

*Annapolis County
East End Area*

Municipal Planning Strategy



Effective Date: June 23, 2004

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PART 1: INTRODUCTION - Authority and Context**i. Preamble**

This Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for the East End Area of Annapolis County have been prepared according to the provisions of the ***Municipal Government Act***, S.N.S 1998, Chapter 18 and amendments thereto. This Strategy is a legal document, a policy document and a framework for development, and where land and development issues are dealt with in this Strategy, the accompanying Annapolis County East End Area Land Use By-law (LUB) shall implement them. This Strategy applies to all lands within the East End Area, as defined by Map 1, The Future Land Use Map, and shall be referred to as the East End Planning Area or the Planning Area.

ii. Purpose

Annapolis County Municipal Council adopted its first municipal planning strategy and land use by-law for the east end area of the County on July 31, 1997. Thus, this Municipal Planning Strategy and Land Use By-law is the second reiteration of planning documents. Like the first planning documents, this plan and by-law reflects the community's value system for community based planning being: derived largely from the efforts of a citizen-based working group called the East End Area Advisory Committee. Also like the area's first land use plan, this plan and by-law seeks to guide development by way of providing planning documents designed to achieve harmony among agricultural, residential, commercial and industrial uses of land, water and resources, and to provide and preserve all that is best about the living in the urban and rural areas of Annapolis County East.

iii. Limitations

This Municipal Planning Strategy sets out policies directed toward the attainment of specific goals, set out in Section iv. of this Part. In adopting these policies Council does not commit itself to undertaking any of the projects suggested therein. However, Council is prevented in acting in a manner that is inconsistent with or at variance with this Strategy (MGA S. 217).

iv. Goals

In order to direct this Municipal Planning Strategy, Municipal Council has adopted specific goals. These goals articulate the desired future; set the direction; focus of the Municipality's East End Planning Area programs and activities; and act as a guide for daily decision making with respect to budgeting, projects, and program evaluation. Specific goals of this Municipal Planning Strategy include:

- G-1. Provide a basis for Municipal Council to guide and direct new development in the East End Planning Area in an orderly, economical manner.
 - G-2. Preserve and enhance the character of the East End Planning Area residential neighbourhoods by preventing the encroachment of undesirable commercial or industrial development into those neighbourhoods, while still permitting unobtrusive home occupations.
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- G-3. Encourage new commercial developments in the Planning Area that are consistent with the creation and maintenance of a well-balanced community.
- G-4. Set aside sufficient suitable land in the Planning Area for industrial development and ensure that new industrial development is appropriately located in harmony with the physical environment and consistent with the creation and maintenance of a well-balanced community.
- G-5. Encourage the development of adequate institutional facilities in the Planning Area to meet the needs of area residents, and, where appropriate, ensure that all such facilities are of adequate quality, durable and safe.
- G-6. Guide Council in making decisions concerning the provision of services and facilities for the East End Planning Area.
- G-7. Ensure that development and servicing of land in the East End Planning Area occurs in an environmentally safe manner.

v. Components - Text and Maps

This Plan is divided into a number of sections: each dealing with one or more subject areas. Each section contains policies prefaced with explanatory material. The map contained in and forming an integral part of this Strategy is the Future Land Use Map (Map 1). The FLUM designates all lands within the Planning Area to one of the following designations:

Residential: Those areas of the East End that are already predominantly residential in nature, or are suitable for such, and can potentially be serviced by municipal water and/or sewer services.

Nictaux Commercial: Those areas along Highway #10 and Highway #201 in Nictaux, which are already mixed residential/commercial use developed.

Highway Commercial: Those areas along Highway #1 in Wilmot along Highway #201 in South Farmington and Meadowvale that are already developed as mixed-use residential/commercial.

Industrial: The area along the junction of Brooklyn Road, Junction Road and Highway #101, north and west of the Town of Middleton.

Enviro Open Space: The Town of Middleton water supply wellhead area to the south and east of Middleton.

Rural: Those areas which generally have been developed along the east end roadways that are suitable for low density development, but at present are not serviced by municipal water or sewer services or appropriate to be provided with municipal water or sewer services.

Agricultural: Those remaining areas where the use is predominantly agricultural in nature or where an appropriate use is agriculture based on the land's soil resources, soil characteristics or proximity to existing agricultural operations.

vi. The Planning Process

The preparation of this Municipal Planning Strategy and its accompanying Land Use By-law was carried out by staff of Annapolis County Planning Services, acting at the direction of the East End Area Advisory Committee, the Annapolis County Planning Advisory Committee and the Council of the Municipality of Annapolis County. To facilitate the preparation of these planning documents a consultation process was undertaken including: a) extensive consultations with the members of the East End Area Advisory Committee, residents and landowners within the East End Planning Area and Municipal Council; b) the preparation and review of various land use survey mapping exercises and in-house working papers related to issue identification, evaluation and assessment for policy formulation direction and c) the completion of an extensive Municipal Council initiated public participation program that involved newspaper articles, meeting notice advertisements, open East End Area Advisory Committee and Planning Advisory Committee working sessions, open house format public meetings and a statutory public hearing.

vii. Statements of Provincial Interest

The *MGA* requires that planning documents be reasonably consistent with the Provincial Statements of Interest. The five Statements of Interest include: drinking water supplies, flood risk areas, agricultural land, infrastructure and housing.

a. Drinking Water

Most developments within the East End Planning Area are serviced by private wells. The exceptions to this are some properties on the approaches to Middleton, north of the Town along Junction Road and Commercial Street and east of the Town along Highway Number 1, which receive town water. Additionally, the Town of Middleton's water supply wells are located in the East End Planning Area. Here, those properties, most of which are owned by the Town, are included within the Open Space designation and zoned as open space with appropriate development controls to promote and encourage low impact developments such as forestry uses, agricultural uses, parks and passives recreation uses.

b. Flood Risk

No waterways within the East End Planning Area are identified as flood risk areas designated under the Canada-Nova Scotia Flood Damage Reduction Program. Flood risk is not considered to be an issue in the East End Planning Area, thus not an issue dealt with by policy in the Annapolis County East End Area Municipal Planning Strategy.

c. Agricultural Land

Agricultural land preservation within the East End Planning Area is grounded in a multifaceted strategy to encourage, protect and promote both new and existing agricultural developments and to minimize conflicts between various types and degrees of agricultural operations verses other competing land uses. As such appropriate land use policies have been included in the planning documents for the East End of Annapolis County addressing

preservation of land for agricultural industrial development by way of: 1) employing agricultural zoning where the soil resources are such to support agricultural ventures, 2) employing agricultural zoning to encourage agricultural development to where soil resources are not of concern to the agricultural operation, 3) including existing agricultural operations within zoned agricultural districts, 4) including lands within agricultural districts that have little development potential, such as wet or swampy areas, to act as buffers or physical separations between agricultural areas and adjacent lands, 5) including lands within agricultural districts such as wet or swampy areas, to act as a filter for agricultural runoff, 6) curbing sprawl onto farmland and the subsequent loss of prime farmland to mainly residential or commercial and industrial developments via the creation of relatively exclusive agricultural zone districts, 7) mitigating conflicts such as complaints about fertilization, spraying operations, vandalism and trespass also via the creation of relatively exclusive agricultural zone districts, 8) providing conditions to encourage lot consolidation so to create larger, more efficient agricultural units, and 9) requiring complimentary large separation distances between an agricultural zone and any adjacent zone, in the form of abutting zone requirements.

d. Infrastructure

Most developments within the East End Planning Area are serviced by private wells with the exception being some properties on the approaches to Middleton, north along Junction Road and Commercial Street and east along Highway Number 1, which receive town water. Like water supply, most developments within the East End Planning Area are also serviced private, on-site sewerage systems, the exception being those properties serviced by the Nictaux sewer system. Essentially, the policies of this Plan allow for the concentrating of development or in filling by way permitting smaller lot sizes in areas that are presently or potentially would be supplied with municipal services. Additionally the policies of this plan provide for flag lot development to occur thus encouraging development intensification.

e. Housing

This Municipal Planning Strategy seeks to achieve a balance between the various forms and types of development. In terms of housing, inherent in this plan is that Council's main goal is to protect the east end area's residential lands. The policies of Council contained in this Strategy encourage the construction of new housing forms and facilitate the continued improvement of housing conditions and the residential environment in general. To accomplish this, those areas of the east end that are now developed as residential areas, where municipal services have already been provided for, or services have been suggested, have been designated as Residential.

