

Baddeck

Municipal Planning Strategy and Land Use By-law



August 17, 2009

Baddeck

Municipality of the County of Victoria

**Municipal Planning Strategy and
Land Use By-law**

First Reading – August 17, 2009

MUNICIPAL PLANNING STRATEGY
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BADDECK

MUNICIPAL PLANNING STRATEGY

CHAPTER 1 - SETTING

A. Introduction

This Municipal Planning Strategy for the Baddeck Planning Area, located within the Municipality of the County of Victoria, has been reviewed and prepared in accordance with the provisions of the Nova Scotia *Municipal Government Act*.

This Municipal Planning Strategy, herein known as the Strategy, along with the Land Use By-law have been prepared under the guidance of Council, while the actual preparation and formulation of the documents were carried out by the County's Planning Advisory Committee. They were given the responsibility of eliciting public participation and the actual preparation of the two documents: the Municipal Planning Strategy (MPS) and the Land Use By-law (LUB). The Baddeck Planning Advisory Committee invited resident's participation by holding several public meetings and open houses to support the planning process, while providing information on the Internet.

This Strategy is intended to guide the decisions of Council with respect to the standards of development and the provision of public services and facilities within the Baddeck Planning Area, which includes the geographical area of the Village of Baddeck and generally the area where water and/or sewer services extend from the Village as well as Kidston Island. The general goals of this Strategy are to continue, to facilitate economic growth related to the tourism industry and provide an improved economic base which helps to support employment opportunities for both the residents of Baddeck and Victoria County. The strategy also reflects on the aspirations of the citizens and works towards protecting and enhancing the existing community, while encouraging social and economic growth and protecting the natural environment. This Strategy will attempt to enhance and maintain both the natural and man-made environment from unwanted or undesirable development that could occur within the Planning Area.

The policies adopted by Council in this document are intended to foster the previous goals. Implementation of these policies are intended to be carried out in several ways, the most important being through the Land Use By-law which sets out specific zones, the permitted uses and appropriate land standards. The second implementation mechanism is the Municipality of the County of Victoria's Subdivision Regulations, which control the subdivision of land, while the third mechanism is the Building Code, which contains standards that are designed to ensure proper safety and quality related to physical building activity within the Planning Area.

Throughout this document the Provincial and Local Context Maps (Maps 1 and 2 respectively), the Water and Sewer Map (Map 3), and the Generalized Future Land Use Map (Map 4), are referred to in various policy statements and thus constitute an important part of the Municipal Planning Strategy. The most important of these maps is the Generalized Future Land Use Map which is a graphic representation of the land use designations that are to be developed in accordance with the policies of this Strategy.

B. Context

The Baddeck Planning Area is located on the northern shores of the Bras d'Or Lakes, approximately 85 kilometres from the Canso Causeway to the west and 80 kilometres from Sydney to the east. The Trans Canada Highway (Highway No. 105) runs parallel to the Planning Area. The entrances and/or exits to the renowned Cabot Trail are located within the Planning Area. Refer to the Provincial and Local Context Maps (Maps 1 and 2).



C. Planning Area Boundaries

The Planning Area is generally bounded on the north by Big Baddeck Road and the Trans Canada Highway, the south by the shore of the Bras d'Or Lakes, to the east by the pond to the east of Crescent Grove, and to the west by Exit 8 on the Trans Canada Highway. The physical landscape which makes up the Planning Area is approximately 523 hectares, with a large portion of this land being developed. Development includes such land uses as residential, commercial, institutional, open space and recreational, with a limited amount of industrial activity. Kidston Island, which is located to the south of the Village, in the Baddeck Harbour has been incorporated into the Planning Area as a way of protecting the Village's natural environment.

D. Application

This Municipal Planning Strategy shall be known and may be cited as the Baddeck Municipal Planning Strategy and shall apply to that area identified as the Baddeck Planning Area within the Municipality of the County of Victoria as delineated on the Generalized Future Land Use Map (Map 4).

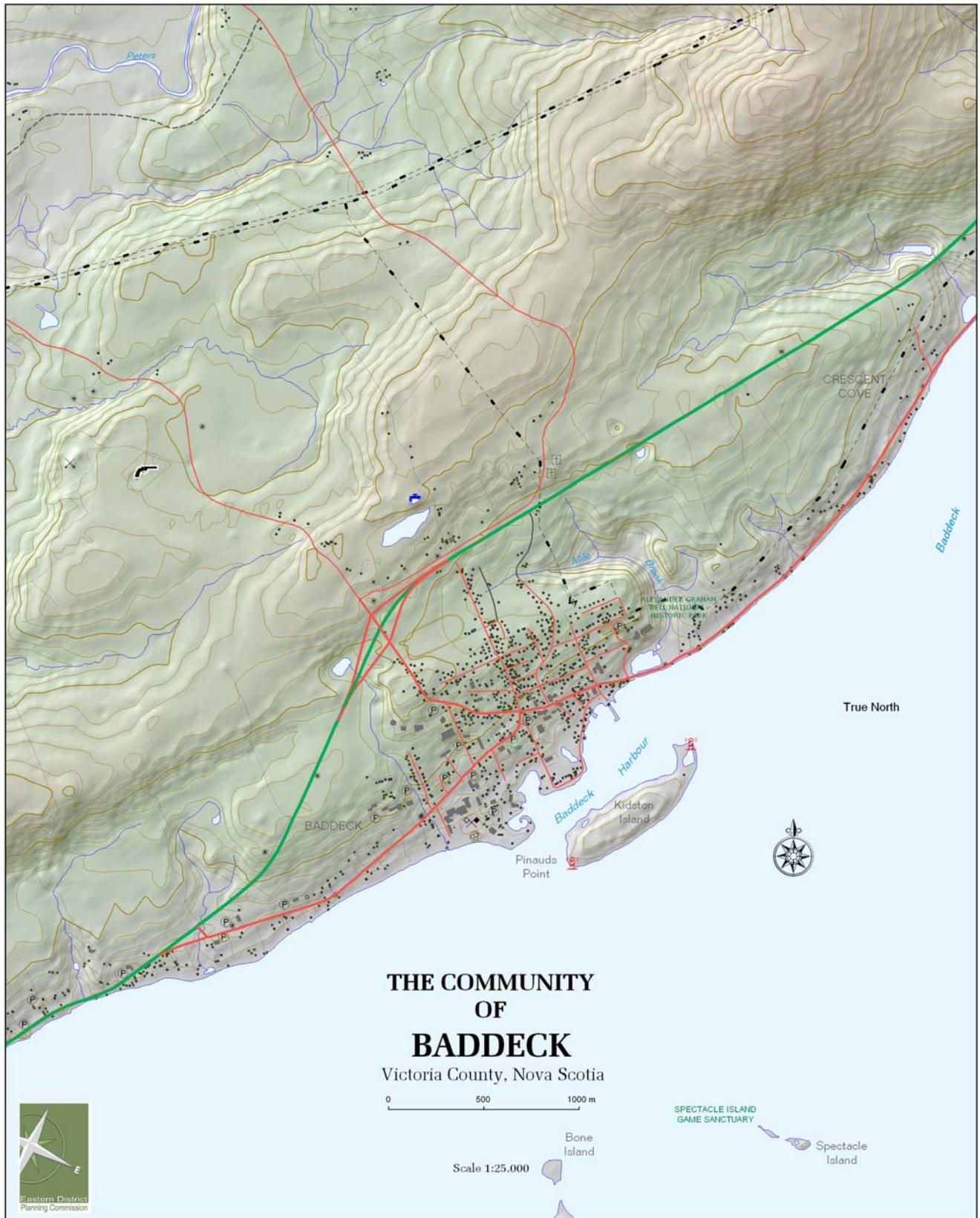
E. History

The picturesque Village of Baddeck, situated on the shores of the beautiful Bras d'Or Lake in the heart of Cape Breton Island, is one of the world's scenic masterpieces.

The name "Baddeck", according to some historians, is derived from the Mi'kmaq word "Abadak", meaning "place with an island near".

The earliest record of the white man is that of the French Catholic missionaries who arrived as early as 1629. Of these, the only person of whom there is any knowledge of, is the famed "Able Maillard" who had charge of all the First Nations People on the Island in the 1700's, and who is buried in the church yard of Old St. Paul's Anglican Church in Halifax.

Map 2 – Local Context



About 1790 the first English settlers, Captain Jonathan Jones and his family arrived from the United States following the American Revolution, after being given grants of Crown land in the Baddeck River area. This family was followed by other Loyalists and many immigrants from Scotland. Most of these people settled in the Big Baddeck and Middle River areas, where many of their descendants still reside.

The history of the actual Village began in 1839 with the settlement of two families on the mainland. Prior to this, a number of families settled on the adjacent island from which the Village received its name. The island was later renamed Kidston Island after the late Mr. William Kidston who, as history has it, was responsible for the separation of Cape Breton and Victoria Counties and who provided the site for the present Court House.

The first freight and passenger ship to come up the Bras d'Or Lake arrived in 1855. Later a number of new shipping businesses opened, as more and larger ships arrived. An extensive export business was established with Newfoundland and the French Island of St. Pierre. Chief exports were livestock and farm produce. New buildings were erected, and among these was the Telegraph House in 1860, which today is a prominent motel.

