) Commercial brewery and/or distillery
  - j) Drive-Throughs
  - k) Fertilizer production
  - l) Fishing and marine related
  - m) Fish Farms
  - n) Fish processing plant
  - o) Fish reduction plant
  - p) Fish composting operations
  - q) Food waste composting
  - r) Landfills
  - s) Lobster Holding Tanks
  - t) Lobster Pounds
  - u) Marine plant processing operations
  - v) Pelting operation
  - w) Restaurant, Evening Patio Use
  - x) Salvage yards or Scrap Yards
  - y) Sand, gravel & topsoil operations

- z) Sawmills
- aa) Sea Cucumber Processing Plant
- bb) Welding and/or machine shops
- cc) Other related Heavy Industrial Uses

8.4.4 To consider proposals for expansion of existing or new uses in the Business Park (BP) zone into the immediately adjacent Mixed Use (MU) Zone by development agreement or by amendment to the Plan and Land Use By-law in accordance with the implementation policies of this Strategy.

## 8.5 INDUSTRIAL

Both Heavy and Light Industrial activity in the municipality is largely focused in and around the wharf areas, and is almost exclusively related to the fishing industry. Fish processing plants, boat building and repair, welding and machine shops make up the bulk of the industrial activity. Some industrial uses are also scattered throughout both the Mixed Use (MU) Zone in the Rural Centres and Coastal Communities (CC) Zone either as home occupations or as stand alone developments. For the most part these uses have not caused conflict with residential uses, however the possibility for conflict exists where the scale of the industrial operation or processes involved with the operation could cause nuisance effects for nearby residential uses, institutional, recreational and commercial uses.

Addressing policies for industrial uses in communities in the municipality has been a focus of Council in recent years. A number of issues resulted in amendments to the By-law to deal with existing industrial uses, expansion of existing uses and new industrial uses. A development agreement requirement had been established for certain Heavy Industrial uses which were considered as having the potential for causing conflict with residential uses in the Coastal Communities (CC) Zone. Also certain Heavy Industrial uses were identified as not being compatible in the Coastal Communities (CC) and Mixed Use (MU) Zones. These include fish reduction plants; fish composting operations; asphalt paving plants; sand, gravel or topsoil storage and processing; landfills; and construction and demolition debris operations. These industrial uses were permitted in the Rural Development designation with special screening requirements and setback distances. To assist in addressing the concerns for potential conflicts between heavy industry and residential and institutional uses Council will expand the use of development agreements for Heavy Industrial uses in the Coastal Community, Mixed Use, and Business Park zones. In recognition that many Light Industrial uses are an integral part of the general business fabric of the municipality these uses will be permitted as of right in the Light Industrial Zone, Coastal Community Industrial Zone, Marine Industrial Zone, Business Park Zone and Rural Development (RD) Zone.

## 8.6 INDUSTRIAL POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 8.6.1 To establish a Heavy Industrial (HI) Zone and a Light Industrial (LI) Zone in the Rural Centre designation (refer to the Rural Centre designation policies).
- 8.6.2 To establish a Coastal Community Industrial (CCI) in the Coastal Communities designation (refer to the Coastal Communities designation policies).

- 8.6.3 To require outdoor Heavy Industrial uses in the Rural Development (RD) Zone to meet special screening requirements.
- 8.6.4 To permit compatible Light Industrial uses in the Coastal Communities (CC) Zone, the Light Industrial (LI) Zone, the Business Park (BP) Zone, and the Rural Development (RD) Zone.

## **8.7 INDUSTRIAL REZONING AND DEVELOPMENT AGREEMENT POLICIES**

### **IT SHALL BE THE POLICY OF COUNCIL:**

- 8.7.1 To require development agreements for all new Heavy Industrial uses in the Business Park (BP) Zone
- 8.7.2 To require development agreements for all new Heavy Industrial uses in the Rural Development (RD) Zone with special requirements for fish reduction plants and fish composting operations
- 8.7.3 To require development agreements outside of zone boundaries for expansions of existing Heavy Industrial uses in the Heavy Industrial (HI) Zone and for all new Heavy Industrial uses in the Mixed Use (MU) Zone.

## **8.8 MARINE INDUSTRIAL**

To accommodate fishery and marine related industrial uses, excluding fish reduction and fish composting operations in the Rural Centre designation areas of West Pubnico and Wedgeport and Tusket and the Coastal Communities designation, Council designated lands in the vicinity of existing wharves as Marine Industrial and established a Marine Industrial (MI) Zone. Permitted uses in the zone include a variety of fishery and marine industrial uses, commercial uses, institutional uses, dwelling units as accessory uses to any permitted use, parking lots, utility buildings and communication buildings and structures. Expansion of the Marine Industrial (MI) Zone into the immediately adjacent Coastal Communities (CC) and Mixed Use (MU) Zones is anticipated and Council will consider such expansion only by amendment to the By-law subject to policies 18.2.7 and 18.3 of this strategy.

Council recognizes the potential impacts storm surges and coastal flooding could have on fishing industry infrastructure and the coastal environment. An objective of the Municipal Climate Change Action Plan (MCCAP) was to identify significant climate change issues and hazards for the Municipality and to evaluate the economic and environmental risks associated with increased frequency and intensity of storm surge events. Council will liaise with industry representatives and Harbour Authorities in this initiative.

Supported by policies in of this Strategy Council shall include policy in the Marine Industrial designation section of the Strategy for the purpose of addressing these concerns for the fishing industry and the environment in the Municipality.

## 8.9 MARINE INDUSTRIAL POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 8.9.1 To establish within the Coastal Communities (CC) and Rural Centres (RC) designations a Marine Industrial (MI) Zone to accommodate fishery and marine related industry excluding fish reduction plants and fish composting operations. Included in this area shall be land in the general vicinity of existing wharves in the Rural Centres and Coastal Communities of West Pubnico and Wedgeport.
- 8.9.2 To permit commercial uses, institutional uses, dwelling units as accessory uses to any permitted use, parking lots, utility buildings and communication buildings and structures in the Marine Industrial (MI) Zone.
- 8.9.3 To enable the expansion of an existing Marine Industrial Zone boundary into the immediately adjacent Mixed Use or Coastal Community zones by amendment to the Land Use By-law subject to the implementation policies of this Strategy.
- 8.9.4 To encourage education and understanding of the effects storm surge events may have on fishing industry infrastructure.
- 8.9.5 To liaise with fishing industry representatives and Harbour Authorities to consider contingency efforts for environmental protection in the event of storm surge causing hazardous materials contamination at industry sites.
- 8.9.6 Council shall consider the following uses by site plan approval in the Marine Industrial (MI) Zone:
  - a) Small Scale Wind Turbine Generator
- 8.9.7 Council may consider the following uses by development agreement, pursuant to the requirements of Policy 13.14 and Section 4.5, in the Marine Industrial (MI) Zone:
  - a) Fish Reduction Plant
  - b) Restaurant, Evening Patio Use



Part 9

# Agriculture and Aquaculture

## **PART 9: AGRICULTURE & AQUACULTURE**

### **9.1 STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND**

The goal of the Statement of Provincial Interest on Agricultural Land is to protect agricultural land for the development of a viable and sustainable agriculture and food industry. The Canada Land Inventory indicates that approximately 13% of land in The Municipality of Argyle is considered Class 3 and 4. This implies this land is capable of sustained use for cultivated field crops with moderately severe to severe limitations.

Historically agriculture activity in The Municipality of Argyle largely involved individual household livestock and gardening. Dykeland marshes provided hay for livestock, and small orchards supplemented garden produce. Commercial scale cranberry operations were attempted in the early years of the last century. The productivity of forestry and the fishery gradually became the economic focus in the region. The lack of abundant good soils to support larger scale agriculture combined with more productive agricultural areas within the region resulted in less focus on development of agriculture.

Modern agriculture in The Municipality of Argyle is active in the East Kemptville area where blueberry fields and vegetable production are maintained. Mink ranching is the largest agricultural activity, with farms in Argyle and Roberts Island. Small scale specialized operations of landscaping shrubbery production and vermiculture are also active agricultural uses in The Municipality of Argyle.

