

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COUNCIL MEETING AGENDA

Tuesday, October 8, 2024, 7:30pm

Council Chambers
Municipal Administration Building
285 Beech Hill Road
Beech Hill, NS B2G 0B4

-
1. Call to Order – Chair Owen McCarron
 2. Approval of Agenda
 3. Approval of September 10, 2024 Municipal Council Minutes
 4. Business Arising from the Minutes
 5. Public Hearings
 - a. Proposed amendment to the West River Antigonish Harbour, Central Antigonish, and Keppoch-Beaver Mountain Plan Areas Municipal Planning Strategies and Land Use By-laws regarding Kennel Provisions:
 - i. Changing, and adding where applicable, the definition of kennel, specifically to clarify what constitutes a kennel and what does not; and
 - ii. Adding kennels as a permitted use subject to special requirements in several zones under the Keppoch Beaver Mountain Plan Area, the West River Antigonish Harbour Plan Area and the Central Antigonish Plan Area.
 - b. Rezone a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone
 6. Delegations
 - a. There are no scheduled delegations.
 7. Correspondence
 - a. September 11, 2024 – Thank-you Letter from VON
 - b. September 25, 2024 – Environment and Climate Change – Coastal Protection Action Plan Update
 - c. October 3, 2024 – Municipal Affairs and Housing – Update on Plan Antigonish Document Review by Minister
 8. Committee Reports

- a. September 24, 2024 Asset Management Committee Report
 - b. September 24, 2024 Committee of the Whole Report
 - c. September 27, 2024 Committee of the Whole e-Poll Report
 - d. October 8, 2024 Committee of the Whole Report
9. Reports from Individual Council Members on Outside Boards, Conferences, and Community Activities
10. Motions
- a. Second Reading – By-law Respecting Commercial Dog Care and Kennel Facilities
11. Miscellaneous Business
12. Adjournment

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

Municipal Council Meeting- Minutes

Tuesday September 10, 2024

5:30pm

Council Chambers

Municipal Administration Building

285 Beech Hill Road

Beech Hill, NS B2G 0B4

Councillors Present:

Warden Owen McCarron

Deputy Warden Bill MacFarlane

Councillor Mary MacLellan

Councillor Donnie MacDonald

Councillor Shawn Brophy

Councillor Remi Deveau

Councillor John Dunbar

Councillor Gary Mattie

Councillor Harris McNamara

Regrets:

Councillor Hugh Stewart

Staff Present:

Shirlyn Donovan, Interim CAO

John Bain, EDPC

Beth Schumacher, Deputy Clerk

Also Present:

Gallery

Drake Lowthers, The Reporter

Call to Order- Chairman, Warden Owen McCarron

Warden McCarron called the meeting to order at 7:50pm.

Approval of Agenda

Warden McCarron called for any additions or deletions to the agenda.

Min # 2024-110

Moved and Seconded

That the agenda be approved as presented.

Motion Carried

Approval of July 15, 2024 Municipal Council Minutes

Warden McCarron called for any errors or omissions in the minutes included in the agenda package.

Min # 2024-111

Moved and Seconded

That the Municipal Council Minutes of July 15, 2024 be approved.

Motion Carried

Business Arising from the Minutes

There was no business arising from the minutes.

Delegations

Mr. Malcolm MacKinnon provided a presentation regarding concerns with the proposed removal of Exit 36 at Heatherton on Highway 104 as part of the highway twinning project. Concerns with the loss of direct access to the Highway for the community was raised, noting that the Heatherton Community Centre is a designated evacuation centre for the Town and County. A copy of the map for the proposed development by the Province was shared. A number of questions regarding the community centre lands and financial impacts to that facility were also raised

A map of the proposed tunnel alignment relative to the community centre was shared, and timelines of communications with provincial representatives was outlined. Given the proposed impact on the community centre, alternative structures to navigate across the twinned highway to a tunnel are being explored. Mr. MacKinnon is looking for a design that incorporates on and off-ramps instead of roundabouts. Questions were also raised regarding the proposed service road connecting the Village Road to the New France Road to Bayside. Concerns are being raised regarding ATV traffic on the service road.

Mr. MacKinnon asked for support from Municipal Council to request that the Department of Public Works to modify their design for the interchange at Heatherton to not have the service road extended into the village, and to have further discussion about the use of ramps instead of roundabouts for an exit in Heatherton.

Warden McCarron then opened the floor for questions from Municipal Council. Councillor Dunbar noted his support for the motion request brought forward by Mr. MacKinnon, noting the importance of the community centre in Heatherton and the surrounding area, and the investment made by the community in developing and improving the facility.

Deputy Warden MacFarlane shared the involvement of the Community Liaison Committee used when the first part of the by-pass moved through Antigonish, and asked why a similar structure is not being utilized in this latest phase of the highway twinning.

Councillor Deveau shared his experience with meeting with the Community Liaison regarding the Dagger Woods Roadway to advocate for a left-turn lane for that roadway. Questions were raised about the concerns with roundabouts at an intersection being the land mass that they occupy. A question was asked about whether the community centre could be purchased by the Province and relocated.

Min #2024-112

Moved and Seconded

That Municipal Council write a letter to Minister Masland of the Provincial Department of Public Works, and copy Ministers Minister Thompson and Morrow, asking for revision to the proposed design of the twinning of Highway 104 to have on and off ramps at Heatherton, and to not connect the proposed service road to the Heatherton Village Road, and to improve communications with residents of Heatherton impacted by the highway twinning going forward.

Motion Carried

Correspondence

Mrs. Donovan provided a summary of the correspondence included in the agenda package.

Committee Reports

July 26, 2024 Committee of the Whole e-Poll Report

Min # 2024-113

Moved and Seconded

That Municipal Council awards the tender for the Multi-Use Pathway to Allan MacNeil Construction for a bid price of \$154,916 + HST.

Motion Carried

August 13, 2024 Asset Management Committee e-Poll Report

Min # 2024-114

Moved and Seconded

That Municipal Council awards the tender for the Highway 337 sewer extension to Ron Chisholm Hydroseeding for the bid price of \$148,396.60 + HST.

Motion Carried

August 21, 2024 Committee of the Whole Report

Min # 2024-115

Moved and Seconded

That Municipal Council awards the tender for a ½ tonne truck purchase to Ron MacGillivray Chev Buick GMC for a cost of \$54,379 + HST.

September 3, 2024 Planning Advisory Committee Report

Min # 2024-116

Moved and Seconded

That Municipal Council give first reading to, and schedules a public hearing for, the following plan and by-law amendments:

1. West River Antigonish Harbour Plan Area Municipal Planning Strategy
 - a. Amendment to Policy L-1.2 to add kennels to the list of permitted uses in the Rural Development (RG-1) Zone.
 - b. Amendment to Policy L-4.8 to add kennels to the list of permitted uses in the Business Commercial (BC-1) Zone.
2. West River Antigonish Harbour Plan Area Land Use By-law
 - a. Amendment to subsection 6.A.11 to exclude kennel uses from undersized lots.
 - b. Amendment to Part 8, "Rural General (RG-1) Zone", to add clauses regarding kennels.
 - c. Amendment to subsection 15.1 to include kennels as a permitted use in the Local Commercial (C-1) Zone.
 - d. Amendment to Part 15, "Local Commercial (C-1) Zone", to add clauses regarding kennels.
 - e. Amendment to subsection 16.1 to include kennels as a permitted use in the General Commercial (C-2) Zone.
 - f. Amendment to Part 16, "General Commercial (C-2) Zone, to add clauses regarding kennels.
 - g. Amendment to subsection 21.1 to include kennels as a permitted use in the Business Commercial (BC-1) Zone.
 - h. Amendment to Part 21, "Business Commercial (BC-1) Zone, to add clauses regarding kennels.
 - i. Amendment to Part 25, to update the definition of KENNEL.
3. Central Antigonish Plan Area Municipal Planning Strategy
 - a. Amendment to the preamble of Section 3.1 to note kennels in a list of example uses under Rural Development.

- b. Amendment to Policy L-1.2 to add kennels to the list of permitted uses in the Rural Development (RD-1) Zone.
 - c. Amendment to Policy L-3.1 to add kennels to the list of permitted uses in the Rural Commercial (RC-1) Zone.
 - d. Amendment to the preamble of Section 3.2.4 to note kennels in a list of example uses under Hamlet Commercial.
 - e. Amendment to Policy L-12.1 to add kennels to the list of permitted uses in the Hamlet Commercial (HC-1) Zone.
 - f. Amendment to the preamble of Section 3.2.5 to note kennels in a list of example uses under Hamlet Highway Commercial.
 - g. Amendment to Policy L-13.1 to add kennels to the list of permitted uses in the Hamlet Highway Commercial (HHC-1) Zone.
4. Central Antigonish Plan Area Land Use By-law
- a. Amendment to subsection 6.A.11 to exclude kennel uses from undersized lots.
 - b. Amendment to Subsection 8.1 to add kennels as a permitted use in the Rural Development (RD-1) Zone.
 - c. Amendment to Part 8, “Rural Development (RD-1) Zone”, to add clauses regarding kennels.
 - d. Amendment to subsection 10.1 to add kennels as a permitted use in the Rural Commercial (RC-1) Zone.
 - e. Amendment to Part 10, “Rural Commercial (RC-1) Zone”, to add clauses regarding kennels.
 - f. Amendment to subsection 16.1 to add kennels as a permitted use in the Hamlet Commercial (HC-1) Zone.
 - g. Amendment to Part 16, “Hamlet Commercial (HC-1) Zone”, to add clauses regarding kennels.
 - h. Amendment to subsection 17.1 to add kennels as a permitted use in the Hamlet Highway Commercial (HHC-1) Zone.
 - i. Amendment to Part 17, “Hamlet Highway Commercial Zone”, to add clauses regarding kennels.
 - j. Amendment to Part 19, to update the definition of KENNEL.

5. Keppoch Beaver Mountain Plan Area Municipal Planning Strategy

- a. Amendment to Policy 3.3 to include kennels in the list of uses permitted in the Rural Development (RD-1) Zone.

6. Keppoch Beaver Mountain Plan Area Land Use By-law

- a. Amendment to subsection 5.9 to exclude kennel uses from undersized lots.
- b. Amendment to subsection 6.1 to add kennels as a permitted use in the Rural Development (RD-1) Zone.
- c. Amendment to Part 6, "Rural Development (RD-1) Zone, to add Special Requirement clauses regarding kennels.
- d. Amendment to Part 9 to create a definition for KENNEL.

Motion Carried

Min # 2024-117

Moved and Seconded

That Municipal Council consider a by-law to license kennels, subject to that by-law including additional restrictions regarding the maximum number of dogs allowed to board overnight on the premises based on the kennel building's size.

Motion Carried

Min # 2024-118

Moved and Seconded

That Municipal Council give First Reading and set a Public Hearing date for the rezoning of a portion of a property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone to allow for the development of a quadplex residential development.

Motion Carried

September 10, 2024 Committee of the Whole Report

Min # 2024-119

Moved and Seconded

That Municipal Council approves funding in the amount of \$507.15 for 16 sets of replacement bearings for the Arisaig Floor Curling group.

**Motion Carried
(8 in favour, 1 against)**

Min # 2024-120

Moved and Seconded

That Municipal Council renames the private laneway off Highway 337 in Malignant Cove to Brochan Lane.

Motion Carried

Min # 2024-121

Moved and Seconded

That Municipal Council gives first reading to the By-law Respecting Commercial Dog Care and Kennel Facilities, and schedules second reading of the proposed by-law at a future Municipal Council meeting.

Motion Carried

Min # 2024-122

Moved and Seconded

That the Committee recommends that Municipal Council provide a leave of absence to Councillor Stewart for the September 10, 2024 Council Meeting for medical reasons.

Motion Carried

Reports from Councillors

Councillor Dunbar shared that the Museum Board met on September 9th, providing updates including that the Peace by Chocolate display development work is underway, and that the stolen sandwich sign was not recovered. Councillor Dunbar noted that Curator Barry MacKenzie developed an escape room that was very successful over the summer.

Councillor Mattie shared that the RK MacDonald Board meetings start next week.

Councillor MacLellan shared that the Library Board will be meeting on Thursday September 12th.

Deputy Warden MacFarlane shared that the Eastern District Planning Commission Board will be meeting on September 26th.

Miscellaneous Business

There was no miscellaneous business.

