

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

From: **Planning Staff (EDPC)**

Date: **April 25, 2023**

Reference: **Review of Recreational Vehicle Provisions within the Isle Madame Planning Area**

Recommendation:

That Richmond County Council **approve** the proposed amendments to the Isle Madame Municipal Planning Strategy and Land Use By-law to allow for small scale campgrounds and recreational vehicles to be used as a seasonal main dwelling or seasonal accessory dwelling as of right within the Rural General (RG) Zone and Rural Resource (RR) Zone and to insert accompanying definitions.

Background Information:

The Eastern District Planning Commission received a number of complaints with respect to campgrounds setting up on Grand Lake without proper permitting. In August of last year Staff completed site visits and identified six separate properties with multiple recreational campers located on the property. The zoning around Grand Lake is the Rural Resource (RR) Zone. Within the Rural Resource (RR) Zone campgrounds are permitted but by development agreement.

Policy L-3.5.5 states: *“Within the Rural Area designation it shall be the policy of Council to permit campgrounds within the Rural General (RG), **Rural Resource (RR)** or Rural Industrial (RI) Zones according to the **development agreement provisions** of the Municipal Government Act.”*

A campground is defined in the Land Use By-law as follows:

*“**Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.”*

To negotiate a development agreement staff would use the criteria set out in Policy L-3.5.5 which states:

In considering such an agreement, Council shall have regard for the following:

- a) the site is well drained and free of stagnant ponds;*
- b) a landscaped buffer of 25 feet is in place from all lot lines which shall include trees planted or retained when the campground abuts a residential use. Within this buffer, no campsites, roadways (except those which connect to the public road), garbage disposal, recreational, service or administrative uses shall be permitted;*
- c) a minimum of five (5) percent of the overall site is reserved for playgrounds, sports,*

- games or similar recreational uses;*
- d) any commercial uses within the development are subject to the commercial requirements for the given zone;*
- e) the proposal meets all the requirements of the Tourist Accommodations Regulations made under Section 18 of the Tourist Accommodations Act;*
- f) the proposal is consistent with the evaluation criteria for development agreements, Policy I-5.2.*

Administration Policy I-5.2 has further criteria that would need to be applied.

In response to discussions with landowners who have campgrounds located on their properties, Staff were asked by the Richmond County Planning Advisory Committee to examine the land use by-law with the intention of making a distinction between a small private campground and a commercial campground.

Analysis:

Staff have presented several versions of proposed amendments to the Isle Madame Municipal Planning Strategy and Land Use By-law to the Richmond County Planning Advisory Committee for comment. Through this process the proposed policy has been refined to reflect those discussions.

In a previous iteration Staff suggested that all campgrounds could be reviewed and approved by Site Plan Approval. Later it was decided that a distinction was required to differentiate commercial campgrounds from private small scale campgrounds.

As the proposed section “Small Scale Campgrounds” in the Isle Madame Municipal Planning Strategy states:

“In addition to commercial campgrounds on Isle Madame, Council recognizes that there are significant recreational opportunities for residents to establish their own campgrounds for family and friends. It is not possible to administer such uses subject to who uses them, but traditionally they have been smaller in scale, without the recreational amenities that larger commercial parks would have. Small scale campgrounds of two to five camping units will be permitted within specific zones in the Rural Area designation, subject to the zone requirements. Special requirements for small scale campgrounds will help minimize the impact on adjacent properties. Furthermore, it is not the intention of the Municipality to regulate the parking of licensed and registered vehicles....”

This distinction allows each type of campground to be governed accordingly by policy. While personal or commercial use of a small campground cannot be effectively determined and enforced, the scale and impact on neighbouring properties would be the same due to the number of permitted camping units.

In the most recent presentation to the Richmond County Planning Advisory Committee, it was suggested that large scale campgrounds be subject to development agreement and small scale campgrounds would be regulated through site plan approval. Due to feedback from the

community, it was decided rather that small scale campgrounds would be permitted as of right, which is what is currently being proposed.