In 1885, Alexander Graham Bell and his family arrived in Baddeck and built their home on Beinn Bhreagh. This began a new era for the people of the Village. The Bells did a great deal to promote culture, sociability, and industry in the Village. In his mountain top laboratory, Doctor Bell conducted many experiments, built boats, and gave employment to many of the Village people, while Mrs. Bell did much to foster home industries, among them the hooking of rugs, which the Village of Chéticamp is famous for today.

Another family well known in Baddeck's history was the MacCurdys who contributed much to the growth and development of Baddeck. One of their direct descendants, the late J.A.D. MacCurdy, former Lieutenant Governor of Nova Scotia, made history on a cold day in February 1909, when he made the first airplane flight in the British Empire at the wheel of the famed "Silver Dart", taking off from the frozen waters of Baddeck Bay.

In the early days, Baddeck thrived. It boasted three newspapers - "The Telephone", "The Island Reporter" and later, "The Victoria News". It had five doctors, three lawyers, a drug store, two hotels, six stores, a Chinese laundry, two merchant tailors, marble and granite works, a brass band and band stand, plank sidewalks, and telephone facilities. The Court House was built in 1890 and the yacht club in 1902.

Even at this time the Village was not without traffic regulations. In 1886, By-laws were adopted by Municipal Council which stated that "any person who shall ride or drive a horse at full speed or in a disorderly manner in the public street shall forfeit a sum not exceeding \$5.00 or not less than \$1.00 for each offence."

In the early 1900's tragedy struck the Village twice. In 1908 a terrible epidemic of cholera struck, taking the lives of thirty-one people. On the eve of Labour Day in 1926, a disastrous fire broke out in a general store on Main Street. Fire fighters were hampered by the lack of equipment and before dawn, more than twenty buildings were destroyed.

Over the years, Baddeck has continued to prosper and today is a major tourist destination within the Province. New motels have been built and additions to existing motels have occurred, along with several new dining room restaurants, gift shops and other tourist attractions.

CHAPTER 2 - LAND USE POLICIES

A. Residential Development

1. Residential, Institutional and Recreational Uses

Baddeck as a Village represents the largest concentration of residential development in the County of Victoria. Statistics Canada (2006) identifies approximately 90% of the housing stock in the Village as single detached dwellings and less than 4% as semi-detached, duplex dwellings or apartments. Housing identified as movable dwellings (mini or mobile homes) made up the remaining 6%. Senior citizen housing and nursing homes providing special care, are not considered as part of the housing stock. Current housing within the Village is characterized by a high percentage of home ownership (85.5%), with fewer rental accommodations. At present, there is virtually no vacant housing within the Planning Area.

Land development patterns have been in existence for years and are characterized by a number of dead-end streets found throughout the Planning Area. Recently there has been a departure from such development patterns and several new subdivisions have been developed, which incorporate loop streets and cul-de-sacs. Land use conflicts have, as a result of the introduction of commercial uses in residential neighbourhoods, been non-existent. This Strategy will have, as one of its main objectives, a policy to ensure that the present stability of land use patterns within the community is upheld, and that residential policies will be developed which establish zones, permitting only those uses that are prevalent in, or do not represent, a significant threat to the uniformity of the existing residential neighbourhood. These policies are:

- Policy 1.1 It shall be the policy of Council to establish a Residential Designation as shown on the Generalized Future Land Use Map.*
- Policy 1.2 It shall be the policy of Council to establish in the Land Use By-law a "Residential Urban (R-1)" zone which shall apply to the residential portion of the Planning Area.*
- Policy 1.3 It shall be the policy of Council to permit within the Residential Urban (R-1) zone, the following or similar types of uses: single detached dwellings, duplex and semi-detached dwellings, converted dwellings up to and including three dwelling units, mobile homes, boarding homes, day nurseries, new dwellings up to and including three dwelling units, nursing homes providing special care, senior citizen homes, public recreational facilities including, (tot lots, parks and playgrounds), and institutional uses such as churches, museums, cemeteries, schools, hospitals, senior citizen clubs.*
- Policy 1.4 It shall be the Policy of Council to permit within the Residential Urban (R-1) zone existing non residential uses as identified in Appendix B of the Land Use by-law.*
- Policy 1.5 For the purpose of providing for the orderly development within the Planning Area, it is the policy of Council to establish development standards in the Land Use By-law. The By-law shall contain requirements for lot size, front, rear and side yards, maximum height of buildings and*

off-street parking. There are a number of situations where lots do not front a public street. Through a special provision in the Land Use By-law these lots will be entitled to have a development permit issued regardless of the Land Use By-law provision for lot frontage. Converted dwellings will be permitted, provided there is no addition or exterior alteration. Modifications in order to meet fire safety requirements shall be permitted. Converted dwellings and new dwellings containing up to three dwelling units will be required to provide landscaped amenity space.

Policy 1.6 It shall be the policy of Council to permit a development officer to grant a variance from the Land Use Bylaw pertaining to the height of the main building in the Urban Residential (R-1) zone.

Policy 1.7 It shall be the policy of Council to allow within this zone accessory buildings and structures based on required setbacks, specific height limitations and other provisions as established in the Land Use By-law.

2. Mobile Homes and Mobile Home Parks

Mobile Homes have traditionally formed a part of the Baddeck landscape. These mobile homes are located on individual lots, with the majority having adequate street frontage and lot area.

Council is of the opinion that, at present time, mobile homes should be treated the same as conventional single detached dwellings and permitted within the Residential Designation.

However, in the event there is a proposal for the establishment of a mobile home park within the Planning Area, Council will consider an amendment to the Land Use By-law to create a Mobile Home Park (MPH) zone, provided that certain criteria as listed in this Strategy are complied with.

In the event that a mobile home park is established within the Planning Area, Council will also consider amending this Strategy and the Land Use By-law to require that all new mobile homes locate within the mobile home park.

Policy 1.8 Within the Residential designation it shall be the policy of Council to establish in the Land Use By-law a “Mobile Home Park” (MHP) Zone which permits such uses as: mobile home park, mobile homes, public recreational uses including parks and playgrounds, mobile home park offices, maintenance equipment and storage facilities related and incidental to the operation of the park. Within the Mobile Home Park (MHP) zone, more than one building may be placed on a lot.

Policy 1.9 It shall be the policy of Council not to pre-zone any landholdings within the Planning Area for a mobile home park. However in the event that a mobile home park is proposed, Council shall consider an amendment to the Land Use By-law provided that the criteria found in Policy 6.8 is considered when evaluating requests for such a rezoning.

Policy 1.10 It shall be the policy of Council to consider the adoption of a Mobile Home Park By-law pursuant to the Municipal Government Act which

shall contain requirements for the developer of the mobile home park to provide private streets or roads, mobile home spaces including pads, private central water and sewer services, open space and/or recreational areas, maintenance facilities and refuse collection and storage facilities.

Policy 1.11 Upon the establishment of a mobile home park within the Planning Area, it shall be the policy of Council to consider amending this Strategy and the Land Use By-law to prohibit new mobile homes as a permitted use on individual lots within the Residential Designation.

3. Multiple Unit Dwellings

The housing market in Baddeck provides a reasonable amount of rental accommodations. In 2006 there were 255 rental units representing less than 15% of the housing within the Village of Baddeck. Multiple unit dwellings offer reasonably priced accommodations, while proving to be a more efficient use of land through increased density (housing units per acre). This in turn, helps to lower overall servicing costs for both private and public developments.

To some degree increased density can lead to problems in terms of its effect on surrounding neighbourhoods and on existing community services. It is important that the community's central water and sewer services are sufficient and that streets are able to handle greater traffic volumes efficiently and safely in neighbourhoods where multiple unit dwellings are present. Other services such as schools and recreational facilities must be able to meet the needs of a potentially rapid increase in neighbourhood populations due to the location of new multiple unit dwellings.

Although a large multiple unit complex is not expected to be constructed immediately, Council does recognize the importance of providing for a mixture of housing types within the community. Therefore, a separate zone will be established in the Land Use By-law which will permit multiple unit dwellings or converted dwellings containing four or more dwelling units as a permitted use in the Residential designation where servicing is available.

Policy 1.12 It shall be the policy of Council to establish in the Land Use By-law a Residential Multiple Unit (R-2) zone within the serviced portions of the Planning area and shall permit the following and similar types of uses: all R-1 uses, multiple unit or converted dwellings containing four or more dwelling units, and townhouses. Within the Multiple Unit (R-2) zone, more than one main building will be permitted per lot. New multiple unit dwellings will be required to provide landscaped space on the lot.

Policy 1.13 It shall be the policy of Council to require parking standards for multiple unit or converted dwellings containing four or more dwelling units. These standards must be higher than the standards for dwellings containing up to and including three dwelling units.

Policy 1.14 It is the intention of Council to permit multiple unit residential development or converted dwellings containing four or more dwelling units provided a site plan for the development, is approved by the Development Officer.

Policy 1.15 A site plan shall contain terms which reflect Council's intention to allow multiple unit residential development or converted dwellings containing four or more dwelling units which is compatible with adjacent development and with respect to the external appearance as addressed in the Land Use By-law.

