

TOWN OF ANTIGONISH

MUNICIPAL PLANNING STRATEGY

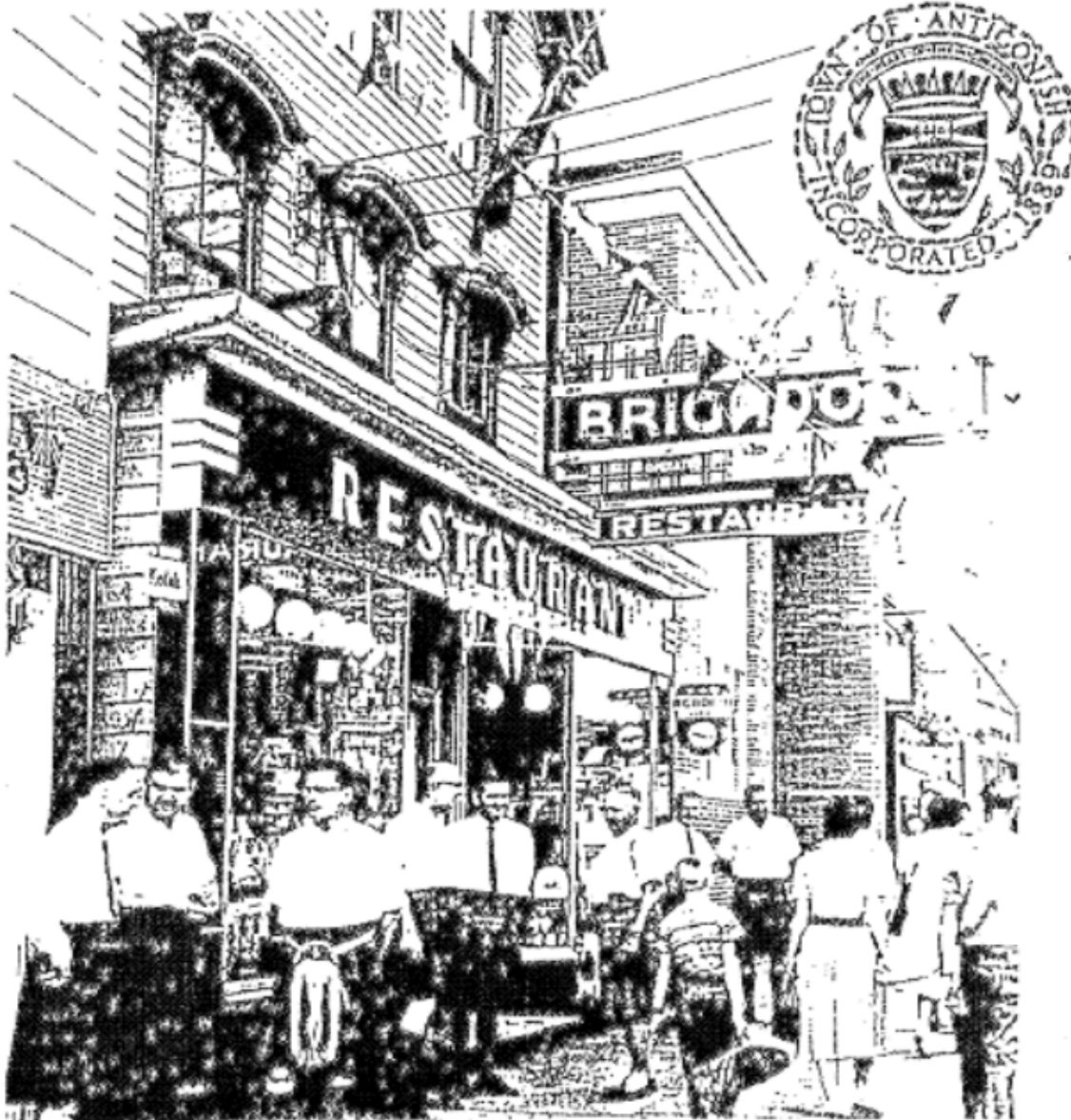


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(2)	Map 2 – Road Identification Chart	Pg. 52
(3)	Generalized Future Land Use Map (GFLUM) / Zoning Map	Online/by request
(4)	Schedule “C” Map – Development Overlays	Online/by request

All maps referenced within this document may be found at www.TownOfAntigonish.ca or by request sent to 274 Main Street, Town of Antigonish, NS B2G 2C4.

Updated to Amendment # 94-62

SECTION 1 – INTRODUCTION

Purpose

A Municipal Planning Strategy is a legal document in which Council identifies policies to guide their future decisions regulating the physical development of the town, and "provisions of" the public services and facilities for the residents of the town. The general goals of this plan are:

1. To maintain and promote the Town of Antigonish's position as a regional centre by providing the populace with business, cultural, shopping, recreational and other similar services.
2. To enhance the quality of the physical environment as well as to prevent the deterioration of both the natural and built environment from damage by uncontrolled development.
3. To provide a land use pattern in which the various uses are compatibly located sufficient to accommodate future growth and provide equitable access to accommodations and services.

To these ends, the MPS translates general goals into specific policies. The Strategy itself does not provide direct means of implementing policies. The Land Use and other Bylaws, etc. described in Section 8 - Implementation, are used to implement the specific policies of the MPS. While the Strategy does not commit Council to undertake any projects described within it, Council is restricted from undertaking any actions inconsistent with the policies of the Strategy.

The Strategy

The Municipal Planning Strategy for the Town of Antigonish has been prepared according to the provisions of the Planning Act of Nova Scotia as amended. The Strategy covers the area within the official boundaries of the Town of Antigonish, as generally indicated on Map 4, the Generalized Future Land Use Map.

Sections One, Two and Three of the Strategy shall not be considered a legal part of the Municipal Planning Strategy.

Sections Four to Eight of the Municipal Planning Strategy consist of a number of statements of policy, prefaced by explanatory material. All policy statements are indicated by darkened type and number (**P-4.1.1, P-8.1.3.**, etc). Maps that are specifically referred to in the policy statements and are included at the back of this document shall also constitute part of the legal Municipal Planning Strategy. Most importantly, this includes the Generalized Future Land Use Map (Map 4) which is a graphic presentation of the land use districts which are to be developed in accordance with the policies of this Strategy. The boundaries on this map are to be interpreted as general except as they relate to policies on flood prone areas which reference the Canada-Nova Scotia Flood Damage Reduction Program. The Existing Land Use Map (Map 5) is included for information purposes.

Background

Originally, staff members from the Department of Municipal Affairs, Strait of Canso office, worked with members from the Planning Advisory Committee who formed a Working Committee to produce a draft Municipal Development Plan. The MDP plan was approved by Town Council on February 21, 1978, and

subsequently approved by the Minister of Municipal Affairs on May 17, 1978.

The Municipal Development Plan was reviewed in its entirety in 1983.

This Municipal Planning Strategy is the result of a review of the 1983 document in the context of today's needs and aspirations.

SECTION 2 - PLANNING CONTEXT

Cultural Background¹

Antigonish was first settled in 1786-1791 by Scottish Highlanders and continues to have a strong Scottish character. Local industry was comprised basically of agriculture, forestry and fisheries.

Local Newspapers include "The Antigonish Casket", founded in 1852, and "The Highland Heart", founded in 2010.

Major employers of the Town's populace are St. Francis Xavier University, St. Martha's Regional Hospital, R.K. MacDonald Nursing Home and the Strait Regional School Board.

The annual Highland Games provides an expression of the area's Scottish heritage as well as being a major tourist attraction.

Situation/Site²

As of 2011 the Town of Antigonish has a population of 4524. It is located approximately halfway between Halifax and Sydney - (See Location Map). It is the 7th largest town in Nova Scotia.

The town encompasses approximately 5 square kilometres (approximately 1000 acres).

The town boundaries include the Trans-Canada Highway to the south and Antigonish Harbour to the east.

Between 2010 and 2016 there have been, on average, 4 houses built each year, as well as a total of 3 multi-unit buildings in that time frame. There are few readily available lots remaining throughout Town. The majority of undeveloped land is either owned by the university or subject to flooding. It is necessary, therefore, to develop policies which will allow more creative, yet sensitive development. These include permitting smaller lot development, identifying appropriate areas for higher density, as well as floodway fringe and infill lot development.

On lands which are characterized by extreme environmental sensitivity such as floodplains, wetlands and steep slopes, there will be strict conditions on development.

Population³

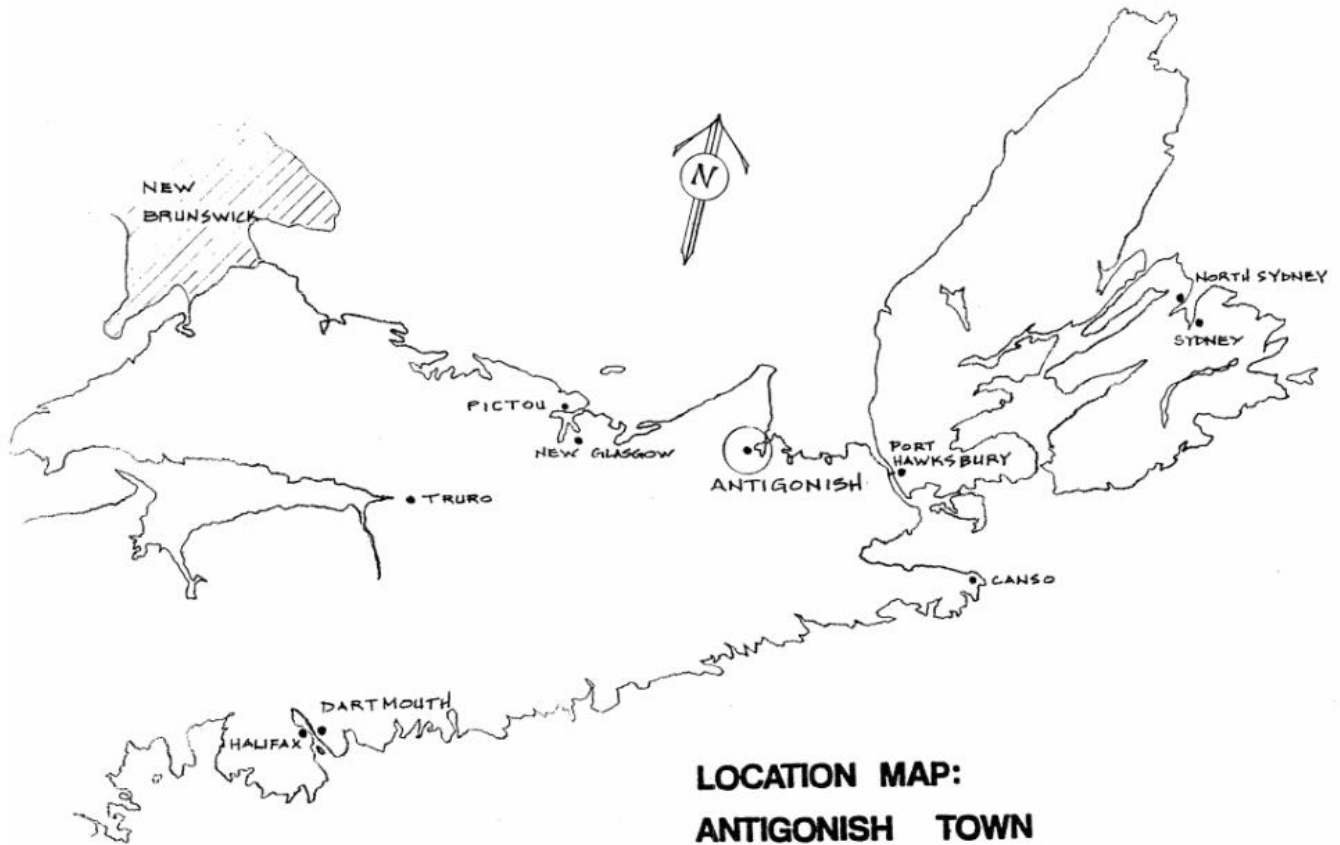
The Town of Antigonish enjoyed a steady increase in population between 1931 - 1971 of 2 to 4% per year. In the early 1970's the population decreased slightly then rose only to decrease again between 1986-91. Since the 1990's population growth has continued to fluctuate.

¹ 94-60

² Ibid.

³ Ibid.

Of special note to the housing market, there has been a decline in family size due to shifting preferences, single parent families, couples without children, people choosing to live independently, and retired seniors. Based on the 2011 census 46% of the population is comprised of individuals living alone, or of census families of 2 people. 11% of the population have been living with non-family individuals. In addition to the permanent population, the number of residents approximately doubles during the University school year. The result of these demographics is a demand for smaller sized housing units.



Map 1 – Location of Town of Antigonish

SECTION 3 – ISSUES

As a preliminary step in the preparation of the Municipal Planning Strategy, issues were identified to ensure that the Strategy would be relevant to the needs of the Town of Antigonish.

Urban Development

A well balanced and progressive development pattern within the town including development controls tailored to the town's needs and aspirations is essential. The street scape and unique physical features around the town create a congenial setting and the protection and promotion of the built environment is a priority.

Service Centre

The town's position as a healthy, vibrant commercial centre must be protected and nurtured. The need to optimize the use of the commercial areas and to accommodate service sector needs are vital in terms of jobs, economic spin off and generation of municipal tax revenue.

Tourism

Tourism in and around Antigonish generates a substantial contribution to our economy. Fortunately, Antigonish is blessed with many features and activities which make it a natural tourist destination. There is still much which can be done, however, to increase tourist enjoyment. Provision of a variety of amenities, genial service, quality goods, and an attractive environment in combination with aggressive promotion will all contribute to increased tourism. Furthermore, the results of these efforts will benefit residents of the Town on a year round basis.

Environmental

The presence of a large floodplain adjacent to the three rivers means that valuable land is not available for development. This is particularly problematic in Antigonish since developable land is scarce. It is therefore necessary to establish policies which facilitate reasonable development of lands with environmental constraints while firmly protecting those lands of a more sensitive nature.

Regional Issues

The opportunity for providing effective government through rationalization and the on-going process of evaluating opportunities for inter-municipal cooperation must be addressed as it impacts on infrastructure, boundary alignments and people services.

SECTION 4 - LAND USE POLICIES

4.1 Residential Policies

The Town of Antigonish as an urban service centre with a hospital and a university has a variety of housing needs. This is reflected by the comparatively high percentage of non-single family housing (38 percent) and the similarly high percentage (38 percent) of rental accommodation.