While the primary form of housing within the Residential designation this Plan seeks to promote is the single unit residential development, higher density residential development, such as mobile home parks, duplexes or apartment buildings are also considered by Municipal Council to be appropriate housing options and such are permitted with a general residential zone. Alternately, those areas not anticipated being serviced by municipal services - in the immediate future- have been designated as Rural and a wide array of housing forms are permitted as of right.

viii. Future Development Prospects

This Municipal Planning Strategy has been prepared on the assumption that the east end area of Annapolis County will continue to experience low to moderate commercial and industrial development and some real population growth in the coming years. Like its predecessor, it is anticipated that this plan will continue to evolve over the next five years, until the required review period. While this plan is flexible enough to accommodate some growth, should a dramatic surge in construction activity occur, Council may wish to review this Strategy early to ensure adequate development control mechanisms are in place. It is also desirable that the community-based East End Area Advisory Committee continue to function as an area subcommittee of the Annapolis County Planning Advisory Committee to review and monitor new developments, trends or changes within the planning area, in addition to solely reacting to requested land use by-law text or map amendments.

Policy Part 1(viii) (i)

It is the policy of Council to commence an early review of the policies of this Municipal Planning Strategy should a major surge of economic or population growth or decline occur. In any event, a review of this Strategy shall commence in five years.

Policy Part 1(viii) (ii)

It is the policy of Council that, for the purposes of existing land uses and lots, the effective date of the Land Use By-law shall be July 31, 1997 to coincide with the effective date of the previous Annapolis County East End Area Municipal Planning Strategy and the previous Annapolis County East End Area Land Use By-law.

Policy Part 1(viii) (iii)

It is the policy of Council to include a number of “Notes to Readers” in this Planning Strategy and its accompanying Land Use By-law. These “Notes to Readers” are for information and clarification purposes only, and do not form part the Strategy or By-law. Altering, deleting or adding such notes shall be by resolution of Council and shall not require official amendment to this Strategy or the Land Use By-law.

PART II: POLICIES

1.0 RESIDENTIAL DEVELOPMENT

The residential development component of this Plan sets out Annapolis County Municipal Council's policies concerning development within the Residential designation. The Plan seeks to facilitate a diversity of housing types with the emphasis on providing stable residential neighbourhoods by preventing the intrusion of inappropriate commercial or industrial uses. The housing policies contained within address low-density housing, general housing, multiple unit housing, protected residential areas, mobile home parks and existing commercial and/or industrial uses in the Residential designation. To accomplish this, those areas that are now developed as residential areas, where municipal services have already been provided or services have been suggested, shall be designated "Residential".

Policy 1.0.1

It is the policy of Council to designate those areas of the Planning Area which are predominately residential in nature or appropriate for future residential development and which are presently serviced by municipal services or suitable for the provision of municipal services as "Residential" on the Future Land Use Map (Map 1).

1.1 Low Density Housing

The focus of the Plan concerning low-density housing is the protection of the area's residential subdivisions by encouraging the continuation of the single unit dwelling housing form and preventing the intrusion of inappropriate commercial or industrial uses. Many subdivisions developed in the Planning Area had included restrictive covenants that limited development to single detached dwellings. Therefore, Council shall create a specific zone to permit single detached dwellings as the exclusive housing form.

Policy 1.1.1.

It is the policy of Council to establish a Residential Single Unit (R-1) Zone in the Land Use By-law which would limit the permitted uses in the R-1 Zone to single detached dwellings, parks and playgrounds, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage and parking.

As regularly shaped single detached unit dwellings are the predominant housing form within the R-1 Zone, Council wishes to protect these areas of uniform residential land use from undesirable change or variation in housing design. Thus, Council shall include provisions in the land use by-law that restrict the development of long, slender, housing units in the Residential Single Unit (R-1) Zone.

Policy 1.1.2

It is the policy of Council that, in keeping with the predominant and desired character of those residential areas identified and referred to in Policy 1.1.1, that special dwelling development design standards be included in the Land Use By-law to regulate the average length to average width ratio within a range of 2:1 to 4:1 of single detached residential dwellings structures in the Residential Single Unit (R-1) Zone to restrict the development of long, slender single detached residential dwelling structures.

In the process of developing a land use plan for the Planning Area, Council chose to be very tight in what lands would be zoned R-1. Council, however, feels that an option should be available should additional lands within the "Residential" designation be proposed for rezoning to Residential Single Unit (R-1) Zone.

Policy 1.1.3

It is the policy of Council to consider applications to rezone any land within the "Residential" designation to the Residential Single Unit (R-1) Zone, subject to the criteria set out in Policy 9.2.2. In considering applications to rezone land to the Residential Single Unit (R-1) Zone Council shall ensure that no non-conforming uses are created as a result of the rezoning. It is also the policy of Council to refuse to consider applications to rezone lands from the Residential Single Unit (R-1) Zone to the General Residential (R-2) or the Institutional (I) Zone.

1.2 General Housing

Location patterns of residential development, outside of the established subdivisions, have tended to be associated with the prevailing road network. Thus, a multitude of housing forms have evolved, usually in close proximity to each other. Council feels that an appropriate zone should be included in the land use by-law to permit the development of a general residential area in the Planning Area where a variety of housing forms should be permitted including single detached dwellings and single detached dwellings with an apartment, duplexes, and either mobile homes in mobile home parks or individually sited mobile homes.

Policy 1.2.1

It is the policy of Council to include in the Land Use By-law a General Residential (R-2) Zone in which a variety of residential uses shall be permitted, subject to provisions and standards relating to such uses, including home occupations, accessory buildings, parking and signage and the limiting of the number of dwelling units within a building.

Policy 1.2.2

It is the policy of Council to consider applications to rezone lands from the General Residential (R-2) Zone to the Institutional (I) Zone to permit the development of institutional uses. In considering such applications, Council shall have regard to the evaluative criteria in Policy 9.2.2.

Policy 1.2.3

It is the policy of Council to consider applications to rezone lands from the General Residential (R-2) Zone to the C-1 or C-2 Zone, provided the General Residential (R-2) zoned land immediately abuts the subject commercial zone. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

1.3 Multiple Unit Housing

Multiple unit housing within the General Residential (R-2) Zone is encouraged, as it offers both an affordable alternative to the single detached dwelling and is an efficient use of land. However, Council has expressed concern over the design and maintenance of new multiple unit housing and the perceived effect they may have on the market value of surrounding residential area. Council feels that the development of new multiple unit housing structures containing five or more units be considered by development agreement.

Policy 1.3.1

It is the policy of Council that in the General Residential (R-2) Zone, that new or expanded existing converted or multiple unit dwelling developments containing six or more dwelling units be considered by development agreement in accordance with the evaluative criteria set out in Policy 9.3.1.

Policy 1.3.2

It is the policy of Council that in the General Residential (R-2) Zone, that new or expanded existing townhouse or row house developments containing six or more dwelling units be considered by development agreement in accordance with the evaluative criteria set in Policy 9.3.1.

Policy 1.3.3

It is the policy of Council that in the General Residential (R-2) Zone, that new or expanded existing boarding or rooming houses or bed and breakfast establishments containing five or more rooms for rent be considered by development agreement in accordance with the evaluative criteria set out in Policy 9.3.1.

1.4 Residential Protected

It is the opinion of Council that an option should be provided so that residential areas can be developed excluding any form of commercial enterprise. However, Council feels that the residents of a specific area should have to request this type of protection, as opposed to Council rezoning areas as protected residential.

Policy 1.4.1

It is the policy of Council to establish a Residential Protected (R-4) Zone in the Land Use By-law where development shall be restricted to single detached dwellings with no home-based business activities permitted. It is also the policy of Council that special dwelling development design standards be included to regulate the average length to average width ratio within a range of 2:1 to 4:1 of single detached residential dwellings structures in the R-4 Zone to restrict the development of long, slender single detached residential dwelling structures.

Policy 1.4.2

It is the policy of Council to consider applications to rezone any land within the "Residential" designation to the R-4 Zone. In considering such applications, Council shall have regard to the criteria set out in Policy 9.2.2 and in particular, Council shall ensure that the lands to be rezoned comprise of or have a minimum area of four hectares (9.88 acres) and no non-conforming uses will result. Additionally, in order to minimize land use conflicts between protected residential uses and other potentially conflicting uses within the Planning Area, it is the policy of Council to refuse to consider applications to rezone Residential Protected (R-4) zoned lands to the General Residential (R-2) Zone or the Institutional (I) Zone.