Motions

Min # 2024-123

Moved and Seconded

That Municipal Council proclaims September 2024 as National Fetal Alcohol Spectrum Disorder Awareness Month.

Motion Carried

Additions to the Agenda

There were no further additions to the agenda, with the exception of in-camera business to be discussed following a brief adjournment for the media scrum.

Min # 2024-124

Moved

That the Council meeting adjourns at 8:36 pm.

Motion Carried

The Municipal Council meeting was called back to order at 8:50pm.

Warden McCarron raised that in the last two weeks two members of the community passed, being Dianne Wilson, the recently retired Deputy Clerk from the Town of Antigonish, and Debbie Donovan, mother of staff member Sean Donovan and mother-in-law to Shirlyn. A moment of silence was held to honour the memory of these two individuals.

In-Camera Items

Min # 2024-125

Moved and Seconded

That the Committee of the Whole adjourn to an in-camera session to discuss Personnel Matters at 8:52 pm.

Motion Carried

Min # 2024-126

Moved and Seconded

That the in-camera session adjourns at 9:19 pm.

Motion Carried

Min # 2024-127

Moved and Seconded

That Municipal Council offer the position of CAO to Shirlyn Donovan.

Motion Carried
(8 in favour, 1 opposed)

Adjournment

Min # 2024-128

Moved

That the Council meeting adjourns at 9:22 pm.

Motion Carried

Warden Owen McCarron

Shirlyn Donovan, Interim CAO

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **September 03, 2024**

Reference: **Review of Kennel Provisions within the: West River Antigonish Harbour, Central Antigonish, and Keppoch-Beaver Mountain Plan Areas**

Recommendation:

That Antigonish County Council **approve** the proposed amendments to the West River Antigonish Harbour, Central Antigonish, and Keppoch-Beaver Mountain Municipal Planning Strategies and Land Use By-laws to allow kennels as of right with special restrictions in specific rural zones.

Background Information:

The Eastern District Planning Commission received complaints regarding kennels in the Central Antigonish Plan Area. In response to discussions with landowners who have kennels located on their properties, Staff were asked by the Municipality to examine the Municipal Planning Strategies and Land Use By-laws of all the Plan Areas with the intention of permitting kennels as of right subject special restrictions and in conjunction with a kennel licensing by-law in order to minimize impacts to adjacent properties. On February 20, 2024, Joshua Knocton made a Planning Application for a text amendment to the Central Antigonish Plan Area to permit kennels in the Rural Development (RD-1) Zone

The Central Antigonish Plan Area Municipal Planning Strategy only permits existing kennels in the Hamlet Residential (HR-1) Zone. While the Land Use By-law does not list kennels as a permitted use in any zone it does define “kennel” in the definition section. The Keppoch Beaver Mountain Plan Area does not mention kennels in any capacity in its Municipal Planning Strategy and Land Use By-law. Under the West River Antigonish Harbour Plan Area and current Eastern Antigonish Plan Area kennels are permitted as of right with no special restrictions in the rural zone; the Rural General (RG-1) Zone and Rural (R-1) Zone respectively.

Analysis:

A policy analysis was conducted that examined the Land Use By-laws of 22 rural municipalities in the Province of Nova Scotia. It should be noted that there are some municipalities that have more than one plan area (secondary plan areas) and that there is not always consistency among the policies relating to kennels in each plan area, similar to Antigonish County. Kennels are permitted and considered in varying degrees throughout the 22 rural municipalities’ planning documents as seen in the table in Appendix A.

Kennels as a Permitted Use

Most (18 of the 22 municipalities) permit new kennels as-of-right in at least one zone. Sixteen permit new kennels as of right in all listed permitted zones while 9 of those municipalities permit new kennels as of right subject to special/additional requirements. Two municipalities permit kennels in some zones via Development Agreement or Site Plan. Staff are of the opinion that kennels should be permitted in appropriate, mostly rural zones, as of right subject to special restrictions to mitigate impacts to neighbouring properties.

In several municipalities only existing kennels are permitted in a plan area and no new kennels are permitted. Staff do not recommend this type of policy. The need to permit kennels is important as kennels provide a significant residential service. As of 2020, 1 in 5 households have a dog (Made in CA, 2024).¹ Since the Covid Pandemic pet ownership in Canada has increased (Canadian Animal Health Institute, 2023).² Dogs require more personal exercise and play as opposed to some other pets. Their additional need for extra exercise and attention can make it more difficult for an individual or household to go on a trip without having a professional kennel available. Kennels also provide a safe location for dogs to socialize with supervision and to be dropped off during working hours for proper exercise. Pet ownership is on the rise, meaning new kennel facilities will be required to meet this demand.

The current definition for “kennel” in the Central Antigonish Land Use By-law is so vague and broad that not-for-profit animal rescues are caught under the definition. Animal rescues often run at full capacity under the kindness of volunteers who try to help as many animals as possible. Animal rescues alleviate some of the stress on the provincially run Society for the Prevention to Cruelty to Animals (SPCA). It should be noted that the increase in pet ownership because of the recent covid pandemic has also led to surge of more pets being abandoned. The need for animal rescues is great, especially in recent times as pet ownership increases.

Minimum Lot Areas and Setbacks

Just 4 municipalities have minimum lot area requirements for new kennels: The District of East Hants, District of Guysborough, District of Argyle and Queens Regional Municipality. The District of Argyle has a 3,717 square metre (40,000 square feet) or Nova Scotia Department of Environment and Climate Change approval minimum lot area requirement for kennels. The rest of the municipalities have a minimum lot area requirement of 10,000 square metres roughly. Staff believe a minimum lot area requirement should be implemented to ensure that a kennel has adequate space to operate and more land to help buffer the use from neighbouring properties.

Eight municipalities have special setback requirements for new kennels. These setbacks include yard and adjacent dwelling setbacks, though of the 8 municipalities with setback requirements for kennels only 2 municipalities include setbacks from dwellings.

Five of the 22 municipalities researched have additional policy requirements that are not minimum area or setback requirements. The Municipality of the District of Argyle classifies “kennels” as a “light industrial use” and requires new kennels to conform to the Light Industrial Zone lot standards. West Hants Regional Municipality has requirements embedded in their Land Use By-law that regulate kennel building construction for soundproofing and the hours of outdoor kenneling. The District of East Hants and District of Guysborough only permit kennels as home occupations that are in the side or rear yard and have an additional setback of 30 metres from wells and watercourses.

Staff feels that special restrictions for kennels to mitigate impacts on neighbouring properties should be implemented. According to Sales et al. (1997), a single dog’s bark can reach up to 100 decibels whereas the recorded sound levels of a kennel can range between 85 decibels and 122 decibels.³ On average, sound levels for kennels range from 85 decibels to 100 decibels (Garvey et al., 2016).⁴ For comparison, hearing loss in humans can occur at 85 decibels and exposure to sounds larger than 90 decibels for more than eight hours can result in serious hearing damage (Garvey et al., 2016). For these reasons, Staff believe adequate buffering is required to reduce the impact of kennels on neighbouring properties, even in rural areas.

The most common ways to reduce noise from kennels is the use of soundproofing materials such as acoustic baffles, panels and blankets that can be used for indoor kennels and outdoor kennels. However, from a planning perspective the Municipal Government Act does not give the Land Use By-law the authority to require the use of these materials in an indoor kennel. Therefore, Staff propose implementing special setback and landscaping requirements as part of the amendments to the Land Use By-laws.

Dog Control By-laws

All 22 rural municipalities analyzed have separate dog by-laws. Of those 22 dog by-laws, 11 mention kennels and only 1 dog by-law has a relationship to its municipality’s land use by-law. Under Colchester County’s Commercial Dog Care and Kennel Facility By-law, acoustic buffers, kennel building insulation standards, opaque screening and barking control are all requirements on top of property line and adjacent dwelling setbacks.

Plan Antigonish and Eastern Antigonish Plan Area

Kennels in the current proposed Antigonish County planning documents are subject to special requirements: a minimum lot area requirement of 10,000 square metres (107,639 square feet) as well as a minimum side yard and rear yard of 15.0 metres (50 feet). This policy seems to align with the modes of the policy analysis regarding minimum lot area requirements and minimum side yard and rear yard setbacks.

Staff are not proposing amendments to the Eastern Antigonish Plan Area within the set of amendments under this file because the new Eastern Antigonish planning documents from the Eastern Antigonish Plan Review are ready to move forward and will contain the same kennel provisions as the ones being proposed by Staff in this file.

Conclusion:

Staff believe the proposed amendments will help promote consistency throughout the County by aligning the secondary plan areas' policies more closely regarding kennels and will help residents of the county receive an important service concerning the care of their pets while minimizing impacts to abutting property owners with the implementation of special requirements for kennels.

Planning staff recommends that the Planning Advisory Committee approves the following motion:

That the Planning Advisory Committee gives their approval and recommends that Municipal Council give first reading to, and schedules a public hearing for, the following plan and by-law amendments:

1. West River Antigonish Harbour Plan Area Municipal Planning Strategy
 - a. Amendment to Policy L-1.2 to add kennels to the list of permitted uses in the Rural Development (RG-1) Zone.
 - b. Amendment to Policy L-4.8 to add kennels to the list of permitted uses in the Business Commercial (BC-1) Zone.
2. West River Antigonish Harbour Plan Area Land Use By-law
 - a. Amendment to subsection 6.A.11 to exclude kennel uses from undersized lots.
 - b. Amendment to Part 8, "Rural General (RG-1) Zone", to add clauses regarding kennels.
 - c. Amendment to subsection 15.1 to include kennels as a permitted use in the Local Commercial (C-1) Zone.
 - d. Amendment to Part 15, "Local Commercial (C-1) Zone", to add clauses regarding kennels.
 - e. Amendment to subsection 16.1 to include kennels as a permitted use in the General Commercial (C-2) Zone.
 - f. Amendment to Part 16, "General Commercial (C-2) Zone, to add clauses regarding kennels.
 - g. Amendment to subsection 21.1 to include kennels as a permitted use in the Business Commercial (BC-1) Zone.
 - h. Amendment to Part 21, "Business Commercial (BC-1) Zone, to add clauses regarding kennels.
 - i. Amendment to Part 25, to update the definition of KENNEL.

3. Central Antigonish Plan Area Municipal Planning Strategy

- a. *Amendment to the preamble of Section 3.1 to note kennels in a list of example uses under Rural Development.*
- b. *Amendment to Policy L-1.2 to add kennels to the list of permitted uses in the Rural Development (RD-1) Zone.*
- c. *Amendment to Policy L-3.1 to add kennels to the list of permitted uses in the Rural Commercial (RC-1) Zone.*
- d. *Amendment to the preamble of Section 3.2.4 to note kennels in a list of example uses under Hamlet Commercial.*
- e. *Amendment to Policy L-12.1 to add kennels to the list of permitted uses in the Hamlet Commercial (HC-1) Zone.*
- f. *Amendment to the preamble of Section 3.2.5 to note kennels in a list of example uses under Hamlet Highway Commercial.*
- g. *Amendment to Policy L-13.1 to add kennels to the list of permitted uses in the Hamlet Highway Commercial (HHC-1) Zone.*

4. Central Antigonish Plan Area Land Use By-law

- a. *Amendment to subsection 6.A.11 to exclude kennel uses from undersized lots.*
- b. *Amendment to Subsection 8.1 to add kennels as a permitted use in the Rural Development (RD-1) Zone.*
- c. *Amendment to Part 8, "Rural Development (RD-1) Zone", to add clauses regarding kennels.*
- d. *Amendment to subsection 10.1 to add kennels as a permitted use in the Rural Commercial (RC-1) Zone.*
- e. *Amendment to Part 10, "Rural Commercial (RC-1) Zone", to add clauses regarding kennels.*
- f. *Amendment to subsection 16.1 to add kennels as a permitted use in the Hamlet Commercial (HC-1) Zone.*
- g. *Amendment to Part 16, "Hamlet Commercial (HC-1) Zone", to add clauses regarding kennels.*
- h. *Amendment to subsection 17.1 to add kennels as a permitted use in the Hamlet Highway Commercial (HHC-1) Zone.*
- i. *Amendment to Part 17, "Hamlet Highway Commercial Zone", to add clauses regarding kennels.*

- j. *Amendment to Part 19, to update the definition of KENNEL.*
- 5. *Keppoch Beaver Mountain Plan Area Municipal Planning Strategy*
 - a. *Amendment to Policy 3.3 to include kennels in the list of uses permitted in the Rural Development (RD-1) Zone.*
- 6. *Keppoch Beaver Mountain Plan Area Land Use By-law*
 - a. *Amendment to subsection 5.9 to exclude kennel uses from undersized lots.*
 - b. *Amendment to subsection 6.1 to add kennels as a permitted use in the Rural Development (RD-1) Zone.*
 - c. *Amendment to Part 6, "Rural Development (RD-1) Zone, to add Special Requirement clauses regarding kennels.*
 - d. *Amendment to Part 9 to create a definition for KENNEL.*

Endnotes:

1. "Pet Ownership Statistics In Canada," Made in CA. Accessed February 28, 2024.
<https://madeinca.ca/pet-ownership-statistics-canada/>.
2. "2022 - Latest Canadian Pet Population Figures Released," Canadian Animal Health Institute. Accessed February 28, 2024.<https://cahi-icsa.ca/press-releases/2022-latest-canadian-pet-population-figures-released>.
3. G. Sales., et al., "Noise in Dog Kennelling: Is Barking a Welfare Problem for Dogs?" *Applied Animal Behaviour Science* 52, no 3-4 (1997), 321, doi:10.1016/s0168-1591(96)01132-x.
4. Morgan Garvey, Judith Stella and Candance Croney, "Auditory Stress: Implications for Kennelled Dog Welfare," *Purdue Extension VA*, 18 (2016): 1,
<https://extension.purdue.edu/extmedia/VA/VA-18-W.pdf>.