Policy 1.16 It shall be the policy of Council to zone only the existing multiple unit dwellings or converted dwellings (containing four or more units) or town houses as R-2. Council shall consider rezoning by amendment to the Land Use By-law in order to permit new multiple unit dwellings or converted dwellings containing four or more dwelling units within the Residential Designation. In evaluating such proposals Council shall have regard to Policy 6.8 and the following:

- a) the lot to be used for the proposed development shall be located on a street serviced by the central water and the sewage collection and treatment system and that these systems are adequate to handle the increased demands from the proposed development;*
- b) the proposed use shall be compatible in terms of scale and bulk of the building with adjacent land uses;*
- c) the proposed use shall abut a public street or road which is capable of accommodating the increased traffic flow generated by the development;*
- d) the site of the proposed multiple unit dwelling shall be large enough to accommodate the required parking;*
- e) the proposed use will not over burden the capacities of the school or recreational facilities; and*
- f) the proposed dwelling is consistent with the criteria to amend the land use by-law in Policy 6.8.*

4. Home Occupations

Home occupations are common within small communities throughout Nova Scotia and Baddeck's Planning Area is no exception. These small businesses are operated in a dwelling, and usually require no outdoor storage, limited use of signs, and no activity which would have a detrimental impact on the surrounding residential neighbourhood. In most cases, the operator benefits from reduced start-up and operating costs, while residents can benefit from close proximity to the service or convenience.

These home occupations range from small personal service shops including barber shops and beauty parlours, artisan workshops, professional offices, offices for technicians such as plumbers, electricians, and other building trades.

Council is of the opinion that these uses are in keeping with the present community environment and are therefore a permitted use within the Residential designation, provided the scale remains small and the home occupation remains unobtrusive.

Policy 1.17 It shall be the policy of Council to permit in the Residential designation, business uses, day nurseries, professional offices, barber shops and beauty parlours, artisan workshops, offices for technicians such as plumbers, electricians and other building trades which uses are conducted within the place of residence provided that certain criteria are complied with, in regards to the following:

- a) the scale of the home occupation is limited in size;*
- b) there is no exterior mechanical equipment (except that required by the residential use);*
- c) adequate parking is provided;*
- d) there is a limitation on the number of employees;*
- e) any advertising device is small in size;*
- f) outdoor storage and display are prohibited; and*
- g) the business can be conducted unobtrusively.*

5. Tourist and Guest Homes

Throughout the Planning Area, there are a number of tourist or guest homes that provide overnight accommodations for the traveling public. These uses have very little impact on large scale tourist facilities and for the most part, cause few hardships for the surrounding residential neighbourhoods. However, Council is concerned that these uses be limited in size so as not to infringe on the residential neighbourhoods.

Policy 1.18 It shall be the policy of Council to permit Tourist or Guest Homes (Bed and Breakfasts) in areas zoned Residential Urban (R-1) provided that the use contains no more than six (6) sleeping rooms for overnight accommodation, is used as a residence by the operator, provides off-street parking for this use, and has an approved site plan by the Development Officer, for the proposed development. A limitation will be placed on the type and size of signs.

Policy 1.19 Notwithstanding Policy 1.18 it shall be the policy of Council to ensure the capacity of the centralized services are not exceeded, which would limit the size of any new Tourist or Guest Home (Bed and Breakfast) establishment or an addition to an existing use to a total maximum square footage and/or maximum lot coverage on any property located in any Residential zone to sixteen hundred (1,600) square feet and thirty (30) percent respectively except if the addition does not exceed twenty thousand (\$20,000.00) dollars in construction value.

Policy 1.20 It shall be the policy of Council to permit by way of a development agreement any Tourist or Guest Home (Bed and Breakfast) use permitted in any Residential (R-1) zone which exceed the limitations stated in Policy 1.18 and 1.19.

Policy 1.21 In considering a proposal for a development agreement as stated in Policy 1.20, it shall be a policy of Council to have regard to the following:

- a) the potential to adversely affect adjacent residential or commercial uses;*
- b) the architectural design, including the scale of any building and its exterior finish such that it is compatible with adjacent uses;*
- c) the adequacy of the total area proposed for outdoor storage and the adequately provisions of artificial or natural screening services with respect to the adjacent properties;*
- d) the adequacy of the community's central water and sewer services to handle the proposed development;*
- e) the impact of the proposed or expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance and exit to and from the site;*
- f) that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;*

- g) *the expanded or new use is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;*
- h) *the hours of operation; and*
- i) *the proposal complies with all other pertinent policies of this Strategy, including Policies 6.10 and 6.11 of this Strategy.*

Policy 1.22 A site plan shall contain terms which reflect Council's intention to only allow Tourist or Guest Home (Bed and Breakfast) to a maximum of six (6) sleeping rooms that is compatible with adjacent development. These terms are specifically addressed in the Land Use By-law. In addition, the Land Use By-law will contain regulation with respect to the external appearance of such development.

6. Recreational Uses

Baddeck has much to offer in recreational activities for both residents and tourists alike. Its proximity to the Bras d'Or Lakes makes it ideal for sailing purposes. The Yacht Club and boat storage facility along with a large, well maintained government wharf, makes the community a mariner's delight.

The Village of Baddeck has a small playground and playing field which is located adjacent to the school as well as a park located at the intersection of Old Shore Road and Twinning Street, providing additional recreational opportunities during the summer months.

During the winter months, recreational activities revolve around the village rink which provides an ice surface for figure skating and competitive as well as recreational hockey and curling. Snowmobiling and skiing are also popular during this season, while other winter indoor activities are carried on at the school.

In light of all this activity, Council's main concern is that the present level of recreational services will be sustained. Council also feels that the existing facilities require annual maintenance and upkeep.

Currently Baddeck is somewhat deficient in the number of tot lots within several residential neighbourhoods. Council does not own suitable land in Baddeck for such lots and it also lacks the financial capability to acquire and develop tot lots. One method which can be useful to overcome this problem is through the County of Victoria's Subdivision By-law. A policy could be added to the Subdivision By-law which would require that five percent (5%) of all lands being subdivided within the Planning Area can be dedicated to the Municipality and be used for park, playground or public purposes. In the event that land dedication is not suitable, the *Act* also enables Council to accept equivalent money or a combination of land and money depending on each individual subdivision application.

Policy 1.23 It shall be the policy of Council to investigate the benefits of amending the Subdivision By-law for the Municipality of the County of Victoria in order to include the dedication of land provision.

B. Commercial Development

1. The Central Business District

With the addition of many new buildings and the removal of others, the business core of Baddeck has changed quite extensively over the past several years. New buildings consist of a grocery store which was relocated from Chebucto Street to Twinning Street, and a new retail complex (craft and clothing facility) which is located in the midst of the business district on Chebucto Street. There are a few new restaurants which have also been added to the Village, along with a number of new or expanded gift shops. Several building restoration projects in the Village of Baddeck have also occurred. The Old Post Office building was restored, being partially rebuilt after succumbing to architectural weakness. Both the Lynnwood and Kidston Landing have been expanded in recent years in an attempt to assist with the increasing needs and wants of tourists visiting Baddeck.

The boundaries of the Central Business District designation have been altered since the creation of the original Municipal Planning Strategy and Land Use By-law. The Central Business District's boundary is characterized as the prime commercial area within the Municipality, but more importantly, within the Planning Area. Its boundaries extend eastward to the edge of the Planning Area along Chebucto Street and westward to encompass those properties on adjacent corners where Chebucto Street, Old Shore Road and Twinning Streets meet. The Central Business District is enclosed to the north by those properties which sit along the south side of Grant Street, with the exception of several residentially zoned lots. The southern boundary of this designation can be identified as those Commercial properties which are located directly along the south side of Chebucto Street.

In addition to this commercial development there are a number of residential uses which are located within the boundaries of the Central Business District. It is Council's intention to recognize these existing dwellings as permitted uses within the C-1 zone. If these dwellings are destroyed they may be rebuilt. However, to strengthen the concept of a vibrant Central Business District, Council will prohibit new single and two family homes which are intended to be located on individual lots within the Central Business District. Council will permit residential uses to be located in commercial buildings within the Central Business District as an accessory use. However, residential uses will be limited by certain restrictions, namely the percentage of square footage which may be occupied by the residential use depending on the street entrance to the building.

In the event that a new commercial building in the C-1 zone locates adjacent to a residential R-1 or R-2 zone, special setbacks will be imposed on the commercial use for outdoor displays and parking areas.

Policy 2.1 It shall be the policy of Council to designate the lands fronting on both sides of Chebucto Street and a portion of Old Shore Road, commencing at the intersection of Twinning Street and Shore Road on the south side and extending eastward to the edge of the Planning Area and on the north side, commencing just east of Twinning Street and extending eastward to the edge of the Planning Area, as the Central Business District designation as shown on the Generalized Future Land Use Map (Map 4).

