



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## East End Area

**DRAFT SECONDARY PLANNING STRATEGY**

DATE: January, 2026

DRAFT

# CONTENTS

<b>OVERVIEW – SECONDARY PLANNING STRATEGY ADMINISTRATION .....</b>	<b>V</b>
<b>PART 1 INTRODUCTION – AUTHORITY AND CONTEXT .....</b>	<b>1</b>
SECTION 1.1 INDIGENOUS LAND ACKNOWLEDGEMENT .....	1
SECTION 1.2 PURPOSE.....	1
SECTION 1.3 THE PLANNING AREA AND FUTURE LAND USE MAP .....	1
SECTION 1.4 BACKGROUND .....	1
SECTION 1.5 PUBLIC CONSULTATION .....	2
SECTION 1.6 COMPONENTS OF THE SPS AND LUB .....	3
SECTION 1.7 LIMITATIONS.....	4
SECTION 1.8 STATEMENTS OF PROVINCIAL INTEREST .....	4
<b>PART 2 COMMUNITY PROFILE .....</b>	<b>7</b>
SECTION 2.1 EAST END AREA HISTORY .....	7
SECTION 2.2 ISSUES AND OPPORTUNITIES .....	8
SECTION 2.3 FUTURE DEVELOPMENT PROSPECTS .....	12
Policy 2.3.1 Review Timelines .....	12
Policy 2.3.2 Effective Date .....	12
<b>PART 3 VISION AND GOALS .....</b>	<b>13</b>
SECTION 3.1 VISION .....	13
SECTION 3.2 GOALS .....	13
<b>PART 4 LAND USE POLICIES .....</b>	<b>15</b>
SECTION 4.1 LAND USE DESIGNATIONS .....	15
Policy 4.1.1 Designations .....	16
Policy 4.1.2 Zones Permitted in All Designations .....	16
SECTION 4.2 NEIGHBORHOOD DESIGNATION .....	17
Policy 4.2.1 Housing Diversity.....	17
Policy 4.2.2 Infill Development .....	18
Policy 4.2.3 Design Standards .....	18
Policy 4.2.4 Natural Features .....	18
Policy 4.2.1 Residential Development Phasing .....	18
Policy 4.2.2 Accessory Dwelling Units .....	18
Policy 4.2.3 Short-Term Rentals .....	18
Policy 4.2.4 Keeping of Accessory Agricultural Animals .....	19
Policy 4.2.5 Development Permit for Accessory Agricultural Animal Housing .....	19
Policy 4.2.6 Low-Density Residential (R1) Zone.....	19
Policy 4.2.6.1 Community Character .....	20
Policy 4.2.6.2 Small-scale Housing.....	20
Policy 4.2.6.3 Shipping Containers as a Main Residential Use .....	21
Policy 4.2.6.4 Low-Density Residential Rezoning .....	21
Policy 4.2.6.5 Rezoning to Low-Density Residential .....	21
Policy 4.2.6.6 Rezoning to Multi-Unit Residential .....	21
Policy 4.2.6.7 Rezoning to Conflicting Uses .....	21
Policy 4.2.7 East End Medium-Density Residential Zoning .....	21
Policy 4.2.7.1 Medium-Density Residential Site Design .....	22
Policy 4.2.7.2 Rezoning Medium-Density Residential .....	22
Policy 4.2.8 Multi-Unit Residential Zoning .....	22
Policy 4.2.8.1 Multi-Unit Development Standards for Amenity Space & Parking Requirements .....	23
Policy 4.2.8.2 Multi-Unit Development Design Standards .....	23
Policy 4.2.8.3 Stormwater Management for Multi-Unit Developments .....	23
Policy 4.2.8.4 Multiple Uses on a R3 Lot .....	23
Policy 4.2.8.5 Further Densification in the R3 Zone .....	24
Policy 4.2.8.6 Multi-Unit Residential (R3) Rezoning .....	24

# EAST END AREA SECONDARY PLANNING STRATEGY

Policy 4.2.8.7 Rezoning from Multi-Unit Residential to Commercial .....	25
Policy 4.2.9 Rezoning from Neighbourhood Designated Zones to Institutional (I) or Open Space (OS) Zones .....	25
Policy 4.2.10 Existing Mobile Home Parks/Land Lease Communities .....	25
Policy 4.2.11 East End Area Mobile Home Park/Land Lease Communities .....	25
Policy 4.2.12 Existing Commercial and Industrial Uses in the Residential Designation .....	26
Policy 4.2.13 Residential Care Housing .....	27
Policy 4.2.14 Rezoning to Residential Zones .....	27
<b>SECTION 4.3 RURAL DESIGNATION .....</b>	<b>27</b>
Policy 4.3.1 Rural (RU) Zone .....	28
Policy 4.3.1.1 Rural Accessory Dwelling Units .....	28
Policy 4.3.1.2 Rural and Open Land Uses .....	28
Policy 4.3.1.3 Rural Residential Uses by Development Agreement .....	28
Policy 4.3.1.4 Rezoning from Rural (RU) to Institutional (I) or Open Space (OS) .....	28
Policy 4.3.1.5 Rural Permitted Industrial Uses .....	28
Policy 4.3.1.6 Rezoning from Rural (RU) to Industrial (IND) .....	29
Policy 4.3.1.7 Rezoning from Rural (RU) to Agricultural (AG) .....	29
Policy 4.3.1.8 Rezoning from Rural (RU) to Residential Zones .....	29
Policy 4.3.2 Aggregate Related Industry .....	30
Policy 4.3.2.1 Structures for Aggregate Related Industry .....	30
Policy 4.3.2.2 Aggregate Related Industry Uses by Development Agreement .....	30
Policy 4.3.2.3 Rezoning to Aggregate Related Industry (AR) Zone .....	31
<b>SECTION 4.4 INDUSTRIAL DESIGNATION .....</b>	<b>31</b>
Policy 4.4.1 East End Industrial Zone .....	31
Policy 4.4.1.1 Multiple Uses on an Industrial Lot .....	31
Policy 4.4.1.2 Industrial Setback Requirements .....	32
Policy 4.4.1.3 Stormwater Management .....	32
Policy 4.4.2 Heavy Industrial Development .....	32
<b>SECTION 4.5 COMMERCIAL DESIGNATION .....</b>	<b>32</b>
Policy 4.5.1 East End Commercial (C1) Zone .....	32
Policy 4.5.1.1 Commercial Zone (C1) Uses .....	32
Policy 4.5.1.2 Public Use in Commercial Zone .....	33
Policy 4.5.1.3 Commercial (C1) Zone Existing Uses .....	33
Policy 4.5.1.4 Rezoning to Commercial (C1) Zone .....	33
Policy 4.5.1.5 Rezoning from Commercial to Other Zones .....	34
<b>SECTION 4.6 MIXED-USE CORRIDORS DESIGNATION .....</b>	<b>34</b>
Policy 4.6.1 Highway Commercial (C2) Zone .....	34
Policy 4.6.1.1 Highway Commercial (C2) Zone Design .....	34
Policy 4.6.1.2 Highway Commercial (C2) Zone Setbacks .....	35
Policy 4.6.2 Mixed-Use Corridor (MXC) Zone .....	35
Policy 4.6.2.1 Mixed-Use Corridor (MXC) Zone Mixed Uses .....	35
Policy 4.6.2.2 Mixed-Use Corridor (MXC) Zone Design .....	35
Policy 4.6.2.3 Mixed-Use Corridor (MXC) Zone Setbacks .....	35
Policy 4.6.2.4 Multi-Unit Development Standards for Mixed-Use Corridor (MXC) .....	35
Policy 4.6.2.5 Multiple Uses on a MXC Lot .....	36
Policy 4.6.2.6 Heavy Industrial Development .....	36
Policy 4.6.3 Stormwater Management for Large-Scale Development .....	36
Policy 4.6.4 Existing Uses in the Mixed-Use Corridors Designation .....	36
<b>SECTION 4.7 AGRICULTURAL DESIGNATION .....</b>	<b>37</b>
Policy 4.7.1 Agricultural (AG) Zone .....	37
Policy 4.7.1.1 Agricultural Marshlands and Wetlands .....	37
Policy 4.7.1.2 Related Agricultural Uses and Agri-tourism .....	38
Policy 4.7.1.3 Related Agricultural Uses and Industries .....	38
Policy 4.7.1.4 Accessory Uses for Economic Opportunity .....	38
Policy 4.7.1.5 Agricultural Zone and Open Land Uses .....	38
Policy 4.7.1.6 Stormwater Management for Large Scale Agriculture .....	39

# EAST END AREA SECONDARY PLANNING STRATEGY

Policy 4.7.1.7 Rezoning from Agricultural to other Zones.....	39
Policy 4.7.1.8 Subdivision in Agricultural Zone.....	39
Policy 4.7.1.9 Rezoning from other Zones to Agricultural (AG) Zone.....	39
Policy 4.7.1.10 Removal of Topsoil.....	39
Policy 4.7.1.11 Exceptions to Prohibition of Topsoil Removal.....	40
Policy 4.7.1.12 Secondary Forestry Uses by Development Agreement.....	40
Policy 4.7.1.13 Non-Permitted Agricultural Uses.....	40
Policy 4.7.1.14 Existing Non-Conforming Agricultural Uses.....	40
Policy 4.7.1.15 Labourers Housing in Agricultural Zones.....	40
<b>SECTION 4.8 PUBLIC USE DESIGNATION.....</b>	<b>41</b>
Policy 4.8.1 Institutional (I) Zone.....	41
Policy 4.8.1.1 Institutional Zone Uses.....	41
Policy 4.8.1.2 Public Institutional and Recreational Uses.....	42
Policy 4.8.1.3 Rezoning to Institutional Zone.....	42
Policy 4.8.1.4 Re-use of Places of Worship.....	42
<b>SECTION 4.9 OPEN SPACE AND CONSERVATION.....</b>	<b>42</b>
Policy 4.9.1 Open Space Zone.....	43
Policy 4.9.2 Lily Lake Water Protection.....	43
Policy 4.9.3 Lily Lake Protected Residential Zone.....	43
Policy 4.9.3.1 Source Water Protection.....	44
Policy 4.9.3.2 Lily Lake De-Designation.....	44
Policy 4.9.4 Watercourse Setback.....	44
Policy 4.9.4.1 Allowable Uses Within Watercourse Setback.....	45
Policy 4.9.4.2 Watercourse Setback Variance.....	45
Policy 4.9.4.3 Watercourse Maintenance.....	45
Policy 4.9.5 Floodplains.....	46
Policy 4.9.6 Extreme Slopes.....	46
Policy 4.9.7 Wildfire Protection.....	46
Policy 4.9.8 Recreational Uses for Motorized Vehicles.....	47
Policy 4.9.9 Annapolis County Parks & Recreation Plan.....	47
Policy 4.9.10 Active Transportation.....	47
Policy 4.9.11 Public/Private Utilities & Service Facilities.....	47
<b>PART 5 GENERAL DEVELOPMENT STANDARDS.....</b>	<b>48</b>
<b>SECTION 5.1 SUBDIVISION BY-LAW.....</b>	<b>48</b>
Policy 5.1.1 Establishment of Subdivision Bylaw.....	49
Policy 5.1.1.1 Compliance of Subdivided Lots with LUB Requirements.....	49
Policy 5.1.1.2 Exceptions to Requirements.....	49
Policy 5.1.1.3 Infrastructure Charges.....	50
<b>SECTION 5.2 LAND USE BYLAW.....</b>	<b>50</b>
Policy 5.2.1 Establishment of the Land Use By-law.....	50
Policy 5.2.1.1 General Provisions.....	51
Policy 5.2.1.2 Additional General Provisions.....	51
Policy 5.2.1.3 Sign Provisions.....	52
Policy 5.2.1.4 Provisions for Existing Lots with No Street Frontage.....	52
Policy 5.2.1.5 Provisions for Undersized Lots with Existing Buildings.....	52
Policy 5.2.1.6 Prohibited Uses.....	52
Policy 5.2.1.7 Uses by Development Agreement.....	52
Policy 5.2.1.8 Permitted Variances.....	53
<b>PART 6 IMPLEMENTATION.....</b>	<b>54</b>
<b>SECTION 6.1 PLANNING DOCUMENT REVIEW.....</b>	<b>54</b>
Policy 6.1.1 Secondary Planning Strategy & Land Use Bylaw Review.....	54
<b>SECTION 6.2 SPS AMENDMENTS.....</b>	<b>54</b>
Policy 6.2.1 Conditions for Amendment.....	54
Policy 6.2.2 Notification in Case of Amendment.....	55
<b>SECTION 6.3 DEVELOPMENT OFFICER.....</b>	<b>55</b>

# EAST END AREA SECONDARY PLANNING STRATEGY

Policy 6.3.1 Appointment of Development Officer .....	55
<b>SECTION 6.4 LAND USE BY-LAW .....</b>	<b>55</b>
Policy 6.4.1 Land Use Bylaw Content .....	55
Policy 6.4.2 Land Use Bylaw Provisions .....	56
Policy 6.4.3 Amending the Land Use Bylaw .....	57
Policy 6.4.3.1 Criteria for Amending the Land Use Bylaw .....	57
Policy 6.4.3.2 Special Situation: Rezoning Application .....	58
Policy 6.4.3.3 Information Required for Application to Amend the LUB .....	58
Policy 6.4.3.4 Amending the Land Use Bylaw Maps .....	60
<b>Policy 6.4.4 Development Agreement, Site-Plan Approval, and Public Information Meetings .....</b>	<b>60</b>
Policy 6.4.4.1 Criteria for a Development Agreement or Site-Plan Application .....	61
Policy 6.4.4.2 Content of a Development Agreement .....	62
Policy 6.4.4.3 Uses of Site Plan Approval .....	63
Policy 6.4.4.4 Content of a Site Plan Approval Application .....	63
Policy 6.4.4.5 Requirement for Public Information Meeting .....	64
Policy 6.4.4.6 Criteria for Public Information Meetings .....	64
<b>SECTION 6.5 PUBLIC CONSULTATION .....</b>	<b>65</b>
Policy 6.5.1 Public Participation Program .....	65
Policy 6.5.2 Extending the Public Participation Program .....	65
<b>SECTION 6.6 COST RECOVERY .....</b>	<b>66</b>
Policy 6.6.1 Advertising Costs .....	66
Policy 6.6.2 Processing Costs for Amendments and Permits .....	66
<b>APPENDIX A FUTURE LAND USE MAP .....</b>	<b>67</b>

DRAFT

## OVERVIEW – SECONDARY PLANNING STRATEGY ADMINISTRATION

**PURPOSE** - The Secondary Planning Strategy (SPS) for the East End Planning Area has been prepared according to the provisions of the Municipal Government Act (MGA). It is a legal document that has been adopted as a bylaw of the Municipality of the County of Annapolis and provides a framework of land use policies to guide all forms of development within the Planning Area. Where land use and development issues are dealt with in this SPS, they shall be implemented by the accompanying East End Area Land Use Bylaw (LUB).

**DOCUMENT ADMINISTRATION** - The Planning Strategy document and Land Use Bylaw are structured in a numerical manner to facilitate user friendly reference to different parts of the documents.

**DEVELOPMENT OFFICER** - The day to day, and overall administration of the Secondary Planning Strategy and Land Use Bylaw, resides with the Development Officer(s) appointed by Municipal Council.

**POLICY STATEMENTS** - Policy Statements, often referred to as policies, are expressed throughout various sections of the Strategy, and are identified by a bolded font Policy and associated numerical reference, followed by text outlining the policy statement wording.

**LANGUAGE** - The policies of this Plan are written to be as clear and precise as possible. In this Plan, the word 'shall' for example, takes the imperative, and indicates a duty to act. The word 'may', takes the permissive, and indicates permission to act, where such action becomes discretionary.

**EFFECTIVE DATE** - The Secondary Planning Strategy and implementing Land Use Bylaw for East End Planning Area shall come into effect upon approval of the Nova Scotia Minister of Municipal Affairs & Housing, and on the date that a notice is posted on the Municipality's website, informing residents and the public that the updated and revised planning documents are in effect.

## PART 1 INTRODUCTION – AUTHORITY AND CONTEXT

### SECTION 1.1 INDIGENOUS LAND ACKNOWLEDGEMENT

#### Policy 1.1 MI'KMAQ RECOGNITION POLICY

It shall be the Policy of Council to acknowledge that the East End Planning Area is in Mi'kma'ki, the ancestral and traditional territory of the Mi'kmaq People.

### SECTION 1.2 PURPOSE

This Secondary Planning Strategy (SPS) for the East End Planning Area has been prepared according to the provisions of the Municipal Government Act (MGA). It is a legal document that has been adopted as a bylaw of the Municipality of the County of Annapolis and provides a framework of land use policies to guide all forms of development within the Planning Area. Where land use and development issues are dealt with in this SPS, they shall be implemented by the accompanying East End Area Land Use Bylaw (LUB). This plan was created through a community-based planning process to reflect the community's values derived largely from the efforts of a citizen-based working group called the East End Area Advisory Committee. The Plan is deemed to be a living document that is reflective of the changing circumstances, needs and desires of the community. Revisions to the Strategy may be considered by Council as amendments to the Plan.

This SPS represents the goals for the manner in which the East End Planning Area and its communities may be shaped and developed into the coming years. This Plan aims to support the community in developing for population changes and growth, while still retaining the existing characteristics of the East End Planning Area and encourages growth in a manner that is suitable and sustainable for the area.

