



COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

Cornwallis Park

Municipal Planning Strategy

Effective Date: May 1, 2014

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

This Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for the community of Cornwallis Park of Annapolis County have been prepared according to the provisions of the ***Municipal Government Act***. This MPS is a legal document, a policy document and a framework for development. Where land and development issues are dealt with in this MPS, the accompanying LUB shall implement them. This MPS applies to all lands defined by Map 1, the Future Land Use Map, and shall be referred to as the Cornwallis Park Planning Area or the Planning Area.

ii. Purpose

This Cornwallis Park Municipal Planning Strategy and its accompanying Land Use By-law is the second reiteration of planning documents for the community, the first coming into effective on March 16, 1999. Like the previous planning documents, this plan and by-law reflect the community's value system for community based planning being derived largely from the efforts of a citizen-based working group called the Cornwallis Park Area Advisory Committee. The issues that are to be addressed by statements of policy in the Municipal Planning Strategy are as follows:

- The goals and objectives of the Municipality for the future of Cornwallis Park;
- The use, protection and development of the lands within Cornwallis Park;
- The use or change in use of activities in or affecting land with respect to residential, commercial, industrial, institutional, and recreational uses;
- The provision of municipal services and facilities including roads, parklands, public open spaces, supply and distribution of water, sewage collection and treatment;
- Storm water management and erosion control;
- The continuance and discontinuance of nonconforming uses;
- Subdivision of land and the use of development agreements; and
- Measures for informing or securing the views of the public regarding contemplated planning policies and actions or regulations;

iii. Limitations

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

iv. Goals

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

- G-1. To provide a basis for Municipal Council to guide and direct new development in the Cornwallis Park Planning Area so as to encourage the continued redevelopment of Cornwallis Park in an orderly and effective manner through a development regulation regime that protects the property values by separating non-compatible land uses while maintaining flexibility so as to fully exploit development opportunities and encourage new residential development and business activity.
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- G-2 Preserve and enhance the character of the Planning Area residential neighbourhoods by preventing the encroachment of undesirable commercial or industrial development into those neighbourhoods, while still permitting unobtrusive home occupations.
- G-3. Encourage new commercial and industrial developments in the Cornwallis Park Planning Area and to set aside sufficient, suitable and dedicated land for commercial and industrial development by limiting the development of incompatible residentially oriented uses into those industrial park and business development areas.
- G-4 Encourage the development of adequate institutional facilities in the Cornwallis Park Planning Area to meet the needs of area residents, and, where appropriate, ensure that all such facilities are of adequate quality, durable and safe.
- G-5. Guide Council in making decisions concerning the provision of services and facilities for the Planning Area and to ensure that these occur in an environmentally safe manner.

v. **Components - Text and Maps**

This Plan is divided into a number of sections: each dealing with one or more subject areas. Each section contains policies prefaced with explanatory material. These policies include setting development standards that may vary from zone to zone and policies concerning the issuance of municipal development permits. Administrative policies include procedures on amending the plan and by-law and the review of the plan. The map contained in and forming an integral part of this Strategy is the Future Land Use Map (Map 1). The FLUM designates all lands within the Planning Area to one of the following Designations:

Residential: Those areas which are already predominantly residential in nature and generally located to the south of Highway 1.

Highway Commercial: Those areas along Highway #1 that are already developed as mixed commercial/industrial.

Industrial Park: That area north of Highway 1 and south of the old rail line.

Business Park: That area generally north of the old rail line and the shoreline.

Waldeck Industrial: That area along Waldeck line and Burns Hill Road.

Enviro Open Space: Those remaining undeveloped areas characterized by steep terrain and wet areas along Ditmars Brook.

vi. **The Planning Process**

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

vii. Statements of Provincial Interest

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

a. Drinking Water

Cornwallis Park drinking water comes from the Lake Cady watershed, a protected water area located south of Cornwallis Park, wholly within the jurisdiction of the Municipality of the County of Annapolis. This water supply watershed includes several named and unnamed water bodies including Lake Cady, Potter Lake, Shell Camp Lake and the upper portion of the West Moose River. In terms of other regulatory controls, the Lake Cady Watershed was prescribed on June 16, 1965 by the Nova Scotia Water Authority, pursuant to Section 16 of the Water Act of 1963. The area is also protected via the adoption of the Lake Cady MPS and LUB. Presently, the Municipality of the County of Annapolis is undertaking a source water protection plan as per the Environment Act.