Appendices:

- Appendix A: Nova Scotia Kennel Policy Analysis (22 Rural Municipalities)
- Appendix B: Proposed Amending By-laws

Appendix A: Nova Scotia Kennel Policy Analysis (22 Rural Municipalities)

Nova Scotia Kennel Policy Analysis (22 Rural Municipalities)						
Municipality	As-of-Right	DA	SP	Min Area Requirement	Min Yard Requirements	Other Policies
Cape Breton Regional Municipality	Yes	X	X	N/A	N/A	N/A
Queens Regional	Yes	✓	X	10,000 m ²	N/A	N/A
West Hants Regional	Yes	X	X	N/A	30.48 m (100 ft) [Front], 15.24 m (50 ft) [Rear & Side], & 91.44 m (300 ft) [Adjacent Dwelling]	Yes
Annapolis County	Yes	X	X	N/A	N/A	N/A
Colchester County (w Dog By-law)	Yes	X	X	N/A	15 m (50 ft) [Any Lot Line] & 150 m (492 ft) [Adjacent Dwelling]	Yes
Cumberland County	Yes	X	X	N/A	N/A	N/A
Inverness County	Yes	X	X	N/A	N/A	N/A
Kings County	Yes	X	X	N/A	3.05 m (10 ft) [Any Lot Line]	N/A
Pictou County	Yes	X	X	N/A	N/A	N/A
Richmond County	Yes	X	X	N/A	N/A	N/A
Victoria County	No	X	X	N/A	N/A	N/A
District of Argyle	Yes	X	X	3,717 m ² (40,000 ft ²)*	7.6 m (25 ft) [Front &Rear] & 6 m (20 ft.) [Side]	Yes
District of Barrington	Yes	X	X	N/A	N/A	N/A
District of Chester	Yes	X	X	N/A	100 m (328 ft) [Any Lot Line]	N/A
District of Clare	No	X	X	N/A	N/A	N/A

District of Digby	Yes	X	X	N/A	3.04 m (10 ft) [Rear & Side]	N/A
District of East Hants	Yes	✓	✓	10,000 m ²	8 m (26.3 ft) [Front] & 15 m (50 ft) [Rear & Side]	Yes
District of Guysborough	Yes	X	X	10,117 m ² (2.5 Acres/1 Hectare)	7.6 m (25 ft) [Front] & 15 m (50 ft) [Rear & Side]	Yes
District of Lunenburg	No	X	X	N/A	N/A	N/A
District of Shelburne (No MPS & LUB)	N/A (No Municipal Planning Strategy & Land Use By-law)					
District of St. Mary's	Yes	X	X	N/A	N/A	N/A
District of Yarmouth	Yes	X	X	N/A	N/A	N/A
* Or pending Nova Scotia Department of Environment and Climate Change approval						

Appendix B: Amending Pages

**A BYLAW TO AMEND THE WEST RIVER ANTIGONISH HARBOUR PLAN AREA
MUNICIPAL PLANNING STRATEGY**

The Municipal Planning Strategy for the West River Antigonish Harbour Plan Area is hereby amended by:

1. Adding to the following text in bold to Policy L-1.2:

Policy L-1.2 Within the Rural Development Designation it shall be the policy of Council to establish a Rural General (RG-1) Zone in the Land Use By-law which permits the following and similar types of uses: agricultural uses including commercial livestock operations and related uses, **kennels**, forestry and related uses, fishery and related uses, single detached dwellings, institutional uses and recreational uses, and boarding and guest houses.

2. Adding to the following text in bold to Policy L-4.8:

Policy L-4.8 Within the Business Park Designation it shall be the policy of Council to establish a Business Commercial (BC-1) Zone in the Land Use By-law which permits the following and similar types of uses: building supply, equipment depots, display courts, **kennels**, construction operations and rentals, light industrial manufacturing or assembly, warehousing, transportation and maintenance depots, automobile services, gas stations, garages, storage facilities, professional offices, wholesale or retail sales, and offices necessary to the administration of permitted uses.

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

A BY-LAW TO AMEND THE WEST RIVER ANTIGONISH HARBOUR PLAN AREA

LAND USE BY-LAW

1. Part 6: “General Provisions for All Zones” is hereby amended by adding the following **text in bold** to Subsection 6.A.11 titled “Existing Undersized Lots”:
 - a. Notwithstanding anything else in this By-law, a lot in existence on the effective date of this By-law having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone in which the lot is located **except for the use of kennels**, and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.
2. Part 8: “Rural General (RG-1) Zone” is hereby amended by adding the following **text in bold** following the subsection titled “Special Provision: Lots with Frontage on a Local Road” and before the subsection titled “Intensive Livestock Operations” and renumbering accordingly:

...

Special Provision: Lots with Frontage on a Local Road

- 8.5 Any new un-serviced lot fronting on a local road in the RG-1 zone shall be permitted to have the following requirements: Minimum lot area of 3,716 m² (40,000 ft²); and minimum lot frontage of 18.3 metres (60 feet).

Kennels

- 8.6 **A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.**
- 8.7 **Kennels shall only be permitted in the side yard and rear yard.**
- 8.8 **Notwithstanding Section 8.2 of this Part, the minimum lot area for a kennel in the Rural General (RG-1) Zone shall be 10,000 square metres (107,639 square feet).**
- 8.9 **Notwithstanding Section 8.2 of this Part, the minimum side yard and rear yard for a kennel in the Rural General (RG-1) Zone shall be 15.0 metres (50 feet).**
- 8.10 **Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:**
 - a. **a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or**
 - b. **a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or**
 - c. **a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.**

Intensive Livestock Operations

...

3. Part 15: “Local Commercial (C-1) Zone” is hereby amended by adding the following text in bold to Subsection 15.1 titled “C-1 Uses Permitted” and renumbering accordingly:

15.1 No development permit shall be issued in a Local Commercial (C-1) zone except for one or more of the following uses:

a. Autobody shops

...

j. Health clinics

k. Kennels

l. Liquor stores

...

4. Part 15: “Local Commercial (C-1) Zone” is hereby amended by adding the following text in bold following the subsection titled “Garbage Bins” and before the subsection titled “Landscaping” and renumbering accordingly:

...

Garbage Bins

15.2 Preferably, garbage and recycling should be stored inside of a building, whether the main building or an accessory building. Where this is not possible, all garbage and recycling bins associated with a commercial use shall be screened by an opaque visual barrier at a height adequate to visually screen the bin from all adjacent properties and roadways.

Kennels

15.3 A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.

15.4 Kennels shall only be permitted in the side yard and rear yard.

15.5 Notwithstanding Section 15.2 of this Part, the minimum lot area for a kennel in the Local Commercial (C-1) Zone shall be 10,000 square metres (107,639 square feet).

15.6 Notwithstanding Section 15.2 of this Part, the minimum side yard and rear yard for a kennel in the Local Commercial (C-1) Zone shall be 15.0 metres (50 feet).

15.7 Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:

a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or

b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or

c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Landscaping

15.8 Where a new commercial use abuts a residential use, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

...

5. Part 16: “General Commercial (C-2) Zone” is hereby amended by adding the following text in bold to Subsection 16.1 titled “C-2 Uses Permitted” and renumbering accordingly:

16.1 No development permit shall be issued in a General Commercial (C-2) zone except for one or more of the following uses:

a. Autobody shops

...

i. Hotels, motels or tourist inns

j. **Kennels**

k. Laundromats

...

6. Part 16: “General Commercial (C-2) Zone” is hereby amended by adding the following text in bold following the subsection titled “Automobile Service Stations” and before the subsection titled “Waste Bins” and renumbering accordingly:

...

Kennels

16.2 Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.

16.3 Kennels shall only be permitted in the side yard and rear yard.

16.4 Notwithstanding Section 16.2 of this Part, the minimum lot area for a kennel in the General Commercial (C-2) Zone shall be 10,000 square metres (107,639 square feet).

16.5 Notwithstanding Section 17.2 of this Part, the minimum side yard and rear yard for a kennel in the General Commercial (C-2) Zone shall be 15.0 metres (50 feet).

16.6 Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:

a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or

b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or

c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Waste Bins

16.7 All garbage and recycling bins associated with a commercial use shall be stored indoors, within an accessory structure, or wholly screened by an opaque visual barrier so as to not be seen from any adjacent non-commercial properties or roadways.

...

7. Part 21: “Business Commercial (BC-1) Zone” is hereby amended by adding the following text in bold to Subsection 21.1 titled “BC-1 Uses Permitted” and renumbering accordingly:

21.1 No development permit shall be issued in a Business Commercial (BC-1) zone except for one or more of the following uses:

a. Building supply or equipment depots

...

e. Industrial manufacturing or assembly

f. **Kennels**

g. Warehousing or storage facilities

...

8. Part 21: “Business Commercial (BC-1) Zone” is hereby amended by adding the following text in bold following the subsection titled “BC-1 Zone Lot Requirements” and before the subsection titled “Landscaping” and renumbering accordingly:

...

Kennels

21.3 Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.

21.4 Kennels shall only be permitted in the side yard and rear yard.

21.5 Notwithstanding Section 21.2 of this Part, the minimum lot area for a kennel in the Business Commercial (BC-1) Zone shall be 10,000 square metres (107,639 square feet).

21.6 Notwithstanding Section 21.2 of this Part, the minimum side yard and rear yard for a kennel in the Business Commercial (BC-1) Zone shall be 15.0 metres (50 feet).

21.7 Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:

a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or

b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or

c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Landscaping

21.8 A minimum front landscaping buffer of no less than 1.25 metres high and at least 3.0 metres wide shall be required. A landscaping buffer of at least 3.0 metres wide shall be required along shared lot line(s).

...

9. Part 25: "Definitions" is hereby amended by removing the following text in strikethrough and adding the following text in bold:

...

~~KENNEL means a building or premises for domestic canine or feline boarding, breeding, grooming or training.~~ **the use of land, a building, structure, outdoor enclosure, other facility or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised, trained at a facility specifically for training, sold, and/or boarded. This commercial establishment may include daily and overnight boarding, breeding facilities, daycare or combination thereof. A kennel does not include veterinary clinics, fosters of shelter/rescue animals, pet grooming businesses that do not provide any form of boarding or daycare and do not have an outdoor pet run or enclosure, and hobby or occasional breeders having no more than two litters of domestic animals bred per calendar year on the premises to be sold for commercial purposes and/or monetary gain.**

...

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

**A BYLAW TO AMEND THE CENTRAL ANTIGONISH PLAN AREA
MUNICIPAL PLANNING STRATEGY**

The Municipal Planning Strategy for the Central Antigonish Plan Area is hereby amended by:

1. Adding to the following text in bold to the preamble of Section 3.1 titled “Rural Development”:

...