### SECTION 1.3 THE PLANNING AREA AND FUTURE LAND USE MAP

This SPS applies to all lands within the East End Planning Area, as defined by Map 1, the Future Land Use Map (FLUM). The area that it covers shall be referred to as the East End Area or the Planning Area. The FLUM designates all lands within the Planning Area to one of the land use designations identified in **Section 4.1**.

### SECTION 1.4 BACKGROUND

The East End has changed a lot since the 2012 planning strategy was made, including various changes made to the Municipal Government Act, the Provincial legislation that requires Municipalities to adopt planning documents. The East End is part of the County of Annapolis, which introduced its first Secondary Planning Strategy and Land Use Bylaw in 1997 to reflect community values. The original plan was shaped with input from

local citizens on the East End Advisory Committee, who worked with a planner to create it. This document has now been reviewed and used as a base for updating the current policies. The East End Advisory Committee is a group of citizen volunteers and Councilors guiding the review of the Secondary Planning Strategy. They will take the public's feedback and use the data to create land use regulations that support and enhance the community's vision.

On October 11, 2018, the Province of Nova Scotia adopted Bill 58 which established a requirement that all municipalities adopt a plan, or plans, sufficient to satisfy the "minimum planning requirements" set out in the MGA. Contents of a planning strategy are also prescribed in the MGA.

To satisfy the minimum planning requirements, Annapolis County must adopt comprehensive planning documents that apply to their entire area which address the full range of land uses and support a land use bylaw including a zoning map. Municipalities are granted the discretion to apply zoning to lands and employ other planning tools to regulate land use, protect the environment, and promote orderly and cost-effective development.

The East End Area Secondary Planning Strategy was last reviewed in 2012, which is over the ten (10) year period required by the Minimum Planning Requirements for a planning document to be reviewed by Council. Additionally, Policy Part 1 (viii) (i) of the 2012 East End Area Secondary Planning Strategy required the review of the documents to take place five (5) years after adoption. Therefore, Municipal Council instructed staff to start the review of the East End Area Secondary Planning Strategy and Land Use Bylaw in January 2022.

### SECTION 1.5 PUBLIC CONSULTATION

The review of the East End Area Secondary Planning Strategy (SPS) and its accompanying Land Use Bylaw (LUB) was carried out by planning staff of the Municipality of the County of Annapolis and the East End Area Advisory Committee, acting at the direction of Municipal Council. During the preparation of these planning documents, a public consultation process was undertaken including farmers focus group workshops, meetings with the Town of Middleton public works department, a survey, an open house and email responses and comments. Multiple public information meetings were held to review the draft planning documents and get responses from members of the East End planning area and as required by the MGA, a Planning Advisory Committee meeting and public hearing shall be scheduled.

The East End Area Advisory Committee was essential to the review of the SPS and LUB. The draft documents were crafted at the direction of the committee based on their knowledge of the community along with detailed analysis of the planning area including responses from the survey and focus group. Over three (3) years, the committee met periodically with municipal staff to review and craft in-house working papers, conduct issue identification, evaluate and assess proposed regulation, formulate policies, and consider community feedback and correspondence.

A focus group workshop for the farmers in the planning area was held where the group took part in roundtable discussions to provide ideas and feedback to the East End Area Advisory Committee (EEAAC). The group discussed a wide range of questions aimed at providing municipal staff and the EEAAC with the community's view on topics regarding agriculture, housing, the environment, and the economy of the planning area.

Additional focus group workshops were held with certain groups expected to be most impacted by the proposed changes including farmers, residents of the Lily Lake area, and residents of the Mixed-Use Corridor (MXC) Zone. These workshops allowed for roundtable discussions and feedback on proposed policies.

A survey was released by municipal staff based on similar topics and questions as discussed at the workshop as an additional way of engaging with farmers who were unable to attend the workshops as well as community members not part of the focus group or who felt uncomfortable providing their opinions in a public setting

Public information meeting sessions were held over two (2) days at the Nictaux Fire Hall and Melvern Square Community Centre. An open house and community forum was also held at the Wilmot Community Centre. Community members were invited to review presentation materials and speak with municipal staff at these sessions to answer any questions regarding the proposed changes to the SPS and LUB. After each session, members of the public were invited to speak, either in person or by written correspondence, in favour for or against the proposed planning topics and policies. After the sessions, the committee discussed the feedback they had heard from the community and passed the final motion to send the proposed documents to the Planning Advisory Committee as outlined within the MGA.

The Annapolis County Planning Advisory Committee (PAC) passed the motion recommending to Municipal Council to adopt the East End Planning Area Secondary Planning Strategy and Land Use Bylaw. Municipal Council finally held a public hearing to allow residents of the East End planning area to speak or ask questions about the documents prior to making a decision.

### SECTION 1.6 COMPONENTS OF THE SPS AND LUB

The generalized purpose of this plan is to guide the development of land within the Planning Area through the policies of Council regarding land uses which set development standards that may vary from zone to zone. Within this Secondary Planning Strategy (SPS) are additional policies regarding the administration of this Strategy, procedures on amending the planning documents, timelines for conducting a review of the planning documents, the subdivision of lots including requirements for road access, frontage, and non-conforming lots and uses. The development control regulations themselves, which implement the policies contained in this SPS, are contained in the separate "East End Area Land Use Bylaw" (LUB).

The purpose of a LUB is to carry out the land use development policies set out in a Planning Strategy and to establish a fair and systematic means of guiding development.

Generally accomplished by dividing an area into land use zones. Land use developments are considered by listing them as a permitted use in a zone or, alternately, a prohibited use. Where a land use development is considered a permitted use there are usually specific development conditions that must be fulfilled before a development permit is issued.

Like the Future Land Use Map (FLUM), the Zoning Map forms an integral part of the LUB. The Zoning Map graphically shows the divisions of the planning area into zones. The LUB and Zoning Map set out zones for residential, commercial, industrial, institutional, and agricultural land uses, including areas where different land uses may be mixed. The bylaw also includes areas in which land use will be limited or prohibited to protect community water supplies, and other areas where development may be limited or prohibited such as wetlands, watercourses, and areas with substantial slopes to protect both unique environmental features and reduce risks to the public.

### SECTION 1.7 LIMITATIONS

This SPS sets out policies directed toward the attainment of a community vision and specific goals, set out in **Section 3.1** and **3.2**. In adopting these policies, Council does not commit itself to undertaking any of the projects suggested therein. However, Council is prevented from acting in a manner that is inconsistent with or at variance with this Strategy (MGA S. 217).

### SECTION 1.8 STATEMENTS OF PROVINCIAL INTEREST

The **Municipal Government Act (MGA)** requires that planning documents be reasonably consistent with the five Provincial Statements of Interest.

#### (a) Drinking Water

The majority of the properties within the Planning Area are serviced by private wells, with the primary exception being Junction Road and a portion of Brooklyn Street which are serviced by the Town of Middleton. The Middleton wellfields that provide water to the municipal water service is located within the planning area boundaries near the Annapolis River. The protection of these wellfields is an essential topic covered within the SPS.

As a policy of the Annapolis County Municipal Planning Strategy, the Town of Middleton's back up water supply at Lily Lake has been included in the East End Planning Area.

An additional concern has been raised by members of the public, interested parties, and EEAAC members about the lack of municipal water services provided within the East End Planning Area. Many of the subdivisions developed along Highway 1 and Highway 201, predate the current standards of the Nova Scotia Department of Environment for lot sizes serviced by on-site water and septic. While no immediate concerns have been brought to the attention of the

municipality regarding cross contamination, the small size of these lots could result in future issues. In response to this, the expansion of municipal services such as water and sewer is further discussed and outlined within the SPS.

### **(b) Flood Risk**

The Annapolis River and its tributaries have been identified as having significant floodplain area and historical flooding within the Planning Area. The Annapolis River Watershed Flood Line Mapping Database provided by the Province identifies many properties that could be impacted by 20- or 100-year floods. This SPS will use watercourse setbacks and development restrictions within floodplains of the flood line mapping database to ensure development and individuals are protected from flood impacts.

Additionally, the East End Planning Documents include an Open Space and Conservation Designation which limits the development within sensitive areas that have been known to repeatedly flood. The zone will look to limit the impact of development and disturbances to these areas that play an important role in the natural water cycle and the management of stormwater, while providing a habitat for local animal and plant life.

### **(c) Agricultural Land**

The SPS prioritizes the protection of existing agricultural lands while encouraging new agricultural development in a way that will lessen conflict with existing and future residential development. The Policies used to address the preservation of land for agricultural uses were developed by:

- i. Overlaying soil resources to locate fertile lands.
- ii. Including existing agricultural operations within zoned agricultural districts.
- iii. Enabling agricultural operations in the rural zone.
- iv. Prohibiting the sale of topsoil and turf.
- v. Limiting subdivision in agricultural zones.
- vi. Including policies for the rezoning of lands zoned agricultural.

### **(d) Infrastructure**

The portions of the Planning Area that are serviced by municipal services include Brooklyn Street and Junction Road which are partially serviced by both water and sewer, as well as the Nictaux community and surrounding area which is serviced by municipal sewer. These serviced areas allow for smaller lot sizes and a greater level of density than the primarily rural communities within the planning area. It is the priority of the plan to encourage future development within the serviced areas in such a way that it will utilize the potential of existing

infrastructure and provide a tax base that will help to support future repairs to the system.

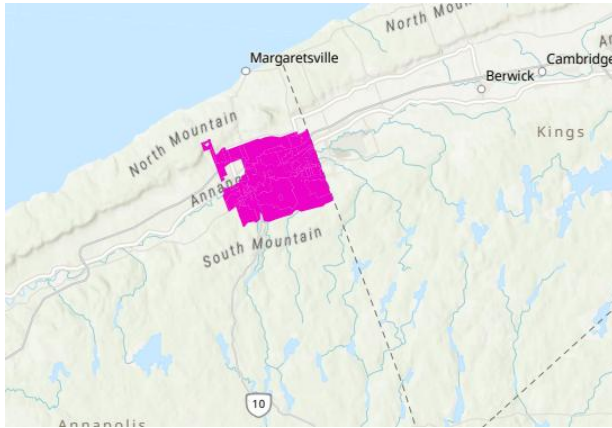
As part of the review of the East End Area Planning Documents a study was conducted by CBCL on the future cost and phasing for building new municipal water and sewer infrastructure along Highway 1 and Highway 201. Based on the findings of this study, areas within Nictaux have been identified as having potential for the expansion of municipal services.

### **(e) Housing**

The Plan seeks to achieve a balance between encouraging new residential development while respecting the existing built form of the East End Planning Area. While the Plan primarily promotes up to two-unit residential development within the Low-Density Residential zone of the Planning Area, additional polices were included to allow for residential property owners to build secondary and backyard suites. These suites can be used to house family members or provide additional income to the property owner as a residential rental unit or as a short-term rental establishment. To minimize the impact of the short-term rental market on the housing supply, policies were included to require short-term property operators to own and live on the property that contains the short-term rental or the property abutting the short-term rental.

Additionally, Policies were added so that areas serviced by existing municipal water or sewer services, or areas expected to see the future installation of such services, allow for medium and higher density residential development. Medium-Density and Multi-Unit Residential zones were included to permit multi-unit buildings and multiple residential buildings on a lot.

## PART 2 COMMUNITY PROFILE



The East End Area is located in the eastern portion of the municipality, between and around the Town of Middleton, and the Village of Kingston as well as the Village of Greenwood, both located within the neighbouring municipality, the Municipality of the County of Kings. The area is the fastest growing area within the municipality.

As seen in the adjacent map, the Secondary Planning Strategy of the East

End Planning Area applies to all lands within the highlighted area.

The East End Planning Area consists largely of large swaths of open land with a strong basis in agriculture. Some areas have developed denser clusters of housing, whereas others, particularly around Spa Springs and Torbrook, have remained sparse with fewer homes and larger lots. The Planning Area consists of multiple communities including Spa Springs, Melvern Square, Wilmot, parts of Nictaux and parts of Torbrook. The area is mostly comprised of privately owned lots.

### SECTION 2.1 EAST END AREA HISTORY

For thousands of years, Mi'kmaq peoples were the original inhabitants of the local valley lands traditionally known as Kespukwik, and its primary river Te'wapskik, meaning "flowing out of high rocks". By 1605, French settlers arrived in the Annapolis area of what is now known as Nova Scotia, making it home to one of the earliest European settlements in North America. The Acadians established a trail system that connected their small communities, and this was later to become Highway 1. After the expulsion of the Acadians in 1755, the local area was resettled by New England Loyalists. Shipbuilding and agriculture became the prominent local industries. With the advancement of the railway, towns throughout Kespukwik, or the Annapolis Valley, flourished. Smaller rural communities, primarily based upon agriculture, forestry, fishing and shipping, also developed.

As the East End Area spans the width of the Annapolis Valley, abutting the base of both the North and South Mountains, the area is home to a climate perfectly suitable for agriculture and comprised of multiple soil types. With the construction of railways, train stations, and multiple hotels in the 1800s, the Town of Middleton became a place of opportunity for economic success and communities started developing on the periphery. By 1895 more major businesses, the Valley Telephone Co. and the Commercial Bank, came to the Town of Middleton, bringing with them employees and the opportunity for local employment. As the Town and its economic opportunities grew, the population of the surrounding area, the East End Planning Area, did as well. In 1942 the Canadian Forces Base Greenwood was established in the neighbouring Municipality of the County of Kings, bordering on the East End Planning Area. Due to its fog-free climate Greenwood was selected as a location for air force training during WWII. As with the development of the Town of Middleton, Greenwood brought new economic opportunity and population growth to the area.

Farming has played a major role in the history of the East End Planning Area and continues to play a significant role today. The Planning Area has been home to some of the top fruit growers in Canada throughout the years. Apple orchards of all ages can be seen speckled throughout the communities and rural areas. The Annapolis Valley is known for its fruit production, particularly apples, with it playing an extremely significant role on the communities. This is seen with the depiction of an apple tree in the center of the Municipality of the County of Annapolis coat of arms, as unveiled in 2006.



### SECTION 2.2 ISSUES AND OPPORTUNITIES

As described in **Section 1.4**, this SPS was developed through an extensive consultation process involving Council, the East End Area Advisory Committee, members of the public, and interested parties. Key sources of information were the Area Advisory Committee and members of the public who took part in public engagement events and surveys. The following issues and opportunities were highlighted through municipal staff research and public feedback.

#### (a) A Changing Climate

One of the largest issues facing communities is the increasing effects of climate change on local weather patterns. Changing seasons, drought, heat waves, increases in severe storm events, flooding, and a higher risk of forest fires threaten communities and industries. The agricultural and forestry sectors are

particularly susceptible to the impacts of climate change and as vital industries in rural communities they will require special consideration as we plan for the future.

The East End Area has already been experiencing environmental pressures with increases to storms, water runoff, and soil erosion. Due to the importance of the agricultural community and the soil resources to the Planning Area these impacts of the changing climate are of significant concern. Severe weather events and soil loss also makes it more challenging to grow one's own food, a practice which is becoming increasingly common in the East End Planning Area as community members look to become more self-sufficient in the face of rapidly increasing costs of living. This SPS aims to encourage more environmental protection to mitigate these impacts by placing protections on agricultural land and increasing the required setback from watercourses.

The Province of Nova Scotia manages other environmental protections including stringent measures to restrict development in wetlands, adopted in 2011. The Province also manages and administers forestry activity and the development of pits and quarries with the objective of minimizing the negative effects of both activities. While the extraction of natural resources is outside of the municipal jurisdiction, policies can still be written to officially indicate Council's stance for and against specific types of extraction processes.



### **(b) A Changing Community**

Nova Scotian communities have experienced declining birthrates over the past decade resulting in 50% of the populace being 55 years or older, with approximately 25% of the total population being above the standard age of retirement. The demographic shifts have been most noticeable in the population demographics 25 years and younger, where from 2006 to 2016 the population of young adults, teenagers, and children decreased by 20% across the municipality. The transition to communities that have fewer households containing young adults and children have resulted in the consolidation and centralization of public-school systems and other child related services. The consolidation of child education and youth recreational services can disproportionately impact lower income families, who have limited time and financial resources to spend on greater travel costs. Additionally, the increase in residents nearing or at retirement age has resulted in a growing need for senior-based services such as specific healthcare requirements and long-term care homes. While many people

above the age of retirement play a vital role in the volunteer sector, a decrease in the number of working-age residents can result in labour shortages that effect an area's economy. Furthermore, retirees are often reliant on a set income, such as pensions, which can affect the amount of disposable income being spent within the local economy.

Population growth across Annapolis County has been erratic over the past few decades. The Census population of the County, which includes the Towns of Annapolis Royal and Middleton, peaked at 23,641 in 1986, but fell consistently over the next 30 years with occasional spikes due to residential market trends. The number of residents in the County had dropped to 20,591 in 2016, however, the 2021 Census indicates that over the past 6 years there was a 3.2% increase in population. The addition of new residents to the County may in the long term offset some of the growing concerns around population decline, however, the influx of new arrivals can place new strains on housing availability resulting in inflation within the housing market.

As the community demographics and population size continue to change there is a need for an increase in the diversity of housing typologies within the East End Area. Denser and more affordable forms of housing and multi-generational homes may be needed.