Though small scale campgrounds will be permitted as of right, they will be subject to special restrictions including screening requirements, separation distances, skirting for semi-permanent recreational vehicles, window coverings to reduce light pollution and maintenance. Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup will be required in the development permit application. Colored photos of each recreational vehicle will also be submitted in the development permit application to ensure the vehicle is not derelict, dangerous or unsightly. Some of these policies are based off regulations in the *Nova Scotia Tourist Accommodations Regulations* and other municipal regulations.

Furthermore, policy in the Isle Madame Municipal Planning Strategy under Section 3.3 titled “Rural Resource” aims at protecting the Grand Lake watershed by prohibiting the storage of derelict vehicles in the Rural Resource (RR) Zone:

“Policy L-3.3.3 It shall be the policy of Council to prohibit the storage of hazardous liquids, paints, pesticides and derelict vehicles in the Rural Resource (RR) Zone.”

Small scale campgrounds would only be permitted in the Rural General (RG) Zone and Rural Resource (RR) Zone. Staff expect that these small campgrounds would be on larger lots (as to accommodate the larger lot requirements in rural areas for potential on-site septic systems) and may be potentially naturally buffered with existing vegetation and trees on the property.

Staff feel that for these reasons small scale campgrounds would be adequately regulated with a minimized impact on neighbouring residential properties. Concurrently, landowners wanting a private or personal campground would not have to undergo the lengthy development agreement process which is appealable and does not guarantee the proposed use.

In addition to issues with unauthorized personal campgrounds, Staff are acknowledging that some individuals wish to live or do live in a recreational vehicle. Living in a recreational vehicle is a cheaper alternative amidst the current housing market and rental prices. It may even be the only temporary alternative for those facing homelessness. Staff note that the province is presently facing a housing crisis.

Staff are proposing that using a recreational vehicle as a seasonal main dwelling or seasonal accessory dwelling would be permitted as of right in the Rural General (RG) Zone and Rural Resource (RR) Zone. These recreational vehicles would be subject to nearly the same restrictions as small scale campgrounds; including screening requirements, separation distances, skirting, window coverings to reduce light pollution and maintenance. The development permit application would require coloured photos of the unit and Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup. Staff believe that these regulations and policies will adequately regulate recreational vehicles used as dwellings as well as minimize the impact on surrounding residential

properties.

Conclusion:

Staff recommend that Richmond County Council approve the proposed amendments to the Isle Madame Municipal Planning Strategy and Land Use By-law to allow for small scale campgrounds and recreational vehicles to be used as a seasonal main dwelling or seasonal accessory dwelling as of right within the Rural General (RG) Zone and Rural Resource (RR) Zone and to insert accompanying definitions.

Proposed Motions:

Planning Advisory Committee

That the Planning Advisory Committee recommends to Municipal Council to approve the amendments to the Isle Madame *Municipal Planning Strategy* and *Land Use By-law* to allow for small scale campgrounds and recreational vehicles to be used as a seasonal main dwelling or seasonal accessory dwelling as of right within the Rural General (RG) Zone and Rural Resource (RR) Zone and to insert accompanying definitions; and that Council give First Reading and schedule a Public Hearing.

Council - First Reading

That Municipal Council give First Reading and schedule a Public Hearing to approve the amendments to the Isle Madame *Municipal Planning Strategy* and *Land Use By-law* to allow for small scale campgrounds and recreational vehicles to be used as a seasonal main dwelling or seasonal accessory dwelling as of right within the Rural General (RG) Zone and Rural Resource (RR) Zone and to insert accompanying definitions.

Appendices:

Appendix A: Amending Pages

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A BYLAW TO AMEND THE ISLE MADAME MUNICIPAL PLANNING STRATEGY

The Municipal Planning Strategy for Isle Madame is hereby amended by:

1. Adding to the header immediately following Policy L-3.5.4 the following text in bold:

Large Scale Campgrounds

2. Adding to the following text and policy immediately following Policy L-3.5.6 the following:

Small Scale Campgrounds

In addition to commercial campgrounds on Isle Madame, Council recognizes that there are significant recreational opportunities for residents to establish their own campgrounds for family and friends. It is not possible to administer such uses subject to who uses them, but traditionally they have been smaller in scale, without the recreational amenities that larger commercial parks would have. Small scale campgrounds of two to five camping units will be permitted within specific zones in the Rural Area designation, subject to the zone requirements. Special requirements for small scale campgrounds will help minimize the impact on adjacent properties. Furthermore, it is not the intention of the Municipality to regulate the parking of licensed and registered vehicles.