1.5 Mobile Home Parks

There are three existing mobile home parks located in the Planning Area. Council feels that existing mobile home parks located within the "Residential" designation should be permitted to expand provided the expansion of the mobile home park is limited to the parcel of land the mobile home park occupied on the effective date of the Land Use By-law.

Policy 1.5.1

It is the policy of Council that existing mobile home parks shall be considered an existing permitted use in the General Residential (R-2) Zone, but the expansion of an existing mobile home park shall be limited to the parcel of land the mobile home park occupied on the effective date of the Land Use By-law, in accordance with Policy Part 1(viii) (ii).

1.6 Existing Commercial and Industrial Uses in the Residential Designation

Existing commercial and industrial uses in the "Residential" designation will be considered non-conforming uses. However, Council is of the opinion that the development agreement process is the best means to consider proposals to expand or rebuild such uses.

Policy 1.6.1

It is the policy of Council that in the Residential Single Unit (R-1) Zone or General Residential (R-2) Zone, the expansion or replacement, either wholly or partially, of existing non-conforming commercial or industrial uses, on their existing lots, not enabled by the non-conforming use provisions in the MGA, shall be considered by Development Agreement in accordance with the evaluative criteria set out in Policy 9.3.1. In considering such agreements, Council shall have particular regard to the impact the proposed development will have on the surrounding residential uses in terms of parking, traffic circulation, landscaping, noise, hours of operation, lot size, setbacks and the other requirements appropriate to the existing use, including buffering provisions.

1.7 Neighbourhood Commercial in the Residential Designation

Council is of the opinion that small-scale commercial uses such as restaurants, take-outs and neighbourhood convenience stores can be developed to be compatible with residential development within the General Residential (R-2) Zone. To accomplish this, Council may consider the development of such small-scale commercial uses within the General Residential (R-2) Zone via a development agreement. Small-scale meaning limited square footage. Additionally, as these businesses wish to expand, it is expected that they will relocate to the Commercial Centre (C-1) Zone or the Highway Commercial (C-2) Zone.

Policy 1.7.1

It is the policy of Council to consider applications to develop neighbourhood commercial uses, such as retail uses (excluding lounges, beverage rooms, cabaret and businesses for the sale, service, installation and/or repair of motor vehicles and motor vehicle parts and accessories), artist and craft workshops, business or professional offices, counseling offices, instruction studios, household article repair shops, personal service clinics or restaurants, that are less than 93 sq. m. (1001 sq. ft.) in total floor area, within the General Residential (R-2) Zone by development agreement. In considering such applications, Council shall have particular regard to the criteria set out in Policy 9.3.1.

2.0 RURAL DEVELOPMENT

It is the opinion of Council that areas that are appropriate for low-density mixed-use development, but are not presently, nor are they anticipated to be serviced by municipal services, are to be designated as "Rural" on the Future Land Use Map.

Policy 2.0.1

It is the policy of Council to designate those areas appropriate for low-density development, but which are not serviced or would not be appropriate for municipal services because of the high cost of providing such services, as "Rural" on the Future Land Use Map.

2.1 Rural Zone

A Rural (R-5) Zone shall be established in the Land Use By-law and applied to the areas designated "Rural" on the Future Land Use Map. The intent of this zone is for mixed-use development. As such, a wide variety of residential development, agriculture, recreation uses and small-scale commercial uses shall be permitted.

Policy 2.1.1

It is the policy of Council to establish a Rural (R-5) Zone in the Land Use By-law and all the lands designated "Rural" shall be zoned R-5 and the Rural (R-5) zone shall permit the development of a variety of residential, agricultural, commercial and recreational uses and to establish provisions for home occupations that reflect the rural nature of the area. It is also the intention of Council to attempt to inform developers of residential properties within the Rural (R-5) Zone of the potential implications of developing a residential use in an area where agriculture is the predominant land use.

2.2 Rural Residential Zone

There may be circumstances where a residential subdivision develops in the "Rural" designation where the permitted uses should be limited so as to permit the development of single detached dwelling units with home occupations on large lots. To accommodate this form of rural residential development, Council shall create a specific zone to permit single detached dwellings as the exclusive housing form.

Policy 2.2.1.

It is the policy of Council to establish a Rural Residential (R-6) Zone in the Land Use By-law which would limit the permitted uses in the R-6 Zone to single detached dwellings, parks and playgrounds, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage and parking.

Policy 2.2.2

It is the policy of Council that special dwelling development design standards for the R-6 Zone be included in the Land Use By-law to regulate the average length to average width ratio within a range of 2:1 to 4:1 of single detached residential dwelling structures in the R-6 Zone to restrict the development of long, slender single detached residential dwelling structures.

Policy 2.2.3

It is the policy of Council to consider applications to rezone any land within the "Rural" designation to the Rural Residential (R-6) Zone. In considering such applications, Council shall have regard to the criteria set out in Policy 9.2.2 and in particular, Council shall ensure that the lands to be rezoned comprise of or have a minimum area of four hectares (9.88 acres) and no non-conforming uses will result.

2.3 Industrial Development in the Rural Designation

It is Council's opinion that existing light industrial uses in the "Rural" designation are to be included in a Light Industrial (IND2) Zone and applications to develop new light industrial uses in the area should be considered by rezoning to the Light Industrial (IND2) Zone. Applications to develop heavy industrial uses, such as those listed in Schedule "D" of the By-law shall be considered by a development agreement.

Policy 2.3.1

It is the policy of Council to include a Light Industrial (IND2) Zone in the Land Use By-law which would permit a variety of light industrial uses such as salvage yards, scrap yards, warehousing and distribution centres, service industries, recycling depots, and construction industry uses, as well as commercial and retail uses accessory to the main industrial use.

Policy 2.3.2

It is the policy of Council to establish abutting yard requirements to apply where a light industrial zone immediately abuts a residential zone and to require increased lot size, setback distances and screening and buffering requirements to apply to the development of new or the expansion of existing scrap yards and salvage yards.

Policy 2.3.3

It is the policy of Council that all existing industrial uses in the "Rural" designation be zoned to the IND2 Zone. It is also the policy of Council to consider applications to rezone lands from the Rural (R-5) Zone to the Light Industrial (IND2) Zone to permit the development of new light industrial uses. In considering such applications, Council shall have particular regard to the criteria set out in Policy 9.2.2.

Policy 2.3.4

It is the policy of Council, in the areas designated "Rural," to consider the development of heavy industrial uses, such as those listed in Schedule "D" of the Land Use By-law, by development agreement in the accordance with the evaluative criteria set out in Policy 9.3.1 and in considering such proposals Council shall have particular regard to the techniques proposed to reduce or eliminate the obnoxious characteristics of such uses.

2.4 Institutional Development in Rural Designation

While Council feels it should be flexible in considering the development of new institutional uses in the East End Planning Area, Council also has to be aware of the development implications that accompany the construction of new institutional uses. Therefore, Council may consider the development of new institutional uses by rezoning from the Rural (R-5) Zone to the Institutional (I) Zone.

Policy 2.4.1

It is the policy of Council to consider applications to rezone lands from the Rural (R-5) Zone to the Institutional (I) Zone to permit the development of institutional and similar uses. In considering such applications, Council shall have regard to the criteria set out in Policy 9.2.2.

3.0 COMMERCIAL DEVELOPMENT

Within the Planning Area there are a number of existing commercial businesses consisting of a combination of food and beverage businesses, retail, warehousing and automotive service companies. In terms of location, three specific areas can be identified: 1) around the intersection of Hwy 201 and Hwy 10 in Nictaux, 2) along Hwy 1 in Wilmot and Route 201 in South Farmington and Meadowvale, and 3) along Hwy 1 east Middleton area. To reflect this, two commercial districts are to be identified on the Future Land Use Map and included in the Land Use By-law as the Nictaux Commercial (C-1) Zone and the Highway Commercial (C-2) Zone.

3.1 Nictaux Commercial

The Nictaux commercial centre differs from the highway commercial areas in Wilmot along Highway 1 and Route 201 in South Farmington and Meadowvale. The difference is that Nictaux is serviced by a municipal sewer system thus lot sizes tends to be smaller and the development pattern much more compact and nodal.