### **(c) Changing Needs and Demands**

Communities that tend to attract new residents are those that contain a high-quality of infrastructure and services including reliable communications networks, transportation networks, active transportation and recreation infrastructure, and quality affordable housing. The current services will require a reliable tax increase in the area to ensure the services are maintained and to improve the quality of the services the community receives. The funds to maintain and improve infrastructure primarily come through either an increased service rate or through an increase in development. A need for an increased tax base, as well as a need for growth in the housing supply to counter rising demands, will need to be carefully balanced with the desire to maintain the current feel and characteristics of the established low-density communities.

The growing proportion of the population above the age of 65 will have impacts on the local demand of healthcare and long-term care services. Nova Scotia's healthcare system has been experiencing repeated issues and crises, further exacerbated by the COVID-19 pandemic. There is community demand for better access to doctors and health care professionals, as well as a timely response to medical issues by emergency health service providers. Due to rising costs, rising inflation, and impacts of climate change on local and global markets, a steady rise in the need for social services across the board is expected.

Two sectors where we can expect to see the biggest impact on households are food and transportation costs. The East End Area's agricultural roots can work to the community's advantage and provide the opportunity for self-reliance and access to more affordable local food. Additionally, the area is serviced by Kings Transit and is within relative proximity to the Town of Middleton, the Village of Kingston, and the community of Greenwood which are all economic and/or commercial hubs within the area and contain a combination of private and public services.

There are concerns from community members about traffic conditions and the lack of existing sidewalks, pedestrian trails, and cycling networks through or near communities. Some shoulders have been paved to improve the safety for pedestrian and cyclists; however, many are still lacking an adequate paved shoulder width required to provide room for cyclists and drivers to safely pass in many sections, further hindered by the occasional lack of grass and hedge trimming which pushes cyclists further into the roadway. Unless the municipality and the province can find a way to address these safety concerns and increase efforts into public education on road etiquette and safety, it will continue to act as a barrier to affordable and sustainable forms of transportation.

### **(d) Changing Economics**

Throughout the entire Municipality there is a need for local employment and economic development. With the changes to the population demographics and a significant amount of the Municipality's population aging out of the labour-force the communities within Annapolis County are experiencing labour shortages. A shortage of builders and trades-workers has led to increased building costs and long construction times for housing, further exacerbating housing shortages. As the farmers within the East End Area age and as small to mid-sized farms are struggling to maintain economic viability the area is in need of support towards industries such as agriculture and agricultural or environmental focused tourism.

It has been the aim of the East End Planning Area to achieve consistent economic growth since 2012. This is being achieved to some extent, with the addition of multiple new businesses and industrial operations in recent years. However, the community is experiencing difficulties with retaining businesses. The Municipality is also in need of a stronger tax base to support stronger infrastructure and services within the Annapolis County. However, due to their own economic struggles because of the changing economy and inflation, many residents of the East End Planning Area cannot afford significant tax increases. Therefore, the Municipality acknowledges the need for economic development and growth to better support the community economically, without further burdening the current East End Area population. There is a significant need for the diversification of economic opportunities.

## SECTION 2.3 FUTURE DEVELOPMENT PROSPECTS

The Secondary Planning Strategy has been prepared on the assumption that the East End Area of Annapolis County will continue to experience moderate to high levels of growth in the coming years. While this plan has been written to accommodate some variation in growth, if the area experiences an unforeseen level of development pressure or a lack of development, Council may wish to review this Strategy earlier than the ten (10) year review period set out within the planning documents. It is also desirable that a 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 reacting to requested secondary planning strategies, policies, and land use bylaw text or map amendments.

### Policy 2.3.1 Review Timelines

It is the policy of Council to commence an early review of the policies of the Secondary Planning Strategy should a major surge of economic or population growth or decline occur. In any event, a review by municipal staff on the current effectiveness of this Strategy shall commence in five (5) years, with a full review taking place no later than ten (10) years after the Strategy is in effect.

### Policy 2.3.2 Effective Date

It is the policy of Council that, for the purpose of defining timelines concerning the establishment of existing land uses and lots, unless otherwise stated in this Secondary Planning Strategy or the accompanying Land Use Bylaw, the effective date of this Secondary Planning Strategy and its accompanying Land Use Bylaw is established to be the date a notification is published in a newspaper circulating in the Municipality informing the public that the Secondary Planning Strategy and its implementing Land Use Bylaw is in effect.

## PART 3 VISION AND GOALS

### SECTION 3.1 VISION

Based on input from the East End Area Advisory Committee and community members, the following Vision Statement was created:

The East End Planning Area of Annapolis County will be a welcoming, rural community that prioritizes the development of diverse, accessible, and sustainable housing options. By supporting thoughtful growth that meets the needs of residents at all stages of life, the area will maintain its rural character and agricultural values while attracting newcomers and strengthening community well-being.

### SECTION 3.2 GOALS

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

- **G1** Provide a basis for Municipal Council to guide and direct new development in the East End Planning Area in an orderly, economical manner.
- **G2** Preserve and enhance the character of the East End Planning Area residential neighbourhoods by preventing the encroachment of intrusive commercial or industrial development into those neighbourhoods, while still permitting unobtrusive home occupations.
- **G3** Preserve and enhance the rural character of the East End Planning Area.
- **G4** Encourage new commercial developments in the Planning Area that are consistent with the creation and maintenance of a well-balanced community.
- **G5** Set aside sufficient suitable land in the Planning Area for agricultural and industrial development and ensure that new agricultural and industrial development is appropriately located in harmony with the physical environment and consistent with the creation and maintenance of a well-balanced community.
- **G6** 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, accessible and safe.
- **G7** Ensure that development and servicing of land in the East End Planning Area occurs in an environmentally safe manner, protecting natural habitat and other valued environmental features and reducing pollution.

- **G8** Encourage the use of practices that work to minimize risks to property, infrastructure, lives and the natural environment due to natural disasters and other natural or manmade hazards.
- **G9** Encourage residential development that is accessible, affordable, sustainable and considers the diverse needs of a wide range of age groups, family structures, and cultural values.
- **G10** Encourage a diverse blend of farms, agri-tourism, and accessory agricultural uses that reflect a range of sizes, practices, production capabilities, and products with a focus on encouraging more sustainable farming communities.

## PART 4 LAND USE POLICIES

### SECTION 4.1 LAND USE DESIGNATIONS

The SPS sets policies for the development and protection of land use across the East End Planning Area. The application of policies is guided by land use designations illustrated on the Future Land Use Map (FLUM) of this SPS. Future land use designations are based off the established land use, the land use considered most appropriate for the area, or the inherent characteristics of the property such as slope, environmental features, road access, and access to community facilities and services.

The SPS also supports measures to address sensitive environmental features that may present hazards if developed, either through designations or restrictions. These include watercourses, sensitive habitats, unstable or steeply sloped lands, or lands where development may cause issues due to stormwater runoff.

The following designations have been applied on the FLUM (Map 1):

- (a) **Neighbourhood** – Areas that are predominately residential in nature, or are suitable for future residential development, and are or could be serviced by municipal water and sewer to permit a higher density of residential development.
- (b) **Commercial** – Areas along Highways 10 and 201 that predominantly accommodate retail, personal service, or office uses directly serving the public, which are suitable for a mix of residential and commercial uses and are either serviced or could be serviced by municipal water and sewer.
- (c) **Mixed-Use Corridor**– Areas that are suitable for a wide range of dense uses and support a connectivity corridor between major community nodes. Mostly along Highways 1 and 201, Brooklyn Road and Junction Road.
- (d) **Rural** – Areas that are suitable for a mix of residential, commercial and agricultural uses but at present are not mostly serviced or appropriate to be provided with municipal water or sewer services and are more suitable for low density development.
- (e) **Agricultural** – Areas that are predominantly used for agricultural operations and where land has soil characteristics that are favorable for the growing of crops, produce, and the pasturing of livestock.
- (f) **Industrial** – Areas that are predominantly used to accommodate business offices, warehousing, fabricating, and manufacturing uses.
- (g) **Public Use** – Areas that are predominantly used for public use institutions such as offices, schools, churches, community facilities, warehouses, utilities, and similar uses operated by government or community-based organizations.

- (h) **Open Space and Conservation** – Areas that contain the Town of Middleton water supply wellhead area and back up water supply area around Lily Lake as well as land that is prone to flooding or other environmental constraints and unsuitable or limited for development.

### Policy 4.1.1 Designations

It is the policy of Council to designate lands within the East End Planning Area on the Future Land Use Map (Map 1), as follows:

- (a) Neighborhood, for lands predominately used for or suitable for residential land uses and development.
- (b) Commercial, for lands predominately used for a commercial or residential land use and development.
- (c) Mixed-use Corridor, for lands predominantly used for commercial or residential but also supportive of a diverse range of other uses.
- (d) Rural, for lands predominately used for a mix of uses including low density residential and commercial uses as well as agricultural practices.
- (e) Agricultural, for lands protected for the growing of produce, crops, and pasturing of livestock as well as associated commercial and industrial uses.
- (f) Industrial, for lands predominantly used for business offices, warehousing, fabricating, and manufacturing uses.
- (g) Public Use, for lands predominantly used for public use institutions or government or community spaces.
- (h) Open Space and Conservation, for lands unsuitable or limited for development due to either source water protection requirements or environmental constraints.

### Policy 4.1.2 Zones Permitted in All Designations

It is the policy of Council to permit the following zones within all designations in the East End Planning Area:

- (a) Open Space (OS) Zone
- (b) Institutional (I) Zone
- (c) Aggregate Related Industry (AR) Zone

## SECTION 4.2 NEIGHBORHOOD DESIGNATION

The East End Area SPS seeks to provide stable residential neighbourhoods by preventing the intrusion of inappropriate commercial or industrial uses. The purpose of the Residential Designation is to identify on the FLUM those areas that are characterized by residential land uses, or where municipal services are provided to allow for medium and high-density residential development. The policies contained within this component of the SPS address the development of housing types, locally scaled agricultural uses, home based businesses, and existing commercial or industrial uses within the Neighbourhood Designation.

The Neighbourhood Designation is applied to areas that have developed as residential communities or neighbourhoods with little or no commercial development. It is intended to protect the predominately residential use of the lands so designated and can be applied to lands proposed for residential subdivision that are intended to be predominantly residential development. Notwithstanding the designation, short-term rentals, typical home occupation activities (i.e., home-based businesses, offices, day cares operations) and household livestock may be permitted.

It is the intent of Council to encourage development within communities that provides a diversity of housing types with the emphasis on providing stable residential neighbourhoods that are separated from conflicting land uses. Thus, to create zones that separate low density, medium density and high-density residential developments.

However, Council also acknowledges the growing need for more housing options within the County of Annapolis and a need for variety of housing types within communities. Therefore, Council shall allow for the development of secondary and backyard suites on residential properties. Secondary and backyard suites can help to increase the supply of rental units within communities and provide options for multi-generational families to live on the same property. The increase of density through secondary and backyard suites tends to be minimally intrusive to single unit residential communities, keeping with Council's goal of preserving the existing character of the East End Planning Area.

### Policy 4.2.1 Housing Diversity

It is the policy of Council to encourage and support a more diverse and more dense housing landscape across the East End Planning Area to work towards goals of sustainability, affordability, accessibility, ability for residents to age in place, and to build a stronger and more complete community.

Council acknowledges the difficulties accessing and affording housing in the current landscape. In order to support a more diverse housing network and work towards achieving housing for all in the East End Planning Area, Council shall support smaller housing typologies in residential areas. Council feels that this would support community access to housing. Mobile homes (also known as trailer homes or mini homes), tiny homes, or modular (also known as prefab) homes will be permitted on all lots within the Low-Density Residential (R1), the Medium-Density Residential (R2) and the Multi-Unit Residential (R3) Zones.

### **Policy 4.2.2 Infill Development**

It is the policy of Council to encourage infill residential development where appropriate within established residential neighbourhoods.

### **Policy 4.2.3 Design Standards**

It is the intent of Council, to ensure that all new Low, Medium and Multi-unit Residential developments are of high design standard. To ensure that residential design standards are met, Council shall require that all subdivision and/or development permit applications for medium density and multi-unit residential developments be submitted to the Municipality for review, evaluation and approval, including detail on site layout, building facade and elevation drawings, and landscape design plans.

### **Policy 4.2.4 Natural Features**

Council shall encourage that for development applications submitted to the Municipality to pursue residential subdivisions and/or building developments, proponents plan developments in a manner which minimizes changes to the site and the natural contours of the land, by retaining existing trees and natural vegetation wherever feasible, and allows for the planting of new on-site trees and landscape shrubbery and new street tree plantings on streets adjacent to the development site.

### **Policy 4.2.1 Residential Development Phasing**

It is the intent of Council, for all residential developments, particularly those that are multi-unit, to consider a phased building project.

### **Policy 4.2.2 Accessory Dwelling Units**

It is the policy of Council to permit a secondary residential unit on the same lot as an existing residential use, in the form of a secondary attached or detached suite, subject to the requirements set out within the LUB. In considering such a use, Council shall have particular regard to the impact secondary dwelling units may have on the municipal water supply, lot capability for on-site sewage disposal systems, and if the structure can meet the requirements of the zone in which the property is located.

### **Policy 4.2.3 Short-Term Rentals**

It is the policy of Council to permit short-term rentals in all zones that permit residential structures. However, to minimize the impact of the short-term rental market on the housing supply, short-term property operators must own and live on the property that contains the short-term rental or the property abutting the short-term rental.

### **Policy 4.2.4 Keeping of Accessory Agricultural Animals**

Council is aware of the growing concerns in communities around food security and the demand to allow for more flexibility in backyard agriculture. Therefore, Council shall include regulations in the Land Use Bylaw that allow for a limited number of agricultural animals to be kept on lots within the Neighbourhood Designation based on the lot area and zone.

It is the policy of Council to permit the keeping of agricultural animals in any zone in the Planning Area where residential uses are permitted, as an accessory use to an existing residential use, subject to regulations around animal housing as detailed in the LUB.

It is also the policy of Council to prohibit the keeping of agricultural animals on properties of one (1) acre or less in size within the Medium-Density Residential (R2) zone and Multi-Unit Residential (R3) zone, and on properties of any size within the Low-Density Residential (R1) zone, with the exception of a limited number of egg-laying fowl and beehives.

Council shall also encourage property owners to register their accessory agricultural animals with the Municipality with the intent of monitoring the numbers of animals, facilitating the exchange of information, assessing the impact of accessory agricultural animals, and guiding any future amendments to the SPS or/and LUB.

### **Policy 4.2.5 Development Permit for Accessory Agricultural Animal Housing**

It is the policy of Council to require a development permit for the construction, erection or development of structures for the housing of accessory agricultural animals except within the AG or RU designations.

### **Policy 4.2.6 Low-Density Residential (R1) Zone**

The SPS aims to protect the area's existing low density residential areas by encouraging a maximum of two-unit residential dwellings and preventing the intrusion of inappropriate commercial uses other than through a permitted list of home occupations. Therefore, Council shall create a specific zone to permit only residential single and two-unit dwellings.

*It is the policy of Council to establish a Low-Density Residential (R1) Zone in the Land Use Bylaw which would limit the permitted uses in the R1 Zone to low density residential development with standards relating to such uses, including provisions for lot requirements, a secondary unit, home occupations, accessory buildings, signage and parking.*

To preserve the character of established communities and their built form, Council wishes to encourage residential development in a way that complements the existing residential buildings by preventing a drastic change or variation in character and building design. Thus, Council shall include provisions in the land use bylaw that restrict

the development of tall housing forms and multi-story apartment complexes in parts of the Neighbourhood Designation that are zoned Low-Density Residential (R1).

### **Policy 4.2.6.1 Community Character**

It is the policy of Council that, in keeping with the desired character of those residential areas zoned Low-Density Residential (R1) that special dwelling development design standards be included in the Land Use By law to regulate the height of buildings to a maximum of three (3) stories within the areas zoned R1.

### **Policy 4.2.6.2 Small-scale Housing**

It is the policy of Council that a low density of small-scale housing typologies such as mobile homes, tiny homes, and modular homes be permitted within the Low-Density Residential (R1) Zone and the Medium-Density Residential (R2) Zone, in accordance with building code and safety requirements, with standards relating to such uses, including provisions for lot requirements, dwelling size, a secondary unit, home occupations, accessory buildings, signage and parking. These uses are also to be permitted within all zones in the Rural or Agricultural Designations. Higher densities of small-scale housing may be permitted in the Multi-Unit Residential (R3) Zone by site plan approval.



**Modular Home**



**Tiny Home**



**Mobile Home**

### **Policy 4.2.6.3 Shipping Containers as a Main Residential Use**

It is the policy of Council to permit shipping containers as a main residential use with the requirement that the structure must generally match the design characteristics of the surrounding area by development agreement.

### **Policy 4.2.6.4 Low-Density Residential Rezoning**

Council feels that an option should be available should additional lands within the Neighbourhood Designation be proposed for rezoning to the Low-Density Residential (R1) Zone or should lands within the Low-Density Residential (R1) Zone be suitable for higher levels of density. Therefore, Council feels that if a need for housing increases in the community, areas within the Neighbourhood designation that receive municipal water, or sewer can be proposed for rezoning to the Medium-Density (R2) or Multi-unit Residential (R3) zones. However, Council does not feel that areas in the Low-Density Residential (R1) Zone should be allowed to be rezoned to the Rural (R) Zone or the Industrial (IND) Zone.