In order to meet the variety of demands, Council is of the opinion that a number of residential zones have to be created. The first zone, Residential First Density, will apply to the majority of the residential areas within town and feature the lowest density of development. Other residential zones will apply to more intensive residential uses providing a variety of lower cost housing alternatives for senior citizens, small families, and interim housing for newly formed households. Such areas may be comprised of smaller single family lots and/or multiple family dwellings.

The policies and provisions of the MPS and implementing bylaws must be sufficiently flexible to meet changing market demands as well as to achieve the goals of the Strategy, ensuring that innovative alternatives to meeting the Strategy objectives can be utilized.

Council is of the opinion that funeral home operations and certain businesses and professional offices are not necessarily incompatible with residential development, particularly if there is a prohibition of open storage and outdoor display, restrictions on signage, sufficient parking, lot sizes and lot frontage requirements as deemed to be necessary. In addition to the downtown area where funeral homes are allowed as-of-right, Council will permit new funeral home operations in residential areas through Development Agreements. Development Agreements will also be used to locate businesses and professional offices in the Downtown Commercial Periphery (C1-P) as well as commercial local uses throughout the residential designation, the requirements for which are detailed in the commercial section of this strategy.

The town has experienced flooding problems in the past and as a result special measures are required in certain areas to minimize the impact of flooding on structures and the potential for increasing flooding elsewhere due to infilling. Appropriate restrictions are detailed in the Conservation section of this strategy.

In order that more land may be available for development, construction may now occur on slopes as steep as 33% on average over 50 feet. The previous maximum was 20%. In order that erosion not become a problem on these steeper slopes, erosion control methods such as terracing and the use of ground cover will be a prerequisite for development. Requirements for development in areas with slopes between 20% and 33% on average over 50 feet are detailed in the conservation section of this strategy.

Over the past several years, water demand has increased to the point where it is necessary to augment the present supply. One source being investigated is the development of wells in the area which falls between the intervalle and the Wrights River. In the case where these wells are to be used, the surrounding recharge area must be protected. Provisions in this regard will be outlined in the Environmental Health Services Section of this strategy.

P-4.1.1 Within the "Residential" Designation on the Generalized Future Land Use Map (Map 4), the permitted uses shall be restricted to those which enhance the character and functionalism of the residential environment, and through the Land Use bylaw, the following zones shall be provided:

- Residential First Density (R1)
- Residential Second Density (R2)
- Residential Multiple Density (R3)
- Residential Mobile Home Park (R4)
- Residential Holding (RH)
- Residential Water Supply (RWS)
- Commercial Local (C3)
- Professional Office (P1)

Residential First Density

P-4.1.2 It shall be the intention of Council that the Residential First Density (R1) Zone will apply to the majority of the residential areas of town and shall feature the lowest density of development. Permitted uses in the R1 zone shall include, but not be limited to, single detached residences, duplexes, semi-detached units, home occupations, churches, day nurseries, group homes and bed and breakfasts.

Residential Second Density

In order to allow development designed to accommodate the needs of a changing population base and provide more affordable housing options, it shall be the intention of Council to establish a Residential Second Density (R2) Zone. While no land will be pre-zoned R2, requests for rezoning within the residential designation shall be considered through the amendment process.

P-4.1.3 It shall be the intention of Council to establish a Residential Second Density (R2) zone featuring lots which have no less than 75% of the average frontage of adjacent R1 lots to a minimum of 35 feet of frontage and 3500 square feet of area. Permitted uses shall include, but not be limited to, single and semi-detached units and duplexes.

P-4.1.4 It shall be the intention of Council to consider rezoning a parcel of land within established residential neighbourhoods from R1 to R2 subject to policy P-8.2.5 and provided that, pursuant to P-4.1.3, no more than three adjacent lots are to be created.

P-4.1.5 It shall be the intention of Council to consider requests for the development of new 'small lot' neighbourhoods involving single detached units, duplexes, semi-detached units, town

houses or any combination thereof as well as neighbourhood convenience stores through development agreement subject to policy P-8.2.7 and the following:

1. that the parcel consists of no less than 30,000 square feet; and
2. that the parcel is located within the residential designation.
3. that lot areas and frontage shall depend upon the design of the development but shall not be less than the following:
 - detached dwellings - 35 feet frontage, 3500 square feet area;
 - duplex and local commercial - 40 feet frontage, 4000 square feet area;
 - semi-detached dwelling - 30 feet frontage per unit, 3000 square feet area per unit;
 - town houses - 20 feet frontage per unit, 2000 square feet area per unit.

Residential Multiple Density

It has been determined that in the vicinity of 2000 students live off-campus each year. This places a great deal of stress on the rental market within Antigonish. Council has developed policies which are intended to provide for flexibility in serving the rental market while maintaining a quality residential environment. The issues of location, scale and design of higher density developments all must be addressed to attain these goals.

P-4.1.6 It shall be the intention of Council to establish a Multiple Density (R3) Zone to accommodate higher density development. All lands zoned R3 previous to the adoption of this Strategy, as well as all uses consisting of more than two units which conform to the provisions of the Land Use Bylaw regarding lot area and frontage, shall be zoned Multiple Density (R3).

Council will consider applications to rezone properties to Multiple Unit Residential (R3) which are located within the area designated as residential on the Generalized Future Land Use Map provided they meet the lot area and frontage requirements as established in the Land Use Bylaw and with consideration of Policies 8.2.5 and 8.2.6. Furthermore, properties must front on arterial or major collector roads. Notwithstanding the foregoing, rezonings intended to accommodate triplexes and / or Assisted Living Complexes, will be considered as well on minor collectors.

In order that residents in existing neighbourhoods may reasonably enjoy their properties, controls, including design, size and landscaping requirements, which are intended to maintain the quality of the neighbourhood, shall be placed upon properties which are rezoned from low density to medium density. Where older houses, which are often well suited to conversion, cannot meet the front and side yard setback requirements, a relaxation will be considered. Site Planning and architecture of multiple unit residential developments which fall within the area designated as "Old Town" shall be appropriate to the area.

P-4.1.7 It shall be the intention of Council to permit conversions of existing single dwelling development to multiple unit dwellings by amendments to the Land Use Bylaw (R1 to R3) if the development conforms to the following criteria:

1. That the conversion could be undertaken without addition or exterior alteration which would fundamentally alter the character of the building; and,
2. That the proposal be subject to the considerations of P-4.1.8.
3. Notwithstanding P-4.1.7(2), where existing side and/or front yards of houses built prior to the implementation of the Zoning Bylaw in 1978 do not meet the requirements of the bylaw, the side and/or front yard requirements shall be waived.

P-4.1.8 Proposals for new Multiple Unit developments of 3 and 4 units to be located in the Multiple Unit Residential (R3) zone shall be permitted provided they meet the requirements of the Land Use Bylaw. In particular, the bylaw will set criteria for lot coverage, building height, parking, setbacks, landscaping and, in the case of developments to be located in the area designated “Old Town”, architectural requirements.

Multiple Unit Dwellings of More Than 4 Units & Assisted Living Complexes

Large apartment buildings can be disruptive in a town of the size and character of Antigonish. In the past, re-zonings from low density to medium density have been approved on the basis of a proposal which was sensitive to its context but the actual development, while legal, was less satisfactory. To prevent occurrences of this sort, development agreements will be used to control larger apartment developments. Development Agreements shall also be used in regard to the development of Assisted Living Complexes for reasons principally of size and operation.

P-4.1.9.1 Where lands are appropriately zoned, it shall be the intention of Council to consider proposals for multiple unit developments featuring more than 4 units, and for development of Assisted Living Complexes (ALCs), through development agreement. Council shall consider the proposals in light of policies P-8.2.7, 8.2.8 and the following:

1. Hard surfaces shall be limited to 50% lot coverage except in the case of ALCs which shall be limited to 60% ;
2. Height shall be limited to 3 storeys
3. Setbacks shall be as per the requirements of the LUB for multi unit buildings, except in the case of buildings two storeys or greater, where side-yards shall be increased by 10 feet;
4. Parking shall be as prescribed in the LUB. In the case of developments designated for seniors, or ones which are located proximate the downtown core, a variance may be considered;
5. Where the development is to be located within the area designated as “Old Town”, Council will consider the architecture of any buildings on or in the immediate vicinity of the site as well as the “Antigonish Design Guidelines”. Drawings submitted for consideration shall be professional in nature and shall feature information on architectural details, building materials and colour schemes. As a minimum, developments shall meet the requirements for R3 development in “Old Town” as contained in the Land Use Bylaw.

6. No new development shall be positioned to the fore of an existing structure which is considered by Council to be historically or architecturally important;
7. No facade shall be unrelieved for a distance of greater than 40 feet;
8. A landscaped or fenced buffer shall be provided around all parking areas, service facilities and along lot-lines of neighbouring properties. In the absence of existing vegetation, trees shall be planted along the street-line at a spacing no greater than 20 feet. All healthy mature trees on the site, with a caliper of 70mm or greater shall be catalogued prior to development and every attempt shall be made to retain them. A detailed landscaping site plan shall be included in the submission;
9. Loading areas shall be screened from any adjacent Residential or Institutional uses;
10. Building design shall appropriately reflect the scale, massing, typology and setting of residential areas, with particular attention paid to impacts born by adjacent structures;
11. Signage, which shall be of modest scale and which shall not be internally illuminated, may be installed provided it is integral to the landscape design.

P-4.1.9.2 It shall be the intention of Council that, where development phasing could result in more than four units being developed within the shell of a building, either existing or proposed, Section 4.1.9.1 shall apply.

Split Zoning of a Lot

Where a proposed residential development involves a rezoning to multiple density (R3), but will result in a density which is less than the maximum permitted for the area of the lot, Council may choose only to rezone that portion of the lot which is required to permit the development. Thus, Council will not have to consider a worst case scenario where services or general conditions may be strained. Where a split rezoning would result in a main building on the portion of the lot which remains zoned low density, the rezoning will not be permitted.

P-4.1.10 It shall be the intention of Council to permit an amendment to the Land Use Bylaw from low density residential to multiple density residential where the area rezoned does not include the entire lot provided the development conforms to P-4.1.7 and P-4.1.8 and there are no main buildings on the portion of the lot which has not been rezoned.

Mobile Homes

There are at present 200 mobile homes in the Town of Antigonish comprising 11 % of the housing stock. While this type of housing is recognized by Council as fulfilling a need for low cost housing, there are concerns with respect to depreciation and deterioration of the units themselves, the lack of space, proper design of the parks, and the financial impact on the town. Therefore, while it will be possible to expand existing mobile home parks, there will be no provision to create new parks. Furthermore, existing mobile home parks should be improved to meet the Town's Mobile Home Park Bylaw.

- P-4.1.11** Mobile Home Parks in existence at the time of coming into force of the Land Use Bylaw shall be zoned for that use.
- P-4.1.12** It shall be the intention of Council that no new mobile homes be permitted outside of Mobile Home Parks.
- P-4.1.13** It shall be the intention of Council to seek to improve the maintenance of the existing mobile home parks through the enforcement of the Town's Mobile Home Park Bylaw.
- P-4.1.14** It shall be the intention of Council to consider the expansion of existing mobile home parks through development agreement subject to P-8.2.7.

Residential Holding

The area of land which is adjacent and to the west of St. Martha's Hospital is largely dormant class 3 agricultural land. Due to its location and lack of public access, this area features only the existing farm and two other residential units with on-site septic. Pursuant to Section 54 of the Act, Council intends to prohibit development in this area since, at present, the difficulties associated with servicing it and providing access are prohibitive. However, if at some point in the future this situation changes, development could proceed through the rezoning process.

- P-4.1.15** It shall be the intention of Council that the lands adjacent and to the west of St. Martha's Hospital be zoned Residential Holding (RH). Permitted uses in the RH zone shall be limited to existing residential and agricultural uses. New development shall be considered through the rezoning process subject to P-8.2.5.

P-4.1.16 Deleted (See #94-6)

Basement Apartments

As a financial consideration to homeowners and as a means of increasing the stock of rental units within Town, single basement apartments may be developed in single detached homes. These apartments will be restricted in size in order that the low density nature of the area not be significantly altered.

- P-4.1.17** It shall be the intention of Council to permit the creation of a single apartment to be located in the basement of single detached housing units. The apartment use shall not exceed 75% of the floor area of the basement.

Converted Dwellings

Since the initiation of the 1978 Zoning Bylaw, it has been possible to develop a single unit basement apartment within the First Density Residential zone. In 1988 it became possible to add an apartment to an existing house in order that those with unsuitable basements could also benefit from the added rental income. Houses added to under this provision are known as converted dwellings and shall be regulated so as to minimize the impact on the fabric of the surrounding neighborhood.

- P-4.1.18** It shall be the intention of Council to permit the alteration of a residence constructed prior to 1988 to accommodate a single unit apartment subject to the following requirements:
1. any addition shall meet all front, side and rear yard requirements for the zone in which it is constructed,
 2. the added apartment unit shall not exceed 600 square feet.

Business Uses in Residential Zones

In order to promote the establishment of small, locally owned businesses, Council is of the opinion that these may be permitted to operate from the home of the entrepreneur so long as consideration is given to protecting the residential environment against potential conflict. One primary area of concern is traffic generation and related parking problems. Uses which may potentially generate traffic problems, or which are to be developed in higher density conditions, will be considered by development agreement. Day nurseries, a known traffic generator, have not proven to be a problem in Antigonish primarily because of the short duration of the congestion. Day nurseries, therefore, will not be required to enter a development agreement.

- P-4.1.19** It shall be the intention of Council that those business uses such as day nurseries, domestic and household arts and offices which do not detract from the residential environment shall be listed as permitted uses in the LUB in R1 and R2 zones.

- P-4.1.20** In order to ensure that business uses do not detract from the residential environment, it shall be the intention of Council to include in the Land Use Bylaw operational regulations concerning issues such as noise generation, signage, employees, parking, scale and aesthetics.

- P-4.1.21** Where a business use is a medical office (except a veterinary clinic) or an instructional class involving more than four students at any one time, or where it is to be developed in an R4 zone or in a multi-unit dwelling, it shall be the intention of Council to consider its establishment and operation through development agreement subject to P-8.2.7.