Policy 3.1.1

It is the policy of Council to establish a Nictaux Commercial (C-1) Zone in the Land Use By-law and all land in the "Nictaux Commercial" designation as shown on the Future Land Use Map shall be zoned C-1. Within this C-1 Zone a wide variety of commercial and residential uses shall be permitted such as business, professional or counseling offices, hotels and motels, instruction studios, artist, artisan or custom workshops, service or repair shops, existing excavation operations, personal grooming shops, personal service clinics, restaurants, institutional and recreational uses, service industries, self-storage facilities, custom workshops and wholesale operations and residential uses. It is also the policy of Council to establish abutting yard requirement provisions in the By-law to apply where a commercial zone abuts residential zones and that commercial outdoor storage or display areas (excluding outdoor storage or display areas required by automobile sales, service and repair operations) be permitted in either the side or rear yard.

Policy 3.1.2

It is the policy of Council that industrial operations in the "Commercial" designation that were legally in existence on the effective date of the Annapolis County East End Area Municipal Planning Strategy and Land Use By-law, shall be considered *non-conforming uses* in the Nictaux Commercial (C-1) and as such subject to the provisions of the Municipal Government Act.

Policy 3.1.3

It is the policy of Council that in the Nictaux Commercial (C-1) Zone, the expansion or replacement, either wholly or partially, of existing non-conforming industrial uses, on their existing lots, not enabled by the non-conforming use provisions in the Municipal Government Act, shall be considered by Development Agreement in accordance with the evaluative criteria set out in Policy 9.3.1. In considering such agreements, Council shall have particular regard to the impact the proposed development will have on the surrounding uses in terms of parking, traffic circulation, landscaping, noise, hours of operation, lot size, setbacks and the other requirements appropriate to the existing use, including buffering provisions.

3.2 Highway Commercial

It is the opinion of Council that there should be an ample amount of land set aside for highway commercial development. For this, substantial frontage along Highway 1 in Wilmot and Route 201 in South Farmington and Meadowvale are to be included within a "Commercial" designation and zoned Highway Commercial (C-2). The purpose of the Highway Commercial (C-2) Zone is to permit a variety of residential, institutional and commercial enterprises. Existing industrial uses located in the C-2 Zone are to be considered non-conforming uses. However, Council may consider the expansion of such non-conforming uses by development agreement. In terms of architectural compatibility of the area, Council also feels that it is appropriate not to permit the development of long slender residential dwellings in the C-2 Zone.

Policy 3.2.1

It is the policy of Council that all lands in the "Commercial" designation as shown on the Future Land Use Map, along Highway 1 and Route 201, be included in a Highway Commercial (C-2) Zone in the Land Use By-law. Within this Highway Commercial (C-2) Zone a wide variety of commercial, institutional and residential uses (excluding new mobile homes) including, but not limited to: restaurants, retail stores, business, professional or counseling offices, hotels and motels, instruction studios, commercial recreation facilities, medical offices and clinics, government offices, existing agricultural uses, warehousing facilities, recycling depots, banks, automobile sales establishments and service stations, single, double and multiple unit dwellings and mixed commercial/residential/office facilities.

Policy 3.2.2

It is the policy of Council, in an effort to minimize conflict between residential and commercial uses, to establish abutting yard requirements to apply where a C-2 Zone abuts a residential zone.

Policy 3.2.3

It is the policy of Council that special dwelling development design standards shall be included in the Land Use By-law to regulate the average length to average width ratio within a range of 2:1 to 4:1 of single detached residential dwelling structures in the Highway Commercial (C-2) Zone to restrict the development of long, slender single detached residential dwelling structures.

Policy 3.2.4

It is the policy of Council that commercial outdoor storage or display areas for commercial uses developed in the Highway Commercial (C-2) Zone (excluding outdoor storage or display areas required by automobile sales, service and repair operations) be permitted in either the side or rear yard.

Policy 3.2.5

It is the policy of Council that industrial operations in the "Commercial" designation that were legally in existence on the effective date of the Annapolis County East End Area Municipal Planning Strategy and Land Use By-law, shall be considered *non-conforming uses* in the Highway Commercial (C-2) Zone and as such subject to the provisions of the Municipal Government Act.

Policy 3.2.6

It is the policy of Council that in the Highway Commercial (C-2) Zone, the expansion or replacement, either wholly or partially, of existing non-conforming industrial uses, on their existing lots, not enabled by the non-conforming use provisions in the Municipal Government Act, shall be considered by Development Agreement in accordance with the evaluative criteria set out in Policy 9.3.1. In considering such agreements, Council shall have particular regard to the impact the proposed development will have on the surrounding uses in terms of parking, traffic circulation, landscaping, noise, hours of operation, lot size, setbacks and the other requirements appropriate to the existing use, including buffering provisions.

4.0 INDUSTRIAL DEVELOPMENT

Attracting new industries is a solid economic strategy of any community. As a compliment to the Middleton Industrial Park complex, Council shall designate an area of land as an extension industrial area on the Future Land Use Map.

Policy 4.0.1

It is the policy of Council to designate land in the area of Junction Road, Brooklyn Road and the Highway 101 interchange as "Industrial" on the Future Land Use Map.

4.1 Industrial Zone

Those lands in the "Industrial" designation shall be included in an Industrial (IND1) Zone with a wide variety of commercial, recreational and warehousing, manufacturing, assembling and processing plants permitted. Council is also of the opinion that heavy industrial development can be accommodated in the IND1 Zone by way of development agreement and existing residential uses shall be considered *non-conforming uses* with special development waivers.

Policy 4.1.1

It is the policy of Council to establish an Industrial (IND1) Zone in the Land Use By-law which would permit a wide variety of commercial and light industrial uses, such as, but not limited to: manufacturing, assembly, processing or warehousing operations, as well as existing residential uses, government building and uses, crematories, agricultural uses, service industry uses, automobile sales, service and repair operations, business and professional offices, medical and veterinary offices and clinics and animal hospitals, kennels and commercial recreational uses. It is also the policy of Council to include those lands designated "Industrial" in the Industrial (IND1) Zone.

Policy 4.1.2

It is the policy of Council to consider applications to develop heavy industrial uses listed in Schedule "D" of the Land Use By-law within the Industrial (IND1) Zone by development agreement. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.3.1, and the techniques proposed to reduce or eliminate the obnoxious characteristics of such heavy industrial uses.

5.0 AGRICULTURAL DEVELOPMENT

The close proximity to the Bay of Fundy produces a moderating influence upon seasonal temperatures, the North and South mountains provide for good air drainage, preventing frost and good soil conditions all combine to create a place conducive to growing a wide range of agricultural crops. The agricultural industry however is comprised of ventures that soil resources may or may not be of concern. Also agriculture, being industrial operations, should be separated for other uses. Wet or swampy areas, which have little alternate development potential can act as such buffers and provide a filter for agricultural runoff.

Policy 5.0.1

It is the policy of Council to be supportive and to promote the continued viability of agricultural industry in the East End Planning Area and to include those lands where agricultural operations have located, lands where the soil resources are such to support additional agricultural ventures, land where agricultural operations that do not rely on an area's soil resources can develop, and wet or swampy areas, which have little alternate development potential, to act as a filter for agricultural runoff and to provide a buffer or physical separation between agricultural areas and adjacent lands within an "Agricultural" designation on the Future Land Use Map.

5.1 Agricultural Protection

One of the objectives of sound planning for agriculture in today's growing urban environment is to set aside an area of land where agricultural development can locate so as to minimize conflicts between various types and degrees of agricultural operations and other potentially competing land uses. Agricultural land preservation within the East End Planning Area is grounded in a multifaceted strategy to encourage, protect and promote both new and existing agricultural developments. As such Council shall include policies in this Plan addressing the preservation of land for agricultural industrial development by way of:

- a) employing agricultural zoning where the soil resources are such to support agricultural ventures; or alternatively, employing agricultural zoning to encourage the development of agricultural operations that do not rely on an area's soil resources;
 - b) including existing agricultural operations within zoned agricultural districts;
 - c) including lands within agricultural districts that have little development potential, such as wet or swampy areas, to act as buffers or physical separations between agricultural areas and adjacent lands;
 - d) including lands within agricultural districts such as wet or swampy areas, to act as a filter for agricultural runoff;
 - e) curbing sprawl onto farmland and the subsequent loss of prime farmland to mainly residential or commercial and industrial developments via the creation of relatively exclusive agricultural zone districts;
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- f) mitigating conflicts/complaints about fertilization, spraying operations, vandalism and trespass also via the creation of relatively exclusive agricultural zone districts
- g) providing conditions to encourage lot consolidation so to create larger, more efficient agricultural units; and
- h) requiring complimentary large separation distances between an agricultural zone and any adjacent zone, in the form of abutting zone requirements.