### **Policy 4.2.6.5 Rezoning to Low-Density Residential**

It is the policy of Council to consider rezoning lands from other Neighbourhood designated zones to the Low-Density Residential (R1) Zone if the lot in question is not immediately abutting a conflicting use. In considering applications to rezone land to the R1 Zone; Council shall ensure that no non-conforming uses are created as a result of the rezoning.

### **Policy 4.2.6.6 Rezoning to Multi-Unit Residential**

It is the policy of Council to consider rezoning lands zoned Low-Density Residential (R1), that are serviced by municipal water or sewer, to the Medium-Density Residential (R2) Zone or the Multi-Unit Residential Zone (R3), subject to the criteria set out in Policy 6.4.3.1. In considering applications to rezone land to the R2 Zone; Council shall ensure that no non-conforming uses are created as a result of the re-zoning.

### **Policy 4.2.6.7 Rezoning to Conflicting Uses**

It is the policy of Council to refuse to consider applications to rezone lands from the Low-Density Residential (R1) Zone to the Rural (RU) Zone or the Industrial (IND) Zone in order to prevent conflicting uses from occurring in residential areas.

### **Policy 4.2.7 East End Medium-Density Residential Zoning**

It is the opinion of Council that there should be a buffer between the low-density residential subdivisions in the Planning Area and areas with potential for higher residential densities to be developed. Thus, Council shall create a Medium-Density Residential (R2) Zone to permit a variety of residential dwellings allowing single, two, and multi-unit residential dwellings as well as multiple residential buildings on the same lot, up to a maximum of 4 buildings per lot, with the exception of land lease

communities. Council's intent in the creation of this zone is to support growth and infill development while still retaining the existing character of the East End Planning Area. This zone will also be used to buffer Low-Density Residential (R1) areas from higher intensity uses.

*It is the policy of Council to establish a Medium-Density Residential Zone (R2) in the Land Use Bylaw which would limit the permitted uses to a mix of residential developments, with a focus on infilling and supporting medium density, and parks and playgrounds, with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, signage and parking.*

### **Policy 4.2.7.1 Medium-Density Residential Site Design**

It is the policy of Council that for townhouse/rowhouse developments and other multi-unit residential developments in the Medium-Density Residential (R2) Zone special site design standards be included in the Land Use By-law to require minimum driveway width/parking standards and a minimum amount of recreational open space for each dwelling unit.

### **Policy 4.2.7.2 Rezoning Medium-Density Residential**

It is the policy of Council to consider the rezoning of lands zoned Medium-Density Residential (R2) to any other Neighbourhood designated zone. In considering applications to rezone land, Council shall ensure that no non-conforming uses are created as a result of the re-zoning.

### **Policy 4.2.8 Multi-Unit Residential Zoning**

It is the opinion of Council that lands within the "Neighbourhood" designation that are currently serviced by municipal water or sewer, or appropriate for the future expansion of municipal services be zoned to permit a higher density of residential development. Thus, Council shall create a Multi-Unit Residential (R3) Zone to permit a variety of residential dwellings allowing multi-unit residential dwellings and multiple residential buildings on the same lot.

*It is the policy of Council to establish a Multi-Unit Residential (R3) Zone in the Land Use Bylaw which would limit the permitted uses to a mix of residential developments, including single-unit dwellings, duplex or semi-detached dwellings, double dwellings, mobile home dwellings, existing low density residential uses, multiple unit dwellings, existing multiple unit dwellings, converted dwellings, townhouse / rowhouse dwellings, boarding houses or rooming houses, bed and breakfast establishments and residential and non-residential day care centres, with appropriate standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, signage and parking.*

While the intent of the Multi-Unit Residential (R3) Zone is to permit a variety of residential dwelling types, it is the opinion of Council that safeguards shall be included to ensure that residents living in multi-unit developments have access to appropriate green and

recreational spaces and other amenities. Therefore, Council shall put in place policies to ensure that an area of land in each development is set aside for use for amenity and recreational spaces based upon a list of use types as approved by Council. Additionally, Council shall also include a requirement for a minimum amount of accessible parking spots to be included based on the number of units within a given development.

### **Policy 4.2.8.1 Multi-Unit Development Standards for Amenity Space & Parking Requirements**

It is the policy of Council that for multi-unit residential dwellings, including apartment buildings, cluster housing or townhouse and rowhouse development, special design standards shall be included in the Land Use Bylaw to require a minimum amenity space for residents to use, a minimum number of vehicle parking and accessible parking spaces per dwelling unit and bicycle parking requirements.

### **Policy 4.2.8.2 Multi-Unit Development Design Standards**

It is the policy of Council that all residential high-density developments must follow certain design standards, as per the Land Use Bylaw, that address the design requirements for the site, for proposed buildings, landscape improvements, parking areas, access/egress, amenity siting, waste collection and lighting and signage.

### **Policy 4.2.8.3 Stormwater Management for Multi-Unit Developments**

It is the policy of Council that for high-density multi-unit residential dwellings, including apartment buildings, cluster housing or townhouse and rowhouse development, provisions be put in place in the Land Use Bylaw to require a Stormwater Management Plan and measurable stormwater management policies to mitigate any spillover or environmental effects of the development.

Council shall, through the review of any high-density residential development proposals, ensure that high-density development sites manage site hydrology and stormwater through the use of permeable surfaces and landscaping, and through other techniques such as stormwater retention, to strive to achieve no new net off-site flow from the site development.

### **Policy 4.2.8.4 Multiple Uses on a R3 Lot**

To ensure diversity of housing options and to provide for development flexibility in the Multi-Unit Residential (R3) Zone, Council is of the opinion that a second Multi-Unit Residential (R3) Zone permitted use be permitted on a R3 zoned lot.

*It is the policy of Council to permit the development of a second main use on a lot in the Multi-Unit Residential (R3) Zone if this use is in accordance with the permitted uses for the zone and with appropriate standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, signage and parking.*

In an effort to ensure diversity of housing options and support growth in the East End Planning Area, Council is of the opinion that the option should be provided to consider the intensification of certain R3 Zone housing forms beyond their permitted as-of-right densities by way of a Public Information Meeting process organized by the developer in accordance with criteria of Policy 6.4.4.6. When considering larger developments, Council will place focus on existing infrastructure and design to aim to preserve the existing character of the East End Planning Area and mitigate infrastructure overload and spillover effects.

### **Policy 4.2.8.5 Further Densification in the R3 Zone**

It is the policy of Council to consider in the Multi-Unit Residential Zone (R3), with the requirement of a Public Information Meeting, based on the provisions as set out in the Land Use Bylaw, by site plan approval:

- i. the development or expansion of a multiple unit dwelling containing more than eight (8) dwelling units;
- ii. the expansion of an existing converted dwelling so as to contain more than eight (8) dwelling units;
- iii. the development or expansion of a townhouse or rowhouse dwelling containing more than six (6) dwelling units;
- iv. the development or expansion of a boarding or rooming house containing more than eight (8) rooms for rent; or
- v. the development or expansion of a bed and breakfast establishment containing more than eight (8) rooms for rent.

### **Policy 4.2.8.6 Multi-Unit Residential (R3) Rezoning**

To provide for greater flexibility in the development of communities, Council may consider applications to rezone lands from Multi-Unit Residential (R3) to the Commercial (C1) Zone to provide for mixed use development that allows for complementary commercial uses with residential uses above. In doing so Council will ensure that lots considered for such are serviced by either municipal water, sewer or both.

It is also the intent of Council to ensure that residential communities have access to facilities, land uses, and organizations that provide a public service. The preservation of open space and natural greenery through trails, parks, and sports fields helps to create healthy communities and provide locations where social interactions can take place to help foster a sense of community. Additionally, community halls and places of worship provide gathering and event spaces within communities. Therefore, Council may consider applications to rezone any land within the Residential Designation to the Institutional (I) or Open Space (OS) Zones.

### **Policy 4.2.8.7 Rezoning from Multi-Unit Residential to Commercial**

It is the policy of Council to consider rezoning lands from the Multi-Unit Residential (R3) Zone to the Commercial (C1) Zone or the Highway Commercial (C2) Zone, if the property is serviced by municipal water, sewer, or both and for a development that will provide a mix of commercial and residential uses on a lot, or immediately abuts a C1 or C2 zoned lot, subject to the criteria set out in Policy 6.4.3.1. In considering applications to rezone land to the C1 & C2 Zone; Council shall ensure that no nonconforming uses are created as a result of the rezoning.

### **Policy 4.2.9 Rezoning from Neighbourhood Designated Zones to Institutional (I) or Open Space (OS) Zones**

It is the policy of Council to consider rezoning any land within the Neighbourhood Designation to the Institutional (I) or Open Space (OS) Zones, subject to the criteria set out in Policy 6.4.3.1. In considering applications to rezone land to the I or OS Zones; Council shall ensure that no nonconforming uses are created as a result of the rezoning.

### **Policy 4.2.10 Existing Mobile Home Parks/Land Lease Communities**

It is the policy of Council to waive the special development design standards set out in the Land Use Bylaw so as to permit the location or replacement of a mobile home or mini home on a mobile home space within an existing mobile home park in the Medium-Density Residential (R2) Zone.

Council shall also permit the expansion of an existing mobile home park located within the Medium-Density Residential (R2) Zone but the expansion shall be limited to the parcel of land the mobile home park occupied on the effective date of the Land Use Bylaw or expansion outside of the existing parcel may be considered by site plan approval subject to the applicable design standards set out in the Land Use Bylaw.

### **Policy 4.2.11 East End Area Mobile Home Park/Land Lease Communities**

It is the opinion of Council that an option should be provided where a grouping of similarly designed residential dwellings can be located on the same lot either developed for rent by the property owner or where tenants could lease a section of land to place their dwelling on. A community of this nature would permit groupings of smaller residential dwellings such as tiny homes, modular homes, and mobile homes to be located on a single large lot and serviced by a central water and sewer system. Therefore, Council shall include policies for the creation and regulation of land lease communities by site-plan approval within the Medium-Density Residential (R2) Zone, the Multi-Unit Residential (R3) Zone and the Rural (RU) Zone. As such Council will set out special design criteria around landscaping, amenity space and accessory buildings.

It is the policy of Council to permit the development of mobile home parks/Land Lease Communities within the Multi-Unit Residential (R3) Zone and the Rural (RU) Zone by site-plan approval only in accordance with Policy 6.4.4.1, with standards relating to such a use, including provisions around architectural design, building size, lot requirements, accessory buildings, home based occupations, parking and signage. Council may also permit the development of medium density Land Lease Communities in the Medium-Density Residential (R2) Zone by site plan approval, with additional requirements around landscaping, design standards, and the requirement of a Public Information Meeting, in accordance with the criteria set out in Policy 6.4.4.6. In considering applications for the development of new mobile home park/ land lease communities, the Development Officer shall have regard for the criteria set out below to ensure that:

1. The mobile home park / land lease community is compatible within the surrounding area.
2. Adequate vegetative or other buffering is provided between the land lease community and adjacent residential, commercial, institutional, agricultural, or industrial uses.
3. Satisfactory arrangements are made to service the land lease community with on-site water and sewer services.
4. A minimum of 5% of the total land lease community development area is reserved and developed exclusively for parks, playgrounds, and recreational open space.

To address existing commercial and industrial uses located in the Residential Designation that pre-date the adoption of the first East End Area Secondary Planning Strategy and Land Use Bylaw in 1997, Council shall create policies in regard to the development and replacement of a nonconforming use. The Municipal Government Act (MGA) offers a number of restriction relaxation options for nonconforming structures and land uses. Thus, it is the opinion of Council that these existing commercial and industrial uses be afforded a variety of available development flexibilities. For situations where a landowner wishes to expand a nonconforming structure or land use outside of the flexibilities provided by Council, it is the opinion of Council that a development agreement process is the best means in which to do so.

### **Policy 4.2.12 Existing Commercial and Industrial Uses in the Residential Designation**

It is the policy of Council to include provisions in the Land Use Bylaw, applicable to the Low-Density Residential (R1), the Medium-Density Residential (R2) and the Multi-Unit Residential (R3) Zones, which allow for:

- (a) A change in use of an existing commercial or industrial nonconforming use of land or within a structure to a similar nonconforming use.
- (b) The extension, enlargement, alteration or reconstruction of an existing commercial or industrial nonconforming use of land or structure that does not meet the setback requirements of the Land Use Bylaw.

- (c) The reconstruction of structures containing an existing commercial or industrial nonconforming use after destruction.
- (d) The recommencement of an existing commercial or industrial nonconforming use after it is discontinued for a continuous period in excess of six months.

to be considered by Site Plan Approval in accordance with the evaluative criteria set out in Policy 6.4.4.1.

### **Policy 4.2.13 Residential Care Housing**

Council acknowledges the need for more care facilities and specialized housing. As the community ages and becomes more diverse there becomes a growing need for facilities that support those with physical, visual, intellectual, mobility, emotional, and other disability-related challenges. In order to provide this support to the community as it grows, it is the intent of Council to allow care facilities in all Neighbourhood designated areas and the Institutional (I) Zone. Despite being permitted in Residential zones, this use will be designated as Public Use on the Future Land Use Map.

Council shall permit licensed and authorized residential care uses, such as, but not limited to, group homes for children, specialized adult residential care, intermediate care to seniors, hospice facilities, long-term care facilities and similar supportive care uses, within all permitted detached single-unit residential homes, duplexes, three- and four-unit housing types, and within varied townhouse residential dwellings, in the Neighbourhood designation and all areas zoned Institutional (I) within the East End Planning Area.

Larger scale residential care uses within apartment-style or large-scale buildings shall only be permitted in the Multi-Unit Residential (R3) Zone by site plan approval.

### **Policy 4.2.14 Rezoning to Residential Zones**

It is the policy of Council to consider rezoning a lot in any zone to a zone in the Neighbourhood designation if the lot in question gains access to municipal sewer and water services through the expansion of municipal infrastructure as recommended by the CBCL Report and if the lot immediately abuts a residential zoned property (R1, R2 or R3). Council shall consider rezoning these areas to support high-density residential uses.

## **SECTION 4.3 RURAL DESIGNATION**

The East End Planning Area has many communities that are rural in nature and are used for a mix of land uses including residential, commercial, and agricultural uses. Unlike areas designated “Neighbourhood”, the Rural Designation includes communities that are unlikely to be serviced by municipal water or sewer. Therefore, they require larger lot sizes to meet the standards set out by the Nova Scotia Department of Environment for on-site septic and water. Due to these large lot requirements, the mix of

land uses found in a rural area tend to result in less land use conflicts between neighbouring properties. Therefore, Council will set policies that permit a mix of uses within the Rural (RU) Zone with large lot requirements and standards.

### **Policy 4.3.1 Rural (RU) Zone**

It is the policy of Council to establish a Rural (RU) Zone within the Land Use Bylaw in which a variety of low to medium density residential, commercial, agricultural, recreational, light industrial, primary forestry and fishery uses shall be permitted, with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, setbacks, parking and signage.

#### **Policy 4.3.1.1 Rural Accessory Dwelling Units**

It is the policy of Council to permit a second accessory dwelling unit on the same lot as a main dwelling in the Rural (RU) Zone, in the form of a secondary or backyard suite, by site plan approval in accordance with the evaluative criteria set out in Policy 6.4.4.1. In considering such a use, Council shall have particular regard to lot capability for on-site sewage disposal systems, and if the structure can meet the requirements of the zone.

#### **Policy 4.3.1.2 Rural and Open Land Uses**

It is the policy of Council to permit open land projects within the Rural (RU) Zone such as, but not limited to, farming and nature tours, horseback activities, mountain bike parks, adventure parks, campgrounds, RV parks, shooting sports ranges, drive in theaters, glamping and nature retreats, and multi-use trails, with appropriate standards relating to provisions for lot requirements, abutting yard/zone requirements, parking and signage.

#### **Policy 4.3.1.3 Rural Residential Uses by Development Agreement**

It is the policy of Council to permit medium density residential in the form of townhouse/rowhouse developments in the Rural Zone on properties without access to Municipal services by development agreement.

#### **Policy 4.3.1.4 Rezoning from Rural (RU) to Institutional (I) or Open Space (OS)**

It is the intent of Council to ensure that communities within the Rural Designation have access to facilities, land uses, and organizations that provide a public service as well as commercial uses. Therefore, Council may consider applications to rezone any land within the Rural Designation to the Institutional (I) or Open Space (OS) Zones, subject to the criteria set out in Policy 6.4.3.1. In considering applications to rezone land to the I or OS Zones; Council shall ensure that no nonconforming uses are created as a result of the rezoning.

#### **Policy 4.3.1.5 Rural Permitted Industrial Uses**

While the Rural Designation tends to see less land use conflicts resulting from non-compatible neighbouring uses, some land uses produce more obnoxious disturbances than others. Therefore, Council will create policies that allow for a limited size and type of industrial uses to be permitted in the Rural (RU) Zone as of right. Other industrial uses will only be permitted by rezoning the RU Zone to the Industrial (IND) Zone.

It is the policy of Council to permit light industrial uses and workshops including but not limited to artisan workshops, construction industry uses, extractive related facilities, excavation operations, warehouse and distribution centres, truck transfer and transport operations, and commercial and retail uses accessory to the main industrial use on the lot that have a maximum gross floor area of 465 sq. m. (5,005 sq. ft.) or are related to an agricultural or forestry use within the Rural (RU) Zone. It is also the policy of Council to consider larger industrial uses up to 50% of the total lot area by site plan approval.