In keeping with the current land use patterns and the potential for future development in rural areas of the county, it is the intention of Council to establish a Rural Development Designation that will apply to all lands outside of the established hamlets. To implement this Designation, Council intends to establish a Rural Development Zone that will permit low-impact rural development, mixed-use developments as well as developments on larger lot sizes (usually privately serviced). These would include low-density residential, forestry and forestry-related uses, fisheries and fishery-related uses, **kennels**, small boarding houses, recreational uses and some local commercial uses. The Rural Development designation and zoning would exclude large scale tourist commercial uses as being permitted as-of-right. Recognizing agricultural uses as a dominant land use in Antigonish County and a major local source of employment, those uses, including intensive livestock facilities and value added operations such as dairy processing facilities, will be allowed. Bed and Breakfasts shall also be permitted, but will be restricted to a maximum of 5 housekeeping units in order to ensure that the operation maintains a low-density neighbourhood scale. Higher-impact uses, including existing rural commercial and industrial developments located within the Rural Development Designation will be zoned Rural Commercial and Rural Industrial. As municipal services expand into rural areas, or as more intensive developments are proposed, Council shall require that any such development be assessed through the Land Use By-law amendment process.

...

2. Adding to the following text in bold to Policy L-1.2:

Policy L-1.2 Within the Rural Development Designation it shall be the policy of Council to establish a Rural Development (RD-1) Zone in the Land Use By-law that permits the following and similar types of uses: agricultural uses including commercial livestock and dairy processing facilities, **kennels**, bed and breakfast establishments to a maximum of 5 rooms, boarding homes to a maximum of 5 rooms, existing tourist commercial uses, fisheries and fishery-related uses, forestry and forestry-related uses, greenhouses, open space, repair shops including auto body shops, existing salvage yards, and all uses permitted in the Hamlet Residential (HR-1) Zone.

3. Adding to the following text in bold to Policy L-3.1:

Policy L-3.1 Within the Rural Development Designation it shall be the policy of Council to establish a Rural Commercial (RC-1) Zone in the Land Use By-law, which permits the following and similar types of uses: automobile sales and service centres (including gasoline stations); **kennels**; banks and other professional offices; country markets; convenience stores; day cares; general merchandise stores; liquor stores; recycling depots; restaurants and licensed establishments; residential units within a commercial building; veterinary clinics; and existing uses subject to the requirements of the RD-1 Zone.

4. Adding to the following text in bold to the preamble of Section 3.2.4 titled “Hamlet Commercial”:

Unlike large-scale commercial developments along the Trans-Canada Highway and closer to the Town of Antigonish, small-scale commercial developments in the heart of the hamlet communities in the Central Plan Area are primarily geared to serve the residents of those hamlets and the immediate outlying areas. Any such commercial developments will be accommodated by the Hamlet Commercial Zone, which will allow most types of commercial development including retail, restaurants, service shops and professional offices that are suitable in a primarily residential area on small municipally serviced lots. While automobile service stations **and kennels** will be permitted in the zone, they will be subject to greater setbacks due to potentially obnoxious impacts on surrounding uses. Likewise, outdoor storage will also be regulated in the Land Use By-law. Existing residential uses will be permitted (and thus be allowed to expand or be rebuilt) and new residential uses permitted at the rear or upper levels of commercial buildings.

...

5. Adding to the following text in bold to Policy L-12.1:

Policy L-12.1 Within the hamlet designation it shall be the policy of Council to establish a Hamlet Commercial (HC-1) zone in the Land Use By-law that permits the following and similar types of uses: automobile sales and service centres; **kennels**; banks and other financial institutions; business and professional offices; country markets; convenience stores; day care facilities; general merchandise stores; grocery stores; liquor stores; restaurants and licensed establishments; residential dwelling units within a commercial building; and existing residential uses subject to the requirements of the HR-1 Zone.

6. Adding to the following text in bold to the preamble of Section 3.2.5 titled “Hamlet Highway Commercial”:

...

A Hamlet Highway Commercial zone will be established within the Hamlet designation in order to address the existing businesses in the high traffic areas along Highway 104 in the Lower South River hamlet. This zone will allow a wide range of commercial establishments similar to what is permitted in the Hamlet Commercial zone, but will also include such uses as hotels and motels, display courts (including prefabricated homes), **kennels**, equipment rental businesses and visitor information centres. Special setbacks will be established for automobile service stations and for expansions to existing recycling depots. New and existing residential uses will be permitted subject to the same standards as applies in the Hamlet Commercial Zone. Due to the size and scale of businesses locating in this zone as well as current traffic and access concerns, (particularly the number of driveways on the Trans-Canada Highway), large minimum lot size, frontage and setback requirements will be established in the Land Use By-law.

...

7. Adding to the following text in bold to Policy L-13.1:

Policy L-13.1 Within the hamlet designation it shall be the policy of Council to establish a Hamlet Highway Commercial (HHC-1) zone in the Land Use By-law that permits the following and similar types of uses: automobile sales establishments; automobile service centres (including gas stations and car washes); **kennels**; display courts including prefabrication

homes and mobile homes; convenience stores, hotels, motels or tourist inns and associate uses, laundromats, leasing or rental establishments, tourist commercial uses, residential units in a commercial establishment, restaurants and licensed establishments, retail stores, visitor information centres, veterinary clinics, agricultural uses, existing recycling depots and existing residential dwellings.

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

A BY-LAW TO AMEND THE CENTRAL ANTIGONISH PLAN AREA

LAND USE BY-LAW

1. Part 6: “General Provisions for All Zones)” is hereby amended by adding the following **text in bold** to Subsection 6.A.11 titled “Existing Undersized Lots”:
 - a. Notwithstanding anything else in this By-law, a lot in existence on the effective date of this By-law having less than the minimum frontage or area required by this By-law may be used for a purpose permitted in the zone in which the lot is located **except for the use of kennels**, and a building may be erected on the lot, provided that all other applicable provisions in this By-law are satisfied.

2. Part 8: “Rural Development Zone (RD-1)” is hereby amended by adding the following **text in bold** to Subsection 8.1 titled “RD-1 Uses Permitted” and renumbering accordingly:
 - 8.1 No development permit shall be issued in a Rural Development (RD-1) zone except for one or more of the following uses:
 - a. Agricultural uses, including intensive livestock operations
 - ...
 - h. Institutional uses
 - i. **Kennels**
 - j. Open space uses
 - ...

3. Part 8: “Rural Development Zone (RD-1)” is hereby amended by adding the following **text in bold** following the subsection titled “Boarding Homes” and before the subsection titled “Intensive Livestock Operations” and renumbering accordingly:

...

Boarding Homes

8.6. Boarding Homes shall be limited to a maximum of five (5) lodging rooms.

Kennels

- 8.7 **A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.**
- 8.8 **Kennels shall only be permitted in the side yard and rear yard.**
- 8.9 **Notwithstanding Section 8.2 of this Part, the minimum lot area for a kennel in the Rural General (RG-1) Zone shall be 10,000 square metres (107,639 square feet).**
- 8.10 **Notwithstanding Section 8.2 of this Part, the minimum side yard and rear yard for a kennel in the Rural General (RG-1) Zone shall be 15.0 metres (50 feet).**
- 8.11 **Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:**
 - a. **a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or**

- b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or
- c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Intensive Livestock Operations

...

- 4. Part 10: “Rural Commercial (RC-1) Zone” is hereby amended by adding the following text in bold to Subsection 10.1 titled “RC-1 Uses Permitted” and renumbering accordingly:

10.1 No development permit shall be issued in a Rural Commercial (RC-1) zone except for one or more of the following uses:

- a. Agricultural uses, including intensive livestock operations
- ...
- g. Day care centres
- h. Kennels**
- i. Leasing or rental of commercial equipment
- ...

- 5. Part 10: “Rural Commercial (RC-1) Zone” is hereby amended by adding the following text in bold following the subsection titled “Automobile Service Stations” and before the subsection titled “Landscaping” and renumbering accordingly:

...

Kennels

10.4 A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.

10.5 Kennels shall only be permitted in the side yard and rear yard.

10.6 Notwithstanding Section 15.2 of this Part, the minimum lot area for a kennel in the Local Commercial (C-1) Zone shall be 10,000 square metres (107,639 square feet).

10.7 Notwithstanding Section 15.2 of this Part, the minimum side yard and rear yard for a kennel in the Local Commercial (C-1) Zone shall be 15.0 metres (50 feet).

10.8 Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:

- a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or
- b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or
- c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Landscaping

- a. Where a new rural commercial use abuts a hamlet residential zone, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s), which must be maintained for the life of the development.

...

- 6. Part 16: “Hamlet Commercial (HC-1) Zone” is hereby amended by adding the following text in bold to Subsection 16.1 titled “HC-1 Uses Permitted” and renumbering accordingly:

- 16.1. No development permit shall be issued in a Hamlet Commercial (HC-1) zone except for one or more of the following uses:

- a. Automobile service centres

...

- j. Grocery stores

- k. **Kennels**

- l. Liquor stores

...

- 7. Part 16: “Hamlet Commercial (HC-1) Zone” is hereby amended by adding the following text in bold following the subsection titled “Garbage Bins” and before the subsection titled “Landscaping” and renumbering accordingly:

...

Kennels

- 16.5. **A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.**

- 16.6. **Kennels shall only be permitted in the side yard and rear yard.**

- 16.7. **Notwithstanding Section 16.2 of this Part, the minimum lot area for a kennel in the Hamlet Commercial (HC-1) Zone shall be 10,000 square metres (107,639 square feet).**

- 16.8. **Notwithstanding Section 10.2 of this Part, the minimum side yard and rear yard for a kennel in the Hamlet Commercial (HC-1) Zone shall be 15.0 metres (50 feet).**

- 16.9. **Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:**

- a. **a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or**

- b. **a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or**

- c. **a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.**

Landscaping

16.10. Where a new hamlet commercial use abuts a hamlet residential use, a visual barrier no less than 1.5 metres (5 feet) high is required along the shared lot line(s) and must be maintained in perpetuity.

...

8. Part 17: “Hamlet Highway Commercial (HHC-1) Zone” is hereby amended by adding the following text in bold to Subsection 17.1 titled “HHC-1 Uses Permitted” and renumbering accordingly:

17.1 No development permit shall be issued in a Business Commercial (BC-1) zone except for one or more of the following uses:

b. Building supply or equipment depots

...

k. Hotels, motels or tourist inns

l. **Kennels**

m. Laundromats

...

9. Part 17: “Hamlet Highway Commercial (HHC-1) Zone” is hereby amended by adding the following text in bold following the subsection titled “Gas Stations and Car Washes” and before the subsection titled “Landscaping” and renumbering accordingly:

...

Kennels

17.11. **Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.**

17.12. **Kennels shall only be permitted in the side yard and rear yard.**

17.13. **Notwithstanding Section 17.2 of this Part, the minimum lot area for a kennel in the Hamlet Highway Commercial (HHC-1) Zone shall be 10,000 square metres (107,639 square feet).**

17.14. **Notwithstanding Section 17.2 of this Part, the minimum side yard and rear yard for a kennel in the Hamlet Highway Commercial (HHC-1) Zone shall be 15.0 metres (50 feet).**

17.15. **Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:**

a. **a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or**

b. **a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or**

c. **a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.**

...

10. Part 19: “Definitions” is hereby amended by removing the following text in strikethrough and adding the following text in bold:

...

~~KENNEL means a building where domestic household animals and birds are kept, boarded and/or bred~~
the use of land, a building, structure, outdoor enclosure, other facility or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised, trained at a facility specifically for training, sold, and/or boarded. This commercial establishment may include daily and overnight boarding, breeding facilities, daycare or combination thereof. A kennel does not include veterinary clinics, fosters of shelter/rescue animals, pet grooming businesses that do not provide any form of boarding or daycare and do not have an outdoor pet run or enclosure, and hobby or occasional breeders having no more than two litters of domestic animals bred per calendar year on the premises to be sold for commercial purposes and/or monetary gain.

...