Existing Uses Within the Residential Designation

Within the Residential Designation there are several uses which are held to be incompatible. In order that they not be stigmatized by non-conforming status, however, they will be listed as permitted uses.

- P-4.1.22** It shall be the intention of Council that, within the residential designation, the three existing funeral homes, Whidden's Campground and the existing radio station shall be listed as permitted uses in schedule "B" of the Land Use Bylaw.

- P-4.1.23** Within the residential designation, it shall be the intention of Council to consider the following developments through development agreement pursuant to P-8.2.7:

1. new funeral homes and expansions to existing funeral homes
2. expansions to Whidden's Campground
3. expansions to the radio station

P-4.1.24 Should any of the above mentioned permitted uses be discontinued for a period of greater than one year, it shall be the intention of Council to remove them from the list of permitted uses.

Residential-General Provisions

P-4.1.25 It shall be the intention of Council to adopt a Subdivision Bylaw to control the division of land and the installation of new infrastructure as well as to ensure the provision of open space.

P-4.1.26 The town, in cooperation with the senior levels of government, shall encourage the provision of such amounts and types of housing that are necessary to meet the needs of households unable to find adequate housing through the private market.

1. With regard to the provision of Senior Citizens Rent Geared to Income Housing, Council shall continue to monitor the need for additional units and participate with the Nova Scotia Housing Commission to provide such units.
2. With regard to the provision of family housing, the Council shall encourage and assist the Nova Scotia Department of Housing to make serviced lots available.

P-4.1.27 It shall be the intention of Council to encourage the improvement of housing conditions in the town through government and/or other agencies' assistance programs as they become available.

P-4.1.28 With the exception of the RH zone, it shall be the intention of Council to prohibit kennels, horse stables, piggeries, chicken houses and other similar animal shelters from locating in residential areas. **P-4.1.29** It shall be the intention of Council to enforce the Residential Properties Standards Bylaw and the Building and Grounds Maintenance Bylaw to help maintain a good quality of housing stock and attractive residential property in the Town of Antigonish.

P-4.1.30 It shall be the intention of Council to include in the Land Use Bylaw provisions for residential zones with respect to the siting and use of accessory buildings, corner vision triangles, flanking yard requirements, the parking of commercial vehicles and the number of main buildings on a lot.

P-4.1.31 It shall be the intention of Council to permit the development of undersized lots legally created before the adoption of a Municipal Development Plan and Zoning Bylaw in 1978

provided all relevant criteria as stipulated in the Land Use Bylaw, other than frontage and/or area, are met.

Old Town

Unlike many older 'colonized' towns in Nova Scotia which feature rigorous street and lot planning, Antigonish has grown in a more organic fashion. Our Main Street for example, is reputed to have started out as a trail leading from William's Point to the foot of Brown's Mountain.

In the area we are choosing to call "Old Town", roads, and development along them, occurred much prior to any land use controls. Not surprisingly, this has resulted in an area of little consistency either of lot size or grouping. This does not diminish the importance of this area as a cultural reminder however, indeed, it defines it.

Therefore, as a means of acknowledging the unique nature & cultural importance of this area and, further, to provide a framework for appropriate development therein, it is Council's desire that this area be identified and designated as "Old Town".

Small Lot Development

In some ways, it is the aforementioned variety which makes the older areas of Town so interesting. This being the case, imposition of a rigid grid over such an area would seem of little value. However, if we are to work within a system with little consistency, we must keep in mind an overriding principle, that being that all new development in Antigonish should not only serve the developer, but also compliment the community through harmonious design. With this in mind, and acknowledging the desirability of further development in the core, it would not seem imprudent to permit the development of 'small' lots within Old Town provided they are developed with sensitivity to context.

Within Old Town, many, if not most, buildings were built between the 1860s and WWI and consequently share certain characteristics. Principle among these are steeply pitched roofs, often with a storey within the roof, and vertically oriented windows. There are also several other, lesser shared characteristics which may be desirable to maintain. Happily, none of these are at odds with modern living arrangements. In general, it is the Town's desire to permit new development based on the language of the area. In this way, streetscape integrity is maintained while new development opportunities are made available.

Therefore, where R1 standards cannot be met, the following will apply for new development and additions to existing development within the area henceforth to be known "Old Town".

P-4.1.32 It shall be the intention of Council to consider those parts of town which were largely constructed prior to WWII and which fall within the R1 zone, as comprising the area to be known as "Old Town" (OT). This area shall be identified on a map attached, as Schedule "C", to the Land Use Bylaw.

P-4.1.33 It shall be the intention of Council to permit the development of small lots, for residential purposes in OT. Development of single family homes shall be as-of-right with architectural and site development requirements, intending to maintain streetscape integrity, as

detailed in the LUB. Two unit developments shall be considered through development agreement subject to P-8.2.7 and the following:

- 1. Minimum architectural and site development requirements, intending to maintain the streetscape integrity, shall be detailed in the LUB;**
- 2. Particular attention shall be paid to preserving privacy of adjacent uses through thoughtful building design and site development.**

Infill Development⁴

The Municipal Government Act includes as one of its five Statements of Provincial Interest the goal to provide housing opportunities to meet the needs of all Nova Scotians. It requires that Town planning documents consider measures that enable higher densities and encourage a range of housing types to address housing needs and affordability in the Town. In light of changing demographics and housing preferences there is a need to enable more residential units, particularly those of a smaller size.

Road development, over the years, has been carried out based on the constraints imposed by lot boundaries of those carrying out the development. This has resulted in several pockets of land being effectively landlocked and, consequently, undeveloped. Additionally, there are lots about Town which are far larger than those typically found in an urban context.

Given the constraints on many of these sites, safe access by people on foot or by vehicle, as well as for emergency services can be achieved through measures that accommodate existing and proposed traffic conditions on nearby roads, as well as through appropriate infrastructure to accommodate occupants and visitors of flag lots.

As infill development will result in an increase in ground cover by buildings as well as other hard surfaces, careful attention must be paid to ensure that stormwater infrastructure is used efficiently. This can be achieved by prioritizing low-impact development techniques for on-site stormwater management, wherever possible.

Preservation of reasonable levels of privacy for existing residential uses can be achieved while enabling residential densities similar to that which exists in more recently developed areas of Town. The development of these lands, properly handled, can be carried out without undue impact to the surrounding neighbourhood, while providing another avenue for property owners to make decisions regarding affordable land and housing.

The architecture of new buildings that result from the development of flag lots can play an important role in their successful development, enabling more housing options in Town. Important to the continued enjoyment of adjacent properties is the visual impact of new developments. Additionally, some oversized lots would enable additional development to occur at the public street, rather than to the rear of existing buildings. Architecture which is complementary to the existing fabric of the neighbourhood, and which enhances the public street will be an important objective of any flag lot development. The form of building also has significant impact on the enjoyment of the site being developed. Considerations as to the human

⁴ 94-60

scale of design and the effect that a building may have on the local micro-climate can both be addressed through building form and building facade elements.

In the interest of making the optimum use of our limited land base, it is Council's intention to permit development on these lands subject to the following:

P-4.1.34 It shall be the intention of Council to consider residential development of landlocked or flag lots in the Residential Second Density (R2), Residential Multiple Density (R3), and all Commercial Zones, subject to the following:

- 1. Through site plan approval, subject to provisions outlined in the LUB; or**
- 2. Lots which cannot reasonably meet prescriptive requirements contained in the LUB shall be considered through development agreement pursuant to the spirit of conditions outlined in section 7.13 of the Land Use By-law.**

4.2 COMMERCIAL POLICIES

Commercial uses are an important component of the Town's fabric and must be recognized accordingly in order for Antigonish to maintain its role as a regional service centre. Care must be taken, however, in order that a high quality commercial environment is maintained. Pursuant to this goal, large developments, which due to their size can have considerable impact on the fabric of a town, will be governed under development agreements.

P -4.2.1 Notwithstanding anything else in this strategy, it is the intention of Council that all new development of 10,000 square feet or more of total floor area permitted in a commercial zone shall be considered through development agreement subject to P-8.2.7.

Given the considerable volume of traffic which enters Antigonish from the Trans-Canada Highway to take advantage of the Town's amenities, the possibility that the highway may be moved to facilitate twinning is of utmost concern. Such a move would carry grave consequences for the commercial sector, and ultimately for the Town itself.

P-4.2.2 It shall be the intention of Council to work with the Provincial government to find a route for the Trans-Canada which is both practical and acceptable to all concerned.

Downtown Commercial

The downtown commercial area contains a variety of general and specialized retail uses, professional and service offices, as well as car sales outlets and service stations. Many of the older retail buildings have residential uses on their second storey. Limited residential and institutional uses are also located within the area.

In order to promote, and thereby maintain, the downtown core as a vital commercial area, the town has established a Business Improvement District Commission, (BIDC). The BIDC recognizes the contribution of urban design in creating that special "sense of place" which results in a memorable, enjoyable shopping experience. Quality, harmony and vitality are requisite. The BIDC has, therefore, recommended the implementation of design guidelines and Council has acted to advance these ends. Sensitive infilling and revitalization of traditional Downtown Commercial areas will provide opportunities for commercial growth.

P-4.2.3 It shall be the intention of Council to protect and improve the attractiveness and vitality of the traditional downtown shopping area by encouraging development which serves a regional function and which benefits from pedestrian activity. To this end, those lands approximate to Main Street from Hawthorne Street to Bay Street, but excluding the area known as Columbus field, shall be designated as "Downtown Commercial" on the Generalized Future Land Use Map.

P-4.2.4 It shall be the intention of Council to include in the Land Use Bylaw a Downtown Commercial (C1) Zone. This zone shall include the following and similar types of uses: banks and financial

institutions, business and professional offices, clinics, commercial schools, day nurseries, existing automobile service stations and sales establishments, convenience and grocery stores, funeral homes, hotels, motels, licensed liquor establishments, parking lots and structures, places of entertainment, recreation and assembly wholly enclosed within a building, photography and art studios, private clubs, printing establishments, repair shops, restaurants, retail stores, service and personal service shops, taxi depots, institutional uses, parks, community centres and residential uses in conjunction with commercial uses.

P-4.2.5 It shall be the intention of Council that, within the Downtown Commercial designation, all vacant lots and all existing uses shall be zoned Downtown Commercial (C1) except those previously used and zoned residential which will be zoned according to their use. There are, at present, several commercial establishments in the C1 zone which are not compatible with the desire to become more pedestrian oriented. These include 2 car dealerships, a muffler clinic and 4 gas stations. These establishments will be listed in an appendix to the Land Use Bylaw as permitted uses, however, no further development of this type shall be permitted in the C1 zone.

P-4.2.6 With regard to the existing automobile sale and service uses and existing automobile service stations located within the area designated as "Downtown Commercial" on the Generalized Future Land Use Map, and notwithstanding P-4.2.5, it shall be the intention of Council that the following shall apply:

1. all existing automobile sale and service uses as well as automobile service stations, to the extent which they exist at the time of coming into force of this strategy, shall be listed in schedule "B" of the Land Use Bylaw as permitted uses within the C1 zone;
2. expansion of a Schedule "B" use shall conform to P-4.2.8;
3. should any of the listed permitted uses be discontinued for a period of greater than one year, that use shall be removed from the list by amendment to the Bylaw;
4. the Land Use Bylaw shall feature provisions for the change of use of Schedule "B" uses to lesser uses or similar uses.

P-4.2.7 It shall be the intention of Council to encourage the maintenance and further development of the downtown's attractive appearance through:

1. Maintaining existing public buildings and open space in the area;
2. Investigating the possibilities of providing amenities in the area such as benches, planters,
3. pocket green areas and other appropriate street embellishments;
4. Encouraging actions aimed at enhancing private storefront appearances;
5. Prohibiting parking in the front yard of buildings.

Architectural Requirements

The downtown is a rich and interdependent mix of form and function. Accordingly, the architecture of new development, whether for an entirely new building or a renovation, plays an important role in the success of not only the project, but of the downtown as a whole. New development must exist harmoniously with our historic buildings but design freedom should not be overly constrained. Therefore, certain basic architectural principals will be outlined in the Land Use Bylaw which will guide development to a sensitive conclusion. Should these requirements be found unreasonable due to the nature of a particular project, the proponent will have the option of requesting consideration through development agreement.

P-4.2.8 Within the C1 zone, it shall be the intention of Council to pursue the development of an attractive, pedestrian-oriented downtown commercial area through controlling new development as follows:

- 1. New buildings, additions to existing buildings and changes to facades shall be permitted subject to meeting the requirements of the LUB which shall include, in addition to the customary requirements for the C1 zone, architectural requirements as well.**
- 2. As an alternative to 4.2.8 subsection (1), the proponent may request that Council consider the development through development agreement subject to P-4.2.9 and P-8.2.7.**

P-4.2.9 It shall be the intention of Council, in addition to all of the requirements of P-8.2.7, to evaluate all development agreement proposals pursuant to P-4.2.8(2) for consistency with the "Architectural Design Manual for Antigonish", adopted by resolution of Council.

Parking

Readily available access to parking is an important factor in maintaining the competitiveness of the downtown commercial area. Therefore, Council shall require that off-street parking be provided for all future commercial development excepting that Council may accept cash-in-lieu of parking spaces if requested by the developer. This money will be used exclusively for the provision of parking within the C1 zone. However, consideration must also be given to the desirability of attracting new businesses to renovate or replace older substandard properties in the downtown commercial area. Consequently, a relaxation of three spaces per property shall be granted where redevelopment is proposed.

P-4.2.10 It shall be the intention of Council to encourage, wherever possible, the creation of additional off-street parking including inter-connected parking lots in the downtown area and to set standards for parking requirements for new construction and changes in use.

P-4.2.11 It shall be the intention of Council to accept cash-in-lieu contributions for parking for new or expanded developments or where a change in use warrants it within the Downtown Commercial designation in a manner set out in the Land Use Bylaw. Furthermore, the Town shall be a partner in any agreement between property owners where parking is provided on third party lands within commercial zones.

P-4.2.12 Council shall use the cash-in-lieu contribution collected under P-4.2.11 to acquire, construct, or upgrade parking facilities in the areas designated "Downtown Commercial" on the Generalized Future Land Use Map.

Private Off-Street Parking Lots⁵

While Council provides significant off-street public parking in the Downtown commercial area, they believe that private initiatives aimed at providing longer term parking options would be beneficial.