### **Policy 4.3.1.6 Rezoning from Rural (RU) to Industrial (IND)**

It is the policy of Council to consider rezoning lands in the Rural Designation to the Industrial (IND) Zone to permit new industrial uses within the Planning Area, with the requirement that no nonconforming uses are created as a result of the rezoning.

### **Policy 4.3.1.7 Rezoning from Rural (RU) to Agricultural (AG)**

It is the intent of Council to support the Agricultural sector in the East End Planning Area. Some individuals may wish to participate in agricultural activities which are not permitted within the Rural (RU) Zone. In order to support economic development and the community's agricultural self-sufficiency Council may consider applications to rezone any lot in the Rural (RU) Zone to the Agricultural (AG) Zone.

It is the policy of Council to consider rezoning lands in the Rural (RU) Zone to the Agricultural Zone (AG) to support agricultural development in the planning area. In considering applications to rezone land Council shall ensure that no nonconforming uses are created as a result of the rezoning.

### **Policy 4.3.1.8 Rezoning from Rural (RU) to Residential Zones**

It is the intent of Council to allow for residential development in the East End Planning Area, particularly in areas which have access to municipal services and in areas surrounding the Town of Middleton.

It is the policy of Council to consider rezoning lands in the Rural (RU) Zone to any zone in the Neighbourhood designation if a lot in the Rural (RU) Zone receives access to municipal sewer and water services as part of the expansion of municipal infrastructure as recommended by the CBCL Report. Council shall consider rezoning these lands to support high-density residential uses.

### **Policy 4.3.2 Aggregate Related Industry**

The Province of Nova Scotia has sole jurisdiction over the extraction of minerals and any uses accessory to the extraction of minerals. The Municipality of the County of Annapolis can control uses related to the extraction and the future reclamation of the site. Regulations around the physical condition of abandoned pits or quarries and any reclamation efforts are important due to the potential impacts of aggregate related industry on future post-extraction uses, such as any industrial, residential, recreational or commercial uses.

Extraction operations shall be permitted to occur in any designation. Although industrial in nature, this use often requires large parcels of land with large distances between this and neighbouring uses, meaning that it may not suit the characteristics of a dense industrial zone. In an aim to limit the long-term impacts of these uses, Council shall establish policies within the Land Use Bylaw that require reclamation efforts and restrict post-extraction uses.

*It is the policy of Council to create an Aggregate Related Industry (AR) Zone. This zone shall reflect any existing identified aggregate extraction operations and consider zoning any aggregate extraction operations developed following the adoption of this Strategy as Aggregate Related Industry. This zone shall allow for aggregate-related industries in areas where aggregate extraction is occurring by a permit granted by the Province of Nova Scotia.*

Due to the nature of resource extraction operations, the Aggregate Related Industry Zone will not be associated to a particular designation but will be allowed in all designations of the Future Land Use Map, in accordance with the applicable Provincial policies.

#### **Policy 4.3.2.1 Structures for Aggregate Related Industry**

It is the policy of Council to permit within the Aggregate Related Industry (AR) Zone any structures which form part of an aggregate-related industry use, such as concrete batching, wash plants and asphalt manufacturing facilities, provided the area of the activity/structure is a minimum of 304.8 m. (1,000 ft.) from the nearest existing residential dwelling.

#### **Policy 4.3.2.2 Aggregate Related Industry Uses by Development Agreement**

It is the policy of Council to consider by development agreement, in accordance with the requirements of Section 6.4.4, any accessory uses that would not otherwise be permitted in the Aggregate Related Industry (AR) Zone. In considering such a development agreement Council shall ensure that:

- (a) The condition(s) that prevents the proposal from being permitted as-of-right is addressed by the development agreement, including but not limited to enhanced buffering/landscaping and building and structure position and design.

- (b) The conditions of use or the use does not cause any detrimental effects or nuisance on nearby uses/properties unless deemed to be a mandatory aspect of the use.
- (c) Any applicant requesting rezoning to the Aggregate Related Industry Zone for uses which are related to but not accessory to an aggregate operation submit a study detailing the expected impact on the environment, local traffic and water quality and quantity and the surrounding land uses. Council shall consider the extent to which the impacts will affect the community.

### **Policy 4.3.2.3 Rezoning to Aggregate Related Industry (AR) Zone**

Aggregate Related Industry uses shall be rezoned to the AR zone upon request for rezoning from the applicant in any designation or zone with the requirement of a valid permit granted by the Province of Nova Scotia.

## **SECTION 4.4 INDUSTRIAL DESIGNATION**

Attracting new industries is a solid economic strategy of any community and it is Council's opinion that industrial business be permitted to develop away from primarily residential communities. As such, Council will create an industrial zone that permits a wide variety of commercial, warehousing, manufacturing, assembling and processing uses while also allowing less intrusive uses such as automotive service facilities and office buildings. To encourage ingenuity and permit development flexibility, Council will permit multiple industrial uses to be developed on the same lot in the hopes of encouraging similar industrial uses to congregate to share infrastructure such as parking, loading and storage areas. Council will require larger setback requirements as well as screen and buffering standards on lots zoned industrial to help mitigate land use conflicts from obnoxious or disturbing odour, noises, lights, dust and vibrations.

### **Policy 4.4.1 East End Industrial Zone**

It is the policy of Council to establish an Industrial (IND) Zone within the Land Use Bylaw in which a variety of industrial uses including but not limited to manufacturing, assembling and processing operations, batching plants, machine and metal working shops, secondary forestry product processing operations, bulk storage facilities, existing salvage yards or scrap yards and extractive related facilities, commercial or retail uses and offices shall be permitted, along with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, signage and parking.

#### **Policy 4.4.1.1 Multiple Uses on an Industrial Lot**

It is the policy of Council to permit multiple industrial uses on the same lot in the Industrial (IND) Zone in order to encourage shared use of infrastructure.

### **Policy 4.4.1.2 Industrial Setback Requirements**

It is the policy of Council to establish abutting yard and buffering/screening requirements in the Land Use Bylaw to apply to the Industrial (IND) Zone for lots that it abuts which are not zoned for industrial uses.

### **Policy 4.4.1.3 Stormwater Management**

It is the policy of Council to require that large scale industrial developments create and follow a measurable stormwater management plan.

### **Policy 4.4.2 Heavy Industrial Development**

It is the policy of Council to consider by development agreement the development or expansion of a heavy industrial use such as, but not limited to, a construction debris disposal site, waste transfer and process facility, or a waste disposal facility provided that Council determine the development would have no spillover effects on any other uses or properties within or abutting the Industrial (IND) Zone.

## **SECTION 4.5 COMMERCIAL DESIGNATION**

Within the East End Planning Area, the development of commercial businesses has been focused around Highway 201 and Highway 10 in Nictaux. Commercial development within the planning area has consisted of a mix of uses including food and beverage businesses, retail shops, warehouses, light industrial uses, construction industries, agricultural and related uses, and automotive service business. To continue to promote commercial uses along these key transportation corridors, Council shall designate these areas “Commercial”. Council shall zone commercial areas serviced by a municipal sewer system as Commercial (C1). This zone comprises of small lots and a compact and nodal development pattern.

### **Policy 4.5.1 East End Commercial (C1) Zone**

It is the policy of Council to establish a Commercial (C1) Zone within the Land Use Bylaw in which a variety of residential, administrative, commercial, institutional, and light industrial uses shall be permitted, with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, parking and signage.

#### **Policy 4.5.1.1 Commercial Zone (C1) Uses**

It is the policy of Council to permit the properties within the Commercial Zone (C1) to be used solely for commercial/administrative/institutional businesses, residential uses, for light industrial uses, or for a mix of ground floor commercial/administrative/institutional and residential dwellings above.

### **Policy 4.5.1.2 Public Use in Commercial Zone**

It is the policy of Council to permit all uses permitted in the Institutional (I) Zone uses, subject to I Zone requirements, and other public space uses such as recreation and parks with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, in the Commercial designation, in order to create diverse and multi-purpose commercial areas. It is also the policy of Council to consider that the development of these uses does not lead to the creation of any conflict with abutting land uses.

### **Policy 4.5.1.3 Commercial (C1) Zone Existing Uses**

To address existing commercial and industrial uses that are not considered appropriate for the Commercial (C1) Zone, while providing development flexibility, Council shall create policies to allow landowners to continue to grow their nonconforming business within the Commercial designation through a development agreement.

*It is the policy of Council to include provisions in the Land Use Bylaw, applicable to the Commercial (C1) Zone which allow for:*

- (a) A change in use of an existing commercial or industrial nonconforming use of land or within a structure to another nonconforming commercial or industrial use;*
- (b) The extension, enlargement, alteration or reconstruction of an existing commercial or industrial nonconforming use of land or structure that does not meet the setback requirements of the Land Use Bylaw;*
- (c) The reconstruction of structures containing an existing commercial or industrial nonconforming use after destruction;*
- (d) Or the recommencement of an existing commercial or industrial nonconforming use after it is discontinued for a continuous period in excess of six months*

*to be considered by Development Agreement in accordance with the evaluative criteria set out in Policy 6.4.4.1.*

### **Policy 4.5.1.4 Rezoning to Commercial (C1) Zone**

It is the policy of Council to consider rezoning properties to the Commercial zone only when the road network is designed and has capacity to accommodate anticipated traffic, where municipal water and wastewater services with sufficient capacity are available, or where onsite servicing can be provided to support expected water and wastewater requirements of the maximum level of potential development, and when the rezoning is not expected to lead to any land use conflicts with abutting uses.

### **Policy 4.5.1.5 Rezoning from Commercial to Other Zones**

It is the policy of Council to consider the rezoning of any Commercial (C1) zoned property to the Multi-Unit Residential (R3) Zone, the Rural (RU) Zone, or the Industrial (IND) Zone, provided the property immediately abuts the zone to which it is being rezoned. In considering applications to rezone land, Council shall ensure that no nonconforming uses are created as a result of the rezoning.

## **SECTION 4.6 MIXED-USE CORRIDORS DESIGNATION**

Areas near the Town of Middleton, near the Middleton exit from Highway 101, and areas with services are prime locations for the development of a dense community with a range of uses. The Mixed-Use Corridors designation is utilized by the Secondary Planning Strategy as a means to encourage development of a wide range of commercial, residential, and other uses. The lands within this designation tend to fall within corridor-like clusters leading into the Town of Middleton from other prominent locations within the Municipality.

The Mixed-Use Corridors designation provides for highway-oriented properties in the form of a mixture of residential and commercial uses due to the convenient location. Two zones, the Highway Commercial (C2) Zone and the Mixed-Use Corridor (MXC) Zone fall within this designation. The Highway Commercial (C2) Zone is for the purpose of supporting low, medium and multi-unit dwellings, large scale development and commercial uses that require larger land area for commercial space, loading and unloading, and parking, as well as access to major roadways. The Highway Commercial Zone shall be mostly located in areas along Highway 1 from the Village of Kingston to the Town of Middleton, the intersection of Highway 201 and Highway 10 in Nictaux, and along Highway 201 through South Farmington and Meadowvale. The Mixed-Use Corridor (MXC) Zone shall focus on a greater mix of uses including medium and high-density residential dwellings and allow a more diverse range of uses than the Highway Commercial Zone.

### **Policy 4.6.1 Highway Commercial (C2) Zone**

It is the policy of Council to establish a Highway Commercial (C2) Zone within the Land Use Bylaw in which a variety of residential, administrative, commercial, institutional, and light industrial uses shall be permitted, with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, parking and signage.

#### **Policy 4.6.1.1 Highway Commercial (C2) Zone Design**

It is the policy of Council to require that new developments within the Highway Commercial (C2) Zone provide for significant design attention to building placement, limited massing of building walls, innovative design features of building facades oriented towards the highway, and site landscaping.

### **Policy 4.6.1.2 Highway Commercial (C2) Zone Setbacks**

It is the policy of Council to consider allowing building setbacks from the property line to be reduced to allow for building design flexibility and provide for enhanced streetscape appearance.

### **Policy 4.6.2 Mixed-Use Corridor (MXC) Zone**

It is the policy of Council to establish a Mixed-Use Corridor Zone within the Land Use Bylaw in which a variety of residential, commercial, cultural, tourism, institutional, and light industrial uses shall be permitted, with standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, parking and signage, including dense multi-unit development.

#### **Policy 4.6.2.1 Mixed-Use Corridor (MXC) Zone Mixed Uses**

It is the policy of Council to permit the properties within the Mixed-Use Corridor (MXC) Zone to be used solely for commercial businesses, for townhouse and/or apartment residential uses, or for any other permitted use, or for a mix of ground floor commercial and residential dwellings above. However, it shall be the policy of Council to encourage the development of mixed-use structures with ground floor commercial and residential apartments above in the Mixed-Use Corridor (MXC) Zone.

#### **Policy 4.6.2.2 Mixed-Use Corridor (MXC) Zone Design**

It is the policy of Council to require that new developments within the Mixed-Use Corridor (MXC) Zone provide for significant design attention to building placement, limited massing of building walls, innovative design features of building facades oriented towards the highway, Junction Road or Brooklyn Road, and site landscaping.

#### **Policy 4.6.2.3 Mixed-Use Corridor (MXC) Zone Setbacks**

It is the policy of Council to consider allowing building setbacks from the property line to be reduced to allow for building design flexibility and provide for enhanced streetscape appearance.

#### **Policy 4.6.2.4 Multi-Unit Development Standards for Mixed-Use Corridor (MXC)**

It is the policy of Council that for multi-unit residential dwellings, including apartment buildings, cluster housing or townhouse and rowhouse developments within the Mixed-Use Corridor (MXC) Zone special design standards shall be included in the Land Use Bylaw to require a minimum amount of amenity space for residents and a minimum number of accessible parking spaces per dwelling unit.

### **Policy 4.6.2.5 Multiple Uses on a MXC Lot**

It is the policy of Council to permit the development of more than one main use on a lot in the Mixed-Use Corridor Zone if this use is in accordance with the permitted uses for the zone and with appropriate standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, signage and parking.

### **Policy 4.6.2.6 Heavy Industrial Development**

It is the policy of Council to consider by development agreement the development or expansion of a heavy industrial use such as, but not limited to, a construction debris disposal site, waste transfer and process facility, or a waste disposal facility provided that Council determine the development would have no spillover effects on any other uses or properties within or abutting the Mixed-Use Corridor (MXC) Zone.

### **Policy 4.6.3 Stormwater Management for Large-Scale Development**

It is the policy of Council to require that for large scale development within the Mixed-Use Corridors designation development provisions be put in place in the Land Use Bylaw to require the creation of a Stormwater Management Plan and measurable stormwater management policies to mitigate any spillover or environmental effects of the use.

### **Policy 4.6.4 Existing Uses in the Mixed-Use Corridors Designation**

It is the policy of Council to consider by Development Agreement, in accordance with the evaluative criteria set out in Policy 6.4.4.1 and include provisions in the Land Use Bylaw, applicable to the Highway Commercial (C2) and Mixed-Use Corridor (MXC) Zones, which allow for:

- (a) A change in use of an existing commercial or industrial nonconforming use of land or within a structure to another nonconforming commercial or industrial use.
- (b) The extension, enlargement, alteration or reconstruction of an existing commercial or industrial nonconforming use of land or structure that does not meet the setback requirements of the Land Use Bylaw.
- (c) The reconstruction of structures containing an existing commercial or industrial nonconforming uses after destruction.
- (d) The recommencement of an existing commercial or industrial nonconforming use after it is discontinued for a continuous period in excess of six months.

## SECTION 4.7 AGRICULTURAL DESIGNATION

Situated within the Annapolis Valley and within close proximity to the Bay of Fundy, the East End Planning Area experiences a mild climate and good soil conditions which supports a wide range of agricultural crops and practices. It is important to Council to ensure that lands suitable for agricultural purposes are preserved and set aside to ensure the municipality's future food security. Thus, it is the policy of Council to identify and protect suitable agricultural lands within the Planning Area. The Agricultural Designation will be applied to lands identified as currently being used for agricultural operation or with potential to be used for agricultural operations. Wet or swampy areas, which have little alternate development potential will be designated as well, as these areas can act as buffers and provide a filter for agricultural runoff.

Agricultural operations tend to have a higher chance of conflict with neighbouring properties than residential or commercial uses. Creating a protected agricultural zone can help to minimize these conflicts by consolidating similar land uses together. 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. Therefore, in addition to encouraging agricultural uses within the Rural (RU) Zone, Council shall establish an Agricultural (AG) Zone within the Agricultural Designation. As such, Council shall include policies in this Plan addressing the preservation of land for agricultural development by way of:

- (a) Allowing agricultural uses where the soil resources can support agricultural ventures.
- (b) Encouraging the growth of existing agricultural operations.
- (c) Limiting sprawl onto farmland and the subsequent loss of farmland to alternate forms of development via the creation of relatively exclusive zone districts.
- (d) Mitigating conflicts/complaints by requiring larger setbacks between agricultural operations and neighbouring residential uses.
- (e) Restricting the rezoning of agricultural lands to any other zone.

### Policy 4.7.1 Agricultural (AG) Zone

It is the policy of Council to establish an Agricultural (AG) Zone within the Land Use Bylaw in which agricultural and forestry operations shall be permitted and residential development shall be limited to housing that is accessory to an agricultural operation, with appropriate standards related to such agricultural zone uses including provisions for home occupations and abutting yard and zone requirements.