Policy 5.1.1

It is the policy of Council to establish an Agricultural (AG) Zone in the Land Use By-law which would permit uses related to primary agricultural production - as part of a farm operation, including greenhouses and nurseries, farm residences and residence(s) required for additional labour, provided the residence(s) are accessory to a bona fide agricultural operation, barns, silos, and accessory buildings required to form part of and support the agricultural operation and to establish appropriate provisions related to the development of such.

Policy 5.1.2

It is the policy of Council that existing non-agriculture related commercial and industrial uses be considered a permitted use in the Agricultural (AG) Zone and new commercial and industrial uses be permitted in the Agricultural (AG) Zone provided that at least 75% of their operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing, transport of agricultural products or the servicing of agricultural operations.

Policy 5.1.3

It is the policy of Council to create abutting yard requirements in the land use by-law that would apply to the Agricultural (AG) Zone and any other zone, which abuts the Agricultural (AG) Zone, with the exception of the Industrial (IND1) Zone, the Institutional (I) Zone, the Rural (R-5) Zone and the Enviro Open Space (OS) Zone.

5.2 Removal of Soils within an Agricultural District

Agricultural operations involved in the growing or harvesting of crops, including pasture for livestock, are entirely dependent upon the presence of soils. An impermeable layer of subsoil limits crop rooting depth and the physical reduction of the rooting depth by topsoil removal creates severe limitations for the growing of crops. It is the narrow layer of topsoil, which is the medium that nourishes and supports agricultural crops. Additionally, without

topsoil layer drainage pattern changes in turn will lead to increased erosion and sedimentation. Thus it is readily apparent that the removal of an agricultural area's topsoil resource can and will negatively effect the ongoing viability of the area's agricultural cropping and pasturing operations.

It is therefore the policy of Council to establish restrictions on the removal of soil in agricultural districts in order to promote the continued viability of the land for agricultural use. However, it is not intended to restrict the removal of topsoil in non-agricultural designated or zoned areas. In addition to this, in some cases, it is not readily apparent what the impact of a development, such as a sod removal operation or peat moss operation, may have in relation to the policies regarding the preservation of the topsoil of the agricultural zone. Therefore, developments of this nature should be considered by development agreement so that Council can evaluate the impacts of such a development in relation to potential or associated topsoil removal and to require a site rehabilitation plan.

Policy 5.2.1

It is the policy of Council to prohibit the removal of topsoil, necessary to preserve and enhance the agricultural resource of the east end area of Annapolis County, from properties within the Agricultural (AG) Zone.

Policy 5.2.2

It is the policy of Council that the removal of topsoil shall not be prohibited on lots in the Agricultural (AG) Zone, which may be developed for the express purposes outlined in Policy 5.2.3, Policy 5.3.1 and Policy 5.3.2 of this Municipal Planning Strategy.

Policy 5.2.3

It is the policy of Council, in areas designated "Agricultural," to consider by development agreement, industrial operations, which as part of their processing operation may result in the removal of topsoil, such as, but not limited to, sod or peat removal operations, in accordance with the evaluative criteria set out in Policy 9.3.1. In considering such proposals, Council shall have particular regard to the impacts of the removal of any topsoil associated with the operation's industrial processes and that the development agreement address matters related to the rehabilitation of the site.

5.3 Residential Development within Agricultural Districts

Within the “Agricultural” designation there are existing residential uses that are not associated with or form part of an agricultural operation. Given these uses existed prior to the effective date of this Plan and By-law, Council feels those existing residential uses should continue to enjoy the rights of being existing permitted uses. Council, however, is concerned if these existing uses were expanded to permit the development of additional dwelling units. Thus, Council feels that it is appropriate that those existing residential uses continue, unencumbered by regulation of their maintenance or repair, enlargement, expansion or replacement. That is, provided that the enlargement or expansion of those existing residential structures does not result in the creation of additional dwelling units.

Policy 5.3.1

It is the policy of Council to recognize all existing non-farm related residential uses that were legally in existence as of the effective date of this Plan and By-law and to consider these existing non-farm related residential uses as permitted uses in the Agricultural (AG) Zone. It is also the policy of Council that the expansion or replacement of these existing non-farm related residential dwellings in the AG Zone be permitted, provided that the expansion or replacement does not result in the creation of additional dwelling units. It is also the intention of Council to attempt to inform developers of non-farm residential dwellings in the AG Zone of potential implications of developing a residence in an area where agriculture is the predominant land use.

Policy 5.3.2

It is the policy of Council that vacant parcels of land (lots) existing prior to the effective date of this Plan and By-law may be developed for non-farm related residential single detached dwellings provided that:

- a) the parcel of land is 10,200 sq. m. (109,796 sq. ft.) or less in area;**
- b) the parcel of land fronts on a municipal or provincial public street or highway;**
- c) where the property is located such that an Agricultural (AG) Zone abutting yard zone requirement would apply, a reduced abutting yard requirement shall be set out in the Land Use By-law.**

Policy 5.3.3

It is the policy of Council to include bed and breakfast operations as a permitted use in the Agricultural (AG) Zone to permit the conversion of farm related residences, existing non-farm related residential dwellings or to permit the development of new bed and breakfast operations on those lots identified in Policy 5.3.2.

5.4 Future Agricultural Policy Direction

Given that this Strategy is the second reiteration of documents concerning planning, Council feels that it is appropriate that discussions continue as to the formulation of future policy directions for agricultural areas in the east end of Annapolis County. As such Council is committed to maintaining liaisons with the various sectors of the agriculture business sector.

Policy 5.4.1

It is the policy of Council to continue to seek advice and maintain liaison with farm-related agencies and farmers to provide for the continued development of land use policy applicable to the development of agricultural lands within the East End Planning Area.

Policy 5.4.2

In order to preserve the integrity of agricultural areas and to minimize land use conflicts between agricultural uses and other conflicting uses within the East End Planning Area, it is the policy of Council to refuse to consider rezoning applications to rezone lands from the Agricultural (AG) Zone to the any other zone unless otherwise provided.

6.0 ENVIRONMENTAL PROTECTION

Topics that are to be addressed concern the protection of the Middleton's water supply well field area, the protection of the watercourses by establishing a watercourse setback and the protection of those lands surrounding waterways in the Planning Area that periodically flood.

Policy 6.0.1

It is the policy of Council to designate lands owned by the Town of Middleton and surrounding the water supply well field area as "Enviro Open Space" on the Future Land Use Map.

6.1 Watershed Protection

The Town of Middleton water supply wellhead is located east of the Nictaux River and immediately south of the Annapolis River, totally within the East End Planning Area. The well field is developed in a sandstone aquifer that is overlain by a marine silt and clay cap. What makes this area ideal is that it is equidistant from the North and South mountains, which optimizes the recharge areas, and the dense clay overburden offers a high degree of vertical protection. At present, to the north and west of the well field area is the Town of Middleton and a lightly developed commercial area. To the immediate south is an agricultural area primarily used for crop and pasturing operations with the remainder of the area being flood prone with little or no development potential. To date, many positive steps have been taken by the Town of Middleton to protect the well field area including purchasing or leasing land in the immediate well field area, installing monitoring wells in the zones of

influence and securing agreements on the proper use and application of agricultural fertilizing agents and sustainable woodlot cutting practices. The well field and surrounding area, designated as "Enviro Open Space", will be included in an Enviro Open Space (OS) Zone where the permitted uses are to be limited in order to minimize the negative impact development may have on this sensitive municipal water supply wellhead area.

Policy 6.1.1

It is the policy of Council to establish an Enviro Open Space (OS) Zone in the Land Use By-law and all lands designated as "Enviro Open Space" will be zoned OS. It is also the policy of Council to set out provisions in the Land Use By-law that prohibit structures, excepting water supply facilities, from being located/erected within 100 m. (328 ft.) of a municipal water supply wellhead.