Development pressure in The Municipality of Argyle is not at a level that warrants an expensive mapping program and protective zoning for agricultural lands. Council supports the development of new environmentally sound agriculture uses, especially those that provide food for local consumption. Council will continue to monitor land use patterns in the Municipality to determine if new policies to protect land with agricultural potential are needed.

### **9.2 AGRICULTURE IN ARGYLE**

Traditionally agricultural activities in the Municipality of Argyle have been largely individual garden plots, hay production, dairy farming and berry production. Much of the developed area in the Municipality is close to the sea, historically linked to the fishery. The East Kemptville area of the Municipality has an advantage in both having good agricultural soils and an inland micro climate not as affected by ocean winds cooling effects.

Farming as an occupation and lifestyle presents a variety of challenges in the twenty-first century. Beginning in 2011 three regional Community Business Development Corporations of Yarmouth, Shelburne and Queens/Lunenburg launched a program to assess weather conditions and their influence on agricultural potential. Council supports this initiative and encourages innovations in agriculture, especially for local food production.

One agricultural sector which has developed in the Municipality is mink fur farming, which with changing prices has become less lucrative. The centre of fur industry activity in Southwest Nova Scotia is located in Clare and Digby municipalities. The Department of Agriculture developed new Fur Industry Act Regulations in 2013 to focus on environmental management of the fur industry to enable the industry to grow and be good stewards of the environment. The Council supports the Province in its efforts to adopt fur industry regulations and will adopt policy and provisions in its Planning Strategy and Land Use By-law to restrict fur farming, hog and fowl intensive livestock operations to the Rural Development (RD) Zone. Development agreements will be required their use and for expansions to existing operations. Setback distances and

other restrictions will be established in the By-law for intensive livestock operations from watercourses and from existing residential, institutional and recreational uses.

### **9.3 AGRICULTURE POLICIES**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 9.3.1.1 To support and encourage all local agricultural initiatives, especially those involved in food production and farm market activities.
- 9.3.1.2 To enable new fur farming, and hog intensive livestock operations in the Rural Development (RD) Zone and to require development agreements for their use.
- 9.3.1.3 To require minimum separation distances of 457 m (1500 ft) between any new fur farm or hog intensive livestock operation and any existing dwelling.
- 9.3.1.4 To require at the time of the initial proposed development of any new fur farm or hog intensive livestock operation there be fewer than twenty-eight (28) residential buildings within a 908 m (2979 ft) radius of the centre of the proposed development.
- 9.3.1.5 To require a minimum separation distance of 500 ft. (152.4 m) between any new fur farm or intensive livestock operation structures and any watercourse.
- 9.3.1.6 To require a minimum setback distance of 2979 ft. (610 m) from any new buildings and structures used in a fur farm operation to the boundary of any Mixed Use (MU) Zone boundary.
- 9.3.1.7 To support existing and new agriculture uses in the Municipality and innovative agricultural initiatives in the region.
- 9.3.1.8 To support the fur industry in the Municipality by collaboration with industry leaders via local consultations and to encourage the expansion of the industry in The Municipality of Argyle in an environmentally responsible way.

### **9.4 AQUACULTURE IN ARGYLE**

With an abundance of sheltered coasts, fresh and salt water and local fishing skills, the Municipality of Argyle is an ideal location for the development of aquaculture. For this reason, the Municipality has been proactively investing in this industry. Argyle's waters are warm and much of it is sheltered due the numerous islands, creating an ideal environment for shellfish growth.

In 2017, the Municipality, in partnership with the Province of Nova Scotia, has explored ideal locations for shellfish aquaculture. Seven initial sites were tested based on water depth, shelter, lack of houses and cottages, and avoided navigation routes: Tusket River, Indian Sluice, Roberts Island, Calf Island, Central Argyle, Salt Bay and Widgegum Island.

Calf Island and Salt Bay had the highest phytoplankton of all of the sites, corresponding to the fastest anticipated growth for oysters. The waters surrounding Calf Island has more salinity than average and has more phytoplankton than all of the other sites making it an ideal place for aquaculture investment.

## 9.5 AQUACULTURE POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 9.5.1 To support and encourage all local aquacultural initiatives, especially those involved in food production and farm market activities.
- 9.5.2 To support existing and new aquaculture uses in the Municipality and innovative aquaculture initiatives in the region.
- 9.5.3 To ensure all aquaculture practices consider the impact on the natural environment, and mitigate any risks of farmed species interacting with natural systems.
- 9.5.4 To encourage land based aquaculture and associated enterprises in the CCI Zone and near existing water and wastewater services, if required for their operation.



Part 10

# Transportation and Infrastructure

## **PART 10: TRANSPORTATION AND INFRASTRUCTURE**

### **10.1 Infrastructure: Centralized and Decentralized Municipal Sewer Systems**

The goal of the Statement of Provincial Interest on Infrastructure is to make efficient use of municipal water supply and wastewater systems. The Municipality operates the East Pubnico Industrial Water Supply, the West Pubnico Sewer System and the Tusket Wastewater Management District providing the opportunity for new development in these serviced areas. The provision of sewer service encourages higher density development within the core areas of these two rural centres by enabling smaller lot frontages and lot areas. Both sewer systems have capacity to enable growth and higher density development in the serviced communities.

An upgrade to the sewage treatment plant in Pubnico was undertaken in 2011 to maintain and improve the capacity of the original 1979 system to treat the community's wastewater more efficiently. A potential environmental issue at Dennis Point in West Pubnico was addressed by Council and the local fishing businesses which resulted in an expansion of the sewer system on Dennis Point Road providing service to existing fish plants. This was an efficient use of the existing infrastructure to address the potential deterioration of water quality and subsequent losses to key economic generators.

#### **WEST PUBNICO SEWER SYSTEM**

The community of West Pubnico is served by a central sewer system handling six hundred and thirty (630) sewer units over sixteen (16) kilometers of sewer main. The system serves the main arterial road (Highway 335) from the Montague Road in the north to the Pubnico Point Wind Farm in the south in addition to seven (7) kilometers of sewer main serving a number of secondary local roads. The main portion of the system was installed in 1976, and various additions have expanded the system to its present size. The most recent addition in 2014 was a 0.8 km extension to the southern end of Dennis Point Road. All of the sewage from the system is processed at a treatment plant upgraded in 2011 on the western end of Rock Road utilizing a sequencing batch reactor process.

#### **TUSKET WASTEWATER MANAGEMENT DISTRICT**

A Wastewater Management District in Tusket established in 2005 provides sewage treatment to one hundred and thirty (130) units in the core Tusket area on Highway 308, Highway 3, Courthouse Road and the Industrial and Residential Parks. The system utilizes an individual on-site septic tank system for each user with the effluent transferred through a combination of pressurized and gravity lines to a recirculating sand filter treatment facility located on the Courthouse Road. Maintenance of all of the septic tanks in the system is managed by the Public Works Department.

#### **WEDGEPORT WASTEWATER MANAGEMENT DISTRICT**

A Wastewater Management District has been created in the communities of Wedgeport and Upper Wedgeport to upgrade and manage on-site sewer services. Forty-two (42) units were installed by 2019 with an additional fifty (50) planned in 2020-2021.

## 10.2 INFRASTRUCTURE POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 10.2.1 To maintain existing central wastewater services infrastructure in the Municipality in both West Pubnico and Tusket.
  - 10.2.2 To expand serviced areas if feasible and if supported by Provincial and Federal funding.
  - 10.2.3 To develop a decentralized wastewater services area in Wedgeport where the need is demonstrated and when financially feasible, and if supported by Provincial and Federal funding.
  - 10.2.4 To consider mitigation of the effects of climate change on municipal infrastructure as outlined in the Municipal Climate Change Action Plan when maintenance, upgrading and expansion projects to municipally owned infrastructure are undertaken.
  - 10.2.5 To implement an asset management tool to assist the Municipality in its evidence-based decision making for infrastructure renewal and new infrastructure, in accordance with the provisions of the Federal Gas Tax Funding Agreement.
- 
- 10.2.1 To maintain central sewer service in the core areas of the communities of West Pubnico and Tusket, and decentralized sewer service in Wedgeport.
  - 10.2.2 To expand the coverage areas of the existing central sewer service systems providing the expansions are feasible from an engineering and economic perspective, and are supported by federal and/or provincial funding.
  - 10.2.3 To support new central or decentralized sewer project proposals for other areas in the Municipality which have environmental issues with existing on-site sewage and groundwater quality concerns where feasible from an engineering and economic perspective and are supported by federal and/or provincial funding.
  - 10.2.4 To address issues of those portions of sewage system infrastructure which have been identified in the Municipal Climate Change Action Plan as being vulnerable or at risk to long term environmental elements of climate change or extreme weather events when maintenance or upgrading work is undertaken on the sewer systems.