#### Policy 4.7.1.1 Agricultural Marshlands and Wetlands

It is the policy of Council to identify marshlands, wetlands, and other wet or swampy areas and include them in the Agricultural (AG) Zone, except where current land uses and structures would not be permitted in the Agricultural (AG) Zone in which case the

zone to be applied shall reflect those current land uses and structures. These areas are not suitable for development and are to mainly be used as buffers and to provide a filter for agricultural runoff. Any new buildings and additions that are permitted in these areas shall be floodproofed and the placing of fill and the alteration of topography will be restricted. Residential dwellings and any use associated with the storage or the production of hazardous materials shall not be permitted within these areas.

### **Policy 4.7.1.2 Related Agricultural Uses and Agri-tourism**

It is the policy of Council to permit agriculture related uses, agri-tourism and agricultural themed entertainment uses in the Agricultural (AG) Zone, such as, but not limited to, wineries and cider operations, veterinary clinics, agricultural research offices, petting farms, farm markets, bed and breakfasts, garden centres, riding trails, and various open land uses, with appropriate standards related to agricultural zone uses including provisions for abutting yard / zone requirements.

### **Policy 4.7.1.3 Related Agricultural Uses and Industries**

It is the policy of Council to permit commercial and industrial uses 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, and transport of agricultural products or the servicing of agricultural operations.

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

### **Policy 4.7.1.4 Accessory Uses for Economic Opportunity**

It is the policy of Council to consider, by Site Plan Approval, accessory land uses and activities that would not be otherwise permitted in the Agricultural (AG) Zone in order to allow agricultural communities and families to have additional economic opportunities, with appropriate standards including provisions for abutting yard / zone requirements, parking and signage. In the consideration of these additional uses Council shall require that the use will not impact the future agricultural use of lands.

### **Policy 4.7.1.5 Agricultural Zone and Open Land Uses**

It is the policy of Council to consider, by Site Plan Approval, open land projects within the Agricultural (AG) Zone such as, but not limited to, farming and nature tours, horseback activities, mountain bike parks, adventure parks, campgrounds, RV parks, shooting sports ranges, drive in theaters, glamping and nature retreats, and multi-use trails, with appropriate standards relating to provisions for lot requirements, setbacks, parking and signage. In the consideration of these uses Council shall require that the use will not impact the future agricultural use of lands.

### **Policy 4.7.1.6 Stormwater Management for Large Scale Agriculture**

It is the policy of Council to require that for large scale agricultural operations, and other large-scale operations within the Agricultural (AG) Zone, development provisions be put in place in the Land Use Bylaw to require the creation of a Stormwater Management Plan and measurable stormwater management policies to mitigate any spillover or environmental effects of the use.

### **Policy 4.7.1.7 Rezoning from Agricultural to other Zones**

In order to meet the Provincial Statement of Interest regarding the protection of agricultural land 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 applications to rezone lands from the Agricultural (AG) Zone to any other zone unless an Agricultural Impact Assessment Report prepared and signed by a qualified professional at the expense of the property owner is provided for consideration. This report must document the Canada Land Inventory (CLI) soil classification applicable to the land; the implications of discontinuing or fragmenting its agricultural use; the availability of services, particularly water and wastewater networks; and the compatibility of potential alternative land uses with adjacent agricultural and rural lands, particularly potential residential uses that may conflict with established agricultural operations.

### **Policy 4.7.1.8 Subdivision in Agricultural Zone**

It is the policy of Council to limit the subdivision of any area of land in the Agricultural (AG) Zone to a maximum of two lots every three (3) calendar years (one subdivision process per three years).

### **Policy 4.7.1.9 Rezoning from other Zones to Agricultural (AG) Zone**

It is the policy of Council to consider rezoning properties within any other zone to the Agricultural (AG) Zone if the landowner can demonstrate their ability and intention to construct one or more building(s) permitted in the Agricultural (AG) Zone and/or to cultivate crops or pasture animals, and provided that the rezoning will not lead to any land use conflicts with abutting uses.

### **Policy 4.7.1.10 Removal of Topsoil**

Agricultural operations including horticulture, silviculture, and the pasturing of livestock are dependent on the availability of suitable soils. Plant growth relies on the narrow layer of topsoil for nourishment, if that layer of topsoil is permitted to be removed it creates severe limitations to future crops. Additionally, without the topsoil layer, drainage patterns within an area are susceptible to changes, which in turn can lead to increased erosion of sediment as well as flooding.

Thus, it is readily apparent that the removal of an agricultural area's topsoil resources can and will negatively affect the ongoing viability of the area's agricultural cropping and pasturing operations. Council therefore wishes to establish restrictions on the removal

of soil in agricultural areas in order to promote the continued viability of the land for agricultural use. However, in doing so Council does not wish to restrict the necessary removal of topsoil for the construction of new developments and infrastructure. Therefore, Council shall set policies that prevent the commercial sale of topsoil.

It is the policy of Council to preserve and enhance the agricultural resource of the East End Planning Area, by prohibiting the removal of topsoil for commercial sale, with reasonable exceptions for the sale of plants with attached root ball, not including turf, from nurseries and greenhouses, and excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.

### **Policy 4.7.1.11 Exceptions to Prohibition of Topsoil Removal**

It is the policy of Council, in the Agricultural Zone, to consider by development agreement, industrial operations, that may result in the removal of topsoil, such as, but not limited to, sod farming or peat removal operations. 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 addresses matters related to the rehabilitation of the site.

### **Policy 4.7.1.12 Secondary Forestry Uses by Development Agreement**

It is the policy of Council, in the Agricultural Zone, to consider by development agreement any secondary forestry operations, such as but not limited to, the processing of wood or the production of wood products. In considering such proposals Council shall have particular regard to the plans for the rehabilitation of the site after the discontinuation of the use and if the proposal is in accordance with all provincial Department of Environment regulations.

### **Policy 4.7.1.13 Non-Permitted Agricultural Uses**

It is the opinion of Council that agricultural operations involved in the raising and harvesting of fur-bearing animals and aquaculture operations do not fit with the current land use of the East End Planning Area.

It is the policy of Council not to permit the use or development of any land, building or structure for aquaculture operations or for the housing or raising of fur-bearing animals for the purposes of the production of pelts or products from fur-bearing animals anywhere within the East End Planning Area.

### **Policy 4.7.1.14 Existing Non-Conforming Agricultural Uses**

It is the policy of Council to permit existing non-conforming agricultural uses in any zone to continue as any non-intensive agricultural operation.

### **Policy 4.7.1.15 Labourers Housing in Agricultural Zones**

It is the policy of Council to consider, by site plan approval in accordance with the evaluative criteria set out in Policy 7.3.4.1, the development of up to six dwelling units to

house farm labourers as an accessory use of farm properties within the Agricultural (AG) Zone either within or as an addition to a farmstead or as a separate structure or structures where municipal water and wastewater services with sufficient capacity are available or onsite servicing can be provided to support expected water and wastewater requirements of the maximum number of potential dwelling units.

### SECTION 4.8 PUBLIC USE DESIGNATION

The East End of Annapolis County has a variety of public and private institutional uses such as places of worship, cemeteries, public and private clubs, and community halls. Council shall create policies for an Institutional (I) Zone which can be used to rezone properties for the development of new institutional uses, as set out in the various policies of this Plan, or to protect existing institutional uses within the Planning 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. The “Public Use” designation on the Future Land Use Map comprises of institutional and recreational areas.

#### Policy 4.8.1 Institutional (I) Zone

It is the policy of Council that an Institutional (I) Zone shall be included in the Land Use Bylaw in which institutional and recreational facilities and uses will be permitted, with related standards and provisions. All existing institutional uses will be zoned Institutional (I).

##### Policy 4.8.1.1 Institutional Zone Uses

It is the policy of Council to allow within the Institutional Zone a wide range of public and private institutions such as, but not limited to, government offices, community centres, public and private schools, universities and community colleges, churches and religious institutions, along with residential dwellings accessory to the church or religious institution, funeral homes, medical practitioners offices and clinics, food banks and soup kitchens, senior citizen housing, group care facilities, addictions rehabilitation and counseling centres, non-residential day care centres, private clubs, libraries, museums, hospitals and health care facilities, with appropriate standards including provisions for lot requirements, home occupations, accessory buildings, signage and parking.

The East End Area of Annapolis offers many recreational opportunities, such as Old Mill Trail, the first wheelchair accessible walking trail opened by Annapolis County and the area’s multi-use trail that is open to all-terrain vehicles, snowmobiles, cycling, walking, cross-country skiing, snowshoeing and horse riding. Trails and other recreational uses and facilities are popular and important for the East End Area and offer many health and social benefits. To encourage the continued development of linear trails in the East End Planning Area, Council will consider public parks, playgrounds, passive recreation uses and multi-use trails to be permitted uses in all zones in the East End Planning Area.

While Council prefers that these trail lots front on a street, Council will waive this requirement for public recreation lots.

### **Policy 4.8.1.2 Public Institutional and Recreational Uses**

It is the policy of Council that parks, trails and other recreational uses, where the control and/or operation is vested in a public authority or agency, are considered permitted uses in all zones and setbacks within the East End Planning Area and no municipal development permit is required for the development of said use or their ancillary structures or buildings. It is also the policy of Council to include provisions in the Land Use Bylaw to provide for the relaxation of the minimum lot requirements of a lot created for a park, playground, recreation use, or trail where the control and/or operation of the park is vested in a public authority or agency.

### **Policy 4.8.1.3 Rezoning to Institutional Zone**

It is the policy of Council to consider rezoning properties in any zone to the Institutional zone only where the road network has capacity to accommodate anticipated traffic, where municipal services with sufficient capacity are available or onsite servicing can be provided to support expected water and wastewater requirements of the maximum level of potential development, and where Council has reason to believe the rezoning will not lead to any conflicting land uses.

### **Policy 4.8.1.4 Re-use of Places of Worship**

It is the policy of Council to consider the re-use of existing places of worship within the Institutional (I) Zone for residential, commercial, parks and recreation, or other institutional uses by site plan approval.

## **SECTION 4.9 OPEN SPACE AND CONSERVATION**

Preserving and protecting the natural environment of the East End Planning Area is a leading goal of the SPS. The consideration of environmental features is an integral part of land use planning and many zoning requirements, such as lot area minimums, setbacks, and landscaping requirements that can preserve land for the growth of natural vegetation to stabilize soils and reduce stormwater runoff. However, some particularly sensitive environmental features need to be directly addressed under the SPS and LUB. These largely deal with the management and protection of water whether in wetlands, streams, lakes, or other watercourses.

Water must be protected from pollution to ensure that the habitat of local flora and fauna is not compromised, and for the benefit of people who use it for recreation or consumption. The Province of Nova Scotia has taken the lead in environmental conservation measures to restrict development in wetlands and has adopted legislation to control and protect coastal development in regard to potential shoreline erosion, which are in the process of being implemented. The Province also manages forestry activity and the development of pits and quarries with the objective of minimizing the

negative effects of both activities. In these areas, the Municipality is obliged to assist the Province in their effort to put in place environmental protections and under the MGA Council may establish separation distances from watercourses, including any lake, river, stream, ocean or other body of water, so as to prohibit the development of structures that could disrupt or damage the watercourse.

Therefore, it is the intent of Council to zone all lands within the Open Space and Conservation Designation to an Open Space Zone, where development will be limited to protect watercourses, source water protection areas for the Town of Middleton Source Water, and future development from flooding, and Lily Lake Protected Residential Zone to protect the water resources of this lake for the purposes of acting as a backup source of water for the Town of Middleton.

### **Policy 4.9.1 Open Space Zone**

It is the policy of Council to establish an Open Space (OS) Zone in the Land Use Bylaw for lands designated as “Open Space and Conservation” within the Town of Middleton wellfield area. It is also the policy of Council that the permitted uses in the OS Zone shall be limited to minimize the negative impacts of development on the quality of water supply areas and watercourses. Permitted uses in the Open Space (OS) Zone shall include water supply and distribution uses, conservation related uses and structures, park, trails and recreational uses, and restricted forestry and agricultural uses.

It is also the policy of Council to set out provisions in the Land Use Bylaw that prohibit structures accessory to agricultural and forestry operations from being located/erected within 100 m. (328 ft.) of a municipal water supply wellhead.

### **Policy 4.9.2 Lily Lake Water Protection**

It is the policy of Council to expand the East End Planning Area to include the Lily Lake area as part of the Open Space and Conservation Designation in order to protect the water resources of this lake for the purposes of acting as a backup source of water for the Town of Middleton.

### **Policy 4.9.3 Lily Lake Protected Residential Zone**

It is the policy of Council to create the Lily Lake Protected Residential Zone (LLPR) as part of the Open Space and Conservation Designation. This zone shall permit single-unit dwellings, water supply and distribution uses, conservation related uses and structures, restricted park, trails and recreational uses, and existing forestry and agricultural uses, with appropriate standards relating to such uses, including provisions for lot requirements, home occupations, accessory buildings, and runoff filtration requirements.

### **Policy 4.9.3.1 Source Water Protection**

The protection this Plan and Land Use By-law offers is felt to be adequate in ensuring the wellhead area is protected. However, at some time in the future the area of wellfield protection may wish to be increased. If that event occurs the boundaries of the Open Space (OS) Zone and the Lily Lake Protected Residential Zone (LLPR), and the regulations and protections of the zones may be altered.

It is the policy of Council to consider altering the boundaries and regulations of the Open Space (OS) Zone and/or the Lily Lake Protected Residential Zone (LLPR) if deemed necessary to protect the recharge area and protection level zones for the Town of Middleton's Source Water Protection Area. 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 future studies regarding the development of a water protection plan for the well field area located within the East End Planning Area.

### **Policy 4.9.3.2 Lily Lake De-Designation**

It is the policy of Council that in the event that the Province of Nova Scotia and the Town of Middleton agree to officially remove the designation of a source water protection area from Lily Lake, the Lily Lake Protected Residential (LLPR) Zone shall cease to exist and shall be removed from the Land Use Bylaw and Zoning Map. This shall also result in a change to the FLUM to alter the designation of this area to Rural (RU).

In the event that Lily Lake de-designation occurs, the following PIDs shall automatically be rezoned from the Lily Lake Protected Residential (LLPR) Zone to the Rural (RU) Zone and redesignated from Open Space and Conservation (OSC) to Rural (RU):

- PID 05004502
- PID 05069307
- PID 05069331
- PID 05069315
- PID 05194055
- PID 05069323
- PID 05085246
- PID 05321989 (portion of)

### **Policy 4.9.4 Watercourse Setback**

It is Council's intent to include watercourse setbacks in the Land Use Bylaw for waterways such as rivers, ponds, streams, and wetlands. Watercourse setbacks protect not only development from flooding but protect the watercourse from accelerated

erosion and an increase in the number of contaminants that can result from the development process. The consequences of which include the degradation or destruction of fish and wildlife habitat and the pollution of fresh water supplies. Additionally, the effects of climate change are increasing the severity of storms and rainfall which is accelerating the effects of erosion and flooding. 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. Therefore, Council will create policies that limit how close new development can take place to a watercourse.

*It is the policy of Council to include a 15.2 m. (50 ft.) watercourse setback buffer strip along watercourses in the Land Use Bylaw. Within the watercourse setback the erection of any building or structure, other than wharves, boat houses or launches, fishing related uses, landscaping structures such as gazebos, and government authorized private or public utilities, shall be prohibited.*

For clarification, the separation distance or setback shall be measured from the edge of the watercourse, 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.

### **Policy 4.9.4.1 Allowable Uses Within Watercourse Setback**

It is the policy of Council to permit low-impact uses to occur within the 15.2 m. (50 ft.) watercourse setback, such as bridges, boardwalks, walkways, and trails for non-motorized modes of transportation; fences; public road crossings, driveway crossings; wastewater, storm, and water infrastructure; marine dependent uses; fisheries uses; boat ramps; wharfs; small-scale accessory buildings or structures and attached decks; conservation uses, parks on public lands; and historical sites and monuments.

### **Policy 4.9.4.2 Watercourse Setback Variance**

It is the policy of Council to relax the restrictions regarding the construction or placement of prohibited buildings or structures within the watercourse setback, if a study is conducted by a certified engineer or an equivalent qualified professional, showing that the proposed development will not negatively impact the watercourse and is at minimal risk from flooding. Additionally, a natural vegetation and soil retention plan must be submitted along with the previously mentioned study.

### **Policy 4.9.4.3 Watercourse Maintenance**

It is the policy of Council to prohibit, when possible, the alteration of land levels or the removal of vegetation within 15.2 m. (50 ft.) of a watercourse other than the trimming and pruning of trees, removal of fallen or dead vegetation, and other maintenance that may be required to protect people and animals, and ensure the preservation of natural habitat and flow within the watercourse or to develop or maintain any of the permitted land uses identified in Policy 4.9.4.1.

### Policy 4.9.5 Floodplains

The East End Planning Area is home to high priority riverine features, specifically the Annapolis River. The provincially completed flood line mapping database shows the presence of significant floodplain area within the Planning Area. Some of these floodplains do not fall within the watercourse protection buffer area or the Open Space and Conservation Designation but still require special consideration. In order to protect the safety of the East End Planning Area community members, Council shall include provisions in the Land Use Bylaw to limit new development within any provincially identified floodplains.