Policy L-3.5.7 Within the Rural Area designation it shall be the policy of Council to permit personal campgrounds within the Rural General (RG) or Rural Resource (RR) Zones.

3. Adding to the following text and policy immediately following the proposed Policy L-3.5.7 the following:

Recreational Vehicles as Seasonal Dwellings

While is not the intention of the Municipality to regulate the parking of licensed and registered vehicles, there are recreational vehicles that are being used as dwellings. Council recognizes that the province is currently experiencing a housing crisis and recreational vehicles provide opportunities as potential temporary or seasonal dwellings, particularly those looking for immediate basic shelter.

Recreational vehicle use as a dwelling will be permitted within specific zones in the Rural Area designation subject to the zone requirements. Special requirements for recreational vehicles being used as a dwelling will help minimize impact on adjacent properties.

Policy L-3.5.8 Within the Rural Area designation it shall be the policy of Council to permit the use of recreational vehicles as a seasonal main dwelling or seasonal accessory dwelling within the Rural General (RG) or Rural Resource (RR) Zones.

4. Adding to the following text in bold to in the preamble of the “Large Scale Campgrounds” Section:

This requirement is in place to ensure any new **large scale** campground is compatible with the surrounding land uses, buffered adequately and is an attractive addition to Isle Madame’s landscape.

5. Adding to the following text in bold to Policy L-3.5.5 the following:

Policy L-3.5.5 Within the Rural Area designation it shall be the policy of Council to permit **large scale** campgrounds within the Rural General (RG), Rural Resource (RR) or Rural Industrial (RI) Zones according to the development agreement provisions of the Municipal Government Act. In considering such an agreement, Council shall have regard for the following:

6. Adding to the following text in bold to Policy L-3.5.5(b) the following:
(b) a landscaped buffer of 25 feet is in place from all lot lines which shall include trees planted or retained when the **large scale** campground abuts a residential use. Within this buffer, no campsites, roadways (except those which connect to the public road), garbage disposal, recreational, service or administrative uses shall be permitted;
7. Adding to the following text in bold to Policy L-3.5.6 the following:
Policy L-3.5.6 Within a **large scale** campground development, it shall be the policy of Council to permit one dwelling unit, including office space.
8. Adding to the following text in bold to Policy I-5.1(b)(iii) the following:
(iii) **large scale** campgrounds according to Policies I-5.2 and L-3.5.5.

A BY-LAW TO AMEND THE ISLE MADAME LAND USE BY-LAW

1. Part 5: “Development Agreements” of the Land Use By-law is hereby amended by adding the following **text in bold** to subsection 1(d):
 - d) **large scale** campgrounds according to Policies L-3.5.5 and I-5.2.
2. Part 6: “General Provisions for All Zones” is hereby amended by adding the following text in bold and removing the following text in strikethrough to Subsection 6.33 titled “One Dwelling on a Lot”:
 - a) grouped dwellings located in any zone where they are permitted;
 - b) mobile Home Parks as permitted in the Mobile Home Park (MHP) Zone; ~~and~~
 - c) **a travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions; and**

...
3. Part 6: “General Provisions for All Zones” is hereby amended by adding the following text in bold following Subsection 6.41 titled “Public and Private Utilities” and renumbering the part accordingly :

Recreational Vehicles as Seasonal Dwellings

42. Notwithstanding anything else in this By-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal main dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.

43. Notwithstanding anything else in this by-law, a travel trailer, fifth wheel trailer, or park model recreational vehicle is permitted to be used as a seasonal accessory dwelling in the Rural Resource (RR) Zone and the Rural General (RG) Zone subject to zone restrictions.

44. The replacement of a travel trailer, fifth wheel trailer, or park model recreational vehicle that was being used as a seasonal main dwelling or seasonal accessory dwelling shall require the submission of a new development permit application.