- Policy 2.2 It shall be the policy of Council to establish in the Land Use By-law a “Commercial Business District (C-1)” zone. The majority of lands in the Central Business District Designation will be zoned (C-1) except for lands near both the eastern and western boundaries of the designation which will be zoned Residential Urban (R-1).*
- Policy 2.3 It shall be the policy of Council to permit within the Commercial Business District (C-1) zone the following and similar types of uses: Automobile service stations including a car wash and/or convenience stores; automobile sales, service and leasing facilities; banks and financial institutions; business and professional offices; churches and cemeteries; commercial schools; community centres; dry cleaning establishments and laundromats; freight offices; bus terminals; taxi stands; government offices and facilities; grocery stores; bakeries; hotels, motels and associated uses; building supply outlets; medical clinics; parking lots; places of entertainment; private clubs; radio and television stations and equipment facilities; repair shops; restaurants and take-out restaurants; retail stores; convenience stores; beverage rooms or lounges; museums and interpretive centres; and existing residential uses. Within this zone more than one Commercial building will be permitted on a lot.*
- Policy 2.4 It shall be the policy of Council to permit new residential uses within the same building as a commercial use and shall meet those specific standards as listed in the Land Use By-law with respect to the percentage of the floor space capable of being occupied by the residential use. The residential use shall not exceed twenty-five (25) percent of the total floor area at that level of the building fronting on Chebucto Street and shall be located at the rear of the building. All other levels of the building will permit one hundred (100) percent of either commercial or residential space. If a building fronts on an adjacent side street running perpendicular to Chebucto Street and is in the C-1 zone, one level of that building must be identified as the main level and will be permitted only twenty-five (25) percent residential floor space while the remaining levels will be permitted up to one hundred (100) percent of either commercial or residential area. In the case of a corner lot on Chebucto Street and a side street, the Chebucto Street level shall be the main commercial level with only twenty-five (25) percent residential as floor space.*
- Policy 2.5 It shall be the policy of Council to require special setbacks for outdoor displays, or parking areas when a Commercial Business District (C-1) Use abuts a Residential Urban (R-1) or Residential Multiple Unit (R-2) Zone. Additionally, special provisions will be contained in the Land Use By-law with respect to the minimum required lot frontage, the number, location, and width of driveway accesses and pump island setbacks for automobile service stations.*
- Policy 2.6 It shall be the policy of Council to designate the Commercial Business District (C-1) zone as an architectural controlled area within which new main buildings and additions/alterations to existing structures are subject*

to limited architectural controls implemented through the Land Use By-law.

Policy 2.7 To consider a proposal for development that falls within an architectural control area it shall be the policy of Council to include special provisions in the Land Use By-law to control architectural style, building length to width ratios, the appearance of exterior cladding and roofing materials, height, shape, the size of windows and doors, and sighting. These shall be examined in relation to existing development of adjacent properties and, in doing so, the Development Officer may take into account input from the Baddeck Planning Advisory Committee before a Development Permit is issued.

Policy 2.8 It shall be the policy of Council to require special setbacks for buildings and parking areas when a commercial use located within the Commercial Business District (C-1) zone abuts a residential use within a commercial zone.

Located on the southern side of Chebucto Street, between Water Street and the eastern side of the Village of Baddeck's wharf, within the Central Business District Designation, the Waterfront Commercial zone was created as a way to recognize the unique commercial activity and water related qualities of this geographical area. Comprised of businesses that are reliant on the nearby harbour, the commercial uses of this area range from marine supplies, to the yacht club and stores which make the Village wharf their home.

Policy 2.9 It shall be the policy of Council to establish in the Land Use By-law a Waterfront Commercial (C-4) zone which shall apply to those existing uses as zoned by Council along the south of Chebucto Street and between Water Street and the Village wharf.

Policy 2.10 It shall be the policy of Council to permit the following and similar types of uses in the Waterfront Commercial (C-4) zone: marina and marina facilities, museums, artisan workshops, galleries, interpretive centres with or without an associated retail use, picnic areas and facilities, recreational uses, restaurants (including licensed lounges), retail stores and kiosks (that are recreation or tourism related), yacht Club and associate uses, yacht and equipment sales, services and leasing facilities.

Policy 2.11 It shall be the policy of Council to require special setbacks for outdoor displays, or parking areas when a Waterfront Commercial (C-4) Use abuts a Residential Urban (R-1) or Residential Multiple Unit (R-2) Zone.

Policy 2.12 It shall be the policy of Council to designate the Waterfront Commercial (C-4) zone as an architectural controlled area within which new main buildings and additions/alterations to existing structures are subject to limited architectural controls implemented through the Land Use By-law.

Policy 2.13 It shall be the policy of Council to require special setbacks for buildings and parking areas when a commercial use located within the Waterfront Commercial (C-4) zone abuts a residential use within a commercial zone.

Policy 2.14 It shall be the policy of Council to waive parking requirements from the Waterfront Commercial (C-4) Zone except for building supply outlets, beverage rooms and lounges.

2. Parking in the Central Business District Designation

Parking and traffic congestion is not a major problem in the Planning Area except for the summer months when tourist activity is heavy. Some commercial ventures within Baddeck's business core provide off-street parking while others with restrictive lot sizes are unable. The original Planning Strategy (1984) provided an exemption for off-street parking. This exemption was intended to encourage new development to take place within the business core without having to meet parking requirements. Council, for the most part, foresees no reason to change this policy as it, along with others, have made it possible to improve the streetscape and expand the Central Business District. Therefore, parking provisions will be exempt from the Central Business District for all uses except grocery stores, building supply outlets, hotels and motels, beverage rooms and lounges.

Council in the future would also like to explore the possibility of developing a municipal parking lot in the Central Business District that would eliminate the need for any off-street parking on individual lots and to encourage a more pedestrian friendly atmosphere within the Village.

Policy 2.15 It shall be the policy of Council to waive parking requirements within the Commercial Business District (C-1) Zone except for grocery stores, building supply outlets, motels & hotels, beverage rooms and lounges.

Policy 2.16 It shall be the policy of Council to prohibit onsite parking in front of all new businesses along Chebucto Street in the Commercial Business District (C-1) zone, therefore all new parking will be required to be located along the side or rear of the lot.

3. General Commercial Designation

Even with a strong commercial core, there is a desire by Council to allow for Commercial uses in other locations of the Planning Area. The general commercial designation is comprised of three zones; that of the Highway Commercial zone, the Tourist Commercial zone and the Waterfront Commercial zone. Both the Commercial and the Tourist Commercial zones normally require large parcels of land for building massing, large parking areas and/or loading spaces, and are mostly uses which are not normally compatible with the Central Business District, while the Waterfront Commercial zone is comprised of those uses that are specifically unique to their waterfront or harbor location.

Policy 2.17 It shall be the policy of Council to establish a General Commercial Designation as shown on the Generalized Future Land Use Map.

Policy 2.18 It shall be the policy of Council to create in the Land Use By-law a General Commercial (C-2) Zone and will include only existing General Commercial (C-2) zoned properties located on Old Margaree Road and Campbell Street.

Policy 2.19 It shall be the policy of Council to permit within the General Commercial (C-2) zone the following and similar types of uses: retail stores; restaurants or take-out restaurants, professional offices, an automobile service station including a car wash and/or convenience store, display courts featuring uses similar to the following: swimming pools, prefabricated cottages, mobile homes and boats; private clubs, garden nursery sales and supplies, grocery stores, indoor/outdoor commercial recreational establishments, laundromats, professional offices, animal hospitals and veterinary facilities, funeral homes and recreational facilities.

4. Tourist Commercial

The most prominent commercial activity in Baddeck is the Tourism industry which is tied to the history of Baddeck and the natural environment surrounding the Bras d'Or Lakes. Traditionally, tourists have come from all over the world to experience the natural environment, the Village atmosphere and the history of this community.

One week every summer Baddeck celebrates "Regatta Week", which is an immensely popular festival for both residents and tourists alike. Boats from local marinas, Nova Scotia, Canada and afar, visit Baddeck to participate in a series of sailing activities, during this week long event.

Located on a hilltop overlooking the Village of Baddeck, the Alexander Graham Bell Museum, is another major tourist attraction, which is enjoyed by both residents and tourists. At present the tourism facilities within the Planning Area consist of the museum, motels and associated uses, several restaurants, gift shops, clothing stores, and antique shops. The majority of these uses are located on landholdings situated outside the Central Business District, more specifically along the Old Shore Road and the northeastern end of Highway 205.

Council is of the opinion that tourist uses are of a commercial nature and are usually located on larger parcels of land, outside the Central Business District. Council will

attempt to ensure that those identified properties, which are zoned Tourist Commercial, be maintained for tourist development in a manner which benefits the character of the Village, while ensuring that the capacity and function of existing services are not overburdened. This position is being taken in light of the large landholdings located along Shore Road. A large part of these landholdings remain vacant and the future development capacity of these lands could have a damaging effect on the community's underground services. Therefore Council will permit the development of Tourist Commercial uses only on a property zoned for tourist commercial uses and provided the proposed use or addition to an existing use does not exceed a specific square footage limitation or a maximum lot coverage. In the event the proposed use or addition to an existing use exceeds these limitations, Council will by way of a development agreement, consider the new use or the expansion to an existing use provided that certain criteria are complied with as stated by policy in this Strategy.