## 10.3 DRINKING WATER

The Municipality does not have any public drinking water supply infrastructure, however in East Pubnico there is an East Pubnico Water Utility industrial water supply which is owned and operated by the Municipality. This small water utility provides untreated industrial water to three fish plants on the east side of Pubnico Harbour and to three fire hydrants used by the East Pubnico Volunteer Fire Department. There are no domestic users of this water. This water utility was formerly owned and operated by the Industrial Parks, Malls and Utilities division of the Department of Transportation and Infrastructure Renewal until March 30, 2012 when the Municipality of Argyle assumed ownership of the utility.

There are two separate well and storage tank systems which make up the utility. There is no inter-connection between the two systems. In Middle East Pubnico a well field consisting of two wells on the Willett Road pumps water to a storage tank located on the western end of the Willett Road near Highway 3. This system provides water to a single fish plant on Highway 3 south of the Willett Road and to three fire hydrants located on Highway 3 south of the Willett Road intersection. The second system in Lower East Pubnico consists of a well located on the unmaintained northern section of the Pope Road in the Municipality of Barrington which pumps water to a storage tank located in the Municipality of Argyle on Highway 3 which provides water to two fish plants on Highway 3.

To protect the water supply from possible contamination policies are included in the Municipal Planning Strategy to establish a wellhead protection area and Zone in Middle East Pubnico which will support the inclusion of Land Use By-law provisions designed to restrict the types of land uses permitted within the protection Zone. Development within the identified wellhead protection area is limited to uses which will not pose a threat to water quality and setback distances to provide protection from run-off between new development and watercourses within the wellhead protection area have been included in the By-law.

#### **10.4 DRINKING WATER POLICIES**

##### **IT SHALL BE THE POLICY OF COUNCIL:**

- 10.4.1.1 To restrict the permitted land uses in the Wellhead Protection (WP) Zone to protect water quality in the watershed and minimize the likelihood of activities which might detrimentally affect the water quality within the source water area.
- 10.4.1.2 To administer the maintenance and operation of the East Pubnico Water Utility industrial water supply, with the cost of operation and future capital improvements supported by industrial users and/or federal and provincial funding.
- 10.4.1.3 To prohibit agricultural or forestry uses involving the use of pesticides or herbicides, manure storage, bulk petroleum storage, hazardous waste storage, sewage lagoons, pits and quarries, landfills, commercial or industrial uses involving processes or storage or use of equipment using petroleum products or hazardous chemicals (e.g. dry cleaners, photo labs, machine shops, furniture strippers)
- 10.4.1.4 To require adequate sedimentation protection measures to be implemented by the owner/developer during any excavation construction project undertaken within the Wellhead Protection (WP) Zone.

#### **10.5 SUBDIVISION, LOT ACCESS, PUBLIC AND PRIVATE ROADS**

Provincial Subdivision Regulations came into effect in The Municipality of Argyle in 1984. These regulations established minimum requirements concerning the division and development of land within the Municipality. On April 1, 1999 the Municipality was deemed to have adopted these regulations as its Subdivision By-law pursuant to the Municipal Government Act. The requirements concerning land division, established in the Subdivision By-law have seen very little change since their inception in 1984. Council recognizes the direct relationship between how land is first divided and then developed for a particular purpose and that the rules governing land division need to be closely linked to the rules that govern land use and development. Council recognizes it would be appropriate to review the current Subdivision By-law to align it with land development policies in the Strategy.

One of the requirements for dividing land into new lots is adequate access to the new lots from a public road, private road, or private right-of-way. The current requirements in the Subdivision By-law do not address criteria for municipal public roads, nor are there any By-law provisions for the design and construction of new public roads or private roads. Policies will be established in this Municipal Planning Strategy to enable amendments to the Subdivision By-law to address these issues.

Existing private roads in the Municipality were developed without benefit of professional design and construction. Council recognizes the importance of these elements for safety and long-term maintenance of road infrastructure. Takeover of existing private roads by the Municipality will not be considered, and policy to this effect will be included in the Strategy.

In serviced areas Council wishes to maximize the available land area for development and make the most efficient use of the available infrastructure. The availability of lot frontage on public roads is a limiting factor in subdivision of land for new lots. Council will establish minimum lot frontages in the By-law to enable the most efficient use of available land for new development.

Council recognizes there are certain uses which do not require connection to on-site sewage disposal systems or central sewer systems. Lots of 5005 sq.ft. (465 sq.m) or less in area will be permitted to be approved by the provisions of the Subdivision By-law to accommodate these special uses.

## **10.6 SUBDIVISION, LOT ACCESS, PUBLIC PRIVATE ROADS POLICIES**

### **IT SHALL BE THE POLICY OF COUNCIL:**

- 10.6.1 To undertake a comprehensive review of the Subdivision By-law; including consideration of areas or circumstances where private roads may not be appropriate.
- 10.6.2 To include in the Subdivision By-law specifications for the design and construction of public and private roads to service new lots created by the subdivision of land.
- 10.6.3 To require new private roads to be designed to a standard which would enable future construction to a public road standard.
- 10.6.4 To require private roads to be constructed with a minimum width to enable two vehicles to pass.
- 10.6.5 To require minimum construction standards for all new private roads.
- 10.6.6 To include in the Subdivision By-law specifications for the design and construction of sanitary sewers and storm water drainage systems to service new lots created by the subdivision of land.
- 10.6.7 To require the developer to bear the costs of road construction for both public and private roads.
- 10.6.8 To require the developer to bear the costs of providing sewer and/or water services in accordance with Subdivision By-law specifications (where applicable).

10.6.9 To enable the subdivision of lands where a development component of a permanent nature such as a building, structure, well, on-site sewage disposal system or driveway is encroaching in or upon an immediately adjacent area of land, to the extent necessary to remove the encroachment.

10.6.10 To enable the subdivision of land by Instrument of Subdivision.

10.6.11 To not takeover any existing private roads in the Municipality.

10.6.12 To enable subdivision of lots with minimum lot frontages.

10.6.13 To enable the creation of small lots of 5005 sq. ft. (465 sq. m) or less in area to accommodate special uses where no connection to on-site sewage disposal systems or to central sewer systems is intended.

10.6.14 To set out provisions in the Land Use By-law to allow specific special use development to occur on any existing undersized lot.

\* Special uses on small lots refers to uses permitted on existing undersize lots - i.e. lots of 5005 sq. ft. (465 sq. m) or less in area providing the lot does not contain an existing on-site sewage disposal system nor is any on-site system or connection to municipal sewer proposed.

Permitted special uses are:

- Agricultural and forestry uses except fox, mink and piggery operations
- Cenotaphs and memorials
- Christmas tree and outdoor horticultural production
- Outdoor storage of fishing gear and fishing equipment
- Private storage buildings
- Private haulouts and wharfs
- Fire ponds and dry hydrants

## 10.7 MOBILITY AND CONNECTIVITY

Land development patterns and economic development are strongly influenced by transportation networks. Transportation by land, water or air is a key element in ensuring economic viability and long-term sustainability and equitability of the southwest region of Nova Scotia. The Municipality of Argyle has made a commitment to collaborating with Provincial bodies and neighbouring municipalities to provide a safe, cohesive surface transportation network that allows residents to travel from place to place with ease. The Municipality will continue to invest in this infrastructure, while also exploring opportunities to provide residents with more diverse options for transportation.

### **IT SHALL BE THE POLICY OF COUNCIL:**

10.7.1 To provide and maintain, in collaboration with the Province, a surface transportation network that accommodates multiple modes of transportation and gives priority, where possible, to the most vulnerable road users.