b. Flood Risk

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

c. Agricultural Land

Cornwallis Park is a former military base converted to residential, commercial and industrial use. Given the historic use of the land mass and its already built environment, combined with the fact that there is no Class 2, 3 or 4 land within the Planning Area and that agricultural land development is non-existent, agricultural land preservation thus is not relevant in terms of the development of this MPS. With this said though, the development of ancillary agricultural uses, such as agricultural related industries and agricultural related uses are encouraged to be developed in various zones such as the Waldeck Industrial (IND-2 Zone).

d. Infrastructure

Given that Cornwallis Park was first developed as a military base, road networks and water and sewer infrastructure had been in place before the takeover of such by the Municipality. Today, the Municipality continues to upgrade and replace the existing infrastructure. As per the Annapolis County Subdivision By-law and Municipal Council's Servicing Standards, it is the responsibility of a developer to construct any new services as part of a development project. Additionally, Council's policies allow for the concentrating of development or in-filling by way of permitting smaller lot sizes in areas that are supplied with municipal services, thus encouraging development intensification.

e. Housing

In terms of housing, inherent in this plan is that Council's main goals are to protect the residential lands from intrusive commercial and industrial developments and to provide for a development control regime that encourages the construction of a wide range of housing forms. Thusly, a large expanse of the Planning Area has been designated a Residential and three separate residentially oriented zones have been included in the land use by-law where a wide array of housing forms are permitted as of right.

viii. Future Development Prospects/Limitations

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

Policy Part 1(viii) (i)

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

Policy Part 1(viii) (ii)

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

Policy Part 1(viii) (iii)

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

NOTES TO READER

It should also be noted that while some uses may be prohibited or not be permitted to be developed in a specific zone or not permitted or prohibited anywhere within the Planning Area; this plan and by-law governs the use of land only for a small portion of the Municipality of the County of Annapolis as a whole and while the majority of the Municipality is not regulated through traditional land use planning; those prohibited or non-permitted uses may be permitted elsewhere in the Municipality.

PART II: POLICIES

1.0 RESIDENTIAL DEVELOPMENT

The purpose of this section is to set out Council's policies concerning the Residential Designation. In terms of housing stock, there is a mixture of single detached, semi-detached and row houses. This MPS seeks to facilitate a diversity of housing types with the emphasis on providing stable residential neighbourhoods. This stability is to be accomplished by preventing the intrusion of inappropriate commercial or industrial uses into residential areas. The policies contained within address all manner of low to higher density residential housing options within three separate zones. However, while Council understands the issue of housing affordability, Council is concerned about providing for the ability to introduce new mobile and mini homes into a long established residential area. Thus in an effort to protect the existing residential area from undesirable change or variation in housing design, Council will include provisions in the land use by-law that restricts the development of these long, slender, housing units in the existing residential area.

Those areas that have been developed as residential areas or slated for residential development shall be designated "Residential" on the Future Land Use Map.

Policy 1.0.1

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

Policy 1.0.2

It is the policy of Council to establish a Residential (CPR-1) Zone in the Land Use By-law which would limit the permitted uses in the CPR-1 Zone to single detached dwellings, duplex or semi detached dwellings, double dwellings, townhouse or rowhouse dwellings, group care facility dwellings, residential day care centres and bed and breakfast establishments with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage, parking and special differing lot zone requirements for existing lots and new lots to be created within the CPR-1 Zone.

Policy 1.0.3

It is the policy of Council to establish a General Residential (CPR-2) Zone in the Land Use By-law which would limit the permitted uses in the CPR-2 Zone to single detached dwellings, duplex or semi detached dwellings, double dwellings, multiple unit dwellings, townhouse or

rowhouse dwellings, senior citizen apartment dwellings, nursing homes, group care facility dwellings, homes for special care facilities, continuum care residential communities, addictions rehabilitation and counselling centres and the existing 25 yard shooting range with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage, parking and special second main use separation requirements.

Policy 1.0.4

It is the policy of Council to establish a Condominium Residential (CPR-3) Zone in the Land Use By-law which would limit the permitted uses in the CPR-3 Zone to townhouse or rowhouse dwellings with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage, parking and special requirements concerning accessory buildings.

Policy 1.0.5

It is the policy of Council that in keeping with the predominant and desired character of those residential areas identified and referred to in Policies 1.0.2 and 1.0.3 that special dwelling development design standards be included in the Land Use By-law to regulate the average length to average width ratio of single detached residential dwelling structures within a range of 2:1 to 4:1 in the Residential (CPR-1) Zone and the General Residential (CPR-2) Zone to restrict the development of long, slender single detached dwelling structures.