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

**A BYLAW TO AMEND THE KEPPOCH BEAVER MOUNTAIN PLAN AREA
MUNICIPAL PLANNING STRATEGY**

The Municipal Planning Strategy for the Keppoch Beaver Mountain Plan Area is hereby amended by:

1. Adding to the following text in bold to Policy 3.3:

*Policy 3.3: It shall be the policy of Council to permit in the Rural Development (RD-1) Zone low-density residential uses including single-unit detached dwellings, mobile or mini-homes on individual lots, two-unit dwellings including converted dwellings, one accessory apartment for single unit dwellings, home occupations, open space and parks uses, recreational uses, institutional uses, agricultural uses including the selling of agricultural produce, **kennels**, public utilities, bed and breakfasts/tourist and guest homes or chalets containing no more than six (6) sleeping rooms for overnight accommodation, personal services, senior citizens' housing, institutional uses and cemeteries.*

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

A BY-LAW TO AMEND THE KEPPOCH BEAVER MOUNTAIN PLAN AREA

LAND USE BY-LAW

1. Part 5: “General Provisions for All Zones” is hereby amended by adding the following **text in bold** to Subsection 5.9 titled “Existing Undersized Lots”:

9. Notwithstanding anything else in this Bylaw, a vacant lot held in separate ownership from adjoining parcels in existence prior to the effective date of this Bylaw, having less than the minimum frontage or area or both required by this Bylaw, may be used for a purpose permitted in the Zone in which the lot is located **except for the use of kennels** and a building may be erected on the lot provided that all other applicable provisions in this Bylaw are satisfied. In addition, where such lots are increased in size but remain undersized, they are deemed to be existing undersized lots.

2. Part 6: “Rural Development (RD-1) Zone” is hereby amended by adding the following **text in bold** to Subsection 6.1 titled “RD-1 Zone Permitted Uses”:

1 The following uses shall be permitted in the Rural Development (RD - 1) Zone:

Agricultural Uses

...

Home occupations

Kennels

Medical clinics

...

3. Part 6: “Rural Development (RD-1) Zone” is hereby amended by adding the following **text in bold** following the subsection titled “Special Requirement – Agricultural Guidelines” and before the subsection titled “Special Requirement – Site Plan Approval Requirements” and renumbering accordingly:

...

Special Requirement – Agricultural Guidelines

1. Agriculture and related uses are permitted in the Rural Development Zone in accordance with Nova Scotia Agriculture Manure Management Guidelines.

Special Requirement – Kennel Requirements

2. **A Development Permit for a Kennel shall not be issued until a Kennel License is received from the Municipality.**

3. **Kennels shall only be permitted in the side yard and rear yard.**

4. **Notwithstanding Section 2 of this Part, the minimum lot area for a kennel in the Rural Development (RD - 1) Zone shall be 10 000 square metres (107 639 square feet).**

5. **Notwithstanding Section 2 of this Part, the minimum side yard and rear yard for a kennel in the Rural Development (RD - 1) Zone shall be 15.0 metres (50 feet).**

- 6. Kennels with outdoor enclosures shall provide an acoustical buffer around side(s) of the enclosure that face the rear and or side lot lines abutting properties with residential dwellings that is comprised of:
 - a. a 2.5-metre-wide staggered arrangement of coniferous trees with a minimum height of 2 metres planted at a rate of 1.5 meters on centre for the entire depth and area; or
 - b. a 2.5-metre-wide earthen berm that has a minimum height of 2 metres at a distance of 3 to 5 metres from the outdoor enclosure’s fencing; or
 - c. a synthetic acoustical treatment designed for such a purpose, such as outdoor acoustic panels or blankets, installed in accordance with the manufacturer’s specifications to the outdoor enclosure’s fencing.

Special Requirement – Site Plan Approval Requirements

...

- 4. Part 9: “Definitions” is hereby amended by adding the following **text in bold** following the INSTITUTION definition:

...

KENNEL means the use of land, a building, structure, outdoor enclosure, other facility or part thereof for a commercial establishment where dogs and other domestic animals, excluding livestock, are bred, raised, trained at a facility specifically for training, sold, and/or boarded. This commercial establishment may include daily and overnight boarding, breeding facilities, daycare or combination thereof. A kennel does not include veterinary clinics, fosters of shelter/rescue animals, pet grooming businesses that do not provide any form of boarding or daycare and do not have an outdoor pet run or enclosure, and hobby or occasional breeders having no more than two litters of domestic animals bred per calendar year on the premises to be sold for commercial purposes and/or monetary gain.

...

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024.

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
INTERIM CAO

To: **Antigonish County Planning Advisory Committee
Antigonish County Council**

From: **Planning Staff (EDPC)**

Date: **September 3, 2024**

Reference: **Application to rezone a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle (extensions to Harbour View Drive and Duykers Drive) as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle, Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone to allow for the development of a quadplex residential development.**

Recommendation:

That Municipal Council approve the proposed rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit (R-2) Zone to allow for the development of a quadplex residential development.

Information:

On May 9th 2024, Commission staff received an application from the Vice President of SF Smith (The Maples) Retirement Living asking to amend the by-law "...to allow for the construction of fourplex residential buildings without having to go through the development agreement process." Effectively the request was to rezone four properties located on Mount Cameron circle which they would then consolidate into two lots to allow for the construction of two "multiple unit dwellings to a maximum of four units" as permitted in the R-2 Zone. Staff then reached out to the applicant to confirm they had only wanted to rezone the four lots on Mount Cameron Circle and received a revised plan with thirteen more proposed lots off extensions to Harbour View Drive and Duykers Drive. The complete rezoning would allow for the construction of fifteen quadplexes for a total of sixty (60) units as opposed to twenty-five duplexes for a total of fifty (50) units.

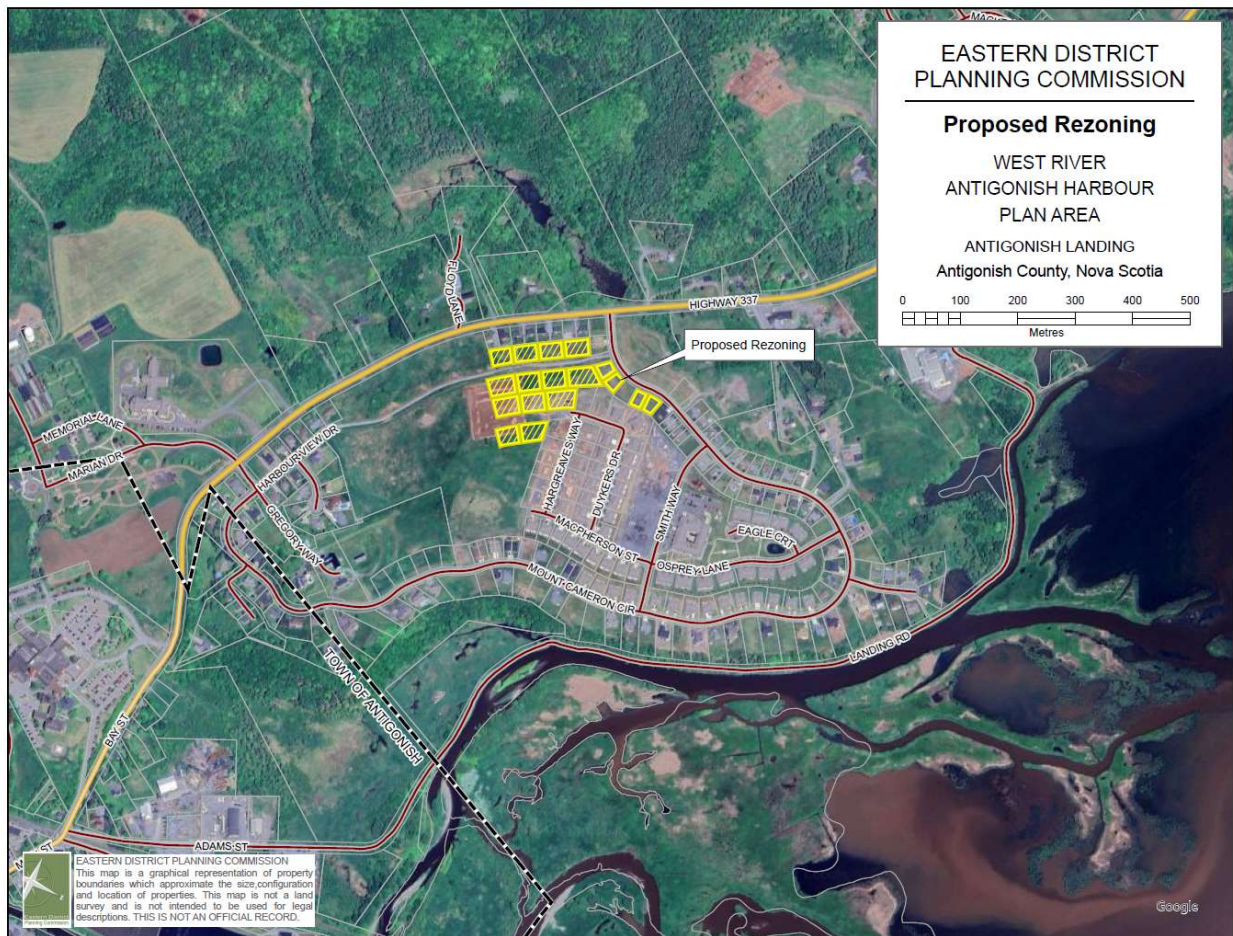
Description	
Plan Area:	West River Antigonish Harbour
Designation:	Residential
Zoning:	Residential (R-1) Zone
Context Map:	Figure 1, Page 2
Parcel Areas:	Portion of PID 10132611 Approximately 26,000 square metres (13 lots)
	Lots 6 and 8 1,739.0 square metres
	Lots 12 and 14 1,649.4 square metres
Proposed Lot size (Average):	1,625 square metres
Site Visit:	August 16, 2024

Staff Report

A site visit was completed August 16, 2024, when staff walked the extent of the properties. The first phase of the development would be the four lots on Mount Cameron Circle which is a public Municipal Road built to the County's public road standards. The properties are vacant, sodded lots which back onto a berm behind the duplexes on Duykers Drive. The larger parcel, which would be located on an extension to both Harbour View Drive and Duykers Drive is partially excavated and/or covered with wild grasses.

The properties are designated Residential on the Generalized Future Land Use Map in the *Municipal Planning Strategy*. Council's intent for development within the residential designation is to recognize two unique and distinct types of development: moderately dense and serviced development located close to the Town, and un-serviced, low-density development dispersed throughout the rest of the Planning Area. The Residential designation allows for higher densities in serviced areas through three different land use provisions. Residential dwellings including duplexes and triplexes are permitted as of right within the R-1 Zone. Converted dwellings; Garden Suites, Grouped Dwellings and Multiple Unit dwellings to a maximum of four units; and townhouses are permitted by rezoning to the R-2 Zone. Finally multiple unit dwellings with more than four units can be considered by development agreement within the designation.

Figure 1: Context Map



Analysis:

Rezoning provides an approach to development control which allows for a Council to consider a number of criteria prior to allowing a development to move forward. When considering such a rezoning, staff will refer to the evaluation criteria written in the Municipal Planning Strategy (MPS) and review the relevant items as part of their recommendations to Council. There are typically two sections of an MPS that apply to rezonings: the specific policy enabling the rezoning with its associated criteria and the implementation section.

The specific enabling policy for this rezoning is found Policy L-2.9 which states that Council shall consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation subject to a number of criteria and also references the general implementation Policy I-1.10. (See Figure 2, Page 4.)

A general enabling policy for this rezoning is also found in Implementation policy I-1.8 which lists every instance of where a rezoning is identified as an option for a development. This policy states: *“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... e) multiple unit residential uses with four (4) or fewer units according to Policy L-2.9...”*

The final applicable section of the MPS is the implementation section which includes two separate policies (I-1.9 and I-1.10) which apply to all applications for rezoning. Policy I-1.9 deals with procedure and notification requirements external to the staff report. Policy I-1.10 includes general criteria which can be considered as part of any rezoning in addition to the specific criteria found in Policy L-2.9

Design of Proposed Development

Policy L-2.9 permits multi-unit dwellings up to four (4) units by rezoning to the Multi-unit (R-2) Zone subject to the provisions of within the policy. Policy L-2.9 (a) prescribes that the proposed development be compatible with adjacent residential uses with respect to **“scale, mass and use.”** It should be noted that this proposal is part of a larger planned development which includes seniors’ apartments, an apartment building through a recently approved development agreement, as well as single, two unit and three-unit dwellings. The proposal to move from two-unit dwellings to four-unit dwellings is an incremental increase of ten units in density and consistent with the proponent’s overall plan for the community. Also the property could be developed as of right with three-unit dwelling meaning the incremental increase in density is arguably less than ten units. This incremental increase in density plays a key role in the evaluation of the rezoning criteria.