- 10.7.2 To adopt a Land Use By-law which permits and encouraged growth around current and planned key transportation nodes and corridors, with an emphasis on improving high-volume transportation corridors for pedestrians.
- 10.7.3 To permit the requirement transportation impact studies for site plan approval applications and discretionary approvals. Studies provided by the applicant shall priorities pedestrian access, safety, and comfort.
- 10.7.4 To commission a study for recommendations on Municipally-guided or -provided 'ride sharing' programs to provide increased mobility options for those with mobility issues.
- 10.7.5 To support improvements which ensure the safety and efficient movement of goods and services in Argyle, while also mitigating negative effects on other transportation modes.

## **10.8 ROADS**

The road network in The Municipality of Argyle includes provincially owned local, collector and one-hundred series highways. Maintenance is provided on all but 'K class roads' which are owned but not maintained by the Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR). Some of these 'K class roads' currently serve existing development and are in varying states of repair. All new local public roads created in the municipality are now required to be owned and maintained by the local Municipal Government. A variety of private roads also exist in the Municipality and service both year-round and seasonal dwellings. Council recognizes the need to review the current Subdivision By-law and adopt appropriate construction standards for the construction of new public and private roads located within the Municipality of Argyle. Policies concerning land subdivision and access can be found in the Subdivision and Lot Access section of this Municipal Planning Strategy. In order to facilitate repair and maintenance of provincially owned public roads Council will liaise with the Nova Scotia Department of Transportation and Infrastructure Renewal.

## **10.9 ROADS POLICIES**

### **IT SHALL BE THE POLICY OF COUNCIL:**

- 10.9.1 To work in co-operation with NSTIR to resolve issues of mutual concern regarding road conditions and hazards as well as the repair, maintenance and upgrading of provincial public roads

## **10.10 ACTIVE TRANSPORTATION**

Alternate and active (self-propelled) modes of transportation are important considerations for the growth and development of healthy and active communities.

Active modes of transportation reduce fuel consumption, improve air quality and promote a healthy and active lifestyle. The provision of transportation infrastructure must consider the needs of all users including drivers, cyclists and pedestrians. The provision of sidewalks at the community level is one example of Council's commitment to active transportation. Sidewalks have been established in the communities of Pubnico, Wedgeport and Tusket and are recognized as an important part of a community's public infrastructure. The provision of safe bike lanes, in conjunction with provincially owned public roads, is also recognized as an important component of the active transportation network in The Municipality of Argyle.

Council accepted an Active Transportation Plan for the Municipality on July 25, 2016 prepared by Upland Urban Planning & Design Studio. The goal of the plan is to improve active transportation opportunities and options for residents to use active modes of transportation for trips to school, shops, services and for recreational experiences in the Municipality.

### **10.11 ACTIVE TRANSPORTATION POLICIES**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 10.11.1 To implement the recommendations contained in the Municipality of Argyle Active Transportation Plan where feasible with consideration for the human resources and financial capacity of the Municipality.
- 10.11.2 To recognize the importance of sidewalks, trails and bike lanes to the health and well-being of local communities.
- 10.11.3 To work co-operatively with communities and organizations to identify and prioritize areas of the Municipality that would benefit from the construction of new sidewalks and or trails.
- 10.11.4 To Liaise with NSTIR in identifying areas in the Municipality that could benefit from the provision of bicycle lanes in conjunction with capital improvement projects to public roads.
- 10.11.5 To create a special capital reserve, earmarked specifically for Active Transportation Infrastructure (new or renewal).

### **10.12 WATER TRANSPORTATION**

A ferry service between Yarmouth and New England has existed since 1897 to provide an international transportation link between Canada and the United States of America. The negative economic effects of the brief termination of this ferry service in 2010 demonstrated the importance of the international link with New England. A study commissioned in 2010 to analyze the economic case for restoring the service found it to be a crucial part of the transportation infrastructure for this region and province. Council strongly supports the restoration of the international ferry service between New England and Nova Scotia. This study also substantiated a strong economic argument in favour of government support for a ferry service to the United States. Since the study of 2010, the Town of Yarmouth became the sole owner of the Ferry Terminal located on Water Street.

### **10.13 WATER TRANSPORTATION POLICIES**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 10.13.1 To support a continued ferry service between Yarmouth and the United States.
- 10.13.2 To encourage services that provide transportation or recreation options which utilize water-based transportation.



Part 11

# Culture, Open Space, and Public Facilities

## 11 PART 11: CULTURE, OPEN SPACE, AND PUBLIC FACILITIES

### 11.1 RECREATION, HERITAGE AND CULTURE

The presence of recreational and cultural programs and facilities adds to a community's social fabric and the quality of life enjoyed by its residents. The Municipality of Argyle is rich in history with its culture and identity closely tied to its Acadian, Mi'kmaw, and European decent heritage. The Municipality's heritage is supported with a vast array of heritage buildings ranging from the oldest courthouse in Canada to magnificent churches. The first municipal archive in Nova Scotia is housed in the renovated church in Tusket where an extensive public record dates back to 1856.

The Municipality of Argyle has had a Recreation Department for twenty-five years. The direct relationship between population health and physical activity levels is well documented in today's health literature. The department works with local schools and community groups to provide recreation programs and fitness opportunities for all ages and abilities at the community level.

Activities such as minor soccer and baseball, seniors games, Jeux de l'Acadie, fitness classes and summer day camps are some of the physically active programs supported and enabled by municipal funds. The Municipality has developed a physical activity strategy for the whole Municipality to help identify ways to support and encourage a more physically active lifestyle for its residents. In 2016 Council approved an Active Transportation Plan to address improvements in active living needs in the Municipality.

The creation of public infrastructure such as sidewalks, tennis courts, trails and bicycle lanes at the community level provides greater opportunities for active transportation and more physically active lifestyles. Approximately forty-seven kilometres of multi-use rail trail has been developed in Yarmouth County with the support and co-operation of all levels of government. This trail preserves the linear transportation corridor created by the abandoned railway line. A number of other walking trails have been developed in the Municipality ranging from the 2.3 kilometre trail on Robert's Island to the Rocco Point Trail of less than 1 kilometre. The 5.4 kilometre Wedgeport trail has been developed as a community trail in conjunction with the Wedgeport Tuna Museum.

A number of small community parks such as the Glenwood Provincial Park, the Tusket Bridge Park, The First Chapel site at Rocco Point and the Butte-de-la-Croix in Wedgeport offer passive recreational opportunities in a natural setting.

The considerable natural assets available in rural The Municipality of Argyle namely the coastline, beaches, islands, forests, rivers, lakes, waterways and water views are highly prized by residents and visitors alike, as are the wealth of heritage buildings and institutions. The District of Argyle lies within the Acadian Skies and Mi'kmaq Lands Starlight Reserve and the Southwest Nova Biosphere Reserve, both of which are United Nations Educational, Scientific and Cultural Organization (UNESCO) designations.

Protecting these valued assets for future generations is important in maintaining the social and cultural fabric of the communities in The Municipality of Argyle. On the social side of the equation friendly people, volunteerism and community minded residents, participating in community activities, are recognized as being an integral part of a healthy and vibrant community. The presence and strength of Acadian heritage and language provides a bilingual, multi-cultural social landscape that makes The Municipality of Argyle unique in south western Nova Scotia.