In the process of developing a land use plan for Cornwallis Park Council chose to include mostly developed lands in the CPR-1 and CPR-3 Zones. As to the CPR-2 Zone, the majority of that land is vacant. Thus Council may consider rezoning CPR-2 land to the CPR-1 Zone. However, Council will not rezone CPR-1 or CPR-3 land to the CPR-2 Zone.

Policy 1.0.6

It is the policy of Council to consider applications to rezone any land within the Residential Designation to the Residential (CPR-1) Zone, subject to the criteria set out in Policy 9.2.2. In considering applications to rezone land to the Residential (CPR-1) Zone Council shall ensure that no non-conforming uses are created as a result of the rezoning.

Policy 1.0.7

It is the policy of Council to refuse to consider applications to rezone lands from the Residential (CPR-1) Zone or the Condominium Residential (CPR-3) Zone to the General Residential (CPR-2) Zone.

There is an existing commercial/industrial use and a school located in the Residential Designation. These existing uses will be considered non-conforming uses. However, it is the opinion of Council that these existing uses be afforded a variety of development flexibilities and the development agreement process is the best means in which to do so.

Policy 1.0.8

It is the policy of Council to include provisions in the Land Use By-law, applicable to the General Residential (CPR-2) Zone that:

- i. a change in use of an existing institutional, commercial or industrial nonconforming use of land to another nonconforming use;**
- ii. a change in the use of an existing institutional, commercial or industrial nonconforming use in a structure to another nonconforming use;**
- iii. the extension, enlargement, alteration or reconstruction of an existing institutional, commercial or industrial nonconforming structure;**
- iv. the extension of an existing institutional, commercial or industrial nonconforming use of land;**
- v. the extension, enlargement, alteration of structures containing existing institutional, commercial or industrial nonconforming uses and the permitting of the expansion of the existing nonconforming institutional, commercial or industrial use into the addition;**
- vi. the reconstruction of structures containing an existing institutional, commercial or industrial nonconforming uses after destruction;**
- vii. the recommencement of an existing institutional, commercial or industrial nonconforming use of land after it is discontinued for a continuous period in excess of six months; and**
- viii. the recommencement of an existing institutional, commercial or industrial nonconforming use in a structure after it is discontinued for a continuous period in excess of six months;**

be considered by Development Agreement in accordance with the evaluative criteria set out in Policy 9.3.1. However, the extension of an existing institutional, commercial or industrial nonconforming uses of land shall be limited to the parcel of land the existing institutional, commercial or industrial nonconforming use of land occupied on the effective date of this Municipal Planning Strategy and its accompanying Land Use By-law.

2.0 HIGHWAY COMMERCIAL DEVELOPMENT

There is a section along Highway 1 where a variety of business, including a shopping mall and a recreational facility, are located; essentially this area is a transitional space between the residential area south of Highway 1 and the predominantly industrial area to the north. To acknowledge this special transitional nature of this area Council will designate it as commercial on the Future Land Use Map and included it in a Highway Commercial Zone.

Policy 2.0.1

It is the policy of Council to designate that transitional area along Hwy 1 in the Cornwallis Park Planning Area as COMMERCIAL on the Future Land Use Map (Map 1) and to include those lands in a Highway Commercial (C-1) Zone in the Cornwallis Park Land Use By-law.

Policy 2.0.2

It is the policy of Council to also include a wide variety of administrative, business and commercial uses in the Highway Commercial (C-1) Zone including, but not limited to, retail stores, video stores, banks and financial institutional uses, government offices, administrative offices, business offices and professional offices, shopping centres and strip malls, research facilities, call centres, data processing centres, garden centres and farm markets, storage and self-storage facilities, service shops, repair shops, auction houses, rent-all shops, artist and craft workshops, domestic and household arts shops, dry cleaning and laundromat establishments, licensed liquor establishments, fitness centres and commercial recreation centres, counseling offices, instruction studios, medical practitioner and veterinary offices and clinics, fraternal centres, commercial and private clubs and schools, commercial entertainment centres, display courts, personal grooming shops, personal service shops and clinics, drive-in or take-out restaurants, taxi and bus stations, gas bars, service stations and motor vehicle sales, service and wash facilities and a limited number of industrial type of uses including artisan workshops, wholesale establishments, warehouse and distribution centres, truck transfer and transport operations and store front recycling centres or establishments, with appropriate standards relating to such uses, including provisions for accessory buildings, parking and signage.