*It is the policy of Council to prohibit development within any provincially identified floodplains in the Annapolis River Primary Watershed - Flood Line Mapping database unless a report be provided by a qualified professional to certify that the development will be safe from and will not worsen or alter existing patterns of flooding.*

### Policy 4.9.6 Extreme Slopes

Due to the location of the East End Planning Area another important environmental consideration is areas dealing with substantial slopes, which are often valued aesthetically in themselves and for the views of other areas they may afford, but which may be more erodible than other lands and can be dangerous on which to build. In order to protect the safety of the East End Planning Area community members, Council shall include provisions in the Land Use Bylaw to prohibit development on or within 15.2m. (50 ft.) of extreme slopes.

*It is the policy of Council to prohibit development on or within 15.2 m. (50 ft.) of lands with a slope of 30% or greater unless a report be provided by a qualified professional to certify that development on or closer to the slope will be safe from risk of damage from, and will not worsen or alter existing patterns of, flooding, stormwater runoff, erosion, and wildfire risk.*

In addition to the required 15.2 m. setback, Council may require that developments near any significant slopes or at a high elevation provide a stormwater management plan in order to receive development approval.

### Policy 4.9.7 Wildfire Protection

Council acknowledges the need to create policies and regulations around wildfire management and protection. Policies shall be developed to encourage increased emergency access for subdivisions in cases of wildfire or evacuation.

*It shall be the policy of Council to include in the LUB regulations recommending the development of a secondary access road for subdivisions with roadways over a certain length.*

Council shall also encourage developers, business owners and homeowners to follow FireSmart development and landscaping guidelines.

### **Policy 4.9.8 Recreational Uses for Motorized Vehicles**

It is the policy of Council to consider the development of a publicly accessible trail for the purposes of, or which allows the use of, motorized modes of transportation, based on consideration of a Trails Use Impact Assessment Report prepared and signed by a qualified professional at the expense of the person or group advocating the use of such vehicles. The report shall address the vehicle types to be considered, the required surface and dimensions of the trail to accommodate them, the commitment of individuals and groups supportive of including motorized users, and the impact of motorized users on other trail users and adjacent property owners, particularly residential and agricultural land uses.

### **Policy 4.9.9 Annapolis County Parks & Recreation Plan**

Many communities within the East End Area are lacking recreational uses such as parks, playgrounds and trails within a walkable distance to their neighbourhood. It is the opinion of Council that through better utilization of Municipal lands within the East End Area, Council can provide more recreational services to communities. Therefore, Council shall support the creation of an Annapolis County Parks and Recreation Plan to help guide the development of recreational services in the East End Area. Through the plan Council will look for ways to expand its partnerships with neighbouring municipal bodies to help improve access to high quality trails, parks, and playgrounds available to all residents, with a focus on encouraging the development of wheelchair accessible recreational spaces.

It is the policy of Council to create a Parks & Recreation Master Plan for the County of Annapolis, which includes the maintenance and future development or expansion of parks, trails and other recreational facilities within the East End Planning Area.

It is also the policy of Council to partner with the municipal units that abut the East End Planning Area, to continue to provide access to parks, trails and other recreational facilities and programs to the communities within the East End Planning Area.

### **Policy 4.9.10 Active Transportation**

It is the policy of Council to partner with the abutting municipal units, provincial departments, and local organizations to increase the availability, accessibility, and quality of active transportation within the East End Area including but not limited to trails, cycling infrastructure, bus stops, and sidewalks.

### **Policy 4.9.11 Public/Private Utilities & Service Facilities**

Utilities, public or private, such as broadcasting, telecommunication and cellular towers or treatment and pumping stations and facilities for water or sewer, help provide a service to or for the general public. Utilities are regulated by organizations like the Nova Scotia Utility and Review Board, Industry Canada or the Canadian Radio-television and Telecommunications Commission. These services provide a benefit to the surrounding

community and are often necessary for day-to-day life in a modern society. Therefore, it is the intent of Council to permit utilities in all zones, with exceptions for utilities that may have a negative impact on surrounding properties.

It is the policy of Council that public or private utilities and municipal service facilities are permitted uses in all zones in the East End Planning Area and are considered permitted uses within watercourse setbacks, with the exception of service facilities such as waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites, which shall be prohibited in all zones. It is also the policy of Council that a development permit shall not be required for the development or redevelopment of any government owned, operated or maintained utility or municipal service facility.

## PART 5 GENERAL DEVELOPMENT STANDARDS

The topics that are to be addressed in this section concern policies governing the subdivision of land, development on public or private roads, development of land under certain existing conditions that ordinarily would not meet the requirements of the Land Use Bylaw, general requirement provisions for all zones (such as parking, signage, home occupations, etc.) and the procedures governing the application for minor variances.

### SECTION 5.1 SUBDIVISION BY-LAW

Subdivision of land means the division of a lot, property, or parcel of land into two or more lots, for the general purpose of creating additional parcels of land for building development, or for future sale. Lot consolidation is also a form of subdivision where internal boundaries of land are adjusted.

The Annapolis County Subdivision Bylaw regulates the subdivision of land and sets out standards for the construction of new roads and the installation of water and sewer services in serviced areas. When subdividing land, a developer is required to provide a 5% dedication of land to the County for park and open space purposes or in lieu of land, a cash equivalent. In addition, the Subdivision Bylaw requires developers to pay for the construction of any new roads and the installation of water and sewer services.

The Subdivision Bylaw, along with the Land Use Bylaw, plays an important role in implementing the SPS policies, including encouraging the concentration of development in serviced areas. At the same time, the Bylaw requires the flexibility to address issues that may have arisen in the Planning Area. In cases where multiple buildings exist on a lot and need to be subdivided without having the necessary lot requirements, or where a lot boundary needs to be changed to address an encroachment of a permanent development component onto a neighbouring lot, Council shall include policy to permit the subdivision of land in these circumstances.

### **Policy 5.1.1 Establishment of Subdivision Bylaw**

It is the policy of Council to maintain the Subdivision Bylaw for Annapolis County to set out regulations for the subdivision of land including standards for road construction and the installation of services, open space dedication, cash in lieu of land dedication, and other requirements in accordance with the permissive content provisions for subdivision of land in Part 9 of the Municipal Government Act.

#### **Policy 5.1.1.1 Compliance of Subdivided Lots with LUB Requirements**

It is the policy of Council to require that all new lots subdivided in the Planning Area abut a public or private street, road, or highway and meet the area and frontage requirements provided in the Land Use Bylaw for the zone in which the property to be subdivided is located.

#### **Policy 5.1.1.2 Exceptions to Requirements**

It is the policy of Council to permit the approval of lots that do not meet all requirements of the Land Use Bylaw and/or the Subdivision Bylaw, including provisions in the Land Use Bylaw to allow for the issuance of development permits for the development of lots subdivided in the following circumstances:

- (a) Where a lot legally in existence on or before the effective date of the Subdivision Bylaw contains two or more existing main buildings and the owner wishes to rationalize an existing situation by creating a separate lot for each building, provided that each new lot meets the requirements of Nova Scotia's Department of the Environment and Climate Change and the Department of Public Works, and contains at least one main building and retains a minimum of 12.2 m. (40 ft.) of frontage along a public or private street, road, or highway.
- (b) Where a maximum of two lots will be created that both have 90 percent or more of the required minimums for lot area and frontage.
- (c) Where a no frontage lot can be subdivided in accordance with the provisions set out within the Subdivision Bylaw for lots in existence on or before August 1, 1987.
- (d) Where the creation of up to a maximum of two (2) "flag lots" are permitted to be subdivided on a single Plan of Subdivision, with a minimum frontage requirement of 12.2 m. (40 ft.) required for each "flag lot" for driveway access, provided the lot has sufficient area to meet all other bylaw requirements including minimum lot areas and yard setbacks.
- (e) Where a development component of a permanent nature such as a structure, driveway, well, or septic tank is encroaching in or on an abutting property, the lots affected may be subdivided to the extent necessary and practical to remove the encroachment.
- (f) Where the lot being subdivided shall result in the creation of a recreation

lot of the type referred to in Policy 4.8.1.2.

### **Policy 5.1.1.3 Infrastructure Charges**

As the East End Planning Area grows additional funding shall be required to provide the growing population with adequate services. In order to allow for a source of said funding the Municipal Government Act allows municipalities to implement infrastructure charges through the Subdivision By-law if enabled in the relevant Planning Strategy. These funds can be used to recover the capital costs of infrastructure development.

*It shall be the policy of Council to establish provisions for the requirement and collection of infrastructure charges in the Subdivision By-law. Council shall use these charges to help the Municipality provide adequate services in areas experiencing growth.*

*It is the policy of Council to consider requiring an infrastructure charge agreement to be entered into with the subdivider based on the charge areas which shall be developed and identified in the Subdivision By-law. Before the final plan of subdivision is to be approved if infrastructure charges are required the subdivider shall pay the applicable charge to Council or enter into an agreement with the Municipality deferring the payment of the infrastructure charge.*

*It is the policy of Council that infrastructure charges shall only be used for the purposes of which they were collected.*

## **SECTION 5.2 LAND USE BYLAW**

The Land Use Bylaw (LUB), as stated previously, will implement the land use intent of this SPS. While the primary purpose of the Bylaw will be to identify and apply zones, it will also contain additional requirements that shall apply to more than one land use or to all land uses pursuant to the policies of this SPS. It must also, like the Subdivision Bylaw, have the flexibility to address situations where past subdivision and construction does not satisfy LUB requirements, but where Council wishes to preserve existing uses and structures and permit their continuation and, where appropriate, change and expansion.

### **Policy 5.2.1 Establishment of the Land Use By-law**

It is the policy of Council to create and maintain a Land Use Bylaw that will implement the land use policies of this Secondary Planning Strategy through the identification of zones for specific land uses and adoption of standards for construction of those land uses including the listing of permitted or prohibited uses, the requirements around submitting municipal development permits and supporting documentation, the number of permitted buildings or uses on a lot, provisions regarding design, lot and yard requirements, and the ability of the municipal development officer to grant variances as outlined within the Municipal Government Act.

### **Policy 5.2.1.1 General Provisions**

It is the policy of Council to include in the LUB a section for General Provisions for All Zones that sets out the development standards, relating to matters such as parking and loading; accessory uses and structures; lighting; signage; permitted encroachments into yards, and home occupations among other matters.

### **Policy 5.2.1.2 Additional General Provisions**

Additional standards in the “General Provisions for all Zones” section of the Land Use Bylaw shall include:

- (a) Provisions respecting temporary buildings (e.g., construction huts), temporary uses and special occasions, that shall not require a development permit but shall be subject to time restrictions.
- (b) Provisions with respect to traffic movement for vehicular and pedestrian safety reasons including development in corner vision triangles and number of driveway accesses for a lot.
- (c) Provisions to regulate the development of short-term rentals.
- (d) Provisions regarding renewable energy production systems including roof and ground based solar collection systems as well as wind turbines with standards related to their development including provisions to limit the location and number on a lot via property boundary setbacks and separation distances, the maximum allowable height, and establishing by-laws that outline in which zones wind turbines are permitted to be developed.
- (e) Provisions to permit the keeping of agricultural animals as a primary use or as an accessory use to an existing residential use, with limitations set on the number of animals based on type of animal, the zone and the size of the owner’s lot.
- (f) Provisions to permit the limited use of a recreational vehicle or a camper for temporary human habitation, with standards related to such use, including provisions limiting the duration, the location and number on a lot, the prohibition of connecting to municipal sewer services and considerations to the established main use on the lot.
- (g) Provisions for permitted signs and the requirements for lights used for illumination on a property to prevent nuisance.
- (h) Provisions with respect to permitted encroachments into yards to allow for some architectural flexibility and to meet accessibility standards.
- (i) Provisions with respect to parking space requirements and variances.

### **Policy 5.2.1.3 Sign Provisions**

It is the policy of Council to include provisions in the Land Use Bylaw as it relates to sign requirements dealing with the size, location, illumination, type, and number of commercial signs, for reasons of public safety, visual appearance, and to avoid a proliferation of signs in the Planning Area. In addition, certain types of commercial signs shall be prohibited completely or prohibited in specific zones and other types of signs, not requiring a development permit, shall be permitted in all zones.

### **Policy 5.2.1.4 Provisions for Existing Lots with No Street Frontage**

It is the policy of Council to include provisions in the Land Use Bylaw to allow a lot legally in existence on or before the effective date of the East End Community Land Use Bylaw coming into force, that does not meet the required lot frontage on a public or private street, road, or highway to be used for a purpose permitted in the zone in which the lot is located, provided that all other applicable sections of the Land Use Bylaw are met.

### **Policy 5.2.1.5 Provisions for Undersized Lots with Existing Buildings**

It is the policy of Council to include provisions in the Land Use Bylaw to allow a lot or building legally existing on or before the effective date of the East End Community Land Use Bylaw coming into force, that does not meet the minimum frontage, area, or setback requirements, or has been subdivided in accordance with Policy 5.1.1.2, to be used for a purpose permitted in the zone in which the lot is located and the building may be enlarged, reconstructed, repaired, or renovated, provided that all other applicable sections of the Land Use Bylaw are met and it is not explicitly prohibited by another policy of the Secondary Planning Strategy.

### **Policy 5.2.1.6 Prohibited Uses**

It is the policy of Council to prohibit the following uses in all zones within the Planning Area:

- (a) The development of adult-oriented stores and uses such as an adult retail store/sex shop, an adult entertainment use or casinos;
- (b) The development of commercial use racetracks, jump tracks, stadiums and arenas for motor vehicle entertainment use, facilities, or operations for the racing of animals;
- (c) The human habitation of an automobile or other motor vehicle, with or without wheels, with the exception of a recreational vehicle or camper as laid out under Policy 5.2.1.2 (f).

### **Policy 5.2.1.7 Uses by Development Agreement**

With the exception of those prohibited above in Policy 5.2.1.6, any specific commercial or light industrial use that is not listed as permitted in the Land Use Bylaw may be

permitted by development agreement in the Mixed-Use Corridor, Commercial, Industrial and Rural designations.

### **Policy 5.2.1.8 Permitted Variances**

Council shall enable the Development Officer to provide variance for:

- (a) the percentage of land that may be built on;
- (b) the size or other requirements relating to yards, lot frontage or lot area;
- (c) the number of parking spaces and loading spaces required;
- (d) the ground area and height of a structure;
- (e) the floor area occupied by a home occupation; or
- (f) the height and area of a sign.

## PART 6 IMPLEMENTATION

### SECTION 6.1 PLANNING DOCUMENT REVIEW

As a requirement by the Municipal Government Act, Council intends this SPS to be a ten (10) year plan with the requirement that municipal staff must submit a report to Council if there is a need to review the SPS and LUB within five (5) years of the date of adoption of this SPS to meet the requirements of the MGA.

#### **Policy 6.1.1 Secondary Planning Strategy & Land Use Bylaw Review**

It is the policy of Council to review the East End Secondary Planning Strategy and Land Use Bylaw within ten (10) years after the effective date, with a report from staff at the five (5) year mark on any issues with the planning documents and if there is a need to start the review process ahead of the ten (10) year mark.

### SECTION 6.2 SPS AMENDMENTS

As the community grows and evolves, and as external economic, environmental and social conditions and constraints change, or new trends within the development community unfold, or to accommodate a specific development proposal of significant community benefit, there may be need for municipal staff and Council to carefully consider amendments to the Policy Statements of the Secondary Planning Strategy, the designations of the Future Land Use Map, and/or revisions to the requirements of the Land Use Bylaw or to the Zoning map. Council shall assess the need for such amendments and shall not be obliged to consider any amendment to this SPS that is not justified by the stated Conditions for Amendment.

#### **Policy 6.2.1 Conditions for Amendment**

It is the intention of Council to amend this Plan where any of the following occurs:

- (a) A change to the intent of one or more Secondary Planning Strategy policies.
- (b) A change to the Future Land Use Map (FLUM).
- (c) Where the plan is in conflict with a Provincial Government land use policy or regulation.
- (d) Where a requested amendment to the LUB is in conflict with this Plan and there are valid reasons for the amendment.
- (e) Where it is not deemed to conflict with the intent of Council or with the Land Use Bylaw.

## Policy 6.2.2 Notification in Case of Amendment

It is the policy of Council, as required by Section 206(5) of the Municipal Government Act, to notify all abutting municipalities of its intention to consider the adoption of a revision of this SPS, or the LUB or Subdivision Bylaw, or an amendment to this SPS.

## SECTION 6.3 DEVELOPMENT OFFICER

The Municipal Government Act requires a municipality to appoint a development officer to administer the Land Use Bylaw and Subdivision Bylaw.

### Policy 6.3.1 Appointment of Development Officer

In accordance with the Municipal Government Act, it is the policy of Council to appoint a development officer to administer the East End Planning Area Land Use Bylaw and the Subdivision Bylaw for the Municipality of the County of Annapolis.

## SECTION 6.4 LAND USE BY-LAW

The East End Land Use Bylaw (LUB) is the principal mechanism by which the land use policies of this SPS are implemented and, as such, the LUB defines applicable land use zones, permitted uses, and development standards that reflect the policies of this Plan. Development standards may vary according to the use, zone, and location.

The common theme throughout the LUB is to set appropriate development standards that aim to ensure good quality, compatible development within the East End Planning Area; however, the need may arise to change bylaw provisions and standards in response to changing conditions and opportunities either within the context of established SPS policy or pursuant to amended SPS policy.

Applications for a LUB amendment, whether a rezoning or a text amendment, require careful consideration and Council has established policy below setting out criteria for such consideration. To ensure Council's informed consideration, it is incumbent on the applicant to supply adequate information to Council so as Council can adequately evaluate the application.