## 11.2 CULTURE, OPEN SPACES, AND PUBLIC FACILITIES POLICIES

### IT SHALL BE THE POLICY OF COUNCIL:

- 11.2.1 To support, celebrate, and enrich the rich Acadian heritage of the Municipality through civic spaces, community events, tourism, and through collaboration with community partners.
- 11.2.2 To continue to promote and support the use of bi-lingual services within the community and recognize the importance that the Acadian language has on the Municipality of Argyle's cultural identity.
- 11.2.3 To recognize and educate the public on significant built heritage assets that contribute to the history, storytelling, and identify of the various communities with the Municipality of Argyle.
- 11.2.4 To encourage awareness of The Municipality of Argyle's natural, built and cultural heritage through support of facilities, collections and programs of the local museums, archives and historical societies.
- 11.2.5 To encourage and support volunteer organizations and groups who contribute to cultural diversity and social well-being.
- 11.2.6 To permit the development and use of land in all zones for park, recreation and open space uses.
- 11.2.7 To continue to work cooperatively with the Yarmouth County Trails Association in the development and maintenance of rail trails within The Municipality of Argyle and Yarmouth County.
- 11.2.8 To provide financial support for volunteer organizations that seek to create and improve trail systems in their respective communities, and to leverage those funds for additional funding from other levels of government.
- 11.2.9 To work in cooperation with community organizations and government bodies in the provision of recreation and cultural services and facilities.
- 11.2.10 To work collaboratively with the Western Counties Regional Library for the replacement of the library facility in Pubnico.
- 11.2.11 To support the local, regional and provincial library networks by continuing to fund library operating costs in accordance with the formula as established from time to time.
- 11.2.12 To support the maintenance of the Starlight Reserve and Tourist Destination Status of the Acadian Skies & Mi'kmaq Lands of Nova Scotia, and to include policy guidelines for the installation of Municipal streetlights in such a manner which does not impair the dark skies quality.
- 11.2.13 To develop and support programs to encourage physical activity.

- 11.2.14 To support active transportation initiatives and consider active transportation infrastructure development recommendations where feasible in the July 2016 Active Transportation Plan for the Municipality of Argyle.
- 11.2.15 To work co-operatively with groups, organizations and all levels of government to provide a range of recreational and cultural opportunities at the community level.
- 11.2.16 To ensure all parks, open spaces, and public facilities are in conformity with the standards of the Nova Scotia Accessibility Act.
- 11.2.17 To investigate the creation of an Accessibility Plan or Policy for public spaces and facilities in the Municipality of Argyle.

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Part 12

# Environmental Stewardship and Renewables

## **12 PART 12: ENVIRONMENTAL STEWARDSHIP AND RENEWABLES**

### **12.1 FLOOD RISK AREAS**

The Statement of Provincial Interest on Flood Risk Areas is concerned with protecting public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains. The Tuskent River, the region's largest watershed has the potential to affect a number of areas in the municipality by inland flooding. The most vulnerable area is located where the Quinan River and Tuskent River converge in the community of Quinan. The November 12, 2013 Municipal Climate Change Action Plan (MCCAP) amendments to the Integrated Community Sustainability Plan of March 9, 2010 identifies this flood risk area in detail in its Schedule C, as well as smaller flood risk areas in Schedule D upstream in the Tuskent River in the communities of East and North Kemptonville. These detailed flood risk areas identified in the MCCAP were designed to be used in the event of flood conditions to assist the Emergency Management Organization and for background information when establishing planning policies to reduce and minimize harmful consequences of flooding in the future.

### **12.2 POLICIES FOR FLOOD RISK AREAS**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 12.2.1 To limit the permitted land uses in the Land Use By-law Quinan flood risk area.
- 12.2.2 To require notifications of flood risks on all development permits issued for properties within and in the immediate vicinity of the flood risk area.
- 12.2.3 To support the Emergency Management Organization in planning and development of emergency plans in flood risk areas.
- 12.2.4 To address priorities for flood risk area adaptation and mitigation identified in the MCCAP.

### **12.3 COASTAL WETLANDS, CONSERVATION AND ENVIRONMENTAL STEWARDSHIP BACKGROUND**

Previous planning documents and studies have recognized that certain landscape features pose specific constraints for development. Coastal salt marshes and beaches were identified as not being suited for development purposes. Salt marshes are susceptible to flooding and are an extremely productive ecosystem as they support rich and diverse forms of life and act as the nursery for various fish species important to the fishing industry. They also are valued as habitat and staging areas for both resident and migratory shore birds. Beaches are recognized as valuable recreational resources but can often exhibit unstable slopes and soil conditions created by wind and wave erosion. Coastal beaches can also be susceptible to storm surge and tidal flooding. The natural coastline environment can provide a buffer which acts to protect shorelines and mitigate damage caused by tidal flooding. Preservation of natural coastal shorelines is an important goal for conservation and environmental stewardship.

Development on floodplains and wetlands can destroy important natural habitat and dramatically affect natural cycles and processes. Site specific constraints to development should be recognized and respected on flood plains and wetlands. Development should be restricted in these environmentally sensitive areas in order to protect the environmental fabric of the landscape and to reduce the risk to human settlement from extreme weather, coastal erosion, flooding and storm surge.

A strong stewardship program is essential for the conservation of wetlands, watercourses, lakes and sensitive natural environments. Stewardship can be viewed as the wise and ethical management of natural resources by the stakeholders who share a common interest in the sustainable management of the natural resources that occur in the environment.

A substantial portion of the interior of the municipality is crown owned land and portions of the Tobeatic Wilderness Area and the Tobeatic Wildlife Management Area are located along the northern boundary of the municipality. The major portion of the Shelburne Barrens is also within Argyle municipal boundaries.

The Municipality of Argyle is one of sixteen municipalities contained within the five counties (Annapolis, Digby, Queens, Shelburne and Yarmouth) that comprise the UNESCO designated South West Nova Biosphere Reserve. This designation recognizes the unique natural resources and assets contained within the biosphere reserve and supports the concept of conserving and protecting biodiversity and working towards the sustainable management of natural resources and long term sustainable development.

The Municipality of Argyle is home to several types of Atlantic Coastal Plain Flora that are both threatened and endangered. The plymouth gentian and the pink coreopsis are found on the shoreline of twelve lakes in southwest Nova Scotia, especially in the Tuskent River watershed. The tubercled spike-rush occurs on the shoreline of five lakes in southwest Nova Scotia and is a threatened plant species typically found on lakeshores and peat rich areas that receive full sunlight. Long's bulrush occurs in wetlands adjacent to five lakes and in two bogs in southwest Nova Scotia. This species is globally imperilled and in Nova Scotia large circular clusters can be 150-400 years old.

The roseate tern is a migratory seabird that breeds on offshore islands and is recognized provincially and nationally as an endangered bird species. Land based activities can threaten the survival of these plant and bird species. Loss of offshore island habitat and human disturbance combined with predation from other birds and mink threaten the survival of the roseate tern. Cottage development and its associated activities, including shoreline alteration (dock building, mowing, raking, infilling, off highway vehicle use) land clearing and road building can pose a threat to the survival of many plant species as can nutrient, sediment and pesticide runoff from cottages, forestry activities and agricultural operations.

A substantial portion of the inland area of the Municipality is covered by fresh water bodies. Much of this water is drained by the Tuskent River and its tributaries. Watercourse buffers help protect watercourses from adjacent development. Retaining riparian buffers around watercourses is important to water quality, plant and animal communities and the protection of property from the natural hazards of flooding. In addition to mitigating flood hazard, riparian buffers also reduce the impacts of sedimentation, erosion and nutrient loading on watercourses. They help to regulate the temperature of adjacent watercourses, provide important plant and animal habitat and add aesthetic value to the municipality. Both surface and ground water are important natural resources.

The foundation principles adopted by Council as part of the Integrated Community Sustainability Plan (ICSP) identify the need to reduce our encroachment upon nature. This requires the protection of ecological diversity and respect for natural features as well as protection of environmentally sensitive areas, such as coastal and inland wetlands, lakes, beaches and watercourses.

## **12.4 CONSERVATION AND STEWARDSHIP POLICIES**

### **IT SHALL BE THE POLICY OF COUNCIL:**

- 12.4.1 To establish a Coastal Wetlands (CW) Zone in the Land Use By-law in any Generalized Future Land Use designation for lands corresponding to coastal habitat area classifications under the provincial forest inventory as of February 21, 2020.
- 12.4.2 To permit in the areas zoned Coastal Wetlands (CW) public parks and conservation related uses, nature trails, private haul outs and wharfs. All other development shall be limited.
- 12.4.3 To establish a riparian buffer to protect the natural shorelines along all watercourses and wetlands where the erection of structures, removal of vegetation and the altering of land levels will be prohibited or controlled in the Land Use By-law.
- 12.4.4 To manage municipally owned land in an ecologically sustainable manner.
- 12.4.5 To work with other agencies, institutions, organizations and levels of government to ensure the protection of environmentally sensitive and ecologically significant areas.
- 12.4.6 To foster an ethic of environmental stewardship and support and encourage educational initiatives that promote stewardship and conservation of all our natural resources.