4. Part 15: “Rural General (RG) Zone” of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following **text in bold** as a use permitted:

Uses Conditionally Permitted

2. The following uses shall be permitted subject to a development agreement being negotiated between the municipality and the developer:
 - **New large scale campgrounds;**
 - Medium industrial uses with a commercial floor area of 5,000 square feet or more;
 - Resource industrial uses with a commercial floor area of 5,000 square feet or more

Permitted Uses

3. The following uses shall be permitted in a Rural General (RG) zone
 - All uses permitted in the Village Low Density Residential (VR-1) zone and the Village Residential Multiple Unit Dwelling (VR-2) zone

- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal main dwelling
- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling
- Small scale campgrounds
- All commercial uses
- ...

5. Part 15: “Rural General (RG) Zone” of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following text in bold as special restrictions following Subsection 15.6:

Special Requirements: Recreational Vehicles as Seasonal Dwellings

7. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

- a) all recreational vehicles located on the property shall:
 - (i) have the entire undercarriage skirted with an opaque material;
 - (ii) have coverings for all windows to reduce light pollution;
 - (iii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (iv) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (v) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following:
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup;
 - (iv) current-colored photos showing all four (4) sides of each proposed unit.

Special Requirements: Small Scale Campgrounds

8. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
 - (i) have coverings for all windows to reduce light pollution;
 - (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;

- (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (iv) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) all semi-permanent recreational vehicles located on the property shall have the entire undercarriage skirted with an opaque material;
- c) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
- (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) current-colored photos showing all four (4) sides of each proposed unit; and
 - (iv) Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup;

Special Requirements: Coasts, Lakes and Watercourses

9. No development permit shall be issued for any structure within 50 feet of the edge of a coast, lake or watercourse within the Rural General (RG) zone, with the exception of the uses listed in Schedule “E”.

10. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural General (RG) zone, with the uses listed in Schedule “E”.

6. Part 16: Rural Resource (RR) Zone of the Land Use By-law for Isle Madame is hereby amended by adding the text in **bold**:

Uses Conditionally Permitted

1. The following uses shall be permitted subject to a development agreement being negotiated between the municipality and the developer:

- New **large scale** campgrounds

Permitted Uses

2. The following uses shall be permitted in a Rural Resource (RR) zone:

...

- All uses permitted in the Village Low Density Residential (VR-1) Zone, subject to the lot standards set out in this Part
- **A travel trailer, fifth wheel trailer, or park model recreational vehicle a seasonal main dwelling**

- A travel trailer, fifth wheel trailer, or park model recreational vehicle as a seasonal accessory dwelling
- Small scale campgrounds

...

7. Part 16: "Rural Resource (RR) Zone" of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following text in bold and removing the following text in strikethrough as special restrictions following Subsection 16.3:

Special Requirements: Recreational Vehicles as Seasonal Dwellings

4. The following requirements shall apply to all recreational vehicles intended to be used as a seasonal main or accessory dwelling:

- a) all recreational vehicles located on the property shall:
 - (i) have the entire undercarriage skirted with an opaque material;
 - (ii) have coverings for all windows to reduce light pollution;
 - (iii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (iv) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (v) be adequately maintained for safety, sanitary and aesthetic purposes.
- b) an application for a development permit as outlined in Part 2 Section 9 shall also include the following:
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup;
 - (iv) current-colored photos showing all four (4) sides of each proposed unit.

Special Requirements: Small Scale Campgrounds

5. The following requirements shall apply to all small scale campground uses:

- a) all recreational vehicles located on the property shall:
 - (i) have coverings for all windows to reduce light pollution;
 - (ii) be a minimum of 15 ft from all other buildings, structures, and recreational vehicles;
 - (iii) be screened from abutting residential properties by opaque landscaping or an opaque fence; and
 - (iv) be adequately maintained for safety, sanitary and aesthetic purposes.

- b) all semi-permanent recreational vehicles located on the property shall have the entire undercarriage skirted with an opaque material;
- c) an application for a development permit as outlined in Part 2 Section 9 shall also include the following;
 - (i) a site plan that is to scale detailing all property lines of the subject property, the location and dimensions of all existing buildings and RVs, the location and dimensions of all proposed buildings and RVs, the location of the driveway(s), existing and proposed landscaping, as well as the setbacks from existing and proposed buildings and RVs to the property lines;
 - (ii) a separate landscaping plan for the site if not shown in the site plan;
 - (iii) current-colored photos showing all four (4) sides of each proposed unit; and
 - (iv) Nova Scotia Department of Environment and Climate Change approval regarding sewage waste or Municipal approval for a sewage hookup.