### Policy 6.4.1 Land Use Bylaw Content

The East End Area Land Use Bylaw shall state in both text and map form the zones, permitted or prohibited uses, and development standards, which shall be generally compatible with the policies of the Secondary Planning Strategy. The Zoning Map, Schedule "A" of the Land Use Bylaw, shall represent the geographical extent of all zones in the Planning Area and the following zones shall be established in the Land Use Bylaw:

Low-Density Residential

R1

Medium-Density Residential	R2
Multi-Unit Residential	R3
Rural	RU
Aggregate Related Industry	AR
Agricultural	AG
Commercial	C1
Highway Commercial	C2
Mixed-Use Corridor	MXC
Industrial	IND
Institutional	I
Open Space	OS
Lily Lake Protected Residential	LLPR

### Policy 6.4.2 Land Use Bylaw Provisions

It is the policy of Council to regulate the use and development of land, buildings and structures in the LUB. This LUB shall also contain provisions, regulations, and development standards, which may vary according to the use, zone and location, including but not limited to:

- (a) Requirements for municipal development permits and the submission of supporting documentation.
- (b) Listing of permitted or prohibited uses in a zone.
- (c) Permitting multiple uses, buildings, or structures to be developed on a lot and provisions with respect to permitting multiple uses to be developed within a building.
- (d) Regulate the location of buildings and structures relative to other buildings and structures.
- (e) Regulate the location of buildings and structures relative to public roads and watercourses.
- (f) Regulate the location of buildings and structures relative to property boundaries.
- (g) Regulate the size of new lots.
- (h) Regulate permitted home occupations.

- (i) Requirements for parking lots, parking spaces and loading and unloading.
- (j) Regulate the height or architectural standards of buildings or structures.
- (k) Regulate or prohibit the placing of signage on buildings, structures or property.
- (l) Nonconforming uses of land, nonconforming structures and nonconforming uses in a structure.
- (m) The regulation of main buildings and structures and accessory buildings and structures on a lot.
- (n) The regulation of wind turbines.
- (o) The ability of the development officer to grant variances as outlined under the Municipal Government Act.

### **Policy 6.4.3 Amending the Land Use Bylaw**

Council may entertain application to amend this Secondary Planning Strategy and Land Use Bylaw and will set out requirements for what additional information must be submitted with an amendment application. However, there may be instances where Council may wish to entertain amendments to the Land Use Bylaw concerning the requirements established in the Land Use Bylaw.

#### **Policy 6.4.3.1 Criteria for Amending the Land Use Bylaw**

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

- (a) The financial capability of the Municipality to absorb any costs relating to the development.
- (b) The proposal not meeting the requirements of the Secondary Planning Strategy.
- (c) The extent to which development might conflict with any adjacent or nearby land uses, buildings or structures by reason of the type of use proposed, the compatibility of its design; the impact of height, bulk and lot coverage of proposed buildings or structures; and the impact of nuisance factors from the proposed development such as illumination, flicker, noise, vibration, shadows, dust, odors, and other safety concerns related to the development.
- (d) The adequacy of road networks, in, adjacent to, or leading to the development, the adequacy of provisions for vehicle access to and from the site, and the adequacy of provisions for on and off-site parking and

loading areas.

- (e) The adequacy of physical site conditions for, and the provision of, on-site sewage disposal, water and storm water management, where not connected to a municipal system.
- (f) The adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water, sanitary sewer, and water systems.
- (g) The presence of significant natural features or buildings and sites of historical or architectural significance.
- (h) The potential for the contamination of watercourses, creation of erosion or sedimentation, or the possibility of airborne or other forms of pollution to the community.
- (i) The adequacy of road networks, provisions for pedestrian and vehicle access and the adequacy of provisions for parking and loading areas, and the extent to which they are capable of managing the effects of the proposal without resulting in the potential creation of increased traffic to a level that may cause hazardous conditions or congestion.
- (j) The suitability of the proposed site in terms of steepness of grades, soil, or geological conditions and the potential for the creation of erosion or sedimentation.
- (k) The potential impact of the development on watercourses, protected wetlands, sensitive habitats or on an endangered species or species at risk in the area of the proposed site.
- (l) The proposal not meeting the requirements for a permit, license, authorization, or approval by any applicable municipal, provincial, or federal government department, authority, board, or agency.

### **Policy 6.4.3.2 Special Situation: Rezoning Application**

It is the policy of Council that where a property is split between multiple zones permitted within the same Designation, Council shall consider an application to rezone the property to either zone. In considering such application Council shall have regards to the criteria of Policy 6.4.3.1.

### **Policy 6.4.3.3 Information Required for Application to Amend the LUB**

Council may require that any or all of the following information be submitted by the applicant in text, map, photographic, or digital form to explain and support applications for LUB amendments:

- (a) Information as to the physical and environmental characteristics of the proposed site, including information regarding topography, contours,

elevations, dimensions, natural drainage, soils, geological features, watercourses, wetlands, swamps, marshes, fens or bogs, existing vegetative cover, and vegetative cover to be retained.

- (b) Information as to the lot area, dimensions, ownership, and location of the property.
- (c) Information as to the proposed location, height, color, dimensions, exterior materials, nameplate capacity, and use of all existing and/or proposed buildings or structures to be built, erected or altered on the site.
- (d) Information as to the adequacy of the proposed provisions of central piped services for servicing with water and sewage disposal, site drainage, and stormwater management.
- (e) Information where central piped services are not to be provided, as to the adequacy of physical site conditions for on-site sewage, water, and stormwater management.
- (f) Information as to the existing groundwater resource volumes, and pre- and post-development infiltration rates and quantities and runoff quantities.
- (g) 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, as well as parking and loading provisions.
- (h) Information as to the intended hours of operation, outdoor storage and/or display, and commercial signage.
- (i) Information as to the mitigation of the impact of nuisance factors such as illumination, flicker, noise, vibration, shadows, dust, odors and other safety concerns related to the development and any or all of a noise study, a vibration study, a shadow study, a wind study and an odour nuisance study.
- (j) Information as to the separation distance of the development from other buildings or structures on the lot or an abutting lot, setback distance from adjacent public roads, streets, highways, watercourses, and property boundaries.
- (k) Information as to the proposed type and amount of site clearing and subsequent landscaping and proposed tree plantings.
- (l) Information as to the location and dimensions of any existing or proposed roads, driveways, parking lots, egress/access locations, and parking spaces.
- (m) Information as to the location and dimensions of any existing or proposed parkland associated with the development, and any proposed improvements for the parkland space.

- (n) Information as to the presence and location of significant natural features such as watercourses and wetlands, infrastructure such as wellheads or buildings or sites of historical or archaeological significance.
- (o) Information as to the presence of sensitive habitat or endangered species on the site of the proposed development.
- (p) Copies of a permit, license, authorization, or approval from any other applicable municipal, provincial or federal government or First Nations department, authority, board, tribunal, or agency approving the design and operation of the proposed use, building, structure, or project.
- (q) A suitability study specified by the Municipality to justify the requested amendment.

### **Policy 6.4.3.4 Amending the Land Use Bylaw Maps**

Council may consider amendments to the maps of the Secondary Planning Strategy and to the Land Use Bylaw when at least one of the following conditions is true:

- (a) Council deems the mapping amendment(s) to be in the public interest for the community; or,
- (b) A non-conforming use appears to have been created, because of an inadvertent administrative oversight in preparation of the Secondary Planning Strategy and/or Land Use Bylaw and resulting in a property being zoned inconsistent with the stated policies of the Secondary Planning Strategy.
- (c) The amendment conforms with the SPS policies.

In considering amendments to the maps, Council shall ensure that:

- (a) The proposal meets the applicable zone placement and location considerations established within the Secondary Planning Strategy policies, or elsewhere within the Plan where it is applicable to the proposed zone; and,
- (b) The proposed zone and permitted uses that would occur with the amendment align with the given criteria in Policy 6.4.3.1.

### **Policy 6.4.4 Development Agreement, Site-Plan Approval, and Public Information Meetings**

A development agreement is a binding agreement between Council and a developer used to provide a flexible or negotiated approach to the development process without a loss of development control. Its primary purpose is to enable land uses that would not otherwise be permitted in a zone.

As provided for under the MGA, where a Municipal Council intends to regulate development by development agreement, the plan is required to have policy with regard to the types of development to be considered by development agreement, those items which may form a part of the development agreement and the evaluation criteria, which Council shall consider prior to entering into a development agreement.

Council may consider an application for a development agreement or to amend an existing development agreement in accordance with this Secondary Planning Strategy and Land Use Bylaw, which will set out requirements for what additional information must be submitted with an application.

### **Policy 6.4.4.1 Criteria for a Development Agreement or Site-Plan Application**

In considering an application for a development agreement or a site plan approval or an application for an amendment to a development agreement, Council shall have regard to the following, where applicable:

- (a) The financial capability of the Municipality to absorb any costs relating to the development.
- (b) The impact of the proposed development on adjacent or nearby land uses with particular regard to hours of operation and the use and size of proposed buildings and structures in terms of height, setbacks and lot coverage.
- (c) The adequacy of physical site conditions for, and the provisions of, buffering, screening, landscaping and other similar features so as to minimize potential land use conflicts with adjacent uses.
- (d) The adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal stormwater system, sanitary sewer system and water systems; fire protection; solid waste collection; police protection; existing schools and churches.
- (e) The adequacy and the proximity of the proposed development to recreation and other community facilities.
- (f) The adequacy of physical site conditions for, and the provision of on-site sewage disposal and water and storm water management, where not connected to a municipal system.
- (g) The impact of and the adequacy of the proposed pedestrian and 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.
- (h) 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), and the proximity to highway ramps and other specific features that could cause nuisance or other

issues.

- (i) The potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution.
- (j) That the proposal is in conformity with the intent and policies of any other applicable Municipal Bylaw or regulation.

### **Policy 6.4.4.2 Content of a Development Agreement**

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

- (a) 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.
- (b) The specific use of land, whether a new use or an expansion of an existing use on the property or within a structure.
- (c) The regulating or prohibiting the use of land or the erection or use of structures except for such agreed purposes.
- (d) The percentage of land area that may be built upon, minimum lot sizes, setbacks and the size of yards, courts or open spaces.
- (e) 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.
- (f) Vehicular ingress and egress to and from streets, vehicular and/or pedestrian travel within the development and parking.
- (g) The landscaping or buffering provisions which may include fencing, vegetative plantings, walkways and lighting.
- (h) Advertising signage, open storage and display, including the screening of such open storage or display areas.
- (i) The subdivision of land.
- (j) Security or performance bonding.
- (k) The hours of operation and property maintenance.
- (l) Easements for the construction, maintenance or improvement of watercourses, ditches, land drainage works, storm water systems, wastewater facilities, water systems and other utilities.
- (m) The grading or alteration in elevation or contour of land and provision for the disposal of storm and surface water.

- (n) The construction, in whole or in part, of a stormwater system, wastewater facility and water system.
- (o) The maximum density of the population within the development.
- (p) Matters which are not substantive or matters which are substantive.
- (q) Timelines and conditions for discharging the development agreement with or without the consent of the property owner.
- (r) Timelines for commencing, completing or phasing of the development.
- (s) Any other matter that may be addressed in a land use bylaw, which council feels is necessary to ensure the compatibility of the proposed development with adjacent buildings, structures and uses.

For certain proposals and development agreements, as described in the respective policies for the uses permitted within each zone, Council may require additional details on the proposed development through a Site Plan approval. The Site Plan review provides staff, Council, and neighbours adjacent to a development property an opportunity to evaluate the site planning intent for the proposal.

Through the Site Plan review process, the County can negotiate with a developer on certain site-specific items such as landscaping, fencing, structure placement, parking, lighting and impacts on neighbouring properties, and require conditions for the receiving of a Development Permit to proceed with the development.

### **Policy 6.4.4.3 Uses of Site Plan Approval**

It is the policy of Council to utilize Site Plan approval as described in this Secondary Planning Strategy, as a mechanism to provide additional site planning information, and where feasible, to provide flexibility in the manner that land use development design guidelines, standards and controls apply to the property. Council shall require written undertaking from the landowner on the agreement for the approval of the Site Plan, prior to issuance of a Development or Building Permit

### **Policy 6.4.4.4 Content of a Site Plan Approval Application**

It is the intention of Council that a site plan approval application to be entered into pursuant to this Secondary Planning Strategy, include, but not be limited to, the following:

- (a) Development Permit information and Site Plan information in accordance with Sections 231 to 233 of the Municipal Government Act.
- (b) Building facade and design appearance and building elevation drawings.
- (c) Site landscape plan.
- (d) Signage details.

- (e) Applicant letter outlining how the proposed development adheres to and meets the applicable design guidelines of the land use zone requirements as described in the LUB.

### **Policy 6.4.4.5 Requirement for Public Information Meeting**

Public information meetings, hosted by a developer, serve as an opportunity for a development proponent to meet with residents to share information and detail on a proposed development before it is reviewed by Council, and prior to any Public Hearing that may be required as part of the development proposal consideration. They represent an effective way of communicating with the public. Comments gleaned at the Public Information Meeting from residents on the proposed development may provide valuable information to potentially adjust or revise part of the development concept before it potentially becomes a contentious issue.

This Secondary Planning Strategy states which forms of development are required to undergo a Public Information Meeting. The purpose of requiring these meetings is to ensure that larger developments are being completed to meet the needs and desires of the members of the East End Planning Area community. In some cases, Council requests that these Public Information Meetings be completed in accompaniment with a site-plan application.

It is the policy of Council that Public Information Meetings, hosted by a proponent, be required for certain types of developments as described in this Secondary Planning Strategy.

### **Policy 6.4.4.6 Criteria for Public Information Meetings**

Council shall require that proponents required to undergo a public meeting follow the given criteria for the process:

- a) The public meeting is advertised through at least two formats.
- b) Property and business owners within a 100 m. (328 ft.) radius from the proposed development are given direct notice of the meeting.
- c) The meeting must clearly communicate information about the proposed development to the public and must include a component to consult to public on their opinion.
- d) The proponent provides Council with an overview of the process and findings of the meeting.
- e) The proponent demonstrates how they are taking the public's input into account in the development.

## SECTION 6.5 PUBLIC CONSULTATION

As outlined at the beginning of this SPS, Council through its municipal staff, consultants and Area Advisory Committee undertook an extensive public consultation process. It was designed to involve the residents of the East End Area and to solicit their input in the development of this SPS and LUB. It is the opinion of Council that this plan and bylaw are public documents, and the public must be informed of changes to the documents, above and beyond the statutory public hearing as set out in the Municipal Government Act.

### Policy 6.5.1 Public Participation Program

It is the intention of Council that a public participation program for an amendment proposal to the Secondary Planning Strategy, and/or the Land Use Bylaw, Development Agreement, Variance or Site Plan Approval, mailed notice of the amendment proposal or Development Agreement intended for adoption, and for a Variance or Site Plan approval consideration, shall be provided to all assessed property owners within 100 m (328 ft) of the property lines of the property.

It is the policy of Council that a public participation program after staff review for amendment proposals or development agreements shall follow the requirements of the Annapolis County Public Participation Policy and may consist of the following:

- (a) Setting the date of the Public Information Meeting.
- (b) Advertising the Public Information Meeting on the Municipal website (with the advertisement specifying in both cases the date, time and place of the public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where application information is available).
- (c) Where a development agreement or amendment pertains to a specific site, the applicant shall post a sign on the site in a location visible to the public in text readable from the property boundary stating the nature of the application and the date, time and place of the Public Information Meeting.
- (d) At the Public Information Meeting, prior to any meeting of the Planning Advisory Committee members, members of the public are to be afforded an opportunity to speak, ask questions or obtain further information about the application.
- (e) At the Public Information Meeting, written submissions from members of the public may be received prior to the Planning Advisory Committee meeting.
- (f) Referral of the application to the Planning Advisory Committee.

### Policy 6.5.2 Extending the Public Participation Program

It is the intention of Council to extend the public participation program more widely where Council deems it to be applicable and warranted, and require the Municipal Planner or Development Officer to extend the required radius of hand or mail delivered

notices to notify all landowners within a minimum 101 m. (331 ft.) radius affected area, require more advertisements or more information in the advertisement or otherwise vary the public participation process set out in Policy 6.5.1, as long as the minimum requirements set out above are met.

### SECTION 6.6 COST RECOVERY

The MGA permits a municipality to recover notification and advertisement costs, as well as processing costs associated with SPS and LUB amendments, variances, and development permits. Costs can be expected to change over time and may also vary in relation to the scope of the application in question.

#### Policy 6.6.1 Advertising Costs

It is the intention of Council to include provisions in the LUB regarding an administration deposit fee to cover the cost of advertising for Development Agreements, SPS and LUB Amendments, Site Plan Approvals and Variances, and the processing costs for notification of affected property owners. As estimated by the Council, the applicant shall deposit to the Municipality an amount sufficient to pay the cost of all advertising and notification with respect to the application. Should the notification or advertising cost be more than the established deposit, 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.

#### Policy 6.6.2 Processing Costs for Amendments and Permits

It is the intention of Council to include provisions in the LUB regarding an administrative processing fee to recover costs associated with applications for SPS and LUB Amendments, Development Agreements, Site Plan Approvals, Variances, and Municipal Development Permits.

## APPENDIX A FUTURE LAND USE MAP