Council wishes to provide for flexibility in establishing private parking lots however, only where their implementation and use complements the goals and objectives of this strategy. This strategy will be administered through the Site Plan Approval tool, with the objectives of enhancing our historic commercial and residential street patterns, respecting the environment, creating safe pedestrian environments and minimizing impacts on adjacent and nearby uses.

As the Downtown features a mix of zones and designations, it was determined that site plan approval for purposes of creating private off-street parking lots should apply to a district which corresponds to both the area zoned Downtown Commercial (C1) and as well the areas designated as the Commercial Periphery (CP). Other provisions may also apply to these developments.

The policy outlines conditions, implemented through site plan approval and prescribed in the LUB. Required areas of consideration include urban design, environmental safeguards, pedestrian-friendly amenities, adjacent use buffering and safety requirements.

Private Off-Street Parking Lots

P-4.2.12 It shall be the intention of Council to provide for the development of private, off-street parking lots, which are not related to a development, the C1 Zone and in areas designated as Commercial Periphery (CP) in the LUB Schedule "C" Map, subject to the site plan approval process as provided for in Section 5.1A and 5.25 of the Land Use By-law.

P-4.2.12B Deleted

P-4.2.12C Deleted

Site Plan Approval Notification Area

P-4.2.12D It shall be the intention of Council that the site plan approval notification area be set at 100' (30m) around the perimeter of the property which contains the proposed private parking lot.

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Commercial Periphery⁶

Within the Town of Antigonish, and particularly around our commercial areas, although there is potential for redevelopment, there is limited vacant land for development. The transitional areas, where commercial zones abut residential zones, present an opportunity to add development flexibility such that builders are able to respond to the needs of the community, whether these are new or different commercial spaces, or a wider range of housing types. Where purely residential uses encroach into commercial zones it must be to a scale and form that both reflects and supports the character and vibrancy of our commercial areas, infusing these zones with residents who are able to walk to their daily activities and support our local businesses.

Furthermore, it is felt that there is an opportunity near the Downtown area to incubate new business in areas which are zoned residential, if development is handled with sensitivity and care. This is especially important since many of the houses in this peripheral area are older and thus valuable reminders of our heritage. The nature and scale of commercial intrusion will be limited to architectural forms which reflect the residential character of their neighbours.

Development within CP designated areas which do not comply with requirements of the underlying zone shall be governed under site plan approval. The site plan approval tool was deemed the best regulatory choice as it is easily and efficiently administered, thereby supporting a culture of entrepreneurialism, and it also provides for public feedback of those most interested – the immediate neighbourhood of a proposed project.

These areas, which will continue to be zoned as their respective residential or commercial zones, shall be designated as Commercial Periphery (CP) and shall include the areas identified as such in the LUB, in Schedule “C” Map.

P-4.2.13 It shall be the intention of Council to indicate areas in LUB Schedule C Commercial Periphery (CP).

P-4.2.14 It shall be the intention of Council to consider those areas identified in P-4.2.13 for purely residential uses within commercial zones, and commercial uses in residential zones, through site plan approval in accordance with conditions outlined in the LUB for each respective zone.

P-4.2.15 Deleted

Professional Office (P1)

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The previous Municipal Development Plan permitted the development of professional and business offices within the Residential Designation by rezoning to P1. While it will still be permissible to operate an office from the home, there shall be no further re-zonings to P1. Lots presently zoned P1 shall continue to be so.

P-4.2.16 It shall be the intention of Council that all lots zoned Professional Office (P1) in existence at the time of coming into force of the Land Use Bylaw shall continue to be zoned (P1).

Highway Commercial

There are several areas within the town which will be designated for Highway Commercial uses because of their location. As well as Downtown Commercial uses, the designation is also considered to be suitable for new automobile sales outlets, commercial warehouses, tourist commercial uses and commercial uses involving outside storage. In addition, light industrial uses will be considered in the C2 designation by development agreement pursuant to Industrial policy P-4.3.3. Since these areas profit from, or induce, vehicular traffic, careful attention should be given to vehicular access to the sites.

P-4.2.17 It shall be the intention of Council to designate those lands which generally abut St. Andrews Street as well as the lands on either side of Church Street at its southern limits, excluding the areas designated as Commercial shopping Centre, as "Commercial Highway" on the Generalized Future Land Use Map.

P-4.2.18 It shall be the intention of Council to include in the Land Use Bylaw a Highway Commercial (C2) Zone. The C2 zone is intended to provide for the development of certain commercial uses which are primarily dependent upon serving the motoring public for their existence, or which, because of their need for open storage or space, are unsuited to a downtown or shopping centre location. This zone shall include the following and similar types of uses: all uses permitted in the C1 zone, animal hospitals and veterinary establishments, any activity connected with the automobile trade other than an automobile scrap yard, display courts, garden and nursery sales and supplies, restaurants, lumber yards, public garages, recreational vehicle sales and rentals, residential units in conjunction with commercial uses, the existing Claymore Hotel, Sear's Outlet and 24 hour Sobey's store, tourist cabins and chalets.

P-4.2.19 It shall be the intention of Council to zone all uses and empty lots within areas designated for Highway Commercial on the Generalized Future Land Use Map as Commercial Highway (C2) except those previously used and zoned residential which will be zoned according to their use.

P-4.2.20 It shall be the intention of Council that the Land Use Bylaw shall include the following provisions for development in the C2 zone:

- 1. That the areas of outside storage are limited in extent;**
- 2. That adequate off-street parking facilities are provided by all permitted uses, and**

that access points to such parking facilities shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic.

- 3. That adequate buffers and setbacks shall be provided between commercial uses and any adjacent residential, institutional or recreational areas to minimize the impact of the commercial uses;**

James Street Commercial Zone

Over the past five years' commercial growth on James Street has been extremely rapid. The proximity to the highway as well as the arena and the university have attracted uses which serve visitors as well as the local population. The main uses on the street are chiefly concerned with providing food, accommodation and entertainment. The street has a character which is neither like the downtown due to the strong service and vehicular orientation, nor does it readily fit into the commercial highway classification since uses with large storage or space requirements would be unsuitable on James Street.

The Town, in conjunction with the James Street Merchants association wish to encourage this path of development along James Street and, to that end, will institute a zone designed to enhance the special nature of the area. Furthermore, the Town acknowledges the importance of James Street as an entry way to the Town and, consequently, has carried out major landscaping and is investigating further planting and street furniture possibilities.

From the east end of James Street, West Street links with the Trans-Canada Highway. Much of the west side of this section of West Street is presently undeveloped. In order that future development in this area may compliment James Street, it shall be designated James Street Commercial on the GFLUM.

P-4.2.21 It shall be the intention of Council to designate the lands abutting James Street, as well as the lands on the west side of West Street from James Street to the Trans-Canada Highway, as James Street Commercial on the Generalized Future Land Use Map in order to encourage the maintenance and further development of James Street as a service and entertainment area and as an important entrance to the Town.

P-4.2.22 It shall be the intention of Council to include in the Land Use Bylaw a James Street Commercial (C2-J) zone. This zone shall include the following and similar types of uses: business and professional offices, retail shops, personal and commercial service shops, accommodations, restaurants, lounges and taverns, places of entertainment, recreation and assembly, food or grocery sales and residential uses accessory to commercial uses.

P-4.2.23 It shall be the intention of Council to zone all existing uses and any vacant lots which are within the James Street Commercial designation as James Street Commercial (C2-J). All other lands shall be zoned according to use.

4.2.24 It shall be the intention of Council that the Land Use Bylaw shall include the following provisions for development in the C2-J zone:

- 1. That the areas of outside storage are limited in extent;**

2. **That adequate off-street parking facilities are provided by all permitted uses, and that access points to such parking facilities shall be limited in number and designed in a manner that will minimize the danger to vehicular and pedestrian traffic.**
3. **That adequate buffers and setbacks shall be provided between commercial uses and any adjacent residential, institutional or recreational areas to minimize the impact of the commercial uses;**

Shopping Centre - Commercial

The existing shopping centre is located in the midst of a floodway with the majority of its parking located on floodway fringe. There is an area of land to the West of the Canadian Tire which has been, and continues to be, zoned Commercial Shopping Centre (C4) as it is considered part of the overall development.

To the south and south-west of the shopping mall are located the Claymore Inn, the Sears outlet and the 24 Hour Sobey's. These establishments are designated Commercial Highway. While not typically associated with C4 zones, the ever present demand for more rental accommodation and the proximity to the University make it conceivable that residential development could be beneficial in the C4 zone. It must be remembered, however, that this is primarily a commercial area and any residential component will therefore be accessory to the commercial use.

In addition, the nature of the area will require careful attention to design to ensure a quality living environment.

P-4.2.25 It shall be the intention of Council to designate on the Generalized Future Land Use Map the existing shopping centre lands for that use.

P-4.2.26 It shall be the intention of Council to include in the Land Use Bylaw a Commercial Shopping Centre (C4) Zone which shall be applied to the lands developed as such on Church Street.

P-4.2.27 It shall be the intention of Council to consider residential development in conjunction with commercial uses within the C4 zone through development agreement subject to P-8.2.7 and the following:

1. **each unit shall have a minimum of 50 square feet of outdoor amenity space,**
2. **commercial uses shall be located on the ground floor on the main parking lot side.**

Neighbourhood Commercial Centres

Segregated suburban development, by its very nature, generally dictates that most shopping occurs by car. Council believes that by ensuring that all residential neighbourhoods are served by a commercial node or centre featuring basic amenities, this reliance on the automobile may be diminished. Such centres would be supportive of and intended primarily for, the neighbourhood in which they are located. Commercial uses intended for a broader market shall be directed to existing commercial areas throughout Town. Neighbourhood Commercial Centres must be developed with sensitivity to the nature and quality of their neighbourhood. A convenience or "General Store" is considered the focal point, or anchor, of a Neighbourhood Commercial Centre with lesser uses clustered about this main use. Where the store may

be a larger, more evidently commercial use, and thus potentially have a greater impact on a neighbourhood, it shall only be permitted through rezoning. The remainder of the NC Centre will remain zoned Residential, however there will be an overlaying designation of NCC which shall be indicated on the zoning map.

Within the current boundaries of the Town there is currently but one "Convenience store". Its location allows it to serve the one large residential area which is not within easy walking distance of a commercial core area. While this remains the case, there will be no provision for future re-zonings to Neighbourhood Commercial.

Neighbourhood Commercial Zone

P-4.2.28 It shall be the intention of Council to include in the Land Use Bylaw a Neighbourhood Commercial (C3) zone. This zone shall be primarily for the purpose of operating a convenience store. Additionally, however, the following and similar types of uses shall be permitted in conjunction with the convenience store use: outdoor and farm markets, residential uses, laundromat, professional office, custom workshop, service shop, personal service shop and garden / nursery supplies.

Neighbourhood Commercial Centres

P-4.2.29 It shall be the intention of Council to include in the LUB a Neighbourhood Commercial Centre (NCC) designation. Lands under this designation shall retain existing residential zoning and related development rights. Additionally, it will be possible to develop certain commercial uses which are deemed to be supportive of the surrounding neighbourhood. These include the following and similar uses: laundromats, dental offices, physiotherapy clinics and service and personal service shops. For purposes of guaranteeing compact form of a NCC, Council shall designate those lands along the arterial or collector road which lay within 200' of a C3 use as the NCC area. Lands so designated shall be indicated on the Zoning Map.

Development & The Site Plan Process

- P-4.2.30**
- 1.** Development in the Neighbourhood Commercial (C3) Zone, as well as development of uses within the NCC designation, shall be administered by provisions contained in the LUB. Said provisions shall feature controls so as to support the neighbourhood and minimize adverse impact. To this end, in addition to meeting the general requirements noted in the LUB, development shall be administered through the site plan approval in accordance with Section 5.1A of the LUB.⁷
 - 2.** Where a proponent is not able to meet the requirements noted in sub-section 1. herein, they may apply for project consideration through development agreement.

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Development Agreements

P-4.2.31 In addition to the provisions of P-8.2.7, it shall be the intention of Council, when considering Development Agreements under P-4.2.30, to consider the following:

- 1. Scale and architecture of building(s) as they relate to surrounding uses;**
- 2. Pedestrian movement;**
- 3. Minimize visibility of parking, particularly from the street;**
- 4. Mitigation of increased surface runoff;**
- 5. Setback provisions appropriate to surroundings;**
- 6. Provision of attractive and appropriate signage;**
- 7. Landscaping for aesthetics and for buffering adjacent uses.**

4.3 Commercial Light Industrial (*amendment 94.53*)

As Amended by By-Law 94-53. June 2013

Background

Within the Town of Antigonish, there is limited industrial development – the entirety of which follows closely along the rail line and mostly along the Wrights River. The Town has long avoided ‘chasing smokestacks’, preferring service industries instead. The arena within which industry operates is in constant flux driven by technological change, environmental imperatives, government legislation and consumer demand.

Concerns with respect to industrial uses operating within built-up areas such as the Town include the impact of heavy trucking and machinery use, operating hours, noise, dust, pollution, hazardous materials, contamination, vermin and unsightliness. For these and other reasons, such uses are traditionally sequestered in Industrial Parks or otherwise away from built up areas. As a consequence of the rail line paralleling the Wrights River through Town however, our industrial areas are located in some of the most scenic and environmentally sensitive land to be found within the municipality. Adam Street, which remains our most heavily used Light Industrial area, is the access to the Antigonish Wildlife Sanctuary and waterside walkway – significant amenities for the area. Further, our industrial areas are located adjacent to and within view of residential neighbourhoods and within short walks to downtown.

Efficient Use of Land & Resources

Industrial uses can occupy significant amounts of space for storage of materials, equipment and machinery. This can be seen quite clearly along Adam Street or in the area of Public Works off College Street. As the Town is limited in its supply of land for future development, and where most, if not all areas currently designated for industrial purposes border or will border residential uses, Council believes that a shift is necessary wherein Industrial uses will over time, migrate from Town to better suited locations in the County. To put this evolution into sharper focus, the entirety of the Town fits within 5 square kilometres – much of which is contained on campus or which is subject to flooding and so is unavailable for development. By comparison, the County of Antigonish covers approximately 1400 square kilometres of land and has a population density which is 1/100th that of the Town.

As emergent technologies have resulted in industrial uses which can as easily be housed in general commercial areas, the focus within Town will be to shift zoning permissions from an exclusive Light Industrial zone to more inclusive zoning which permits uses complementary to our compact urban form.