Special Requirements: ~~Separation Distances Coasts, Lakes and Watercourses~~

6. No development permit shall be issued for any structure within 50 feet of the edge of a **coast**, lake or watercourse within the Rural Resource (RR) zone, with the exception of ~~water treatment and distribution uses, fishery related uses and boat storage and repair facilities~~ the uses listed in Schedule "E".

7. Land levels within 50 feet of the edge of a coast, lake or watercourse shall not be altered by the filling in of land to a depth greater than 1 foot above the natural ground surface within the Rural Resource (RR) zone, with the uses listed in Schedule "E".

8. Part 21: Definitions of the Land Use By-law for Isle Madame is hereby amended by adding immediately the following **text in bold**, removing the following text in strikethrough and renumbering the part accordingly:

BATHROOM means a room containing a toilet and sink that may contain a shower and or a bathtub.

CAMPGROUND means an area of land for the ~~temporary~~ accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

a) **LARGE SCALE CAMPGROUND** means an area of land upon which six or more campsites are located, established, or maintained for the temporary or permanent accommodation of travel trailers, motorized homes, tents and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

b) **SMALE SCALE CAMPGROUND** means an area of land upon which two to five campsites are located, established, or maintained for the accommodation of travel trailers, motorized homes and trailers used for travel, recreational and vacation purposes but does not include a mobile home park.

CAMPSITE means an area designated for a tent, cabins/cottage, lean-to, dome, recreational vehicle or similar structure.

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

FIFTH WHEEL TRAILER means a two-level recreational vehicle designed to be affixed and towed by a pickup truck equipped with a fifth wheel hitch in the truck bed, and may also be known as a trailer coach.

KITCHENETTE means a small cooking area that at minimum has a sink, a refrigerator - which may or may not include a freezer - and a home appliance that can cook or heat up food such as a microwave, a microwave oven, an air fryer, a toaster oven, a hot plate, an oven, or a burner range.

PARK MODEL RECREATIONAL VEHIVLE (RV) means a unit designed to be towed by a heavy duty tow vehicle (auto, van, pick-up truck, etc) but is of restricted size and weight so that it does not require a special highway move permit. Designed for infrequent towing, it is not fitted with a 12-volt system for fixtures and appliances. Once on site in the set up mode it must be connected to the local utilities. It conforms to the CSA Z – 240 Standard for RVs.

RECREATIONAL VEHICLE or RV means a vehicular-type unit designed as temporary living quarters for recreational, camping, travel or vacationing use which either has its own motor power or is mounter on or drawn by another vehicle. Such vehicles may include a tent trailer, travel trailer, truck camper, fifth wheel trailer, motor homes, etc.

SEMI-PERMANENT (RECREATIONAL VEHICLE OR RV) means a recreational vehicle on a property that is characterized by one or more of the following: expired or missing license and/or registration of Recreational Vehicle(s), sewer and/or water connections to the site, decks and/or accessory building on site, and modifications to a recreational vehicle including screened porches, decks or exterior rooms (eg. Arizona rooms).

TRAVEL TRAILER means a recreational vehicle with a kitchenette and bathroom mounted on wheels and designed to be towed behind a motorized vehicle by means of a bumper or frame hitch.

9. [The Land Use By-law for Isle Madame is herby amended by adding immediately the following text as Schedule "E" following Schedule "D":](#)

Schedule "E"

List of uses which will be excluded from the "Special Requirements: Coasts, Lakes and Watercourses" in the Rural Resource (RR) Zone and the Rural General (RG) Zone.

- Boat storage and repair facilities
- Fishery related uses
- Marine industrial uses

- Water treatment and distribution uses
- Docks, wharves, piers and slipways
- Boardwalks, walkways and trails with a maximum width of 3.0 metres (9.84 feet)
- Pumphouses
- Public Streets and infrastructure