Municipal Services:

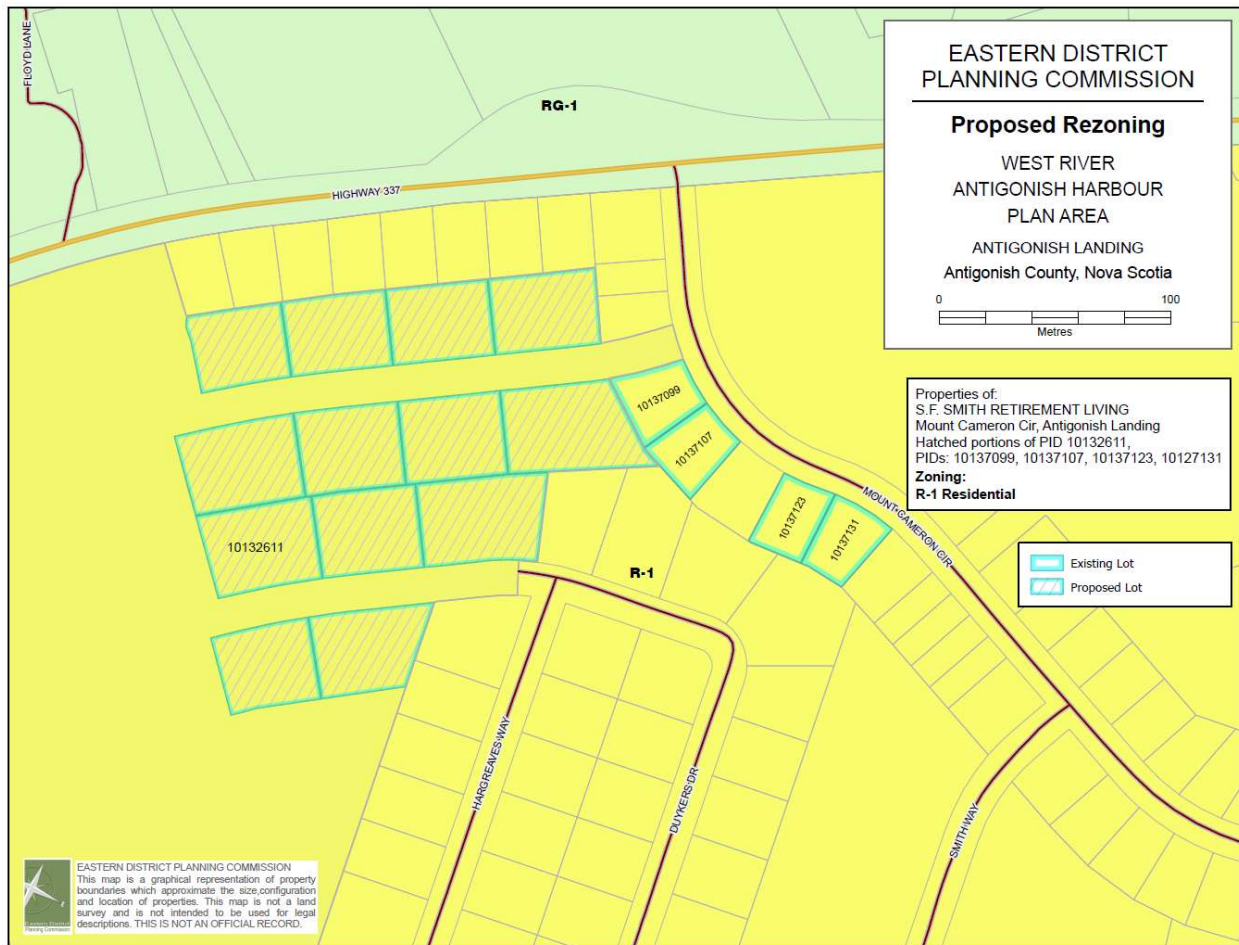
Policy L-2.9 (b) and (c) require Council to consider the impact of the development on traffic generation and municipal water and sewer services. The comments from the municipal Department of Public Works stated that the proposed development is capable of being serviced by municipal water and sewer and the proposed development will not strain the capacities of

Staff Report

these services. Planning staff observed the road network to be adequate and that the incremental increase in density will not create any major traffic problems. As noted earlier, the proposed development has a minimal impact on density. Phase one, for example, will take four lots which would permit four two-unit dwellings and then combine them so that they can build two four-unit buildings with no impact on overall density.

Policy L-2.9 (d) requires Council to consider if capacities of local schools and parks will be strained. Enrollment in the Strait Regional School Board has been consistent over the last decade around 6,240 students. Last school year enrollment in the school district was 6,269 students which is approximately 100 students less than peak enrollment in 2018/19. No schools in the region exceed the Provincial “Class Cap Guidelines” regardless that classes may exceed defined caps due to school capacity or as a result of exceptional circumstances. This development should have minimal impact on the capacity of local schools. The development also has sidewalk access (less than a kilometer) to the trails in the Antigonish Wildlife Management area on the Rights River.

Figure 2: Rezoning Map



Finally, policy L-2.9 (e) relates to site specific requirements relative to parking; whether the parking area proposed on the site is of sufficient size to satisfy the needs of the development; is well designed and properly related to the building and landscaped areas. Parking will be subject

to the zone standards in the R-2 Zone. Also, each unit has been designed with an attached one-vehicle garage and room for a second vehicle in the driveway. The zoning requires 1.5 spaces for every dwelling unit.

Implementation Provisions

The proposed rezoning must also be consistent with the Implementation Section of the Municipal Planning Strategy which stipulates the Evaluation Criteria and Terms for any rezoning. The following is a synopsis of the criteria, evaluation, agreements and conditions (See Appendix A).

The development proposal is not deemed to be premature based on a number of criteria. With respect to the financial capabilities of the Municipality to absorb any cost related to the development none have been identified which would be the responsibility of the County apart from those which would be typical in taking over a public road. Nevertheless, the Municipality has the financial capabilities to absorb any municipal costs associated with the development. Municipal public works staff have had the chance to inspect and confirm that the lots in the development proposal are capable of being serviced with municipal water and sewer services. Both properties are presently vacant so there are no historic buildings nor sites impacted by the development.

Statements of Provincial Interest:

The purpose of the Statements of Provincial Interest (SPI) is to protect the common public interest and encourage sustainable development in municipalities. The SPI are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). Legislation requires that municipal planning documents are “reasonably consistent” with the SPI. Upon review of the SPI, Staff conclude that the proposed development is reasonably consistent with all the relevant statements. The location is not in an identified floodplain and will be using existing municipal infrastructure and extending it. Furthermore, it will positively impact the housing supply in the area, but not necessarily the affordable housing supply. Therefore, Staff find that the proposed development is reasonably consistent with the Statements of Provincial Interest.

Conclusion:

Analysis of the site and proposal, completed through a review of relevant policies the Municipal Planning Strategy indicate that this proposed development is reasonably consistent with the relevant policies of the West River Antigonish Harbour Municipal Planning Strategy. Staff recommend that Municipal Council approve the proposed rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit(R-2) Zone to allow for the development of a quadplex residential development.

Staff Report

Proposed Motions for the Planning Advisory Committee:

Based upon the staff recommendation, the proposed motions for PAC are:

1. *That the Planning Advisory Committee accept the recommendation of staff and recommend Municipal Council rezone a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County from the Residential (R-1) Zone to the Residential Multi-unit(R-2) Zone; and*
2. *That Municipal Council give First Reading and schedule a Public Hearing.*

Proposed Motions for Council:

Based upon a positive recommendation from the PAC, the proposed motions for Council are:

FIRST READING AND SETTING A PUBLIC HEARING DATE:

1. *That Municipal Council give First Reading and schedule a Public Hearing regarding the rezoning of a portion of property (PID 10132611) located between Highway 337 and Mount Cameron Circle as well as four properties (PIDs 10137099, 10137107, 10137115 and 10137131) located on Mount Cameron Circle Antigonish Landing, Antigonish County.*

Appendices:

Appendix A: Summary of Policies

Appendix B: Site Plans

Appendix C: Amending Page

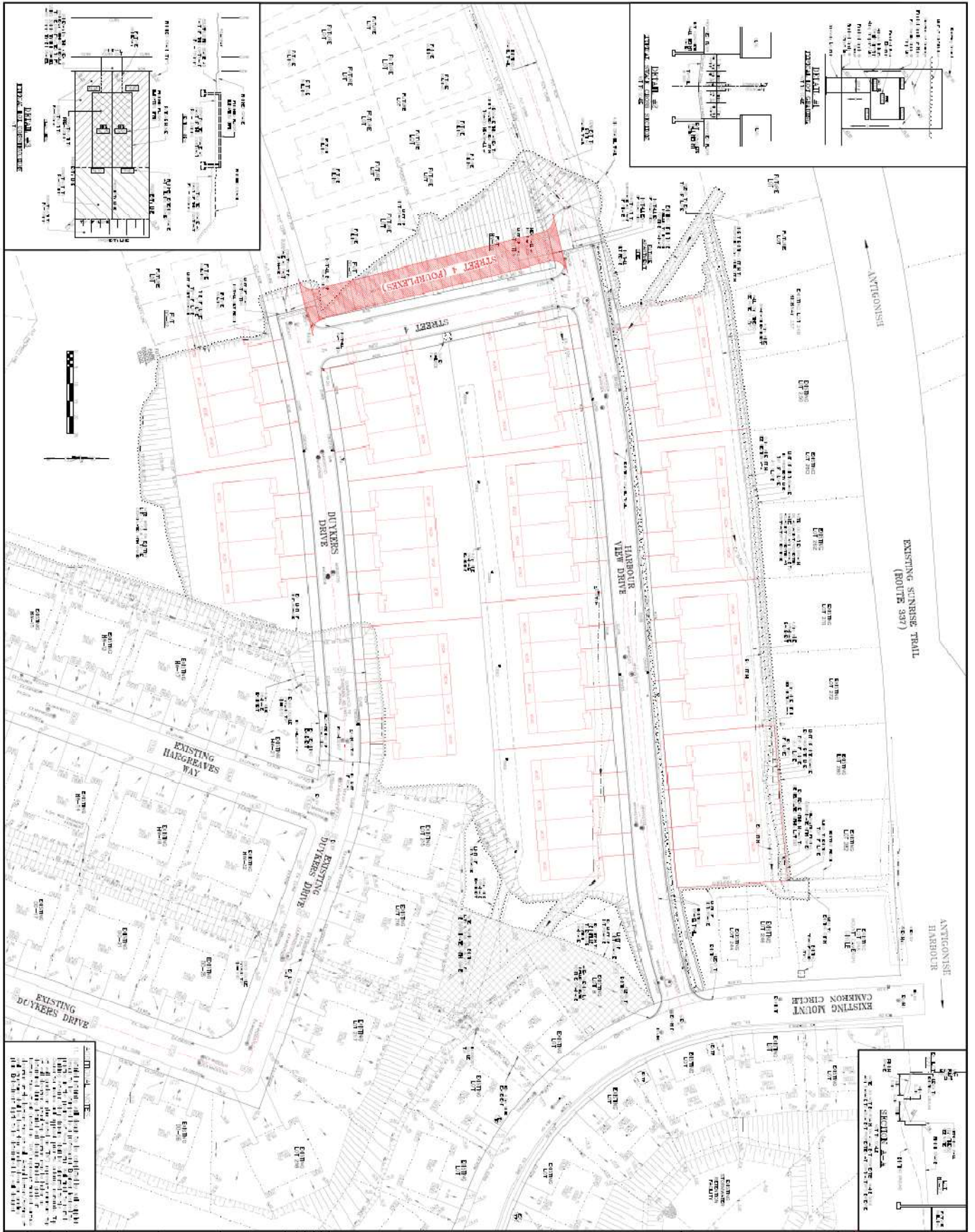
Appendix A: Summary of Evaluation Criteria

Policy L-2.9	It shall be the policy of Council to consider the rezoning of properties to the Residential Multi-Unit (R-2) Zone within the serviced portion of the Residential Designation. In evaluating such proposals, Council shall have regard to the following:	
a)	the proposed development is compatible with adjacent residential uses with respect to scale, mass and use;	Complies (See Staff Report)
b)	that the location of the proposed development does not create any major traffic problems;	Complies (See Staff Report)
c)	that the proposed development is to be served by municipal sewer or sewer and water and that it will not strain the capacities of those services;	Complies (See Staff Report)
d)	the capacities of local schools and parks will not be strained;	Complies
e)	whether the parking area proposed on the site is of sufficient size to satisfy the needs of the particular development; is well designed and properly related to the building and landscaped areas;	Complies (See site plan)
f)	the proposal is consistent with the criteria to amend the Land Use By-law, found in Policy I-1.10	Complies
Policy L-2.10	It shall be the policy of Council to set out in the LUB requirements for landscaping in the Residential Multi-Unit (R-2) Zone where a multiple unit residential development abuts a residential, recreational or institutional use.	Complies

Policy I-1.9 In considering amendments to the Land Use By-law it shall be the policy of Council to:		
a.	request a report from the Eastern District Planning Commission;	Yes
b)	request the Planning Advisory Committee and the Area Advisory Committee to consider the report prepared by the Planning Commission with respect to Policy I-1.10 (Criteria for Amendment to the Land Use By-law), and any other policies of this Strategy that affect the proposed amendment;	September 3, 2024
c)	refer the matter to the appropriate individual municipal and provincial government departments (as identified in this Strategy) where special expert advice is required;	See Staff Report
d)	comply with all legal requirements concerning amendments to the Land Use Bylaw as set out in the <i>Municipal Government Act</i> ; and	To be advertised in accordance with provisions.
e)	require the applicant to pay the cost for advertising with respect to the public notice, as provided for in the <i>Municipal Government Act</i> .	Deposit received.