## **12.5 CLIMATE CHANGE ADAPTATION**

Council adopted a Municipal Climate Change Action Plan (MCCAP) on November 12, 2013. This MCAAP was an amendment and revision of the original Integrated Community Sustainability Plan (ICSP) adopted by Council March 9, 2010.

## **12.6 CLIMATE CHANGE ADAPTATION POLICIES**

### **IT SHALL BE THE POLICY OF COUNCIL:**

- 12.6.1 To work co-operatively with Emergency Management Organization and various levels of government to broaden public understanding about climate change issues.
- 12.6.2 To undertake a vulnerability assessment of existing municipal infrastructure in relation to sea level rise, storm surge and flood risk.
- 12.6.3 To consider climate change impacts in relation to water resources on a watershed by watershed basis, where appropriate.
- 12.6.4 To provide leadership and advocacy for the stewardship role of Municipal government in relation to the protection of environmental resources.

## **12.7 RENEWABLE ENERGY - WIND TURBINE GENERATORS OVERVIEW AND BACKGROUND**

A primary objective of the 2007 Nova Scotia Environmental Goals and Sustainable Prosperity Act was to achieve one of the cleanest and most sustainable environments in the world by the year 2020. The 2009 Nova Scotia Energy Strategy and subsequent development of Renewable Energy Standards and more recently the Renewable Electricity Plan of 2010 including its Community Based Feed-In Tariff program have provided incentives for alternate energy producers. The Nova Scotia Wind Atlas revealed an abundance of wind energy resources in South West Nova Scotia. A 17 turbine 30 MW wind farm was developed in West Pubnico in The Municipality of Argyle in 2004 and a 20 turbine 30 MW wind farm was developed on Digby Neck in Digby Municipality in 2010. It is evident there is potential for both large and small-scale wind turbine generator developments in the South Western part of the Province and Council recognizes the need to update its policies to address wind turbine generator development in the Municipality. Council recognizes that wind energy technology is developing rapidly and there will be a need to be flexible to accommodate changes in the industry in the future. For this reason, Council will re-evaluate the wind energy development policies from time to time.

The long term sustainable goals and objectives of the Municipality incorporate principles of reducing pollution and encouraging development of renewable energy sources. The primary sustainable development goal is to ensure that new and existing development strives to balance the environmental, economic, social and cultural dimensions of the community. Large scale wind turbine generators (WTG) in groups, single small-scale turbines and micro scale turbines all have the potential to have impacts on adjacent land uses. The Council recognizes the need to balance the importance of encouraging and promoting development of alternate energy solutions and the responsibility to minimize the impacts such developments may have on communities and its citizens, and to establish appropriate development control mechanisms and By-law provisions for the different scales of wind turbine development. Large scale WTG developments are not considered appropriate in the environmentally sensitive Coastal Wetlands Zone or in the built up rural centres of West Pubnico, Wedgeport or Tusket.

Large scale multiple generator wind farms which generate electric power for the power grid are recognized as having the potential to create impacts on adjacent communities. A separation distance in the order of 1 kilometre between wind farms and residences has been generally recognized around the Province as an industry standard. Council intends to limit large scale WTG development to the Coastal Communities and Rural development designations only and to require a development agreement approval process for their development. Single small-scale WTG developments are also recognized as having the potential to create impacts on adjacent land uses, but to a lesser extent than groups of turbines. Council intends to enable small scale WTG use in all areas of the Municipality except in the Coastal Wetlands Zone and to use a site plan approval process to regulate the location of WTG in relation to existing residential and institutional uses. Council intends to enable micro scale WTG in all zones except the Coastal Wetlands Zone using a development permit process to regulate their location.

## **12.8 PUBNICO POINT WIND FARM DESIGNATION**

In 2005 a seventeen (17) wind turbine generator wind farm was established at Pubnico Point. The Municipality established policy and provisions at that time in the Municipal Planning Strategy and Land Use By-law to accommodate the development, which was the first large scale wind farm project in Nova Scotia. The separation distance between turbines and residences which was chosen by Council to apply to the original Pubnico Point Wind Farm was less than the average separation distance which has been established in many jurisdictions since 2005.

Recognizing the success of the Pubnico Point Wind Farm, Council will designate lands at Pubnico Point as Wind Farm on Generalized Future Land Use Maps and will zone all lands in the designation as Pubnico Point Wind Farm (WF) Zone. Council wishes to establish special provisions to enable the Pubnico Point Wind Farm to continue to operate in the successful manner which was established at its inception, and to enable Council to establish new policies and provisions to apply to new large-scale wind turbine development in other areas of the Municipality.

### **12.9 SOLAR, HYDRO AND TIDAL POWER**

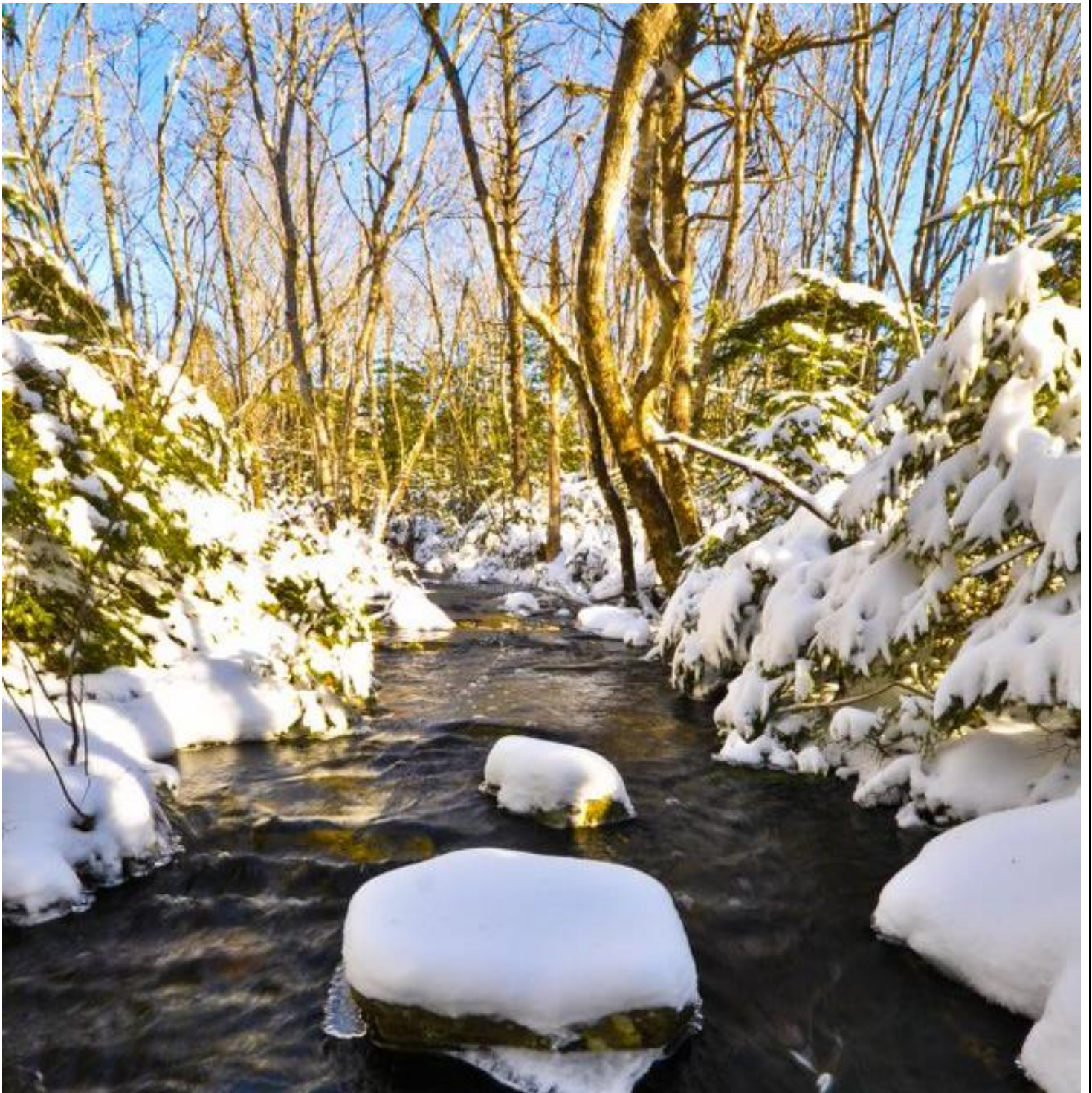
Solar power technology utilizing photovoltaic systems, small scale hydro systems and tidal power are also alternate green energy sources which are being developed to reduce the demand on fossil fuel energy. Council recognizes the importance of developing all sources of alternate energy in the Municipality and supports all initiatives of groups and individuals in the Municipality working towards reducing fossil fuel consumption and greenhouse gas production.