There will be one exception to this policy in the case where it is necessary to renovate buildings or to allow small additions to occur without having to go through a development agreement process. Council will therefore allow additions or renovations to existing buildings provided the expansion or renovation remains under a specified construction value.

Policy 2.20 It shall be the policy of Council to establish in the Land Use By-law a "Tourist Commercial" (C-3) zone which permits the following and similar types of uses: hotels, motels and tourist resorts, tourist cabins, tourist inns, restaurants, dining rooms, coffee shops, gift shops, spas and fitness facilities, laundry facilities, and residential uses accessory to the Tourist Commercial uses.

Policy 2.21 It shall be the policy of Council to zone properties along Old Shore Road as Commercial Tourist (C-3), while landholdings fronting on Old shore Road adjacent to the Tourist uses will be zoned (R-1) in keeping with its present use. Within the C-3 zone more than one commercial tourist building will be permitted on a lot.

Policy 2.22 It shall be the policy of Council to require that all proposals for new developments or additions to existing buildings within the Commercial Tourist (C-3) zone be examined by the Development Officer before a permit is issued in relation to: the adequacy of the Village's central water and sewer services to handle the proposed development and the impact it will have on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance/exit to and from the site. Proposals over a certain dollar value as set out in the Land Use By-law will be required to follow a development agreement process.

Policy 2.23 In considering a proposal for a development agreement as stated in Policy 2.22, it shall be a policy of Council to have regard to the following:

- a) the architectural design, including the scale of any building and its exterior finish such that it is compatible with adjacent uses;*

- b) *the adequacy of the total area proposed for outdoor storage and the adequately provisions of artificial or natural screening services with respect to the adjacent properties;*
- c) *the adequacy of the community's central water and sewer services to handle the proposed development;*
- d) *the impact of the proposed or expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance and exit to and from the site;*
- e) *that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact;*
- f) *the expanded or new use is not obnoxious by virtue of noise, odour, dust, vibration, smoke or other emission;*
- g) *the hours of operation; and*
- h) *the proposal complies with all other pertinent policies of this Strategy, including Policies 5.5 and 5.6.*

Policy 2.24 It shall be the policy of Council to identify Commercial General (C-2) and Commercial Tourist (C-3) Zones as architecturally controlled areas, and where any new main buildings or additions/alterations to existing structures are subject to limited architectural controls implemented through the Land Use By-law.

Policy 2.25 To consider a proposal for development that falls within an architectural control area it shall be the policy of Council to include special provisions in the Land Use By-law to control architectural style, building length to width ratios, the appearance of exterior cladding and roofing materials, height, shape, the size of windows and doors, and sighting. These shall be examined in relation to existing development of adjacent properties and, in doing so, the Development Officer may take into account input from the Baddeck Planning Advisory Committee before a Development Permit is issued.

Policy 2.26 It shall be the policy of Council to require special setbacks for buildings and parking areas when a commercial use located within the Commercial General (C-2) or Commercial Tourist (C-3) Zone abuts a residential use within a commercial zone.

Policy 2.27 It shall be the policy of Council to permit tourist and guest homes of 6 or more sleeping rooms in areas zoned Commercial Tourist (C-3) and as such shall be required to comply with Policy 2.22 of this Strategy.

6. Other Non Residential Uses Located Outside Designated Commercial Areas

There are a number of non-residential uses located outside of the designated Commercial Areas which predated the Municipal Planning Strategy. Council is of the opinion that these uses should be afforded protections beyond that of only legal non-conforming use status and therefore the uses have been identified and listed in an appendix as a use permitted in the Residential Urban (R-1) Zone.

There are two professional offices in Baddeck located outside the Central Business District and the General Commercial Designation - a doctor's office on High Street and a dentist's office on Duntulm Street. Council intends to allow these two existing professional offices to continue at their present location and shall zone each of these uses Residential Urban (R-1) but list them as permitted uses in the (R-1) zone. Council is of the opinion that all new professional offices should either locate in the Central Business District designation, the Commercial General zone or be considered a small scale home occupation within part of a residence. The appropriate location will depend on the size and location of the proposed use.

The Funeral Home located on Grant Street is another commercial use which is located in the Residential Urban (R-1) zone. This use is located on a property in the midst of a Residential neighbourhood. Council wishes to protect both the commercial business and the adjacent Residential uses, therefore this use will be zoned Residential Urban (R-1) and listed as a permitted use within the R-1 zone.

Policy 2.28 It shall be the policy of Council to zone existing Professional offices; the existing Funeral Home which is located on Grant Street; and the existing Masonic Lodge which is located at the corner of Grant and Queen Streets and the existing Veterinary Clinic located on Big Baddeck Road, Residential Urban (R-1) and to list specific existing businesses as permitted in the (R-1) zone.

Policy 2.29 It shall be the policy of Council to zone the existing Ambulance Depot located on Big Baddeck Road; and the existing Police Office located on Hillcrest Drive as Residential Urban (R-1) and to list the uses as permitted in the (R-1) zone.

Policy 2.30 It shall be the policy of Council to zone the existing Tourist Accommodations and the Grocery Store located on Shore Road as Residential Urban (R-1) and to list them as permitted in the (R-1) zone.

Policy 2.31 It shall be the policy of Council to only allow (i.e. permitted uses in the (C-1) and (C-2) zones) new professional offices to locate in the Central Business District designation or in an area available for General Commercial uses or, depending on the size, could also be considered as "a home occupation". If the use is considered a home occupation then the proposed use must comply with the appropriate criteria for a home occupation.

C. Industrial Development

1. New Industrial Development

Industrial development is limited in Baddeck. As a result, Council is rather reluctant to predesignate or zone areas for new industrial development without knowing the types of uses that could be proposed or the impact the proposed industrial development might have on the existing built up environment. Therefore, when a proposal for a new industrial development is presented, Council will give consideration to amending this Strategy and Land Use By-law to enable the proposed development to proceed.

Policy 3.1 It shall be the policy of Council not to predesignate or rezone any additional lands for industrial purposes. In the event new industrial development is proposed within the Planning Area, Council shall give consideration to amending both this Strategy and the Land Use By-law to allow for such use.

Policy 3.2 It shall be the policy of Council to zone the existing Welding Shop and Carwash both which are located on Shore Road; and the existing Autobody Shop located on Big Baddeck Road as Residential Urban (R-1) and to list the businesses as permitted in the (R-1) zone.

D. Open Space Development

1. Open Space

The Open Space designation supports the Village of Baddeck's initiatives at providing adequate resources and land for both active and passive forms of recreation. Baddeck recognizes the importance of supporting recreation within the Village, as such activities help to promote healthy lifestyles and environmental awareness within the community. Open Space within Baddeck will include Kidston Island and land which is used for recreational activities or conservation purposes.

Policy 4.1 It shall be the policy of Council to establish an Open Space designation.

Policy 4.2 It shall be the policy of Council to establish in the Land Use By-law a Conservation Open Space (O-1) Zone and to apply this zone to Kidston Island.

Policy 4.3 It shall be the policy of Council to permit within the Conservation Open Space (O-1) zone the following types of uses and those which are similar in nature to: boardwalks and nature interpretation stands; conservation projects; and walking or hiking trails (beach and accessory use; washroom facilities).

Policy 4.4 It shall be the policy of Council to have no minimum lot requirements for developments in the Open Space (O-1) Zone.

CHAPTER 3 - PROVINCIAL AND MUNICIPAL SERVICES

A. Provincial Services - Transportation

1. Street Network and Alignment

The streets in Baddeck, which are maintained by the Department of Transportation and Infrastructure Renewal are in good condition, and with few exceptions are paved. There is some traffic congestion and lack of parking spaces along Chebucto Street during the summer months, but this is not viewed as a major problem.

There are several unsatisfactory intersections, one being where Duntulm Street and Grant Street intersect Jones Street. The problem here is that the two streets are relatively close together and accidents occur when vehicles leave both Duntulm Street and Grant Street at the same time. The intersection would be expensive to correct but because Duntulm Street is a cull-de-sac and does not generate a lot of traffic the potential traffic hazards are kept to a minimum.

Baddeck has a large number of dead-end streets, which are difficult to plough and can be dangerous to both pedestrians and vehicle operation. Should the only entrance to a street become blocked, there is no way for an ambulance or fire truck to get down the street in case of an emergency.

Several of Baddeck's dead-end streets can be corrected by connecting them to another street. Other dead-end streets will require the construction of a link road or an emergency exit so that in emergency situations, police, fire trucks and ambulances can gain access to a particular street.

Policy 5.1 It is the intent of Council to request and work with the Department of Transportation and Infrastructure Renewal to investigate some or all of the following means of eliminating many of the dead-end streets in Baddeck:

- a) construct road between Twinning Street and Ross Street;*
- b) construct road between Academy Street and Shore Road;*
- c) construct road between Alexander Street and Jones Street;*
- d) construct road between Academy Street and Ross Street;*
- e) construct road between Twinning Street and Queen Street; and*
- f) where these streets (listed above) cannot be extended, determine where emergency rights-of-way can be incorporated in the road network.*

The solutions listed above will not eliminate every dead-end street in Baddeck, but they will certainly help to make the Planning Area's transportation network more efficient.