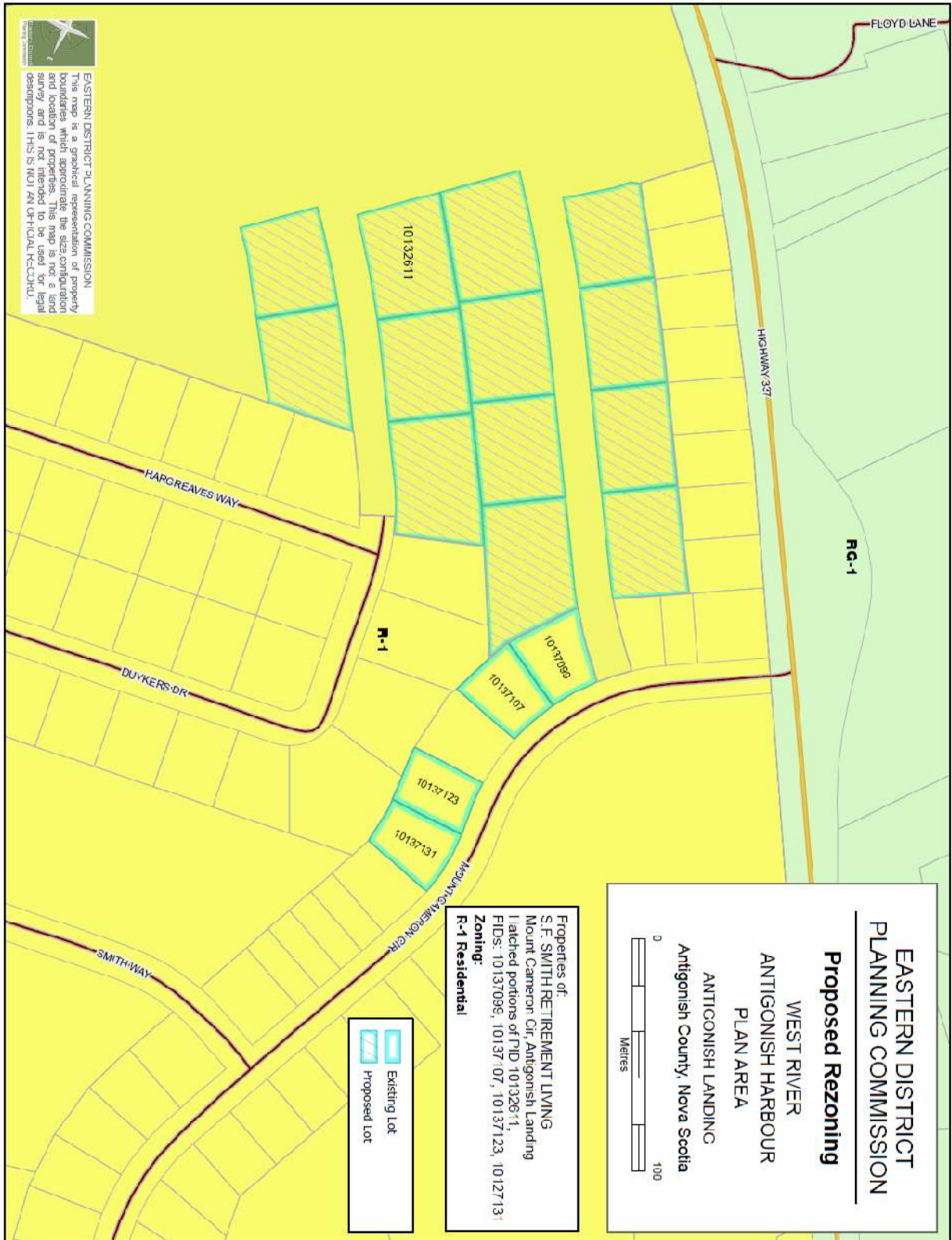
Staff Report

Policy I-1.10 In considering amendments to the LUB, in addition to all other criteria set out in various policies of this planning strategy, Council shall have regard for the following matters:	
a. The proposal is in conformance with the intents of this Strategy and with the requirements of all other Municipal by-laws and regulations;	Yes, complies with the intents of the MPS
b. 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;	Complies
ii) the adequacy of sewer and water services to support the proposed development;	Complies
iii) the adequacy and proximity of school, recreation and other community facilities;	Complies
iv) the adequacy of road networks adjacent to, or leading to the development;	Complies
v) the potential for the contamination of watercourses or the creation of erosion or sedimentation; and	To be addressed during building permit process.
vi) the potential for damage to or destruction of historical buildings and sites.	N.A.
c. Whether the proposal conforms to the requirements contained in the Land Use By-law relating to the following:	
i) the type of use;	Complies – Zone requirement
ii) setbacks, height, bulk, and lot coverage of a proposed building or expansion to an existing structure;	Complies – Zone Requirement
iii) traffic generation, access to and egress from the site, and parking;	Complies
iv) open storage;	N.A.
v) signs;	N.A.
vi) provisions for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;	No incompatibilities with adjacent land uses identified
vii) the location of the development so as not to obstruct any natural drainage channels or watercourses;	To be addressed during building permit process.
viii) sufficient building separations to permit access to firefighting equipment and to prevent the spread of fire.	All unit front on a proposed or existing public street
d. Suitability and costs of the proposed development in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs and proximity of highway ramps, railway rights-of-way and other nuisance factors.	No issues identified



Appendix C: Amending Page

The *West River Antigonish Harbour Land Use By-law* shall be amended as shown on the Rezoning Map below.



Staff Report

This is to certify that the By-law, of which this is a true copy, was passed at a duly called meeting of the Council for the Municipality of the County of Antigonish on _____, 2024. Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this ____ day of _____, 2024.

Shirlyn Donovan
Interim CAO



September 11, 2024

Municipality of the County of Antigonish
285 Beech Hill Rd
RR 6
Antigonish, NS B2G 0B4

Dear Municipality of the County of Antigonish,

Thank you for the difference you have made with your donation of \$10,000 to VON Antigonish Adult Day Program.

Your support is crucial because we cannot do it alone. Your generous gift will directly enhance the quality of life of Canadians in your community who count on the home and community services that VON provides.

Please take pride in knowing that, through your gift, you are helping our staff to care for people in some of the most difficult and challenging times of their lives.

Thank you for being a part of the VON Family. If you have any questions, please contact me at 613-288-3482 or 1-888-VON-CARE, or visit us at www.von.ca to learn more about our work and how your support is making lives better for people of all ages in thousands of Canadian communities.

With appreciation,

A handwritten signature in cursive script that reads "Laurie Buskie".

Laurie Buskie
Manager, Philanthropy
VON Canada

Policy Division

September 25, 2024

Shirlyn Donovan
Acting CAO
Municipality of the County of Antigonish
285 Beech Hill Road
Antigonish, NS B2G 0B4
Shirlyn.Donovan@Antigonishcounty.ca

Dear Shirlyn Donovan,

Through Nova Scotia's Coastal Protection Action Plan, [*The Future of Nova Scotia's Coastline: A plan to protect people, homes and nature from climate change*](#), the Province is working with property owners and municipalities to protect our coast, and the homes and communities along it.

Municipalities have long been leaders in climate change adaptation and mitigation and have expertise with creating climate-resilient communities. This is why the Coastal Protection Action Plan includes actions 8-12 to support municipal leadership.

Under Action 8, of Government has committed to supporting municipalities with example land use by-law content that they can tailor to their community's needs and use to regulate coastal protection in their communities.

The Province has engaged [UPLAND Planning + Design](#) to support with the development of example land use by-law content (Action 8). They will be reaching out in the coming days with more details about this engagement.

Also, the Nova Scotia Federation of Municipalities Coastal Land Use Planning Coordinator, Gordon Smith, is supporting UPLAND Planning + Design, to ensure your information, data and resource needs are addressed.

You will hear from UPLAND Planning & Design in the coming days. If you have any questions, before then please reach out.



Meghan McMorris
Provincial Coastal Protection Action Lead
Department of Environment and Climate Change
902-499-8285

- c. Ian Watson, LPP, Senior Planner and Partner, UPLAND Planning & Design
Gordon Smith, Coastal Land Use Planning Coordinator, Nova Scotia Federation of Municipalities

File No.: 24-0393
Log No.: 24-026

VIA E-MAIL: beth.schumacher@antigonishcounty.ns.ca

October 3, 2024

Beth Schumacher
Deputy Municipal Clerk
Municipality of the County of Antigonish
285 Beech Hill Road
Beech Hill, NS B2G 0B4

Dear Beth Schumacher:

Re: Plan Antigonish Municipal Planning Strategy and Land Use By-law

Approved by Council of the Municipality of the County of Antigonish: June 11, 2024

MATTER REFERRED TO MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

As a follow up to our letter dated August 21, 2024, the mandatory review of the above-noted documents, I have determined there may be an additional concern under the categories requiring approval listed in Subsection 208(3), which would be subject to approval by the Minister of Municipal Affairs and Housing.

Further to the concerns regarding the policies being inconsistent with the Statement of Provincial Interest (SPI) Regarding Agricultural Land identified in our previous letter, it has been identified that there are also concerns regarding the policies being inconsistent with the SPI Regarding Flood Risk Areas.

If no decision is made by the Minister within 60 days of the date of the original letter (August 21, 2024), the documents are deemed to be approved on the 61st day, and the notice requirements of Section 208(7) of the Act shall apply.

Should you have any questions, please contact either Daniel Bryce, Senior Planner (902.424.7922 / daniel.bryce@novascotia.ca) or me.

Kind regards,



Christina Lovitt, MCIP, LPP, PMP
Provincial Director of Planning
(Christina.Lovitt@novascotia.ca / 902.943.0408)

c: John Bain, Director, Eastern District Planning Commission (jdbain@edpc.ca)
Mikayla Tait, Eastern District Planning Commission (mtait@edpc.ca)

/db*cl

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: Deputy Warden Bill MacFarlane
SUBJECT: **September 24 2024 Asset Management Committee Report**
DATE: October 8, 2024

The Asset Management Committee was convened on Tuesday, September 24, 2023.
The following Councillors were present:

Deputy Warden MacFarlane, Chair
Warden McCarron
Councillor MacLellan
Councillor MacDonald
Councillor Brophy
Councillor Deveau
Councillor Dunbar
Councillor Mattie
Councillor McNamara

The following recommendation was made:

The Committee recommends that Municipal Council put out a tender for a sidewalk on Mount Cameron Circle from the western-most intersection with Highway 337 for a distance of approximately 150 metres.

The Committee recommends that Municipal Council requests D. MacIsaac Road, Macken Road, and Tamara Drive for the 2025/2026 J Class Roads program.

The Committee recommends that Municipal Council tenders sidewalks on Catherine Drive and Smith Way.