### **12.10 RENEWABLE ENERGY POLICIES**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 12.10.1 To establish the Wind Farm (WF) designation on the Generalized Future Land Use Maps.
- 12.10.2 To establish a Pubnico Point Wind Farm (WF) Zone in the Land Use By-law for all lands located within the Wind Farm (WF) designation.
- 12.10.3 That the intent of the Pubnico Point Wind Farm (WF) Zone is to enable the continued operation of the wind farm and establish permitted uses and zone requirements including separation distances between WTG and dwellings to apply to development within the Pubnico Point Wind Farm (WF) Zone.
- 12.10.4 To encourage the growth and development of all alternate energy resources including wind turbine generators and to establish policy framework and Land Use By-law provisions to enable the development of varying sizes and scales of wind turbine generators in areas of the Municipality.
- 12.10.5 To establish in the Land Use By-law definitions of and provisions for regulating the use and location of Large Scale, Small Scale and Micro Scale wind turbine generators.
- 12.10.6 To establish in the Land Use By-law provisions for regulating the use and location of Large-Scale WTG in the Rural Development Zone and Coastal Community Zone only and to require a Development Agreement to enable their use.
- 12.10.7 To establish in the Land Use By-law provisions for regulating the use and location of Small-Scale WTG in all zones except the Coastal Wetlands (CW) Zone and to require a Site-Plan approval to enable their use.
- 12.10.8 To establish in the Land Use By-law provisions for regulating the use and location of Micro Scale WTG in all zones except the Coastal Wetlands (CW) Zone and to require a Development Permit approval to enable their use.

- 12.10.9 To review the policies and provisions regulating the use of wind turbine generators in the Municipality from time to time.
- 12.10.10 To consider the following criteria prior to entering into a development agreement for Large Scale wind turbine generator developments:
- 12.10.11 That large-scale wind turbine generators be separated from habitable dwellings a minimum of one (1) kilometre.
- 12.10.12 That mitigation of noise, visual impacts, shadow effects and environmental impacts of wind turbines is undertaken to minimize any potential negative effects of the development on the community.
- 12.10.13 That safety concerns are addressed both on site and off site for matters of electrical safety, ice throw, blade throw, turbine collapse, and emergency response.
- 12.10.14 That all documentation required for the Canadian Environmental Assessment Act and the Nova Scotia Environment Act for the proposal is included in the documentation submitted by the proponent.
- 12.10.15 That all documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, and Nova Scotia Department of Natural Resources is included in the documentation submitted by the proponent.
- 12.10.16 That a decommissioning plan be included in the development agreement to be enacted after two years of the cessation of electrical power generation on the site.
- 12.10.17 That the proposed development is in accordance with the Implementation Chapter of this Strategy.
- 12.10.18 To consider the following criteria prior to approving a site plan for Small Scale Wind Turbine Generator developments:
- a) That wind turbine generators be separated from dwellings a minimum of 200 metres.
  - b) That the distance between wind turbine generators and existing residences for notification of site plan approval for small scale wind turbine generators be 820 ft. (250 m).
  - c) That mitigation of noise, visual impacts, shadow effects and environmental impacts of wind turbines is undertaken to minimize any potential negative effects of the development on adjacent uses.
  - d) That all documentation required by the Department of National Defence, Navigation Canada, Transport Canada, Nova Scotia Environment and Nova Scotia Department of Natural Resources is included in the documentation submitted by the proponent.
  - e) That no commercial advertising other than the manufacturer's name be permitted on any WTG or accessory structures.
  - f) That written notification be sent to all property owners within 200 m (656 ft) advising of the Site Plan Approval and outlining the Site Plan Approval appeal provisions of the MGA.



Part 13

# Implementation

## **13 PART 13: IMPLEMENTATION**

### **13.1 OVERVIEW**

This Municipal Planning Strategy is the main policy document through which the growth and development of the Municipality shall be encouraged, co-ordinated and controlled. The policies of this Municipal Planning Strategy will be implemented through the powers provided Council in the Municipal Government Act and other relevant statutes. The main regulatory documents used to implement the policies of the Municipal Planning Strategy are the Land Use By-law and the Subdivision By-law.

This Municipal Planning Strategy and any subsequent amendments shall be reviewed pursuant to Subsection 214(2) of the Municipal Government Act when deemed necessary by the Minister of Service Nova Scotia and Municipal Relations (SNSMR) or by Council within 5 to 10 years of it coming into force and effect.

The previous Municipal Planning Strategy approved by the Minister on February 4, 2000 and subsequent amendments thereto is repealed upon the date of coming into force and effect of this Municipal Planning Strategy.

### **13.2 IMPLEMENTATION POLICIES**

**IT SHALL BE THE POLICY OF COUNCIL:**

### **13.3 PLANNING ADVISORY COMMITTEE**

- 13.3.1 To maintain an ongoing, comprehensive community planning program with advice and assistance from the Planning Advisory Committee;
- 13.3.2 To commence a regular review of the Municipal Planning Strategy and Land Use By-law within ten years from the date of its coming into force or the date of the last review.

### **13.4 PUBLIC ENGAGEMENT**

- 13.4.1 To provide ample and diverse opportunities for residents, representing all geographic and demographic groups in the Municipality, to participate in local planning and government through notification and outreach programs such as public meetings and workshops, information sessions, and pre-notification meetings and hearings at an early stage of the process, especially when dealing with issues of significant community impact.
- 13.4.2 To require, when considering amendments to this Strategy, the Land Use By-law, or approval of a development agreement, the following:
  - a) A notice in the newspaper & online overviews the application;
  - b) Other than an unsubstantial development agreement amendment, require the application place a sign on the property indicating that an application has been received.
  - c) In addition, when dealing with amendments to this Strategy, the Planning Advisory Committee shall conduct at minimum one public information and input meeting on the proposed amendments prior to Council holding a public hearing, unless said amendments are housekeeping in nature.

- 13.4.3 Council shall explore the potential of new forms, techniques, and methods of public participation such as:
- a) Proactive and aggressive advertising campaigns designed to solicit public involvement;
  - b) Pop-up events to capture feedback while people go about their daily lives;
  - c) Interacting with formal neighbourhood groups;
  - d) Facilitated meetings and groups;
  - e) Digital model exercises;
  - f) Guided site visits;
  - g) Design charrettes;
  - h) Involving youth in planning processes; and
  - i) Use of the internet, social media and Municipal web page.
- 13.4.4 Council shall encourage public attendance at Municipal Council and advisory committee meetings by various means such as notices in Municipally sponsored media.
- 13.4.5 Council shall make available on-line, in a timely manner, all approved and up to date minutes from Council and Advisory Committees. Council shall also make available Municipal By-laws including the Municipal Planning Strategy, Land Use By-law and Subdivision By-law and explanatory information to provide an opportunity for a more informed public.
- 13.4.6 Council shall investigate and put in place effective avenues for the communication of Municipal matters by such means as Municipal community notice boards in convenient locations, information posters in areas or locations frequently visited by the public, local, and provincial newspapers, and by making use of the municipal website and social media.
- 13.4.7 Council shall take measures to keep residents of the Municipality informed about planning, development, and community matters and how they may have input into the planning and other Municipal processes on a regular basis and at all stages of these processes.

## **13.5 ADMINISTRATION**

- 13.5.1 To appoint a Development Officer to administer the Land Use By-law, development agreements, and the Subdivision By-law and to issue or deny permits and approvals under the terms of these By-laws and agreements.