Policy 6.1.2

Within this Enviro Open Space (OS) Zone, the permitted uses shall be limited in order to minimize the negative impacts of development on the sensitive Middleton water supply area and to protect the quality of the water supply. Permitted uses in the Enviro Open Space (OS) Zone shall include water supply and distribution uses, park or recreational uses, conservation related uses and structures, public utilities and forestry and agricultural uses but not including structures accessory to the forestry or agricultural use.

The protection this Plan and By-law offer is felt to be adequate to ensure the wellhead area is protected. However, at some time in the future, the area of well field protection may wish to be increased. In that event, the Municipality of the County of Annapolis would wish to be involved with the establishment of guidelines that the Town of Middleton may request of the Provincial Department of the Environment and Labour. Thus, if deemed necessary, the boundaries of the "Enviro Open Space" designation may be altered.

Policy 6.1.3

It is the policy of Council to consider altering the boundaries of the "Enviro Open Space" designation and zone if deemed necessary, as a result of further study by a qualified professional to clearly define the extent of the recharge area and protection level zones and upon request of the Town of Middleton. The Annapolis County East End Area Municipal Planning Strategy and Land Use By-law shall therefore be amended to reflect any change required as a result of study and/or application. It shall further be the policy of Council to be involved (as part of a committee or being a party to be consulted) in the development of any study that would result in the development of a watershed plan for the well field area and/or result in the need to alter the boundaries of the "Enviro Open Space" designation.

6.2 Watercourse Setback

The Municipal Government Act enables Council to establish separation distances from watercourses, being any lake, river, stream, ocean or other body of water, so as to prohibit the erection of structures within that specified distance. It is Council's intent to include a 7.6 m (25 ft.) watercourse setback in the Land Use By-law. The rationale for the requirement of a watercourse setback is based on the fact that development on or near land that drains directly into a watercourse can accelerate the movement of silt into the watercourses. The consequences of which are the degradation or destruction of fish and wildlife habitat, along with the water being less useful for fresh water supplies, navigation and recreation.

Policy 6.2.1

It is the policy of Council to include a 7.6 m. (25 ft.) watercourse setback buffer strip in the Land Use By-law in which the erection of any building or structure, other than wharves, boat houses or launches, landscaping structures such as gazebos and fishery related uses within 7.6 m. (25 ft.) of any watercourse in the Annapolis County East End Planning Area shall be prohibited. For clarification, the separation distance or setback shall be measured from the edge, meaning the ordinary high water mark of the watercourse and the watercourse setback distance can be defined as being part of any side, rear or front yard, as the case may be, with the intention that the developer retain as much of the natural vegetation in the watercourse setback distance buffer strip as possible.

7.0 INSTITUTIONAL AND RECREATIONAL DEVELOPMENT

7.1 Institutional Zone

The East End of Annapolis County has long enjoyed having a variety of public and private institutional uses such as churches, cemeteries, homes for special care, private clubs and fraternal organizations locate in the area. As set out in the various policies of this Plan, while the development of new institutional uses is usually handled by way of rezoning, institutional uses shall be considered a permitted use in commercial zones.

Policy 7.1.1

It is the policy of Council that an Institutional (I) Zone shall be included in the Land Use By-law in which all existing institutional uses, (outside of the commercial areas), will be zoned. Uses permitted in the Institutional (I) Zone shall include, but is not limited to: government offices, cultural facilities, schools, churches and religious institutions, cemeteries, medical facilities, homes for special care, non-residential day care facilities, private clubs, fraternal organizations, libraries, museums, hospitals and any institutional use which is incorporated under the Societies Act, Ch. 435, R.S.N.S. 1989.

7.2 Recreation Planning

The availability of recreational opportunities is a key component in assessing any community's overall quality of life. To continue providing recreational opportunities, Council's intention is to require a 10% parks levy.

Policy 7.2.1

It is the policy of Council to include in the Subdivision By-law for Annapolis County requirements for the transfer to the Municipality of useable land or equivalent value, for trails, park, playground or similar public purposes, ten per cent (10%) of the area of lots shown to be approved on a final plan of subdivision.

8.0 GENERAL DEVELOPMENT STANDARDS

8.1 Subdivision Controls

The Annapolis County Subdivision By-law regulates the subdivision of land and sets out standards with respect to the construction of new roads and the installation of services. It is the opinion of Council that developers pay for any new municipal or private roads and the installation of water and sewer services, where applicable.

Policy 8.1.1

Regulations for the subdivision of land shall be set out in the Subdivision By-law for Annapolis County. This Subdivision By-law shall include standards for the design and construction of roads, water and sewer services, and stormwater facilities as well as the parks levy and other requirements. It is the intention of Council that developers pay all subdivision development costs.

8.2 Subdivision Flexibility

There are a number of subdivision and development issues the Provincial Subdivision Regulations address that if Council were to provide for these flexibilities the Plan must provide policy support both in the subdivision of land and the development of such lots created. It is the opinion of Council to provide such.

Policy 8.2.1

It is the policy of Council that all lots created in the East End Planning Area shall abut a municipal or provincial public street or highway or a private road and provisions shall be set out in the Land Use By-law to permit municipal development permits to be issued for lots created along private roads.

Policy 8.2.2

Notwithstanding lot area and frontage requirements set out in the Land Use By-law, the subdivision of land and the issuance of development permits shall be permitted where a maximum of two lots, shown on a Final Plan of Subdivision, are created provided that the lot area and/or frontage are not less than ninety per cent (90%) of the required lot area and/or minimum for any zone.

Policy 8.2.3

Provisions shall be included in the Land Use Bylaw to permit the subdivision of land and allow for the issuance of development permits so that new lots may be created where a development component of a permanent nature is encroaching on an abutting lot provided that the lots affected are subdivided only to the extent necessary and practical to remove the encroachment. In addition, lots created by altering the boundaries of two or more areas of land, where no additional lots are created and the frontage and/or area if any has not been reduced shall be permitted. Provisions shall be included in the Land Use By-law to enable the issuance of development permits in the lots so created.

Policy 8.2.4

Provisions shall be included in the Land Use By-law to permit the subdivision of land and allow for the issuance of development permits on new lots called "flag lots," at the rear of an existing lot, with reduced frontage provided that the rear portion of the existing lot has sufficient area to meet the By-law requirements for "flag lots." Flag lots shall only be permitted in the R-1, R-2, R-5, R-6, IND1 and AG Zone. Further more, in the R-1, R-2 and R-6 Zones flag lots shall be restricted to single detached dwellings.

Policy 8.2.5

Provisions shall be included in the Land Use Bylaw to permit the subdivision of land and allow for the issuance of development permits where an existing lot containing two or more main structures is proposed to be subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot created contains at least one main building or structure and retains a minimum of 6 metres (19.7 ft.) of frontage along a municipal or public street or highway or a private road.

8.3 Existing Lots and Street Frontage

In order to avoid placing undue hardship on the owners of existing properties that lack street frontage, Council shall include provisions in the Land Use By-law to allow for the use of such land, despite the lack of street frontage.

Policy 8.3.1

It is the policy of Council to include provisions in the Land Use By-law to allow for the issuance of development permits so as to permit the use of a lot, legally existing on or before the effective date of the Land Use By-law which has no frontage on a municipal or provincial public street or highway or private road, provided that the lot is serviced by a 6 m. (19.7 ft.) wide easement for right-of-way and access to a municipal or provincial public street or highway or a private road, that is assignable and perpetual and has been clearly granted by deed in favour of the owner, registered in the Registry of Deeds.

Policy 8.3.2

Provisions shall be included in the Land Use By-law to allow for the issuance of development permits so as to permit the use of an existing lot, legally existing on or before the effective date of the Annapolis County East End Area Land Use By-law coming into force, having less than the minimum frontage or minimum area or both, as required by the Land Use By-law, to be used for a purpose permitted in the zone in which the existing lot is located.

8.4 Existing Undersized Lots and Existing Buildings

Buildings that have been erected in such a way that they cannot meet a setback or yard requirement shall be permitted to expand provided that their expansion does not further reduce the setback.