To aid in the transition to a more commercial/light-industrial mix, regulations will be established which encourage higher Floor Area Ratios (the ratio of gross floor area to lot area). This shift will be achieved primarily through increased focus on uses contained within buildings as well as stricter limitations on outdoor storage and display. In addition, the list of permitted industrial uses is reduced as compared with the previous Light Industrial zone, and is expanded to offer increased commercial opportunities.

Several large parcels of land on the south side of Adam Street and north of the rail line previously contained bulk fuel plants and while these have been removed, the sites remain undeveloped, likely due to contamination. Apart from being eyesores, these sites represent a scarce commodity in Antigonish –

undeveloped land. Council therefore wishes to investigate opportunities for improving these lots – both aesthetically, and so as to make them available for development.

Industrial or Light Industrial Uses may place significant demands on Town infrastructure in terms of water consumption, electrical use, chemical loads on the Sewer Treatment Plant and heavy trucking on Town Streets. These will be considered in developing the list of allowable uses and in considerations for development agreements.

Existing Light Industrial Uses & Expansion of Uses

Apart from Light Industrial type uses which are listed as permitted under Commercial Light Industrial zoning, non-permitted, existing uses shall be listed as legal non-conforming uses and any expansion of these uses within the Commercial Light Industrial zone shall be regulated in the same manner as other permitted uses. If, however, the nature of the particular use renders the regulations contained in the Land Use By-Law as ill-suited to the use, the proponent may request consideration through development agreement. Such agreements shall take into consideration all afore-mentioned concerns with respect to industrial development as well as to Council's intention to increase the quality of the local built environment – both with respect to aesthetics and environmental sustainability.

No further lands will be rezoned to Commercial Light Industrial; however, expansions to existing industrial uses, or of new permitted uses, may be considered through development agreement on lands adjacent to those zoned Commercial Light Industrial. Development agreements under this part shall be drafted with consideration of the various possible nuisances emanating from the particular project as well as any provisions required for reclamation, should the use cease. On cessation of a use, the agreement shall be discharged and the lands used only in accordance with the existing zone, or in accordance with any new development agreement that may be approved.

Essential municipal operations such as the Antigonish Sewer Treatment Plant that are industrial in nature will be deemed to be permitted uses within the zone.

Residential Accommodation & Quality of Life

With ongoing demand for residential development within Town, and where all the existing Industrial areas are within an easy walk of the downtown, the option of considering multi-unit residential projects through development agreement has been introduced. In addition to normal considerations respecting such development, Council will also consider health, safety and other potential impacts relating to proximity to existing and future Light Industrial uses. As the zoning of a subject property would not change to Residential, flexibility concerning the mix of possible uses will remain.

As all lands which have historically been zoned Light Industrial fall within desirable areas of Town, and particularly where Adam Street leads to the Landing Wildlife Sanctuary, Council intends that new development or expansion to existing development within this zone shall be regulated both in terms of environmental stewardship, but also so as to create a more attractive streetscape and built form and moreover, to buffer adverse effects on neighbouring non-industrial uses.

As buildings, by their size alone, can have a significant impact on surrounding uses, buildings that exceed a set floor area shall be considered only through development agreement.

As certain Light Industrial uses rely on equipment or processes which may not be contained within buildings and where such equipment is typically utilitarian in appearance and possibly unpleasantly noisy in operation, it shall be buffered from public view and so located as to impose the least amount of nuisance to public and surrounding uses. Similarly, storage of materials, vehicles or machinery can raise like concerns and shall be treated in the same manner.

Environmental Considerations

As the Province has made preservation of wetlands a policy, and where they have effected policy in support of this goal, proposals that may impact wetlands shall proceed only with support of appropriate provincial/federal agencies.

Where Flood Damage Reduction is listed in the Statements of Provincial Interest, the MPS contains policy that precludes or limits development in lands deemed to have flood potential. Development Agreements respecting such lands may proceed only in accordance with the provisions contained in the MPS and LUB which regulate such development.

Where a proposed use abuts a water course, riparian protection is required. This shall include a suitable landscaped strip wide enough to attenuate and filter runoff and shall feature trees intended to provide shade to the water course.

Where a proposed use may, by its nature, produce effluents, fumes or other non-benign effects, proof of Environmental Compliance may be required.

Future Considerations

Where new, clean technologies are constantly emerging around the world, and where Antigonish has ready access to a highly educated workforce and the potential to leverage university assets as a basis for research development, Council wishes to foster these future endeavours where they are consistent with the Antigonish Strategic Plan.

Commercial Light Industrial Zone (CLI)

P-4.3.1 It shall be the intention of Council to designate those lands generally located along lower Adam Street, The sewage treatment plant, the railway yards, and areas along College Street near the Wrights River as Commercial Light Industrial on the Generalized Future Land Use Map.

Permitted Uses

P-4.3.2 It shall be the intention of Council to include in the Land Use Bylaw a Commercial Light Industrial (CLI) zone that shall feature commercial and light industrial uses that are limited in their impact on surrounding quality of life. These shall consist of the following and similar types of uses: research and development facilities; small scale processing and fabrication operations which are contained within buildings; warehouse and self-storage operations; service clubs; service industries; personal or recreational vehicle related uses; commercial uses permitted in the C2 zone, Institutional uses, building supplies stores and equipment

sales operations. Municipal Utility uses such as the Sewer Treatment Plant shall also be included in the list of permitted uses.

Existing Industrial Uses

P-4.3.3 Existing Industrial uses which are no longer listed as permitted uses may continue and may expand their use within the CLI zone provided the expansion of the use is in keeping with all requirements noted in the Land Use By-Law. These uses shall be identified as legal non-confirming uses in the Land Use By-Law.

Commercial Light Industrial Zone General Standards

P-4.3.4 With respect to new commercial light industrial uses, as well as changes to existing ones, it shall be the intention of Council that standards shall be established in the Land Use By-Law regarding the following as deemed necessary:

1. Visual buffering of uses which may be considered unsightly;
2. Location of main and accessory buildings to create better streetscapes and buffer public views;
3. Location and amount of outdoor storage and display with buffering in mind;
4. Location of parking stalls, loading facilities and equipment with buffering in mind;
5. Urban Design and architectural requirements intended to facilitate the creation of attractive streetscapes;
6. Floor Area ratios intended to optimize use of available lands;
7. Hard surface limitations and stormwater management for reasons relating to infrastructure capacity and the environment;
8. Mitigation measures regarding nuisances including, but not limited to: noise, dust, odour or other airborne nuisance and vermin;
9. Proof of compliance with other by-laws or regulations relating to the use or by-products of the use;
10. Trucking or other transportation related concerns;
11. Dangerous substances or potential for other danger to the public;
12. Prevention of excessive or unsafe demands on the Town's Sewer Treatment Plant;
13. Prevention of excessive use of Town services including water and electricity;
14. Mitigation measures concerning discharge or runoff, particularly in areas bordering wetlands or waterways.
15. Site plan submission and review requirements;

Development Agreement: Alteration of Legal Non-Conforming Uses

P-4.3.5 Notwithstanding P-4.3.3, in the event that proposed alterations to a legal non-confirming use of buildings, machinery or land cannot reasonably comply with the requirements of the Land Use By-Law, such an alteration may be considered through development agreement pursuant to policies P-4.3.9 and P-8.2.7.

Development Agreement: Expansion into Adjacent Zones

P-4.3.6 It shall be the intention of Council that there shall be no rezoning to Commercial Light Industrial (CLI); however, expansions of new Commercial Light Industrial uses or of existing non-conforming uses into adjacent zones may be considered through development agreement pursuant to policies P-4.3.9 and P-8.2.7.

Development Agreement: Large Buildings and Other Uses

P-4.3.7 It shall be the intention of Council that the following developments shall be considered through development agreement subject to P-4.3.9 and P-8.2.7.

1. Any proposed building, structure or combination thereof -- whether new or expanded, with a footprint larger than 7500 sq.ft.;
2. Any permitted use where outdoor storage will occupy more than 50% of the site;
3. Hotels, motels and apartment motels; and
4. Recycling Depots.

Residential Development

P-4.3.8 It shall be the intention of Council to consider multi-unit residential uses, alone or in conjunction with other complementary commercial uses, through development agreement subject to P-4.3.9, P-8.2.7 and consideration of the following:

1. Buildings shall feature a minimum of 2 storeys and shall be sited so as to address the street or traveled way;
2. Overlooking and shadowing of nearby residential uses;
3. Impact of existing or probable Commercial Light Industrial uses in the neighbouring area;
4. Buffering of views and noise from Commercial Light Industrial related activities;
5. Pedestrian Connections;
6. Compatibility of the mix of uses within the building or on the site;
7. Supply of parking in relation to proposed and expected uses of the property;
8. Signage and lighting complementary to the architecture and integrated with the landscape design;

Development Agreement Conditions

P-4.3.9 It shall be the intention of Council that any development agreements considered under this part shall demonstrate that all reasonable measures have been taken to maintain quality of life for neighbouring uses and care for the environment. Development Agreements under this Part shall be subject to P-8.2.7, consideration to the points listed in P-4.3.4 and the following:

1. Submission of a site plan showing proposed servicing, access, loading facilities, parking, equipment, areas devoted to outdoor display and or storage, main and accessory buildings and any other relevant items;
2. Screening, through building placement, vegetation, fencing or berms, shall be employed to minimize impact on properties in the abutting zone
3. Submission of a landscaping plan covering all non-hard surface treatments and demonstrating the means by which buffering will be achieved. This shall include

elements intended to provide suitable riparian protection where a proposed development borders a watercourse.

4. Submission of architectural drawings demonstrating enhancement of the streetscape and areas with prominent public view. Note that buildings of two or three stories are preferred. As well, facades shall feature well-proportioned fenestration and, ideally, a principal entrance;
5. Submission of mitigation plans as may be deemed necessary;
6. In the event that the development is to occur on or adjacent to a wetland, submission of proof of regulatory compliance;
7. In the event that the development is to occur on lands deemed to be subject to flood risk, compliance with the appropriate sections of this MPS must be achieved.
8. Submission of reports on any matter deemed a concern by the Town;
9. Submission of Permissions/Licenses etc. from other regulatory agencies as may apply.
10. Where the development is to occur on lands zoned other than CLI, a reclamation plan must be submitted detailing what steps will be taken should the use cease.

Beautification

- P-4.3.10** It shall be the intention of Council to investigate opportunities to beautify existing Commercial Light Industrial areas, and in particular, Adam Street, as it leads to the Antigonish Landing Walkway and Antigonish Wildlife Sanctuary.

Brownfield Sites

- P-4.3.11** It shall be the intention of Council to encourage the reclamation and repurposing of existing brownfield sites throughout Town.

Technology and Service Industry Incubation

- P-4.3.12** It shall be the intention of Council to foster opportunities favourable to the development of emerging R&D operations within the Town where such efforts are in keeping the MPS and the Antigonish Strategic Plan.

4.4 Institutional

The major institutional land uses in Antigonish, the University, St. Martha's Hospital, the schools, and the R.K. Macdonald Guest House are important features in the economic and cultural life of the Town of Antigonish. The university, in particular, adds in the vicinity of 2500 people to the Town's population during the fall, winter, and spring. Obviously this benefits the Town in terms of increased spending and cultural opportunities but it also brings a host of related problems such as stressing the rental housing market (approximately 1500 students live off campus) and creating the need for increased public security.

P-4.4.1 It shall be the intention of Council to designate those lands which contain existing institutional uses as "Institutional" on the generalized future land use map.

P-4.4.2 It shall be the intention of Council to include in the Land Use Bylaw an institutional zone. This zone shall include all existing institutional uses.

P-4.4.3 It shall be the intention of Council to co-operate with the major institutional uses, such as the University, St. Martha's Hospital, the Schools and the R.K. MacDonald Guest House and to encourage their well-being.

Because buildings in the Institutional zone are often quite large in comparison to abutting residential uses, Council feels that landscaping between the uses would help minimize any adverse impact.

P-4.4.4 It shall be the intention of Council to require landscaping between new institutional development and abutting residential uses.

4.5 Recreation

Increasingly, communities are recognizing the importance of developing a comprehensive recreation program. Recreation promotes a healthy, positive lifestyle while fostering self-actualization, environmental appreciation and community spirit. Quality recreation programs and services will also tend to attract tourism and future investors / residents and may aid in decreasing vandalism.

The Town of Antigonish enjoys a large amount of open space. Although much of this area is privately owned, it is held under long term lease by the Town. It is the responsibility of the Recreation Department to maintain all open space under the Town's control. The Strategy has established a hierarchy of open space areas that will enable facilities to be developed to make the most efficient use of the resource. Existing areas will be monitored with respect to age characteristics in each neighbourhood to ensure they are meeting the required needs.

Linkages, although rare in Antigonish, can be an important element of a Town's recreation system. They can provide a series of bikeways, paths and trails which interconnect various other elements of the system including schools, parks and shopping areas. Linkages can provide safe and convenient access to recreation areas for those people who do not have an automobile, or who prefer to use 'self-propelled' means of transportation.