## **13.6 DEVELOPMENT PERMITS**

- 13.6.1 To require that any development permit issued shall specify, in addition to the development, the period for implementation. Any development permit shall lapse, becoming null and void, if the development has not commenced within one (1) year of the date of issue of the permit.

- 13.6.2 Any development permit issued may be revoked by the Development Officer where there is reason to believe that the development permit was issued as a result of mistaken or false information.

### **13.7 VARIANCES**

- 13.7.1 The Development Officer may grant a variance in one or more of the following matters of this By-law, or following terms in a development agreement where the development agreement indicates that a variance may be granted:
- a) Percentage of land that may be built upon;
  - b) Size or other requirements relating to yards;
  - c) Lot frontage, or lot area, or both, if the lot existed on the effective date of the By-law, or a variance was granted for the lot at the time of subdivision approval.
  - d) The number of parking spaces and loading spaces required.
  - e) The ground floor area and height of a structure or building, including any accessory building.
  - f) Floor area occupied by a home-based business.
  - g) The ground area of an accessory dwelling unit

### **13.8 PUBLIC HEARING**

- 13.8.1 To hold a public hearing in accordance with the Municipal Government Act, prior to approval of any amendment to the Municipal Planning Strategy and Land Use By-law or entering into a development agreement.

### **13.9 MUNICIPAL PLANNING STRATEGY AMENDMENTS**

- 13.9.1 To require an amendment to the Municipal Planning Strategy:
- 13.9.2 where any policy intent is to be altered; or
- 13.9.3 where a text or map amendment to the Land Use By-law would conflict with the text or maps of the Municipal Planning Strategy; or
- 13.9.4 where an amendment to the Subdivision By-law would conflict with the text of the Municipal Planning Strategy.
- 13.9.5 An amendment to the Municipal Planning Strategy shall not be required to expand the designation to an area contiguous to any given designation on the Generalized Future Land Use Maps provided all other relevant policies of this Municipal Planning Strategy are satisfied.

### **13.10 MUNICIPAL PLANNING STRATEGY AMENDMENTS – ENGAGEMENT**

- 13.10.1 Argyle will consult with the CAOs or planning staff of abutting municipalities when adopting or amending this Strategy.
- 13.10.2 Council may, at their discretion, direct staff to engage in additional consultation requirements with abutting municipalities when adopting or amending this Strategy as they feel is warranted.

### **13.11 LAND USE BY-LAW AMENDMENTS**

- 13.11.1 To amend the Land Use By-law provided the amendment reflects the intent of the Municipal Planning Strategy.
- 13.11.2 To consider an application for amendment to the Land Use By-law only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.
- 13.11.3 To consider an application for amendment to the Land Use By-law only if the site meets all of the lot size and zone standards for the zone sought, with the following exceptions:
- 13.11.4 A rezoning may be granted for a lot or lots which meet all zone standards but has less than the required frontage or area specified for the zone sought; or
- 13.11.5 A rezoning may be granted for a lot or lots with a building or buildings on it, which meets all other zone requirements except minimum lot area, frontage, setback or yard standards specified for the zone sought. Any proposed addition to such a building or replacement of such a building shall not further reduce the setback or yard standard.
- 13.11.6 To notify by direct mail, land owners located within 500 feet (152 metres) of a property requesting rezoning. The costs associated with this notification shall be the responsibility of the applicant.

### **13.12 DEVELOPMENT AGREEMENTS**

To enter into development agreement pursuant to the Municipal Government Act on the terms and conditions set forth in this Municipal Planning Strategy and a development agreement shall:

- 13.12.1 specify the development, expansion, alteration, or change in use permitted; and
- 13.12.2 specify the conditions under which the development may occur; and
- 13.12.3 set forth the terms by which Council may terminate the agreement.
- 13.12.4 The provisions of the Land Use By-law shall prevail after discharge of any agreement.

### **13.13 ADMINISTRATIVE DEVELOPMENT AGREEMENTS**

Council's intent is provide a mechanism for limited flexibility through available planning tools, specifically the use of development agreements where Land Use By-law standards cannot be satisfied. The underlying intent of these policies is to ensuring the quality of development is not compromised and the larger community and Municipal interest is protected.

- 13.13.1 Council may consider the development of the following by any zone except for the Coastal Wetlands (CW) Zone, provided the intent and provisions of this strategy are satisfied, in particular, the Development Agreement Criteria of this Strategy:
- a) any accessory building in excess of the Land Use By-law requirements;
  - b) Accessory Buildings or Structures larger than what is permitted in the Land Use By-law;
  - c) The expansion of legal nonconforming uses of land, nonconforming structures;
  - d) The development of uses that are extensions of development agreements in effect on an abutting property.

13.13.2 Providing that the intentions of all other policies of this strategy are satisfied, and a leap-frog development pattern is not being established, Council may, for the purposes of providing for the development of similar uses on abutting land parcels, consider the following by development agreement:

- a) The development of uses on a property within a designation that are permitted uses within a zone supported by the abutting designation;
- b) The development of uses that are permitted within the zone and designation on an abutting property; and
- c) The development of uses within a designation that are extensions of development agreements in effect on an abutting property within the abutting designation.

#### **13.14 CRITERIA FOR DEVELOPMENT AGREEMENTS AND LAND USE BY-LAW AMENDMENTS**

To consider the following in addition to all other criteria set out in the various policies of this Municipal Planning Strategy, when considering amendments to the Land Use By-law, or proposals for development agreements:

13.14.1 That a development permit may be issued for any existing use on the lot for which the development agreement or amendment has been requested; and

13.14.2 That the proposal conforms to the intent of the Municipal Planning Strategy and to all other applicable Municipal By-laws and regulations, except where the application is for a development agreement and the requirements of the Land Use By-law need not be met; and

13.14.3 Where a proposal is for a use which involves the advertising, sales, and/or production of production facilities for alcohol and cannabis, Council will consider the proximity and exposure of the use to areas where children and youth frequent. Council will also consider the potential negative effects on residents by odours resulting from such production facilities.

13.14.4 That the proposal is not in conflict with Municipal or Provincial programs in effect in the Municipality; and that the proposal is not premature or inappropriate by reason of the:

- a) financial ability of the Municipality to absorb costs related to the development; or
- b) adequacy of sewer and water services, including fire flows and water pressure or the adequacy of the site for on-site services; or
- c) creation or worsening of a pollution problem in the area such as but not limited to soil erosion and siltation of watercourses; or
- d) adequacy of storm drainage and effects of alteration to drainage patterns, including the potential for creation of a flooding problem; or
- e) suitability of the site regarding grades, soils and geological conditions, location of watercourses, marshes, bogs and swamps, and proximity to utility rights-of-way; or
- f) adequacy and proximity of school, recreation and other community facilities; or
- g) adequacy of road networks in, nearby, and leading to the development, regarding congestion and traffic hazards; and
- h) That the proposal provides adequate off-street parking to prevent congestion, nuisance and inconvenience in the area; and
- i) The hours of operation are appropriate for the neighbourhood; and
- j) That the primary architectural features of the proposal, including but not limited to bulk, scale, roof shape, building materials, exterior cladding and shape, and size and

- relationship of doors and windows, shall be visually compatible with nearby buildings in the case of a new building, or with the original building in the case of an addition; and
- k) That the proposal will not significantly alter the character or stability of the surrounding neighbourhood.

### **13.15 CAPITAL PROGRAM**

In addition to regulating private development, Council may undertake programs of its own to encourage development in certain areas to enhance, improve or protect the environment of the Municipality, or to provide a greater range of social, recreational or cultural facilities and activities. As part of the Federal Gas Tax Agreement Council is required to develop five-year capital investment plans outlining how they intend to expend gas tax revenues on capital projects that improve the long term sustainability of the Municipality.

### **13.16 CAPITAL PROGRAM POLICIES**

#### **IT SHALL BE THE POLICY OF COUNCIL:**

- 13.16.1 To incorporate the policies and provisions of this Municipal Planning Strategy into the five-year capital investment plan and annual budget of the Municipality wherever possible.
- 13.16.2 To review the Municipal Planning Strategy and Land Use By-law on an ongoing basis through the work of the Planning Advisory Committee, and to commence a comprehensive review of the planning documents within ten (10) years of their adoption.