Policy 8.4.1

Provisions shall be included in the Land Use By-law to allow for the issuance of development permits to permit a building erected on or before the effective date of the Annapolis County East End Area Land Use By-law coming into force, on a lot which does not meet the requirements of the Land Use By-law respecting lot area, frontage or setbacks, to be enlarged, reconstructed, repaired or renovated, except as provided for in other policies of the Municipal Planning Strategy.

8.5 General Standards

The Annapolis County East End Area Land Use By-law shall set out development standards regarding yards, setbacks, lot coverage, parking, parking lot standards, loading and unloading, accessory uses and structures and other matters, which may vary according to the use, zone and location. The common theme throughout the Land Use By-law is that Council has set relatively unrestrictive standards for development, while still maintaining sufficient control to ensure good quality development within the East End Planning Area.

Policy 8.5.1

The Land Use By-law shall contain a “General Provisions For All Zones” section that sets out development standards, which may vary according to the use, zone and location, relating to:

- i. provisions respecting temporary buildings (e.g. construction huts), temporary uses and special occasions, such as fairs;**
 - ii. provisions with respect to special circumstances and waiving of municipal development permits issuance requirements;**
 - iii. provisions with respect to frontage on provincial or municipal streets or highways or private roads;**
 - iv. provisions with respect to height regulations;**
 - v. provisions with respect to multiple uses on a lot;**
 - vi. provisions with respect to special increases or waivers of yard requirements for certain types of lots such as corner lots or to permit developments that blend into its surroundings;**
 - vii. provisions respecting illumination from lights such that it is directed away from abutting lots for privacy and to prevent nuisance situations;**
 - viii. provisions with respect to parking lot, parking space and loading and unloading requirements and/or restrictions;**
 - ix. provisions with respect to number and/or location of accessory uses, buildings and structures to ensure a subordinate relationship to the main use;**
 - x. provisions limiting the number of driveway accesses for a through lot or corner lot to one for safety reasons;**
 - xi. provisions with respect to permitted encroachments into yards to allow for some architectural flexibility and wheelchair access;**
 - xii. provision with respect to development in corner vision triangles for traffic movement for vehicular and pedestrian safety reasons;**
 - xiii. provisions to permit the development of government authorized, private or public, operated utilities within any zone or within the watercourse setback; and**
 - xiv. provisions to permit the development of bridges within the watercourse setbacks provided that the bridge supporting structure, rails, deck and installation method are designed by a qualified professional.**
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8.6 Home Occupations

Council believes that the opportunity should be available for residents to carry on small-scale businesses from their homes. The intent of such home occupations are to provide small business owners the benefit of reduced start up/operating costs, provided the activity has no detrimental impact on the residential nature of the neighbourhood.

Policy 8.6.1

It is the policy of Council to include “Home Occupation” provisions in the Land Use By-law, with different requirements for differing zones, to permit the development of certain types of non-intrusive small-scale business to be operated from a residential dwelling and/or an accessory building while setting out standards to ensure a subordinate relationship to the main building on the lot and a harmonious relationship with the surrounding residential properties.

8.7 Commercial Signage Standards

Council wishes to regulate commercial signs in order to strike a balance between the public right to be informed, the business/service right to advertise and the community right to limit visual pollution. To achieve their intended contribution to the quality and economic viability of community life, signs must be properly sized and located. To be effective, consideration must be given to the size, height and placement of signs relative to the particular driving or walking circumstances of the public. Consideration should also be given to sign design to ensure that the design blends with building architecture. Common pitfalls and problems that sign regulations will address are: traffic safety - sign placement in relation to the streets, driveway and parking isles to minimize lighting glare, confusion and distractions and maximize safety; structural safety - the need to ensure that signs meet building and electrical code requirements and that regular maintenance is maintained; visual blight - signs as part of the public environment effect everyone in, near or passing through an area where signs are used, thus the need to encourage practices that address the need to improve and compliment the street environment; and nuisance - the need to control any negative impact on neighbouring land uses from light glare, and noise.

Policy 8.7.1

Sign requirements shall be included in a Sign Section of the Land Use By-law, which for public safety and visual appearance reasons, shall include provisions dealing with size, location, illumination, type and number of commercial signs. In addition, certain types of commercial signs, as specified, shall be prohibited completely or from specific zones and other types of signs, that do not require a development permit, shall be permitted in all zones.

9.0 IMPLEMENTATION

9.1 Municipal Planning Strategy Amendments

A municipal planning strategy, by its very virtue of being a strategy, is a document that should evolve with changing circumstances. As such this Plan may need to be amended from time to time where Council may wish to change its policy intent.

Policy 9.1.1

It shall be the intention of Council to amend this Plan where any policy intent is to be changed, where the plan is in conflict with a provincial land use policy or regulation, where a requested amendment to the land use by-law is in conflict to this Plan and there are valid reasons for the amendment or where a secondary planning strategy is to be incorporated into this Municipal Planning Strategy.

9.2 Land Use By-law and Amendments

A land use by-law is the principle mechanism by which land use policies shall be implemented. A land use by-law also defines applicable land use zones, permitted uses, and development standards that would reflect the policies of an area's planning strategy.

Policy 9.2.1

The Annapolis County East End Area Land Use By-law shall state - in text and map form - the zones, permitted uses, and development standards, which shall reflect and implement the land use control and development policies of the Annapolis County East End Area Municipal Planning Strategy. The Zoning Map, appended as Schedule "A" to the Land Use By-law, shall represent the geographical extent of all zones in the East End Planning Area. The following zones shall be established in the Land Use By-law:

Residential Single Unit	(R-1)
General Residential	(R-2)
Residential Protected	(R-4)
Rural	(R-5)
Rural Residential	(R-6)
Nictaux Commercial	(C-1)
Highway Commercial	(C-2)
Enviro Open Space	(OS)
Industrial	(IND1)
Light Industrial	(IND2)
Institutional	(I)
Agricultural	(AG)

Policy 9.2.2

In considering an application for an amendment to the Land Use By-law Council shall ensure that the amendment is in conformity with the intent and policies of this Plan and with the requirements of the Municipal Government Act and the Land Use By-law, and Council shall ensure that the proposal is not premature or inappropriate by reason of:

- i. the financial capability of the Municipality to absorb any costs relating to the development;
- ii. the extent to which development which would be enabled, might conflict with any adjacent or nearby land uses by reason of the type of use, compatibility of design and external appearance, impact of height, bulk and lot coverage of buildings, illumination, noise, dust, open storage or display, and signs;
- iii. the adequacy and proximity of schools, recreation, and any other community facilities if such are relevant to the development;
- iv. the adequacy of road networks, in, adjacent to, or leading to the development;
- v. pedestrian and vehicle access to and from the site, on-site and off-site parking and loading areas;
- vi. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution;
- vii. the adequacy of storm water management and sewer and water services and utilities or if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and storm water management;
- viii. the presence of significant natural features or buildings or sites of historical or architectural significance; and
- ix. the suitability of the proposed site in terms of steepness of grades, soil or geological conditions, and the relative location of watercourses, and wetlands (marshes, swamps and bogs).

Policy 9.2.3

It is the policy of Council that where a property is located within a designation but included within an alternate zone, Council shall consider applications to rezone the property to a zone that is permitted within the designation of the subject property. In considering such applications Council shall have regard to the criteria of Policy 9.2.2.

Policy 9.2.4

It is the policy of Council that where a property is split zoned, Council shall consider applications to rezone the split-zoned property to either abutting zone. In considering such applications Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

9.3 Development Agreements

A development agreement is a binding legal agreement between Municipal Council and a property owner that runs with the land until such time as Municipal Council discharges it. A development agreement, like traditional zoning, is a land use development control tool, but it can override a zoning provision, thus providing a flexible or negotiated approach to the development process without a loss of development control. As provided for under the Municipal Government Act, where a Council intends to regulate development via a development agreement, a Municipal Planning Strategy is required to have policy with regard to the following three matters:

- the types of development to be considered by development agreement;
- those items which may form a part of the development agreement; and
- the criteria, which Council considers prior to entering into the agreement.