- P-4.5.1 It shall be the intention of Council to designate those lands under public control which are presently, or are intended to be, used for recreational purposes as "Recreation" on the Generalized Future Land Use Map.**
- P-4.5.2 It shall be the intention of Council to include in the Land Use Bylaw a Recreational (O1) zone. This zone shall include the following and similar types of uses as-of-right: parks, passive parks, pavilions, band shells, structures accessory to these uses and Play lots, neighborhood parks, major parks, regional.**
- P-4.5.3 It shall be the intention of Council to continue to develop Recreational Open Space on the basis of a functional hierarchy of open space for active recreational areas. Table 1, "Guidelines for the Development of an Open Space Hierarchy" and Map 2, "Recreational Open Space", shall be used as guidelines for the acquisition and development of open space areas and the distribution of recreational facilities.**
- P-4.5.4 It shall be the intention of Council to meet the recreational needs of the presently developed areas of town by the following action:**
- 1. Ensure that any required improvements are carried out to maintain a minimum standard of recreation space as determined by the Recreation Committee.**
 - 2. Encourage the continued development of the Regional High School ground as a Regional Park and Recreational facility, and Columbus Field as a Major Park.**
 - 3. Ensure that all play areas meet CSA Standards and are accessible to the physically challenged.**

- P-4.5.5** It shall be the intention of Council to pass a subdivision bylaw requiring the dedication of 5% of the land being developed for Parkland, or the contribution for parkland development of money in lieu. Specifications concerning the acceptability of dedicated land and cash in lieu donations shall be laid out in the Subdivision Bylaw and shall be consistent with the policies of this strategy.
- P-4.5.6** Furthermore, in adopting a Subdivision Bylaw, Council shall give consideration to ensuring that pedestrian access is facilitated.
- P-4.5.7** It shall be the intention of Council to consider the development of pedestrian walkways giving priority to areas which would increase the accessibility of community services and facilities, particularly schools, as shown on Map 2, "Recreational Open Space".
- P-4.5.8** It shall be the intention of Council to continue to promote and assist groups in their efforts in obtaining national and international events which will be of an overall benefit to the Town.
- P-4.5.9** It shall be the intention of Council to continue to encourage the protection of open space areas through sensitive development and maintenance.
- P-4.5.10** It shall be the intention of Council to require on-site open space for new mobile home parks and multiple housing developments.
- P-4.5.11** It shall be the intention of Council to develop a program of maintenance of all parkland owned, or leased by the town. Such a program may involve the participation of local organizations.
- P-4.5.12** It shall be the intention of Council to continue to encourage the development of recreation areas, facilities and programs for the residents of Antigonish through a Recreation committee whose responsibilities are described by the Recreation Bylaw.
- P-4.5.13** It shall be the intention of Council to encourage and support the use of the swimming pool at the University by the town's residents.
- P-4.5.14** It shall be the intention of Council to monitor the age distribution within the service areas of the Tot-lots and alter the areas to better suit the age groups within the area.
- P-4.5.15** It shall be the intention of Council to participate in the creation of a community based gymnasium.

Antigonish Landing

The Antigonish Landing, a designated wildlife management area, lies at the east end of Town. While the vast majority of its length runs through the County, it is favoured by Town residents for walking, jogging, cycling and bird watching. While the Town neither owns the land, nor has jurisdiction over it, there is a strong desire to see that the Landing is adequately maintained and, furthermore, to participate, where reasonable, in programs aimed at the enhancement of the Landing.

P-4.5.16 It shall be the intention of Council to promote, and participate in, the enhancement of the Antigonish Landing as a passive recreation resource.

Table 1 - Guidelines for the Development of an Open Space Hierarchy

Service Area	Service Radius	Size
<p>Play Lot</p> <p>Should be developed where there is a high percentage of young children. Private developers of mobile home parks should develop such areas.</p>	1/2 mile	Minimum - 4000 sq.ft.
<p>Neighbourhood Park</p> <p>Serves the specific interest of those within walking distance. Facilities may include softball diamond, a junior soccer field, fitness trail, tot lot, a passive area with seating.</p>	1/2 mile	Minimum 2.5 acre
<p>Major Park</p> <p>Columbus Field - Wall Property has been designated as a major park even though it provides specialized facilities for the Highland Games and other higher order facilities which might otherwise be located in a centre.</p>	15 miles	20 acres
<p>Regional Park</p> <p>Major facilities at the Regional High School should be Oriented to competitive and spectator sports requiring major recreational facilities. Good vehicular access and parking should be ensured for major and Regional Parks.</p>	60 miles	15 to 30 acres depending on function

<p>Specialized Park Areas</p> <p>The nature of these areas depends on the facilities which are located within them, i.e. arena, major ball fields and community centres.</p>	<p>Depends on facility or function</p>	
<p>Passive Park Areas</p> <p>Should be developed to provide passive open space and walkways in scenic natural areas and between areas of high pedestrian activity.</p>	<p>1/2 mile</p>	<p>Minimum 10,000 sq.ft.</p>

4.6 Conservation

As Amended by By-Law 94-29. November 2007

Flooding

The location of Antigonish at the confluence of the Wright's and West rivers, Brierly Brook and at the mouth of Antigonish Harbour, contributes to one of the most serious problems in Antigonish: flooding. Flooding may be caused by heavy rain events, but also, in Antigonish, it may result from ice jamming during melt periods. It is also influenced by tidal surges.

Flood Damage Reduction Program

In 1994, the Town adopted the findings of the Canada-Nova Scotia Flood Damage Reduction Program for the Antigonish area. This had the effect of prohibiting development on lands identified as flooding on a 1:20 year basis (the Floodway), and allowing conditional development on lands predicted to flood on a 1:100 year basis (the Floodway Fringe). These provisions, as adopted by Council, applied to all land within the Floodway and Floodway Fringe but excluded those areas which, prior to adoption, had been filled or otherwise developed such that the Flood Damage Reduction Mapping, printed in 1977 and issued in 1983, was no longer current.

Statements of Provincial Interest

Shortly after the adoption of the Municipal Government Act (MGA), the Province released five "Statements of Provincial Interest"; these include a statement on flood risk areas. The goal of this statement is, *"To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains."* This Statement incorporated the Flood Damage Reduction Mapping.

Municipalities may only adopt land use policy which is consistent with the Statements of Provincial Interest.

- P-4.6.1 It shall be the intention of Council to comply with the Statement of Provincial Interest concerning Flood Risk (hereinafter cited as the SPIF).**
- P-4.6.2 (a) It shall be the intention of Council that lands previously identified as susceptible to flooding once every 20 years in the Canada - Nova Scotia Flood Damage Reduction Program mapping for the Antigonish Area (hereinafter cited as the FDRP) shall be designated as Conservation on the Generalized Future Land Use Map and zoned Floodway (FW).**
- P-4.6.2 (b) It shall be the intention of Council that lands previously identified in the FDRP mapping as susceptible to flooding once every 100 years shall be deemed Floodway Fringe.**

P-4.6.3 Notwithstanding 4.6.2(a) and 4.6.2(b), It shall be the intention of Council that areas of land which were developed, under development and or filled prior to the adoption of the FDRP mapping in August of 1994 shall be deemed not to fall within the floodway or floodway fringe designations unless modified under this section.

Floodway Fringe

As has been noted, the SPIF lays out requirements for development within the Floodway Fringe. The Zoning Map, forming part of the Land Use By-law, will identify areas considered to fall within the Floodway Fringe. The Land Use By-Law (hereinafter cited as the LUB) shall provide for development within areas featuring the Floodway Fringe designation subject to flood-proofing and flood damage reduction requirements as per the SPIF.

It is a concern that in certain instances, development may cover the bulk of the lot with the result that virtually all flood storage capacity is lost. As this is not desirable, limits on the percentage of a lot which may be covered will be listed.

P-4.6.4 It shall be the intention of Council that lands identified as Floodway Fringe shall be indicated as such through an overlay on the Zoning map forming part of the LUB. Development on these lands shall be as permitted in the zone however uses shall be limited and additional flood proofing requirements, as outlined in the SPIF, shall be included in the LUB.

P-4.6.5 It shall be the intention of Council that limitations be established in the LUB concerning the maximum area which may be filled where development is to occur in the Floodway Fringe.

Floodway

P-4.6.6 It shall be the intention of Council that development be restricted within the Floodway, however the following and similar permanent uses may be permitted provided they do not result in a decrease of flood storage, nor an impediment to the flow of flood waters:

- a. recreation and open space uses;**
- b. cropland;**
- c. roads, parking areas and service corridors.**

P-4.6.7 It shall further be the intention of Council that certain community oriented temporary uses such as Fairs and Farmer's Markets may be permitted within the Floodway provided they may be easily removed in the event of a flood and are not in place during periods of high flood risk.

Alteration of Floodway Boundaries

Since 1994, the Town has sufficed with development opportunities presented by Floodway Fringe lands and other, marginal lands. As these are largely used up however, and with recent developments such as the establishment of a “Big Box” power centre on the outskirts of Town, we are led to consider the possibility of altering the Floodway boundary.

The provisions of the SPIF require that planning documents must identify Flood Risk Areas consistent with the FDRP mapping and that no net gain of fill may be permitted within the Floodway. However, a provision exists whereby development may occur in areas identified as floodway provided a hydro-technical study indicates that the development may be facilitated without increasing flood risk or impairing flood water flow.

It has been determined that a “Cut and Fill” methodology, which will not impair flood water movement or reduce storage, is the most appropriate avenue to remove lands from the Floodway such that they become available for development. The success of such an approach is dependent on sound hydrological analysis based on up-to-date modeling, local knowledge and accurate, detailed surveying. No consideration will be given for development which proposes alteration of the core of fast moving water known as the “flow way”. Cuts related to filling must be located in close proximity to be effective. Further, to ensure flood water storage capacity is achieved, cuts cannot retain water over time.

As this development will be occurring in areas which currently provide green-space within the Town, there will be conditions regarding landscaping, and the size and quality of hard surface development.

Areas known to contribute toward aquifer recharge shall not be eligible for this approach. Nor shall areas where flooding due to ice damming is known to be prevalent. Also precluded will be any development intended for low ambulatory users such as hospitals, senior homes, schools etc. or uses which typically feature hazardous materials.

P-4.6.8 It shall be the intention of Council to permit removal of lands from the Flood Way through a managed “Cut and Fill” procedure under Development Agreement, subject to the following:

- 1. The following lands shall be excluded from development under this provision:**
 - a. Lands which, if developed, will result in impaired flood water movement in the Flow Way or which could be expected to contribute to up, or downstream flooding;**
 - b. Lands known to suffer, or contribute to, ice jam related flooding;**
 - c. Lands which are held to contribute to aquifer recharge.**
- 2. The following uses shall be excluded from consideration under this section:**
 - a. Uses intended for occupants of limited mobility including, but not limited to hospitals, nursing homes, and special care homes;**
 - b. Uses which could lead to environmental contamination in the event of a flood which shall include, but not be limited to, those concerned with warehousing or manufacturing hazardous materials.**
- 3. Cut and attendant fill must be located in the same hydrological zone.**

4. Cuts must not result in long-term ponding and further, shall provide storage at a similar, or lower level than that of the area being filled.
5. Unless it is demonstrably inappropriate, architecture shall be traditional in nature with detailing and fenestration appropriate to the style.
6. Landscaping shall be so devised as to provide buffers for adjacent uses, shade for parking areas and with energy conservation and environmental protection in mind.
7. HVAC units, solid waste and recycling receptacles and other utilities shall be screened from view either through architectural means or landscaping and shall be located so as not to be prone to flood damage.
8. Parking areas shall be broken up by landscaping, pedestrian facilities etc.; loading areas shall be located & devised so as not to be obtrusive. Site servicing shall be developed and managed so as to minimize negative impacts of storm run-off and to maximize ground water recharge where possible;
9. Site servicing shall be developed and managed so as to minimize negative impacts of storm run-off and to maximize ground water recharge where possible;
10. Consideration of P-8.2.7.

The validity of this process shall be underwritten by professional analysis, supervision and certification. Further, digital mapping of modified topography shall be provided such that flood risk mapping may be suitably updated.

P-4.6.9 In addition to the requirements of P-8.2.7, submissions under this section must include:

1. An hydrological report, prepared by a firm competent in the field, confirming that the various terms herein have been met and including:
 - a. Existing conditions based on up to date, detailed surveying;
 - b. Proposed cut and fill contours, building footprint(s) and opening elevations;
 - c. Revised modeling based on the latest version of HEC-RAS 3.1.X or equivalent. Note however that a correction factor shall be included to account for best estimates of sea level rise and increased flood surge action;
 - d. Detailed instructions with regard to specific measures required for implementation of this section;
 - e. Architectural, landscape and site servicing drawings sufficient to demonstrate adherence to the requirements of this section. These shall be approved and stamped by the consulting engineer.
 - f. Submission of a soil erosion and sedimentation prevention plan;
 - g. Submission of a remediation plan for 'cut' areas, including proposed topsoil depths, planting materials and planting schedule;
 - h. Confirmation by a registered professional engineer, competent in the field, guaranteeing field review of construction;
 - i. Any agreement entered under this section shall include a "save harmless" clause waiving the Town from future responsibility related to development under this section.

2. **On project completion, the professional(s) responsible for field review of construction shall supply the following:**
 - a. **A certificate confirming that the work was carried out in accordance with the agreement.**
 - b. **Hard copy and digital mapping indicating the revised Floodway and Floodway Fringe boundaries.**
3. **Where the complexity of the project merits it as determined by Council, peer review will be required for submissions. Fees related to this shall be paid by the applicant.**

Town Lands & Improvements Within the Floodway

As the Town owns, or manages, considerable lands within areas designated as Floodway and Floodway Fringe, it is incumbent that the Town manage these lands in harmony with the intent of the SPIF wherever Municipal Operations permit.

P-4.6.10 It shall be the intention of Council to manage the use of Town owned lands in a manner which is respectful of the SPIF.

Wetlands and Areas of Steep Slopes

Wetlands, long thought to be worthless due to low development potential are, in fact, a great asset to the Town. During periods of heavy rain, wetlands absorb large quantities of water thus reducing flooding and erosion. During dry periods, water filters through the bogs maintaining a high water table. More visibly, wetlands provide maintenance-free wildlife habitat and green space within the Town. The soil conditions in Antigonish generally feature a thin layer of topsoil over a clay substrata. In order that erosion, and problems associated with it, may be reduced, areas with slopes above 33% on average over a distance of 50 feet have been designated conservation.

P-4.6.11 It shall be the intention of Council that areas with slopes exceeding 33% over 50 feet, and areas identified as wetland areas, shall be designated Conservation on the Generalized Future Land Use Map and zoned Conservation (O2).

P-4.6.12 It shall be the intention of Council that lands designated on the Generalized Future Land Use Map as Conservation shall be used for the preservation and conservation of the natural land as open space. The uses permitted by the Land Use Bylaw shall be limited to agricultural and passive recreational areas.

P-4.6.13 It shall be the intention of Council to permit development in areas identified on the GFLUM as having slopes between 20% and 33% on average over 50 feet provided that the site is landscaped in accordance with the provisions of the Land Use Bylaw in order to prevent erosion.

- P-4.6.14** Notwithstanding anything else in this Part, it shall be the intention of Council that where lots are partially designated Conservation, parking may be permitted in the lands designated Conservation provided that the area is not filled or the contours changed significantly and the parking area is constructed so as not to impede the flood water causing increased flooding or drainage problems elsewhere.
- P-4.6.15** It shall be the intention of Council that where lots are partially designated conservation, the area zoned conservation may be included in the calculation of the lot area.
- P-4.6.16** It shall be the intention of Council that, notwithstanding the conservation requirements, the Land Use Bylaw shall provide that no building or structure shall be built within fifteen (15) feet of the rim of a watercourse.