2. Private Roads

As a result of the County of Victoria's Subdivision Regulations, private roads are permitted anywhere within the County. Council is of the opinion that the issue of private roads is not just a Baddeck issue but rather is an issue of County-wide importance. The

municipality feels that from both a planning and maintenance point of view, private roads create issues which need to be addressed through the Municipality's Subdivision By-law.

Policy 5.2 It shall be the policy of Council to continue to allow the creation of new private roads within the Planning Area subject to the requirements of the Municipality's Subdivision By-law.

Policy 5.3 It shall be the policy of Council that all development front on a public street or private road except as provided for in Policy 1.5 concerning existing lots.

Policy 5.4 It shall be the policy of Council to review the Municipality's Subdivision By-law with respect to the provisions for private road developments.

B. Municipal Services

1. Water and Sewer Systems

The Planning Area is served by a central water supply and distribution system owned and maintained by the Baddeck Village Commission and a central sewage collection and treatment system which is also owned and maintained by the Village Commission.

The existing domestic water supply for the Village of Baddeck has been extracted from Pete's Brook for nearly 70 years. Water is pumped approximately 2.5 kilometres from the Village to a filtration plant located on Big Baddeck Road. A treatment plant was constructed in 1974 and continues to treat domestic water, supplying the Village of Baddeck and surrounding areas with potable water year round.

For years, the Planning Area had been experiencing water quantity and quality problems but recent upgrading of the system resulted in adequate quantities of water and good pressure within the distribution network. New water distribution lines have been extended along Old Shore Road and lines have been replaced on Water Street.

The development potential in the Plan Area and the added strain on the water supply system during the summer tourism season may cause potential problems to the existing water supply system. In order to mitigate future problems with the water system, Council will monitor development through the issuance of rezoning applications, development permits and development agreements. Furthermore, Council will continue to assist the Village of Baddeck to investigate and secure a supplementary source of water, as well as maintaining open communications with the Village Commission to ensure the water system can properly service all development within the Plan Area.

The original Baddeck sewage treatment plant was constructed in 1971, but as development within the Planning Area began to increase, the original treatment plant became overloaded, especially during the summer tourism season. Recognizing the need for additional capacity and pollution prevention, the Municipality and the Village began investigating alternative waste water treatment options in 1997. Significant research and monitoring of the system determined the need for a sewage treatment system upgrade.

In May 2003, upgrading of the new sewage treatment plant was completed. The new system has a much greater capacity, ensuring that the plant will be able to meet the future needs in the Planning Area.

- Policy 5.5 It shall be the policy of Council to encourage the Village Commission to maintain and, when necessary, upgrade the water system to meet its present high level of operation as shown on the Water and Sewer Map - Map 3.*
- Policy 5.6 It shall be the policy of Council to approach the appropriate Provincial and/or Federal Governments to seek financial assistance in obtaining and securing a supplementary source of water for Village of Baddeck. A secondary source of water is required to meet the increase in water demand for commercial users during the summer tourist season.*
- Policy 5.7 It shall be the policy of Council to monitor new development within the Plan Area to ensure the adequacy of the central water and sewage collection and treatment systems.*
- Policy 5.8 It shall be the policy of Council to have ongoing discussions with the Village Commission to ensure the two centralized systems continue to have the capacity to service all existing and new development within the Plan Area.*

2. Police Protection

Police protection services are provided to the Municipality of the County of Victoria through a contract with the Provincial Attorney Generals' Department and the Royal Canadian Mounted Police. The local RCMP detachment is located in an office just north of the Trans Canada Highway on Hillcrest Drive and provides police protection to the Baddeck Planning Area.

- Policy 5.9 It shall be the policy of Council to encourage the efforts of the RCMP in providing police protection for both the residential and the business community within the Planning Area.*

3. Fire Protection

Fire protection services within the Planning Area are provided by the Baddeck Volunteer Fire Department. The department is located on Water Street near the intersection of Jones Street. The department contains meeting rooms, general offices and several pieces of fire fighting equipment. The Fire Department provides fire protection services to several communities located outside the Planning Area, while operating financially under a grant from the Municipality of the County of Victoria in addition to other sources of revenue raised voluntarily.

- Policy 5.10 It shall be the policy of Council to support, as funds permit, the efforts of the Baddeck Volunteer Fire Department in providing fire protection to both the residential and business community.*
- Policy 5.11 It shall be the policy of Council to hold annual discussions with the officials of the Baddeck and other County Volunteer Fire Departments. These discussions shall include but not be limited to, the needs of the Department in relation to both manpower and equipment.*

4. Education

Currently within the Baddeck Planning area there is one public school. The 26 classroom school, which is a part of the Cape Breton-Victoria Regional School Board, provides education services to students. There are approximately 28 teachers at the school who teach both the standard curriculum and special education programs. The school has audio-visual facilities in addition to a gymnasium. A large garage is located on the property which is owned and operated by the Cape Breton-Victoria Regional School Board, which is used to service the various school busses assigned to the school.

Policy 5.12 It shall be the policy of Council to monitor development within the Planning Area to support the School Board in the following areas;

- *To ensure a suitable teacher/student ratio is maintained;*
- *Encourage the maintenance of a high standard of education; and*
- *Is the intention of Council to encourage the School Board in its endeavors to provide classes for students with special needs.*

C. General Policies

1. Public and Private Utilities

Throughout many villages or communities equivalent to the size of Baddeck, it is not unusual to see public and private utilities located through out the community. These facilities (i.e. those in transportation, communication, water, gas or electrical sectors) provide a vital or essential service to the community. These utilities are often faced with having to locate equipment facilities or transmission lines in various sections of the community. Common examples of these utilities are Aliant building and accompanying facilities located on High Street, the Nova Scotia Power Corporation facility located on Old Shore Road, and the accompanying utility poles located throughout Baddeck.

In keeping with their importance, Council does not intend to place undue hardships on those utilities. Therefore, public and private utilities will be permitted in any zone within the Planning Area. However, if these utilities cease to operate, Council will consider allowing for the reuse of these properties by way of a Development Agreement.

Policy 5.13 It shall be the policy of Council to permit both public and private utilities in all zones within the Planning Area but to require such development to obtain a development permit. The proposed use will be required to meet the appropriate requirements of the zone in which it is locating. In the event that these utilities cease operation, Council shall consider a new Commercial use on the property by Development Agreement. In considering an application for a Development Agreement, Council shall have regard to the following:

- a) *the potential to adversely affect any existing adjacent residential or commercial uses;*
- b) *the architectural design, including the scale of the building, its exterior finish, and its compatibility with adjacent uses;*

- c) *total area used for outdoor storage and adequate provisions of artificial or natural screening devices;*
- d) *the impact of the new use on traffic volumes and the local road network, as well as traffic circulation, sighting distances, and entrances and exits to and from the site;*
- e) *that adequate buffering and setback distances are maintained from existing residential or commercial uses and that landscaping treatments may be included to reduce the visual impact; and*
- f) *the proposal complies with all pertinent policies of the Strategy, including policies as provided for in Policies 6.10 and 6.11 of this Municipal Planning Strategy.*

Policy 5.14 It shall be the policy of Council to prohibit utility scale wind turbines within the planning area.

2. Signage

Baddeck, like other tourist destination areas within the province, relies heavily on signage to inform the traveling public as to the type and number of facilities and services available within the community. Over the years signs have provided a much needed service to the tourist activity in Baddeck. Sign regulations as contained in past Land Use By-laws have not been a hardship to either the development community or the Municipal Council. However, with the recent introduction of portable signs (those on wheels) and flashing signs, some concern has developed. These signs are difficult to control, and it is therefore, felt that they should be prohibited altogether from the Planning Area. However, small wooden signs (not on wheels) will be permitted in the commercial zones.

Policy 5.15 It shall be the policy of Council to regulate the type, number, size, and location of any signs or advertisements displayed within the Planning Area, ensuring that they are safe, and that they are compatible with the tourist atmosphere of the community. Portable or flashing signs on wheeled framed structures shall be prohibited. However, a small portable wooden structured sign will be permitted in the Commercial Business District (C-1, Commercial General (C-2), Tourist Commercial (C-3) and Waterfront Commercial (C-4) zones.

3. Parking

With the exception of parking facilities within the Central Business District as identified in Policies 2.14 and 2.15 of this Strategy, Council is of the opinion that all other developments within the Planning Area provide adequate off-street parking. To ensure this, parking requirements will be contained in the Land Use By-law for all development located within the Planning Area.

Policy 5.16 It shall be the policy of Council to establish in the Land Use By-law parking standards for all development within the Planning Area except areas zoned Commercial Business District (C-1) and Waterfront Commercial as identified in Policies 2.14 and 2.15 of this Strategy. Council shall also require provisions in the Land Use By-law respecting illumination from lights such that it is directed away from abutting yards and or lots.