Policy 9.3.1

In considering an application for a development agreement or an application for an amendment to a development agreement, Council shall ensure that the application for a development agreement or an application for an amendment to a development agreement is in conformity with the intent and policies of this Municipal Planning Strategy and with the requirements of the *Municipal Government Act*, and Council shall ensure that the proposal is not premature or inappropriate by reason of:

- i. **the financial capability of the Municipality to absorb any costs relating to the development;**
 - ii. **the adequacy and proximity of the proposed development to recreational and community facilities;**
 - iii. **the impact of the proposed development on existing adjacent or nearby land uses in the area with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable) and other similar features of the proposed development in order to minimize any potential land use conflicts with adjacent uses;**
 - iv. **the adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water system, sanitary sewer system, water system, fire protection, refuse collection and police protection;**
 - v. **the adequacy of provisions for on-site sewage disposal and water where not connected to a centralized municipal system;**
 - vi. **the impact of and the adequacy of the proposed pedestrian and**
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- vehicular traffic circulation, with particular regard to the traffic that the development will generate and the adequacy of the proposed accesses to and from the site, traffic flows in and around the site in terms of its ability to handle any new traffic and the adequacy of the proposed on-site parking and loading;
- vii. the impact of the proposed development on structures on the immediately abutting lots in terms height, roof line, setbacks and lot coverage to minimize any potential land use conflicts between the proposed development and abutting properties;
- viii. the adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses;
- ix. the suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, fens, swamps and bogs and other nuisance factors; and
- x. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution.

Policy 9.3.2

It is the intention of Council that a development agreement to be entered into pursuant to this Municipal Planning Strategy, include, but not be limited to, some or all of the following:

- i. the specific use, size and location of main or accessory buildings and structures, whether new or an expansion of an existing main building or accessory building or structure;
 - ii. the specific use of land, whether a new use or an expansion of an existing use of land;
 - iii. the regulating or prohibiting the use of land or the erection or use of structures except for such agreed purposes;
 - iv. the percentage of land area that may be built upon, minimum lot sizes, setbacks and the size of yards, courts or open spaces;
 - v. the external appearance of buildings or structures, in particular the compatibility with adjacent buildings or structures in terms of architecture and appearance, with respect to, but not limited to, height, roof type, building cladding, and building footprint;
 - vi. vehicular ingress and egress to and from streets, vehicular and/or pedestrian travel within the development and parking;
 - vii. the landscaping or buffering provisions which may include fencing, vegetative plantings, walkways and lighting;
 - viii. advertising signage, open storage and display, including the screening of such open storage or display areas;
 - ix. the subdivision of land;
 - x. security or performance bonding;
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- xii. easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, storm water systems, wastewater facilities, water systems and other utilities;
- xiii. the grading or alteration in elevation or contour of land and provision for the disposal of storm and surface water;
- xiv. the construction, in whole or in part, of a storm water system, wastewater facility and water system;
- xv. the maximum density of the population within the development;
- xvi. matters which are not substantive or matters which are substantive;
- xvii. timelines and conditions for discharging the development agreement with or without the consent of the property owner;
- xviii. timelines for commencing, completing or phasing of the development; and
- xix. any other matter that may be addressed in a Land Use By-law, which Council feels is necessary to ensure the compatibility of the proposed development with adjacent buildings, structures and uses.

Policy 9.3.3

Further to Policy 9.3.2, it is also the policy of Council that when considering an application for a development agreement or an application for an amendment to a development agreement that the development agreement, where applicable, be accompanied by a site plan or other clear description showing the existing and proposed site characteristics and the existing and proposed development, which shall form part of the agreement.

For clarification, a development agreement shall not require amendment to the Annapolis County East End Area Land Use By-law, but shall be binding to the property until Municipal Council discharges the agreement or part thereof.

Information required for evaluation of a proposed development agreement or an amendment to an existing development agreement may be required to be submitted (in text, map, or photographic form) by the applicant pursuant to Policy 9.4.2.

9.4 Completeness of Applications

Applications for development agreements or land use by-law amendments, whether a rezoning or a text amendment, require careful consideration of the circumstances surrounding the request. In such instances, the applicant must supply adequate information. However, because the complexity of requests varies, the nature of the information that Council will require to assess the request will also vary. Thus, Council feels it is appropriate that the applicant provides as much information as possible.

Policy 9.4.1

A completed application shall be required to be submitted to the Municipal Clerk of the Municipality of the County of Annapolis with sufficient information included to support the request.

Policy 9.4.2

Council may require that any or all of the following information be submitted (in text, map or photographic form) by the applicant with respect to applications for land use by-law amendments, development agreements or amendments to an existing development agreement:

- i. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, watercourses, vegetative cover, proposed lot size and location;**
 - ii. information as to the proposed location, height, dimensions and use of all existing and/or proposed buildings or structures to be built, erected or altered on the site;**
 - iii. information as to the adequacy of the proposed provisions for site drainage and servicing with water supply and sewage disposal, or if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and storm water management;**
 - iv. information as to the adequacy of the proposed access to and from the lands and estimated traffic flows to be generated by the proposed development and off and on site parking provisions;**
 - v. information as to intended hours of operation, outdoor storage and/or display and on-site and off-site signage;**
 - vi. information as to provision of an appropriate buffering between the proposed development and the adjacent structures and/or uses; and**
 - vii. information as to the presence of significant natural features or buildings or sites of historical or archaeological significance.**
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9.5 Notification and Advertising Cost Recovery

The MGA permits a municipality to recover notification and advertisement costs associated with land use by-law amendments, variances, site plan approvals and development agreements, including amendments to existing development agreements.

Policy 9.5.1

It is the policy of Council to include provisions in the Land Use By-law regarding an administration deposit fee to cover the cost of advertising for Land Use By-law Amendments, Variances, Site Plan Approvals and Development Agreements, including the amendment thereto of an existing development agreement and the processing costs for notification of affected property owners. As estimated by the Municipal Clerk, the applicant shall deposit an amount sufficient to pay the cost of all advertising and notification, with respect to the application, with the Municipal Clerk. Should the notification or advertising cost be more than the established deposit, then the applicant may be billed for the difference, or if the cost is less than the established deposit, the applicant shall be refunded the difference.

9.6 Administration Processing Cost Recovery

The MGA permits a municipality to recover processing costs associated with development permits, land use by-law amendments, site plan approvals, variances and development agreements, including amendments to existing development agreements.

Policy 9.6.1

It is the intention of Council to include provisions in the Land Use By-law regarding an administrative processing fee to recover costs associated with applications for Development Permits, Land Use By-law Amendments, Site Plan Approvals, Variances and Development Agreements, including the amendment thereto of an existing development agreement.

9.7 Development Officer

The MGA requires a municipality to appoint a Development Officer to administer its land use by-law and subdivision by-law.

Policy 9.7.1

In accordance with the *Municipal Government Act*, it is the policy of Council to appoint a Development Officer to administer the Annapolis County East End Area Land Use By-law and the Subdivision By-law for the Municipality of the County of Annapolis.

9.8 Public Participation Program

As outlined at the beginning of this Municipal Planning Strategy, the County undertook an extensive public consultation process. It was designed to involve the residents of the east end area of Annapolis County and to solicit their input in the development of this Planning Strategy and Land Use By-law. As defined by the policies of the Municipal Planning Strategy, where applicable, text changes, rezonings or development agreements and amendments thereto are enabled. As part of these processes, public notification is required. Council, however, feels that because this Planning Strategy is a public document, the public must be informed of such changes to the documents or agreements made pursuant to these documents, above and beyond the statutory public hearing as set out in the MGA.

Policy 9.8.1

It is the intention of Council that a public participation program for land use by-law text or rezoning amendments, development agreements or their subsequent amendment and amendments to this Municipal Planning Strategy shall consist of the following:

- i. Referral of the application to the Planning Advisory Committee and the East End Area Advisory Committee;**
- ii. Setting the date of the Planning Advisory Committee Public Meeting (which may be after meeting of the East End Area Advisory Committee);**
- iii. Advertising the Planning Advisory Committee Public Meeting in at least one local newspaper (with the advertisement specifying the date, time and place of public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where application information is available); and**
- iv. Planning Advisory Committee meets. Prior to any discussion among Committee members, any citizens in attendance are afforded an opportunity to ask questions and obtain further information about the application.**

Policy 9.8.2

It is the intention of Council that the public participation program for land use by-law text or rezoning amendments or development agreement or their subsequent amendment and amendments to this Municipal Planning Strategy may be extended to require all landowners within a minimum 61 m. (200 ft.) radius of the affected property, where applicable, be notified by personal service or regular mail, require more advertisements or more information in the advertisement or otherwise vary the public information process, so long as the minimums set out in Policy 9.8.1 are met.