James Street Conservation Area

Over the years, development has made a steady encroachment on the wetlands between James Street and the Trans-Canada Highway. This, in combination with drainage works, have left the vast majority of this area dry. It does, however, serve a purpose as a visual buffer against the highway and still provides some wildlife habitat, primarily for birds. In an effort to preserve these functions without stifling commercial enterprise, any new development must include plans to have a minimum of 25% of the lot landscaped or left in a natural state.

- P-4.6.17** It shall be the intention of Council establish the James Street Conservation Area where development will be contingent on providing 25% site coverage in natural and/or enhanced landscaping. This area will be displayed on the Generalized Future Land Use Map and on the Zoning Map as "James Street Conservation".

SECTION 5 – TRANSPORTATION

5.1 Streets

A hierarchy of streets and standards for their development has been incorporated into the plan which intends to provide efficient movement of the automobile while minimizing their negative impact through segregating local and through traffic wherever possible.

The Subdivision Bylaw for the Town of Antigonish will stipulate intersection, street and cul-de-sac characteristics.

- P-5.1.1** In order to discourage through traffic from penetrating residential neighbourhoods, it shall be the policy of Council to implement Map 6 - Transportation Plan, and the standards in Table 2 - Hierarchy of Streets Guidelines.
- P-5.1.2** The roads indicated on Map 6 which are not in the Town of Antigonish are an important component of the town's road network and, therefore, every effort shall be taken by the Council to ensure that the two systems work harmoniously.
- P-5.1.3** The right-of-way for the arterial by-pass road as shown on Map No. 3 - Transportation Plan, shall be developed when traffic volumes and financial resources warrant. Any road design shall address flooding concerns. In addition, efforts to acquire a right of way for a second access to the hospital shall be encouraged.
- P-5.1.4** It shall be the intention of Council to acquire additional right-of-way only where the existing is inadequate to permit an upgrading of the road to a standard of pavement width and with such sidewalks as its function dictates.
- P-5.1.5** It shall be the intention of Council to give priority to construction of sidewalks and streets leading to community facilities, schools and recreation areas, and on all arterial and collector roads.
- P-5.1.6** It shall be the intention of Council to ensure through the Subdivision Bylaw that all future roads are designed and built to a high standard.

Table 2 - Hierarchy of Streets Guidelines

FACILITY	FUNCTION & DESIGN FEATURES	R.O.W.	PARKING	SIDEWALKS
Arterials and major collectors	Major carriers of inter-municipal traffic. Provides access routes for major traffic generators. (Includes provincially numbered highways). These streets are continually used by through traffic as well as local uses. The high volume of traffic may necessitate special traffic control features such as traffic lights	66 feet to 100 feet	Limited on street parking land uses.	Both sides in urban area where there is access to adjacent.
Minor collectors	Conduct traffic from local streets to higher order streets and pro-access to adjacent uses. Function of roads may have to changes from primary access to through traffic movement during peak flows. Controls of signals and stop signs and caution indicators may be necessary. In order to assume adequate visibility, controls may be needed in front yards.	50 feet	Parking may be restricted during peak flow	One or both sides depending on land use and traffic volumes
Local Streets	Provide vehicular and pedestrian access to abutting uses. Through traffic should be discouraged from using local streets.	50 feet	Generally parking on one side only	Generally, none are needed
Cul de Sac	Used on hard-to-develop land. To be used where necessary. Optimum length 350 feet without emergency access, 700 feet with emergency access.	As above	As above.	

SECTION 6 - ENVIRONMENTAL HEALTH SERVICES

6.1 Water Services

At present the town is served by two reservoirs. A 0.8 million and a 1.2 million gallon reservoir at Brierly Brook and Bay Street respectively. This is fed by a 40.6 cm diameter transmission main that transfers water by gravity from the James River with an in-river intake and dam at an elevation of 99 m above sea level. In addition, the supply line is interconnected with the existing distribution system at MacIsaac Road.

The lands involved in the watershed for the most part are government owned (either by the province or the town) in order to properly manage the land with respect to tree harvesting, the town has entered into discussion with Forest Industry Operators on management contracts.

P-6.1.1 It shall be the intention of Council to properly maintain and upgrade the Water Distribution System as required.

Two wells, to be commissioned in the spring of 1996, were drilled to the North of MacLellan St. near the banks of the Wrights River. These wells will provide additional water to the James River supply in times of dry weather. An aquifer protection plan is being developed which will provide guidelines for the long term protection and management of the aquifer. Integral to this approach will be the identification and regulation of potentially hazardous activities that could adversely impact wells or the well field itself.

A boundary for the critical recharge area of the well development has been established based on a modest pumping rate at the wells. Of the total 141 acres identified as being the critical recharge area for the Wrights River Well Development, 31 acres fall within the Town. The boundary of the protected area for the well development is not static. Through a long-term water quality monitoring program, it may be determined that the area be either increased or decreased in size. If so, it is important that the areas identified as being critical for the aquifer recharge around the wells remain protected by applying policies to the expanded or reduced areas requiring protection.

Given that within the area defined as forming the aquifer recharge area we find R1, R3 and O2 zones as well as the Flood Fringe designation, aquifer protection will be handled by overlaying an aquifer protection area which will be outlined on both the Generalized Future Land Use Map as well as the Zoning Map.

A joint water agreement has been signed by the Town and County which addresses operational parameters for the well development.

P-6.1.2 It shall be the intention of Council to establish the area of land deemed to be critical to aquifer recharge for the Wrights River Well Development as the "Aquifer Protection Area". The area will be displayed on the Generalized Future Land Use Map and on the Zoning Bylaw

as such. Furthermore, provisions in the Land Use Bylaw will govern all uses falling within the Aquifer Protection Area so as to prevent contamination of the aquifer.

- P-6.1.3** It shall be the intention of Council to support an ongoing monitoring program for the Wrights River Well Development to acquire information on the effects of pumping on the ground water characteristics and to detect possible points of contamination.
- P-6.1.4** It shall be the intention of Council to review and amend the Land Use Bylaw to reflect the findings of subsequent studies which provide more certainty as to the location of the aquifer recharge area boundaries or where evidence shows that additional restrictions on use are required.
- P-6.1.5** It shall be the intention of Council to adopt a plan of emergency response as developed under the Aquifer Protection Plan to provide a rapid, systematic and effective response to any accidental event which by its nature could have a detrimental effect of the Wrights River Well Development.
- P-6.1.6** It shall be the intention of Council to set the boundary of the Aquifer Protection Area along existing property boundaries wherever the technical evaluation proposes the boundaries to be near or similar to existing property lines.

6.2 Sewer Services

The Town of Antigonish and portions of the county adjacent to the town boundaries are served by a central sewage collection system and treatment plant. All streets within the Town of Antigonish are served by sanitary sewers. In recent years the demand for services in the fringe areas has grown.

The existing collection system in the Town of Antigonish is basically a sanitary type of system with the initial installation beginning in the late 1940's. The older sewers within town handle some extraneous flows during peak storm runoff periods. These flows probably result from surface water connections, footing tile drains and infiltration. Work is ongoing to determine where the overflows are occurring.

The aerated lagoon treatment system was installed in 1972. This type of treatment plant can handle shock loads created by wet weather flows without upsetting the treatment process. In general, the sewage collection system and treatment plant serve the town and adjacent county areas adequately but a comprehensive study is under way. Additional storm sewers are required on streets which are not presently served.

P-6.2.1 It shall be the intention of Council to install storm sewer lines in streets which are not now serviced by such systems. New installation will only be undertaken when the financial capability of the town so permits.

P-6.2.2 It shall be the intention of Council to undertake the improvements to the Town's sanitary sewer system and treatment plant as required to adequately service the town. Said improvements shall be undertaken as the financial capability of the Town so permits.

6.3 Solid Waste Disposal

There is presently no town sponsored garbage collection in the Town of Antigonish. Several independent contractors are active in the town, and use the sanitary land fill site owned by the Municipality of Antigonish in the Beech Hill area. The town has a five-year agreement with the County expiring in 1996 which enables the private contractors to use the site.

P-6.3.1 It shall be the intention of Council to participate in a joint solid waste disposal facility with the County of Antigonish as long as it is economical to do so.

P-6.3.2 It shall be the intention of Council to periodically review the economic benefits to the town residents of contracting through a private company to provide garbage collection services.

The Town has been actively reviewing the issues surrounding solid waste reduction and re-use. As part of the Regional Solid Waste Management Study initiated by the Province, the Town is moving toward being a centre for recycling.

P-6.3.3 It shall be the intention of Council to present itself to the provincial and regional authorities as a centre for regional recycling and take an active role in developing recycling options in the Town.

SECTION 7 - OTHER MUNICIPAL CONCERNS

7.1 Education

There are two schools in the Town of Antigonish under the jurisdiction of a District School Board. The Board administers Braemore School at the corner of Braemore and Xavier Drive, which teaches from Primary to Grade 5. The Board also administers the Regional High School which has classrooms from Grade 9 to 12. Students from Antigonish County also attend the Regional High School. A new Junior High School is slated to begin construction in the fall of 94. This school is to be located on the Highland Drive extension just beyond the Town's boundary. It too will serve both Town and County residents and be under the jurisdiction of the District School Board.

P-7.1.1 It shall be the intention of Council to monitor the quality of education afforded the residents of the town and to communicate with the Antigonish District School Board on issues of importance to the town.

P-7.1.2 It shall be the intention of Council to cooperate with the School board in working to establish the new Junior High School so that it may best serve the needs of the community.

7.2 Protective Services

Fire

The town is serviced by a volunteer fire department of 42 men. The Fire Hall on Sydney Street is centrally located within the town. There are three pumpers, each are equipped with radios, 840 1.GPM pumps and Deluge Guns. There is also a 1941 International Truck with a 500 gallon capacity, tank and hose and finally an aerial ladder truck.

P-7.2.1 It shall be the intention of Council in establishing land use zones, in considering amendments to the Land Use bylaw and in designing or amending other bylaws to promote fire safety and firefighting efficiency through such provisions as:

- a. Ensuring that no building is approved whose heights would exceed the limit imposed by the effective capacity of the town's firefighting equipment except where the building includes fire protection equipment as an integral part of its design, and fire escapes to the satisfaction of the Fire Marshal or his representative.**
- b. Providing side yards sufficient to permit access for firefighting equipment and to prevent the spread of fire.**

P-7.2.2 It shall be the intention of Council to continually monitor the needs of the fire department to provide an adequate level of fire protection to the residents of Antigonish and to negotiate with the Municipality of the County of Antigonish regarding the protection of the surrounding areas where this will not interfere with the basic protection of the town.

Police Services

Policing in the town is the responsibility of the Town Council. The service to the Council is supplied by the RCMP under contract. The present agreement provides for eight officers stationed in the town. In addition, the town employs a bylaw enforcement officer who carries out the duties not covered by the RCMP contract.

P-7.2.3 It shall be the intention of Council to periodically review the contract arrangement with the RCMP in providing police protection to the town.

P-7.2.4 It shall be the intention of Council to provide bylaw enforcement capabilities to cover areas not provided for in the contract with the RCMP.

911 Emergency Response

In order to improve emergency response, the Province has undertaken the establishment of the 911 emergency response system. In anticipation of the implementation of 911, the Town has updated civic addresses and is investigating options for a response centre.

P-7.2.5 It shall be the intention of Council to assist the Province in their endeavors to establish the 911 Emergency Assistance Program

7.3 Social Welfare

The Town of Antigonish has a contract with the Department of Social Services to provide a Social Worker to carry out the town's responsibilities in providing short term assistance. The level of support given by the town is reviewed yearly. In addition to their regular services, the town in conjunction with other parties is providing homecare services to the residents of the town. This is a much needed service in Antigonish given the large number of elderly in Town and it is Council's desire to assist them in staying in their homes as long as is possible.

P-7.3.1 It shall be the intention of Council to periodically review their Social Assistance Plan to ensure that a satisfactory level of assistance to the needy is maintained in Antigonish.

P-7.3.2 It shall be the intention of Council to assist the elderly in staying in their homes through the continuance of homecare service and other such efforts.

7.4 Inter-municipal Relations

The Town and County of Antigonish co-operate on a number of ventures ranging from homes for the aged to arena facilities. Committee, Commission or Board of Directors administrative systems exist for some aspects and others involve cost sharing without an administrative function.

The County of Antigonish adopted a Municipal Planning Strategy in 1991 for the areas around the town. This Strategy is based on the needs and aspirations of the area but does not reflect the same level of planning addressed by the Town Council. The presence of planning in the surrounding area is considered to be a benefit to the overall character and growth of the region.

P-7.4.1 It shall be the intention of the Town of Antigonish to co-operate with the County of Antigonish in any areas of mutual concern so as to provide optimum service to the residents.

P-7.4.2 It shall be the intention of Council to co-operate with the neighbouring municipalities to ensure that the town's concerns are adequately represented and that the town's position as a regional service centre is strengthened.

7.5 Urban Design

Many elements of the urban landscape contribute to the genial atmosphere of Antigonish; the older homes in the original neighbourhoods surrounded by large trees, the small scale of shops in the downtown area, the pleasant streetscapes in the newer areas. All of these together form the fabric of the Town. For the whole to be greater than the sum of the parts, the organization of land uses as well as provisions for their development and operation must flow from an understanding of our lifestyles and aspirations. Furthermore, effort must be directed to preserving those elements of the landscape which are in duress, specifically, the large houses and mature trees in the older neighbourhoods. While the establishment of the Heritage Bylaw will help preserve some of these houses, there is no similar remedy for the elm, now sick with dutch elm disease, which, until recently, lined our streets. In conjunction with Tree Plan Canada, the Town has established a tree nursery with trees being ready for transplanting around the year 2000. In the meantime, however, a tree committee continues to address the removal and replanting of trees within the Town.