The Committee recommends that Municipal Council supports the proposed lateral crossing of services across Highway 337 to the development adjacent to Parkland and negotiates cost-sharing opportunities for this work with the development partners of the benefitting lands.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: Shirlyn Donovan, CAO
SUBJECT: **September 24, 2024 COMMITTEE OF THE WHOLE REPORT**
DATE: October 8, 2024

The Committee of the Whole was convened on Tuesday, September 24, 2024. The following Councillors were present:

Warden McCarron
Deputy Warden MacFarlane
Councillor MacLellan
Councillor MacDonald
Councillor Brophy
Councillor Deveau
Councillor Dunbar
Councillor Mattie

The following recommendations were made:

The Committee recommends that Municipal Council approves the proclamation of September 28, 2024 as British Home Child Day in Antigonish County.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

TO: MUNICIPAL COUNCIL
FROM: Shirlyn Donovan, CAO
SUBJECT: **September 27, 2024 COMMITTEE OF THE WHOLE E-POLL REPORT**
DATE: October 8, 2024

The Committee of the Whole was queried by e-poll on Friday, September 27, 2024. The following Councillors participated:

Warden McCarron
Deputy Warden MacFarlane
Councillor MacLellan
Councillor MacDonald
Councillor Stewart
Councillor Brophy
Councillor Deveau
Councillor Dunbar
Councillor Mattie

The following recommendation was made:

The Committee of the Whole recommends to Municipal Council that the tender for the Asphalt Surfacing of the Multi-Use Pathway be awarded to Allan MacNeil Construction for a bid price of \$99,082.70 + HST.

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

BY-LAW 01-2024

BEING A BY-LAW RESPECTING COMMERCIAL DOG CARE AND KENNEL FACILITIES

WHEREAS Section 172(1) of the Nova Scotia Municipal Government Act (MGA) provides Municipalities with the power to make by-laws, for Municipal purposes, respecting the health, well-being, safety and protection of persons; the safety and protection of property; the regulation of businesses and respecting nuisances, activities and things that, in the opinion of Council, may be or may cause nuisances, including noise; and,

WHEREAS Section 174(f) of the MGA provides Municipalities with the power to make by-laws respecting wild and domestic animals and activities in relation to them; and,

WHEREAS Section 175 of the MGA provides Municipalities with the power to make by-laws specifically pertaining to dogs.

NOW THERE BE IT ENACTED AS FOLLOWS:

INTERPRETATION

1. Short Title

- 1.1. This Bylaw shall be known and may be cited as the “Commercial Dog Care and Kennel Facility Bylaw” of the Municipality of the County of Antigonish and shall apply to all lands within the Municipality of the County of Antigonish.

2. Purpose and Scope

- 2.1. The purpose of this Bylaw is to establish standards for the siting of commercial dog care and kennel facilities to ensure compatibility with adjacent land uses and to establish design standards for outdoor dog enclosures and runs to help minimize noise from barking dogs.
- 2.2. This Bylaw does not exempt any individual from complying with the requirements of other bylaws or regulations in force within the Municipality of the County of Antigonish and from obtaining any license, permission, permit, authority or approval required by the Municipality, the Province of Nova Scotia, and/or the Federal Government of Canada.
- 2.3. The Bylaw shall apply to all commercial dog care and kennel facilities existing before the adoption of this Bylaw except as exempted by herein.

Notwithstanding Subsection 4.6.2, the requirements of Section 5 shall not apply to facilities legally operating on the date of the passing of this By-law.

3. Definitions

For the purposes of this Bylaw:

- 3.1. **“Adjacent Dwelling”** means any dwelling unit not on the property on which a Commercial Dog Care and/or Kennel Facility is located.
- 3.2. **“Commercial Dog Care and Kennel Facility”, “Facility” or “Facilities”** means any land, building, structure, outdoor enclosure or other facility where dogs are kept, boarded or bred for commercial purposes. A commercial dog care facility may include daily and overnight boarding, breeding facilities, kennels and dog daycare or combination thereof. For greater clarity, activities exempt from this Bylaw include:
 - 3.2.1. Veterinary clinics;
 - 3.2.2. Pet grooming businesses that do not provide any form of unattended care and do not have an outdoor dog enclosure or run;
 - 3.2.3. Pet training facilities where each attending dog is handled at all times either by the dog owner or trainer and in which the facility has no boarding capacity;
 - 3.2.4. Hobby or occasional breeding where no more than two litters are bred per calendar year on the premises to be sold for commercial purposes or monetary gain; and
 - 3.2.5. Personal ownership or fostering through a recognized animal welfare organization of any number of dogs for which there is no financial remuneration made for any care or services provided.
- 3.3. **“Council”** means the Council of the Municipality of the County of Antigonish.
- 3.4. **“Dog Control Officer”** means a person appointed or authorized by the Municipality to enforce this by-law, a by-law enforcement officer appointed under the Police Act, or a peace officer.
- 3.5. **“Development Officer”** shall mean a Development Officer appointed by the Council of the Municipality of the County of Antigonish.
- 3.6. **“Permit”** means a Commercial Dog Care and Kennel Facility Permit issued pursuant to this Bylaw.
- 3.7. **“Municipality”** means the Municipality of the County of Antigonish.

- 3.8. **“Municipal Staff”** means the Municipality’s Dog Control Officer or a person appointed by the CAO or Council to act on the Municipality’s behalf for the purposes of this By-law.
- 3.9. **“Outdoor Dog Enclosure”** or **“Run”** means an area of land that is fenced in accordance with the requirements of this Bylaw and is intended to provide a secure outdoor area for dogs to socialize, exercise and/or relieve themselves.
- 3.10. **“Owner”** and **“Operator”** mean respectively any owner or operator of a commercial dog care and kennel facility for which a Permit is required under this Bylaw.
- 3.11. Any term not defined herein shall have that meaning given in the *Municipal Government Act*, or any replacement or successor legislation that empowers the Municipality to enact a by-law regulating dogs.
- 3.12. Where a word is not defined under Section 3, the word shall have the meaning or meanings assigned by accepted Canadian English dictionaries.

4. Administration

- 4.1. No person shall establish, alter, expand or modify a commercial dog care or kennel facility in the Municipality of the County of Antigonish without first having obtained a Commercial Dog Care and Kennel Facility Permit from Municipal Staff and a Development Permit from the Development Officer.
- 4.2. Notwithstanding Section 4.1 above, a commercial dog care or kennel facility lawfully existing on the effective date of this Bylaw shall be deemed to be permitted under Section 4.1 above and may continue to exist without being required to meet the requirements and conditions of Sections 5. Any expansion, alteration, or modification to such a facility after the effective date of this Bylaw will be subject to such requirements and conditions and these shall only apply to the expansion, alteration or modification.
- 4.3. In reviewing an application for a Permit, Municipal Staff will provide a copy of the application to the Development Officer, then the Development Officer will advise the Permit Administrator.
- 4.4. Eastern District Planning Commission will determine all planning and zoning requirements of the applicable Land Use By-Law and Municipal Planning Strategy for the proposed Permit location(s) identified in the application. Eastern District Planning Commission will advise the Applicant of such requirements, which may include obtaining a development permit from Eastern District Planning Commission. A fee for a development permit may apply.

- 4.5. A Permit for a commercial dog care or kennel facility shall be issued by Municipal Staff subject to the following requirements:
 - 4.5.1. The owner/operator shall submit a completed application form hereto attached as Schedule "A";
 - 4.5.2. The Application Form shall be co-signed by all registered property owners, if the premises is not owned by the commercial dog care and kennel facility owner and/or operator.
 - 4.5.3. A completed application form is accompanied with an application fee as approved by Council.
 - 4.5.4. The requirements contained in Section 5 of this Bylaw have been met.
 - 4.5.5. Any additional requirements prescribed under the Municipality's Land Use Bylaws have been met.
- 4.6. Duration of Permit
 - 4.6.1. A Permit issued or deemed pursuant to Section 4.1 and 4.2 under this Bylaw shall remain in effect during the continuous operation of the commercial dog care and kennel facility;
 - 4.6.2. Should a commercial dog care and kennel facility cease to operate for a period of twelve (12) months or more, the facility owner and/or operator will be required to reapply for a Permit to re-establish the facility provided all requirements of this By-law, including Section 5, can be satisfied.
 - 4.6.3. A Permit issued or deemed pursuant to Section 4.1 and Section 4.2 under this Bylaw shall automatically lapse and become null and void if the commercial dog care and kennel facility has not been established within one (1) year of the issuance of the Permit.
- 4.7. Notice of Decision:
 - 4.7.1. Within a reasonable amount of time of receiving the completed application for a Commercial Dog Care and Kennel Facility Permit, Municipal Staff shall either issue the Permit or notify the Applicant of a decision to refuse issuance of the Permit;
 - 4.7.2. A decision to refuse an application for a Commercial Dog Care and Kennel Facility Permit shall be served to the Applicant in writing by

ordinary mail and shall include the reasons for not issuing the permit.

5. Requirements and Conditions

- 5.1. All requirements pertaining to “kennels” prescribed under the Municipality’s corresponding Land Use Bylaws have been met.
- 5.2. Buildings that house, hold, board, kennel or otherwise contain a dog or dogs devoted to the commercial dog care and kennel facility shall include:
 - 5.2.1. A wholly enclosed building that is properly ventilated in accordance with the National Building Code;
 - 5.2.2. Soundproofing of the walls and ceiling to a sound transmission class of at least 50 decibels as prescribed by the National Building Code;
 - 5.2.3. A minimum insulating value of R-12 for walls and R-20 for ceiling in accordance with the National Building Code
- 5.3. Buildings that house, hold, board, kennel or otherwise contain a dog or dogs devoted to the commercial dog care and kennel facility shall be restricted to a maximum number of dogs in relation to the kennel facility building size at a ratio of 5.5. square metres per dog.
- 5.4. All soundproofing and/or aesthetic buffering required to receive the Commercial Dog Care and Kennel Facility Permit and Development Permit must be maintained in good working order for the duration of the operation of the facility. Failure to maintain the required soundproofing and/or aesthetic buffering may result in the suspension or revocation of the Commercial Dog Care and Kennel Facility Permit.
- 5.5. All dogs shall be confined indoors during the hours of 8:00pm to 7:00am.

6. Enforcement

- 6.1. Right of Inspection:

Subject to any restrictions or limitations contained in valid and applicable constitutional, federal or provincial law, any employees of the Municipality authorized by the CAO or Council to act on the Municipality’s behalf for the purposes of this By-law, including but not limited to a Development Officer, Dog Control Officer, By-law Enforcement Officer and/or Peace Officer, for the purposes of inspection, maintenance and enforcement, including attempting to determine whether this Bylaw is being or has been contravened, gathering evidence of a possible contravention, or attempting to prevent a

contravention or a continuation of a contravention of the Bylaw, with a warrant or other legal process where required by law, but otherwise without a warrant enter upon or into private property, take photographs, video tape or otherwise record or preserve evidence, and disturb or interfere with people or properties to the extent reasonably necessary therefore.

6.2. Offence:

It shall be an offence to:

- 6.2.1. Contravene any provision of this Bylaw, including permit requirements, requirements and conditions or condition of operation;
- 6.2.2. Contravene any condition specified on a Commercial Dog Care and Kennel Facility Permit;
- 6.2.3. Fail to comply with any representations contained within an application in respect of which a permit has been issued.

6.3. Punishment:

Offences pursuant to Section 6.2 are punishable on summary conviction by a fine of not less than \$1,000 and not more than \$10,000 and to imprisonment of not more than two months in default of payment thereof.

6.4. Appeals

Any person who, upon application, is refused a Commercial Dog Care and Kennel Facility Permit or whose Commercial Dog Care and Kennel Facility Permit is suspended or revoked may, by written notification of the refusal, suspension, or revocation, file an appeal to Council. Council shall hear the appeal at a hearing scheduled within 60 days of the filing of the appeal and Council may allow the appeal, dismiss the appeal or vary the decision under the appeal.

7. Severability

It is hereby declared that each and every of the foregoing Sections of this By-law is severable and that if any provision of this Bylaw should for any reason be declared invalid by any court, it is the intention and desire of the Council that each and every of the then remaining provisions hereof should remain in full force and effect.

CERTIFICATION PAGE

By-law 01-2024; Being a By-Law Respecting Commercial Dog Care and Kennel Facilities

READ a first time this

____ day of _____, 2024

READ a second time and passed
this

____ day of _____, 2024

Warden

CAO

Notice of Adoption Published _____, 2024