4. Change of Use

Several sections of the Planning Area have seen a dramatic change in the streetscape, with the demolition and refurbishing of existing commercial buildings and the introduction of at least one new commercial building. In certain cases it has been difficult to meet certain By-law standards, due to parking and loading standards required for commercial development. It is Council's intention not to prohibit this change of use or a new use from occurring on an undersized lot. Council will therefore provide a provision in the Land Use By-law to allow for this change of a commercial use or a new commercial use to occur in the (C-1) zone. In addition, special standards will be required where parking lots exceed a specified number of parking spaces in both the Residential Multiple Use (R-2) Zone and in all commercial zones.

Policy 5.17 It shall be the policy of Council to allow a new permitted commercial use to occur on an undersized lot or a change of one commercial use to another in the Commercial (C-1) zone even if the proposed use is unable to comply with the parking and loading standards of the Land Use By-law.

Policy 5.18 It shall be the policy of Council to require specific standards to be included in the development of parking lots which contain in excess of four parking spaces in the Residential Multiple Use (R-2) zone and all Commercial zones.

Policy 5.19 It shall be the policy of Council to require a specific separation distance, size and number of driveway accesses to parking areas where such driveway approaches are located near a street intersection and to require special provisions for lighting of the parking areas which contain in excess of four parking spaces.

5. Temporary and Special Uses

Throughout most communities, and in particular tourist communities like Baddeck, there are activities which are associated with new developments or construction projects. It is anticipated that this activity will continue and that there will be a demand for small construction sheds, offices, and storage facilities associated with these new developments. These uses are considered normal components of the construction industry and Council does not intend to limit their use in the Planning Area. However, there is a concern about how long these facilities remain on-site after a construction project is completed. Council will therefore require that a temporary use (structure) be removed from the site shortly after completion.

Festivals and tourist promotional campaigns are also a normal component of life within the Planning Area. "Special uses" such as signs, banners, display booths, and other associated structures which are used during these special events, have become a necessity. Council sees no problem with allowing these uses within the Planning Area but only on a short term basis. Council will require that these special uses be discontinued and removed when the special event is concluded.

Policy 5.20 It shall be the policy of Council to allow temporary structures and uses used in conjunction with a construction project, including offices, equipment and storage facilities, and scaffolding within the Planning Area. Council shall require that such temporary use or structure be removed within a certain specified time. A development permit shall be required for a temporary structure or use.

Policy 5.21 It shall be the policy of Council to allow for special uses and structures such as signs, banners, display booths and other similar structures within the Planning Area provided these uses or structures are used in conjunction with a festival, celebration, or other special event. Council will require that a special use or structure be removed within a specified time. A development permit shall not be required for a special use or structure associated with a festival or celebration.

6. Government Buildings and Facilities

Council may, from time to time, be faced with having to provide or allow a government or agency to provide a public building or facility within the Planning Area. However, at this time, it is very difficult to determine the type or location of such a facility. Therefore, it is felt that public buildings or facilities should be permitted within any zone (except in the Mobile Home Park zone) within the Planning Area.

Policy 5.22 It shall be the policy of Council to permit government buildings and/or facilities and uses in any zone, (except a Mobile Home Park (MPH) Zone) within the Planning Area.

7. Refuse Collection

The municipality provides refuse collection on a once a week basis to both the residential and business community through a private contract. The solid waste is collected by truck and transported to the municipal land fill site. In order to keep the Village of Baddeck sanitary and looking presentable:

Policy 5.23 It shall be the policy of Council to provide refuse collection as per the Municipality's Garbage Collection By-law.

Policy 5.24 It shall be the policy of Council to require that all new developments screen their refuse collection bins/containers within the Planning Area.

8. Stables, Barns, Kennels and Chicken Coops

Animal use within the Planning Area can be in the form of stables, barns, chicken coops and kennels, which are used to house both farm and domestic animals. These uses can sometimes negatively impact neighbouring properties due to sheer size and poor maintenance. Due to the impact of such facilities, Council wishes to control future uses. No new stables, barns, chicken coops or kennels shall be permitted in any designation within the planning area. Only existing uses will be recognized as permitted uses.

Policy 5.25 It shall be the policy of Council to prohibit stables, barns, kennels and chicken coops within the Planning Area. Existing barns, stables, chicken coops and kennels presently located within the Plan Area will be permitted as a non-conforming use.

9. Boat Houses

Given the location of the Planning Area on the Bras d'Or the construction of boat houses is to be expected and it is understandable that such facilities would be located as close to the water as is possible. There are however specific setbacks from the water for single family dwellings as a means of protecting the lakes. Therefore Council wishes to ensure that Boat Houses are not used for human habitation, therefore Council will regulate the size of these structures and the Village will not allow such structures to be connected to Municipal Water or Sewer services.

Policy 5.26 It shall be the policy of Council to permit within the Land Use By-law, a provision that in all zones boat houses and boat docks may be built to the lot line when such lot line corresponds to the waters edge where such property is located adjacent to the Bras d'Or Lakes.

Policy 5.27 It shall be the policy of Council to regulate the size of boat houses and not to allow water and sewer hookups to such facilities.

CHAPTER 4 - IMPLEMENTATION

A. General

This Municipal Planning Strategy for the Baddeck Planning Area is the policy providing the framework by which the future growth and development of the Planning Area shall be encouraged, controlled, and coordinated. The policies of this Strategy will be implemented through a variety of means, but generally through the powers of Council as provided by the *Municipal Government Act*, and other statutes as they may apply.

Policy 6.1 This Municipal Planning Strategy shall be implemented by means of the powers given to the Council by the Municipal Government Act.

Policy 6.2 In addition to employing specific implementation measures, it shall be the policy of Council to maintain a program of ongoing planning through its Planning Advisory Committee. Such a program may include aspects of public information and participation; and various further studies respecting such matters as the drafting or revising of Municipal By-laws which deal with planning issues, and any other matter which Council may suggest.

Policy 6.3 In order that development control decisions may be based on expert advice beyond that which the Planning Advisory Committee is able to supply, it shall be the intention of Council to circulate applications for amendment of the Land Use By-law and applications for a Development Agreement. These applications shall be circulated to Provincial and/or Federal Government Departments such as but not limited to the Departments of Transportation & Infrastructure Renewal and Environment for their information and comment as may be required.

B. Generalized Future Land Use Map

The Generalized Future Land Use Map (Map 4) is the most important map in the Municipal Planning Strategy. This map shows the future land use designations within the Planning Area which have been established by policies within this Strategy. This map illustrates the following designations:

- Residential – which permits a mixture of residential and low density residential development (including mobile homes and mobile home parks) and certain types of commercial development such as home occupations, small tourist/guest homes and existing commercial uses, institutional uses and public recreational facilities such as parks, playgrounds and tot lots;
- Central Business District – which permits a wide range of a commercial uses, existing single family dwellings and new residential uses located within a commercial building and institutional uses;
- General Commercial – which permits a wide range of commercial uses which normally require large parcels of land for building massing, large parking areas and/or loading spaces. These larger lots permit certain tourist related commercial uses such as motels, hotels, tourist resorts and such accessory uses as dining rooms, restaurants and gift shops, laundromat, and accessory residential uses. The

- Open Space – which permits boardwalks and nature interpretation stands, conservation projects, walking or hiking trails and accessory uses.

1. Municipal Planning Strategy Amendments

Policy 6.4 It shall be the intention of Council to require amendments to the policies and maps of the Municipal Planning Strategy under the following circumstances:

- a) where any policy intent is to be changed;*
- b) where the Municipal Planning Strategy is in conflict with applicable Provincial land-use policies or regulations in accordance with the Municipal Government Act;*
- c) where a requested amendment to the Land Use By-law is in conflict with this planning strategy and there are valid reasons for the amendment; or*
- d) where a secondary planning strategy is to be incorporated into the Municipal Planning Strategy.*

Policy 6.5 Strategy amendments shall require the approval of the Minister of Service Nova Scotia and Municipal Relations and shall be adopted in accordance with the provisions of the Municipal Government Act.

2. Actions Not Requiring a Strategy Amendment

Since the Generalized Future Land Use Map (Map 4) is not intended to be a precise representation of the configuration of future land use patterns in the Planning Area of the Village of Baddeck, it is wise to provide some flexibility for those land uses on the boundary or fringe areas for which plan amendments might otherwise be required. However at the same time Council is concerned that there is protection to residential areas from commercial development expanding.

Policy 6.6 Areas immediately adjacent to a Residential land use designation on the Generalized Future Land Use Map (Map 4) may be considered for zoning amendment to a use permitted in that given designation without requiring an amendment to this Strategy, provided that the intents of all other policies of the Strategy are satisfied.

C. Land Use By-law

The principal mechanism by which land use policies are implemented is the Land Use By-law. The Land Use By-law will set out zones, permitted uses, and development standards within each zone and in so doing shall reflect the policies of the Strategy (as required by the *Municipal Government Act*).

It is not intended that all land shall be pre-zoned as indicated by the policies of this Strategy or as indicated on the Generalized Future Land Use Map (Map 4). Rather, in order that Council may maintain a degree of control on future development, initial zoning provisions will be relatively restrictive. Development proposals which would not be permitted in the initial zoning will be processed as amendments to the zoning map. However, such amendments will be granted only if they meet the guidelines found within the policy framework of this Strategy.