- P-7.5.1 It shall be the intention of Council to continue to maintain the large mature trees in Antigonish and administer the tree planting program through the Town of Antigonish Tree Committee.**

- P-7.5.2 It shall be the intention of Council to participate in a Heritage Building Committee to encourage the identification and preservation of Historic Buildings as provided for in the Heritage Property Act.**

7.6 Annexation

The Town of Antigonish is, in planning terminology, under-bounded. That is to say, the boundaries of the Town do not encompass sufficient land to provide for the Town's reasonable growth. A 1989 study revealed that the Town had approximately enough land for the next decade. Since 1989, there has been a steady demand for residential construction within the Town amounting to the creation of just over 20 units per year. In reassessing the remaining available lands and presuming a similar rate of construction, there is now approximately a three year supply remaining. Subject to public acceptance, the new policies in this strategy could stretch this another two years. Conceivably, however, the Town could run out of developable land before the next planning strategy review!

Other factors which must be considered centre around water and sewer servicing issues. Both systems are operating at, or near capacity and are under review. Furthermore, both the Town and County are in the process of searching for alternative sources of water to bolster the present system's capacity. The results of these efforts in conjunction with a cost / benefit analysis will inform Council's decisions regarding the acquisition of additional lands for the purposes of future development.

7.6.1 Therefore, it shall be the intention of Council to continue to investigate options for extending the Town's boundaries in order that future growth may conveniently, and economically be provided within the Town.

7.7 Kennels

Council appreciates the importance of family pets both in terms of companionship and, in some instances, personal safety. As people increasingly choose to live without private automobiles, the ability to shelter pets within town, either periodically or daily is of growing benefit. Council understands however, that there may be nuisances associated with the boarding, care and training of pets. Accordingly, Council shall permit Kennels to be located in zones where the possibility of nuisance is minimized. Where a facility is proposed for a commercial area which permits residential accommodation, or where a proposal falls outside standard requirements for the use in an Industrial zone, the development agreement process will be utilized. Provisions will address the regulating of noise, appearance, traffic, overnight accommodation, outdoor training and socialization, and other related characteristics. In conjunction with these requirements, Council shall implement a licensing requirement for kennel operation.

P-7.7.1 It shall be the intention of Council to permit the establishment of kennels subject to provisions intended to address concerns including appearance, traffic, noise and neighbourhood impact.

P-7.7.2 Kennels shall be permitted:

- a. In the Industrial Zone, subject to provisions contained in the Land Use By-Law, or where circumstances do not favour application of the provisions contained in the LUB, through development agreement; and**
- b. In the Commercial Highway (C2) and James St. Commercial (C2-J), or by request in Industrial zones, through development agreement;**

P-7.7.3 Development agreements proposed under this section shall be subject to policy P-8.2.7. and, for purposes of reducing potential nuisance and detraction from the neighbourhood, consideration to the following:

- a. Proximity to existing residential uses;**
- b. The number of animals present on site at any one time including overnight;**
- c. Measures intended to limit nuisance noise;**
- d. Traffic, unloading and parking provisions;**
- e. Location of fenced area relative to adjacent uses;**
- f. Impact on the streetscape;**
- g. Mix of uses on the property and nearby;**
- h. The accommodation of overnight supervision;**
- i. Other Matters as the context may suggest.**

SECTION 8 – IMPLEMENTATION

8.1 The Strategy - Implementation and Interpretation

While Council is not bound to take any action indicated in the Municipal Planning Strategy, Council cannot take any action which would be in any manner inconsistent to the Strategy or at variance with it. In order to implement the Strategy, Council must take specific actions beyond the adoption of the Strategy. These actions are primarily the adoption and enforcement of other bylaws, particularly the Land Use Bylaw, and the approval of monies for expenditures required to implement the Strategy in the budget approval process.

It must be remembered that the Strategy is not a static document. Continuous review and study is an ongoing responsibility of Council. Major changes in circumstances as a result of Council's actions or other levels of government may necessitate amendments to the Strategy.

For example:

1. If the Trans Canada Bypass is constructed, it may be appropriate to change the land uses along the present highway, after study of traffic volumes, turning movements, etc.
2. If the status of the RailTex Rail line changes providing access opportunities to the north east areas.
3. If annexation of areas of the county changes the size and shape of development opportunities.

P-8.1.1 The Policies of the Municipal Planning Strategy shall be implemented through a variety of means by Council as provided by the Planning Act, the Towns Act, and other statutes which may apply.

P-8.1.2 In addition to employing specific implementation measures, it shall be the intention of Council to maintain a program of ongoing planning through its Planning Advisory Committee. Such a program shall include the drafting or revision of town bylaws which deal with planning issues, review of questions related to the environmental effects of public work or development, and any other issues related to the growth and development of the town.

P-8.1.3 It shall be the intention of Council to require amendments to the policies and maps of this Municipal Planning Strategy under the following circumstances:

1. Where any major policy is changed;
2. Where a request for a zoning amendment is made and subsequent studies show that the Strategy should be amended;
3. Where the boundaries of the town are altered.

4. In this case, Council shall amend the Generalized Future Land Use Map to cover those areas and determine if any additional policies are needed to ensure appropriate development of the lands added to the town.

P-8.1.4 In order to provide for flexibility in the interpretation of the maps of this strategy, it is the intention of Council that, in interpreting the Generalized Future Land Use Map, an area immediately adjacent to a generalized land use designation may be considered for a zoning amendment to a use permitted within the adjacent designation without requiring a Municipal Planning Strategy Amendment, provided that neither the policies nor the intent of this strategy are violated. This policy does not apply to lands within the Conservation designation.

P-8.1.5 It shall be the intention of Council to include in the Land Use Bylaw provision for the general regulation of signage in all zones within the Town including a prohibition on certain types of signs and specific provisions for sensitive areas.

P-8.1.6 It shall be the intention of Council that where an oversight in the plan and bylaw preparation process results in a property being zoned inconsistent with the Strategy the zoning will be amended to reflect the policies of the Strategy.

8.2 Land Use Bylaw

Upon the adoption of the Municipal Planning Strategy, Council is required to pass a Land Use Bylaw for the purpose of carrying out the intent of the Strategy. As required by the Act, a Development Officer will be appointed by Council to issue development permits for developments which comply with the Land Use Bylaw. In addition, the Development Officer is empowered to approve minor variances made to the percentage of land which may be built upon, the setback requirements and the size of yards and open space. In addressing minor variances, the Planning Act will identify the process to be followed.

Given the rather subjective nature of planning, a strict program aimed at eliminating nonconforming uses and structures could impose undue hardship on those involved. For this reason, in the event of destruction of 75% or less of a property, owners are permitted to rebuild pursuant to Section 93 of the Planning Act. Furthermore, where properties containing a non-conforming use are destroyed to an extent beyond 75%, it will be possible to rebuild them through development agreement. This added measure will allow the Town some scope in bringing the nonconforming use closer to the intents of this strategy.

- P-8.2.1 In accordance with The Planning Act it shall be the intention of Council to continue to appoint and support a development officer who shall administer the Land Use Bylaw.**
- P-8.2.2 Council shall adopt a Land Use Bylaw which will set zones of permitted uses, development standards and other conditions of development, thereby implementing the Municipal Planning Strategy.**
- P-8.2.3 With regard to non-conforming structures, and structures containing a non-conforming use, it shall be the intention of Council that, pursuant to the Act, the following shall apply:**
- 1. non-conforming structures may be enlarged provided that the area of the enlargement meets the requirements of the Land Use Bylaw;**
 - 2. a non-conforming use of land and/or structure may recommence after a discontinuance of up to one year;**
 - 3. insufficient parking, in and of itself, shall not be held to invoke non-conforming status.**
- P-8.2.4 Notwithstanding P-8.2.3, and pursuant to section 94 (2-c) of the Act, non-conforming uses (except for mobile homes) which are destroyed to an extent totaling more than 75% of their value may be rebuilt through development agreement, however, there shall be no extension of the non-conforming use.**
- P-8.2.5 In considering amendments to the Land Use By-law, or Development Agreement Applications, Council shall have regard to the following:**
- 1. That the proposal is in conformity with the intents of this Plan and other relevant Town policies or by-laws;**
 - 2. Implications for infrastructure and services such as fire protection, water, sewer(s)**

- and road networks;
- 3. Implications for facilities such as schools, hospitals and recreation amenities;
- 4. Potential impacts on natural water systems such as contamination, erosion or sedimentation;
- 5. The potential for negative impact on civically important buildings, sites or streetscapes;
- 6. The potential for negative impact on existing neighborhoods;
- 7. Where the amendment is a re-zoning, consideration shall be given to the impact of permitted uses in relation to the location of the site;
- 8. Consistency with the “Antigonish Vision Statement”; and
- 9. Any other relevant matters of planning concern.

Site Plan Approvals⁸

Certain developments within designated areas may be desirable due to innovation and opportunity, but may have somewhat greater impact on the Town due to size, use, location, etc.. Such developments must achieve prescriptive requirements in accordance with the Land Use By-law, and are subject to notification policy P-8.2.10, in order to manage any impacts, and to ensure the highest possible quality. These prescriptive requirements will cover the following:

P-8.2.6 It shall be the intention of Council in considering any site plan approval enabled by various policies contained in this Municipal Planning Strategy to have regard to the following matters, as prescribed in the Land Use By-law:

- 1. the location of structures on the lot;
- 2. the location of off-street loading and parking facilities;
- 3. the location, number and width of driveway accesses to streets;
- 4. the type, location and height of landscaping elements;
- 5. the retention of existing vegetation;
- 6. the location of walkways, including the type of surfacing material, and all other means of pedestrian access;
- 7. the type and location of outdoor lighting;
- 8. the location of facilities for the storage of solid waste;
- 9. the location of easements;
- 10. the grading or alteration in the elevation or contour of the land and provisions for the management of storm and surface water;
- 11. the type, location, number and size of signs or sign structures;

⁸ 94-61

12. provisions for the maintenance of any of the items referred to in this subsection.

Development Agreements

Certain developments, while desirable, may potentially have a negative impact on the Town due to size, use, location etc.. In order to mitigate negative effects and to ensure the highest possible quality, development agreements will be used in these instances.

P-8.2.7 It shall be the intention of Council in considering any development agreement enabled by various policies contained in this Municipal Planning Strategy to have regard to the following matters:

- 1. Review of submissions which shall include, but may not be limited to, the following:**
 - a. Scaled plans indicating existing characteristics of the site including: lot dimensions, topography, natural drainage, structures on or adjacent the site, vegetation, adjacent public ROWs and existing municipal sewer and water facilities as well as any other public utility facility;**
 - b. Scaled plans indicating proposed location and use of all buildings or structures including elevations of same, sewer, water and storm drainage provisions, loading, parking, and outdoor facilities and all landscaping.**
 - c. A written outline of proposed measures intended to satisfy the intent of applicable policy and/or by-law requirements.**
- 2. That the proposal is in conformity with the intents of this Plan and that consideration be given to policy P-8.2.5.**
- 3. That any Agreement devised under policies contained herein contain provisions, appropriate to the proposal, as permitted under Section 227 of the MGA**
- 4. At the discretion of Council, security bonding related to landscaping, building construction or servicing may be required. (Obligatory as of September 16, 2004)**

P-8.2.8 In considering planning amendments, re-zonings or development agreements, it shall be the intention of Council to:

- 1. Refer the matter to the Planning Advisory Committee for their review;**
- 2. Refer the matter to the appropriate provincial government departments where, either, they may have an interest or where special advice is required.**

Notification⁹

In order to better inform the public, it is intended that specific forms of notification will be required of site specific re-zonings, development agreements and/or development through site plan approval.

P-8.2.9 In considering re-zonings or development agreements, it shall be the intention of Council to require neighborhood notification by the following means:

- 1. Placement of a sign on the site in question. The size, content and location of which will be determined by the Development Officer.**
- 2. In instances where a sign would not be effective, surrounding property owners shall be notified in writing.**
- 3. Such notification shall be at the developer's expense and shall be in place prior to any consideration of the proposal by the PAC.**

P-8.2.10 In considering development through site plan approval it shall be the intention of Council that the site plan approval notification area be set at 30m (100') around the perimeter of the property which contains the proposed development or private parking lot.

- 1. Such notification shall be at the developer's expense.**

⁹ 94-61

8.3 Subdivision Control and other Municipal Bylaws

The limitations associated with using subdivision regulations as administered by the Province have led Council to the conclusion that the adoption of a Subdivision Bylaw would be in the best interest of the Town.

P-8.3.1 It shall be the intention of Council to adopt a Subdivision Bylaw pursuant to the Planning Act. The Subdivision Bylaw, when approved, will outline the responsibilities of the developer when subdividing land. These responsibilities shall include the construction of roads, the installation of water and sewer lines and the dedication of open space.

In order to promote the reasonable subdivision of land, certain relaxations have been provided for. The first allows lots which have contained more than one main building to be subdivided without meeting the regular requirements of the Land Use Bylaw in order that the buildings may be sold, renovated etc.. The second attempts to maximize the number of lots which can be created from a parcel of land by allowing a slight frontage and area relaxation for up to two lots.

P-8.3.2 It shall be the intention of Council that the following relaxations from the requirements of the Provincial Subdivision Relaxations shall be permitted pursuant to the Planning Act:

- 1. Where a lot of land contains more than one main building built or placed prior to the implementation of the Zoning Bylaw in 1978, the approval of a final plan of subdivision showing the same number of lots or fewer as there are main buildings provided that no more than two undersized lots are created and to permit the continued use of these lots;**
- 2. The approval of a plan of subdivision pursuant to section 107 of the Act with a maximum of two lots which do not meet the lot dimensions for frontage and/or area provided that the lots being created are within 90% of the Land Use Bylaw requirements and to permit the use of these lots in conformance with the other requirements of the zone;**
- 3. Notwithstanding subsection 2, no R2 lot to be used for the purposes of a detached dwelling shall be created which features less than 35 feet of frontage.**
- 4. The creation of one or two lots, and a remainder lot if any, which does not front on a public street.**

P-8.3.3 Deleted (See #94-6)

P-8.3.4 Council shall review and amend where necessary, its Mobile Home Bylaw, the Residential Properties Standards Bylaw, and the Building and Grounds Maintenance Bylaw to ensure a

high standard of development and maintenance of property in Antigonish. Furthermore, it shall be the intention of Council to enforce its bylaws to achieve these ends.

The town in 1990 adopted the 1990 National Building Code as amended as their Building Bylaw.

P-8.3.5 It shall be the intention of Council to require, through the Building Bylaw, a location certificate upon completion of a foundation which will verify the siting of a building prior to completion to ensure compliance with the development permit.