1. Amending the Land Use By-law

The Planning Area Land Use By-law is designed to implement this Strategy, and is expected that it will be amended from time to time, although in conformity with the Strategy. Examples of situations which might create a need to amend the Land Use By-law include:

- a request by an individual to amend the by-law;
- a motion by a member of Council to amend the by-law; or
- the amendment of the Municipal Planning Strategy such that the Land Use By-law is no longer in conformance with the strategy.

Should Council consider amending the Land Use By-law, it must fully examine the implications of the change and the amendment must comply with all other legal requirements as set out in the *Municipal Government Act*.

Policy 6.7 It shall be the intent of Council that the following uses, within the designations specified, shall be considered only by amendment to the land use by-law:

- a) Mobile Home Park (MHP) according to Policy 1.9*
- b) Residential Multiple Unit (R-2) according to Policy 1.16*

2. Criteria for Amendment to the Land Use By-law

Zoning is the mechanism for implementing land use aspects of a Municipal Planning Strategy, and therefore these land use aspects must be in conformity with the strategy. As amendments to the Land Use By-law can create significant impacts on land use patterns and the Planning Area, it is required by the *Municipal Government Act* that a Municipal Planning Strategy contain criteria to be used by Council when considering an amendment to the Land Use By-law:

Policy 6.8 In considering amendments to the Land Use By-law, in addition to all other criteria as set out in various policies of this Strategy, Council shall have regard to the following matters:

- a) *That the proposal is in conformity with the intent of this Strategy and with the requirements of all other Municipal By-laws and Regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - i) *the financial capability of the municipality to absorb any costs relating to the development;*
 - ii) *the adequacy of both central water and sewer services and utilities or if services are not provided, the adequacy of physical site conditions for private on-site sewer and water system;*
 - iii) *the adequacy and proximity of school, recreation, and any other community facilities;*
 - iv) *the adequacy of road networks in, adjacent to, or leading to the development; and*
 - v) *the potential for the contamination of watercourses or the creation of erosion or sedimentation.*
- c) *The proposal conforms to the requirements contained in the Land Use By-law relating to the following:*
 - i) *the type of use;*
 - ii) *the emissions including air and water pollutants and noises;*
 - iii) *the height, bulk and lot coverage of the proposed building;*
 - iv) *the traffic generation, access to and egress from the site and parking;*
 - v) *the open storage;*
 - vi) *the signs;*
 - vii) *the provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; and*
 - viii) *similar matters of planning concern.*
- d) *Suitability of the proposed site in terms of steepness of grades, and/or location of watercourses.*

3. Development Agreements

A Development Agreement is a legal agreement between Council and an applicant which regulates and controls the manner in which a property is to be developed. It is a legal contract and in essence overrides any zoning controls placed on the property. Although the document is very specific to the development it applies to, it can be a very useful tool in accommodating and controlling non-routine developments. The *Municipal Government Act* regulates the procedures and conditions required for development by way of an agreement.

Policy 6.9 The following uses shall only be considered subject only to the entering into of a Development Agreement:

- a) Tourist and Guest Homes (Bed and Breakfast) uses which exceed a total maximum square footage and/or a maximum lot coverage and which exceed \$20,000 in construction value will be considered by Development Agreement as provided for in Policies 1.19 and 1.21;*
- b) Tourist and Guest Homes (Bed and Breakfast) uses which exceed six (6) sleeping rooms for overnight accommodation will be considered by Development Agreement as provided for in Policies 1.20 and 1.21;*
- c) Tourist Commercial uses which exceed a total maximum square footage and/or a maximum lot coverage and which exceed \$20,000 in construction value will be considered by Development Agreement as provided for in Policies 2.22 and 2.23;*
- d) Tourist and Guest homes (Bed and Breakfasts) of 6 or more sleeping rooms in areas zoned Commercial Tourist (C-3) as provided for in Policy 2.27 of this Strategy;*
- e) In the event that buildings or facilities used by public or private utilities are disposed of, the reuse of these properties for a new commercial use by Development Agreement provided for in Policy 5.11.*

4. Evaluation Criteria and Terms for Development Agreements

Policy 6.10 As a condition for approval of a request for a Development Permit for a use other than a permitted use it shall be the policy of Council to require the applicant to enter into a Development Agreement with the municipality, specifically setting out conditions under which the development may proceed.

A Development Agreement shall not require an amendment to the Land Use By-law but shall be binding upon the property until the agreement or part thereof is discharged by Council. In considering Development Agreements, in addition to all other criteria as set out in various policies of this Strategy to have regard to the following matters:

- a) That the proposed agreement is in conformance with the intent of this Municipal Planning Strategy and the appropriate requirements of the Land Use By-law and all other Municipal By-laws and Regulations.*

- b) *That the proposed Development is not premature or inappropriate by reason of:*
 - (i) *that the proposal conforms with the intent of this Strategy;*
 - (ii) *the financial capability of the municipality to absorb any costs related to the development;*
 - (iii) *the adequacy of the community's central water and sewage collection and treatment systems to handle the proposed development;*
 - (iv) *the adequacy of the street or road networks, adjacent to and leading to the development;*
 - (v) *the adequacy of municipal fire protection, service and equipment to handle the traffic that will be generated by the proposed development; and*
 - (vi) *that the proposed development would not have a negative impact or effect on natural water courses or other natural land features by way of erosion and sedimentation.*
- c) *That controls are placed on the proposed development so as to reduce land use conflicts with any adjacent or nearby land uses by reason of:*
 - (i) *the type of use;*
 - (ii) *the height, bulk and lot coverage of any proposed building or structures that are proposed so as to reduce any detrimental impact on adjacent uses in the area;*
 - (iii) *traffic generation;*
 - (iv) *access and egress from the site and the distance of these from street intersections;*
 - (v) *parking;*
 - (vi) *landscaping;*
 - (vii) *open storage;*
 - (viii) *signs;*
 - (ix) *the hours of operation; and*
 - (x) *maintenance of any buildings and property.*
- d) *The suitability of the proposed site in terms of steepness of grades, soil for geological conditions, and the relative location of watercourses, marshes, swamps, or bogs.*
- e) *The terms of the agreement provided, as appropriate, for the discharge of the agreement or parts thereof upon the successful fulfillment of its terms.*

Policy 6.11 Council may require that any or all of the following information be submitted by the developer or property owner with respect to any proposed development which is to be subject to a Development Agreement.

- a) *A site plan showing the following information:*
 - i) *the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, . dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of lands;*
 - ii) *the proposed location, height dimensions and use of all buildings or structures proposed to be built or erected on the lands;*
 - iii) *the type and amount of site clearing required, if any, and provisions proposed for good site drainage and servicing with water and sewage disposal.*
- b) *Information as to the hours of operation of a commercial operation.*
- c) *Information as to the architectural design, scaled plans, profiles, grade elevations and cross sections.*
- d) *Information as to the provisions for an appropriate natural buffer strip and maintenance of the natural buffer strip.*
- e) *Such further information as Council may require in order to properly assess the compliance with other policies in this Strategy.*

D. Development Officer

Policy 6.12 In accordance with the Municipal Government Act it shall be the policy of Council to appoint a Development Officer who shall administer the Land Use By-law. Further, in accordance with the Municipal Government Act, Council shall also appoint the Development Officer to administer the Subdivision By-law.

E. Variance

In addition to the general powers granted, the *Municipal Government Act*, the Development Officer is empowered to grant “variances” from certain requirements of the Land Use By-law, in accordance with the *Municipal Government Act*. Specifically, the development officer may vary the percentage of land that may be built on, lot frontage and lot area.

The *Municipal Government Act* provides complete details on a variance with respect to the powers of the Development Officer and Council’s powers when considering an application of a variance. Should the development officer grant or refuse a variance he/she must serve notice of this action in accordance with the *Municipal Government Act*, and his action may be appealed to Council by anyone served with such notice.

Policy 6.13 In addition to the general powers granted in the Municipal Government Act, the Act also empowers the Development Officer to grant variances from the Land Use By-law. Specifically, the Development Officer may vary the percentage of land that may be built on, lot frontage and lot area. Should the Development Officer grant a variance, a notice of this action must be served in accordance with the Municipal Government Act. Anyone served with such a notice may appeal to Council.

Policy 6.14 It shall be the policy of Council to require the applicant to pay the cost for advertising with respect to the notice served with regard to the Variance.

F. Other Municipal By-laws

Policy 6.15 It shall be the policy of Council to review from time to time and where necessary, amend its Building By-law made pursuant to the Provincial Building Code and Unsightly Premises By-law.

G. Building Inspector

Policy 6.16 It shall be the policy of Council to continue the services of the Municipal Building Inspector. His duty is to enforce the Building By-law and the Minimum Standards By-law.

H. Unsightly Premises By-law

Policy 6.17 It shall be the intent of Council to administer the Unsightly Premises provisions of the Municipal Government Act in order to maintain properties in the Village.

I. Strategy Review

In accordance with the *Municipal Government Act*, this Strategy may be reviewed when the Minister of Service Nova Scotia and Municipal Relations or Council deems necessary.

Policy 6.18 In accordance with the Municipal Government Act, the Municipal Planning Strategy may be reviewed when Council deems advisable or when requested by the Minister of Service Nova Scotia and Municipal Relations.