Policy 2.0.3

It is the policy of Council to include the existing residential single unit dwelling, known as civic number 1141 Highway 1 and identified as Property Identification No. 05205141 as a permitted use in the Highway Commercial (C-1) Zone.

3.0 INDUSTRIAL PARK DEVELOPMENT

In terms of industrial development, Council's goal is to encourage new industrial developments and to retain those existing ones. For this Council has set aside two dedicated industrial areas that will be identified as INDUSTRIAL PARK.

Policy 3.0.1

It is the policy of Council to designate those lands between the COMMERCIAL designation and the old rail line and north of Waldeck Line Road and east of Burns Hill Road as INDUSTRIAL PARK on the Future Land Use Map (Map 1). It is also the policy of Council to include those lands between the COMMERCIAL designation and the old rail line in the Industrial Park (IND-1) Zone and the Waldeck Line Road and Burns Hill Road lands in the Waldeck Industrial (IND-2) Zone.

3.1 Industrial Park (IND-1) Zone

Council's opinion is that the existing industrial area north of Highway 1 should be encouraged to continue to grow as a combination industrial park and business park. As such, Council will create an industrial zone that permits a variety of industrial activities such as warehousing, manufacturing, assembling and processing uses while also allowing for some business opportunities such as auction houses and offices. Also, to ensure maximum usage of the land available, Council will not impose significant lot development standards, parking requirements and limits on the number of developments permitted on a lot at a time.

Policy 3.1.1

It is the policy of Council that the Industrial Park (IND-1) Zone list of permitted uses include light and heavy industrial uses such as manufacturing, assembling and processing operations, any activity connected with the motor vehicle trade, including sales, service, inspection, maintenance, washing, towing, impounding, repair, and manufacturing of motor vehicles (except for salvage yards and scrap yards), artisan and custom workshops, batching plants, bulk storage facilities, storage facilities, self storage facilities, machine shops, metal working shops, cold storage facilities, auction houses, rent-all shops, wholesale establishments, warehouse and distribution centres, secondary forestry product processing, domestic and household arts, store front recycling centres, recycling depots, construction industry uses, building supply stores, truck transfer/transport operations, craft workshops, service industries, service shops, repair shops, display courts, government offices, administrative offices, business offices, professional offices, maintenance facilities and commercial and retail uses accessory to the main permitted industrial zone use, with appropriate standards relating to such uses, including provisions for accessory buildings, signage and building height provisions.

3.2 Waldeck Industrial Zone

There is an ample amount of vacant land available along Waldeck Line Road and Burns Hill Road. Council's opinion is that this area should be available for further commercial industrial development. Thus a zone will be included in the Land Use By-law that permits a wide variety of commercial, warehousing, manufacturing, assembling and processing uses while also allowing automotive service facilities, offices and hotels. Given the location of this area, Council feels that development criteria should not be overly restrictive.

Policy 3.2.1

It is the policy of Council that the Waldeck Industrial (IND-2) Zone list of permitted uses include light and heavy industrial uses such as manufacturing, assembling and processing operations, electrical production industries except large scale wind turbines, any activity connected with the motor vehicle trade, including sales, service, inspection, maintenance, washing, towing, impounding, repair, and manufacturing of motor vehicles, gasoline service stations and service stations and gas bars, agricultural uses, agricultural related industries and agricultural related uses, funeral Homes, cemeteries, funeral monument sales and display outlets, salvage yards, scrap yards, craft workshops, artisan and custom workshops, hotels and motels, campgrounds, taxi and bus stations, display courts, batching plants, storage facilities, self storage facilities, bulk storage facilities, cold storage facilities, machine shops, metal working shops, auction houses, rent-all shops, wholesale establishments, warehouse and distribution centres, primary and secondary forestry product processing, domestic and household arts, store front recycling centres, recycling depots, construction industry uses, building supply stores, extractive related facilities, excavation operations, commercial composting facilities, soil mixing, blending and storage facilities, truck transfer/transport operations, service industries, service shops, repair shops, display courts, veterinary offices and clinics, kennel/grooming salons, animal hospitals and animal rescue and rehabilitation centres, call centres and data processing centres, government offices, administrative offices, business offices, professional offices and commercial and retail uses accessory to the main permitted industrial zone use, with appropriate standards relating to such uses, including provisions for accessory buildings, signage and building height provisions.

4.0 BUSINESS PARK DEVELOPMENT

To coincide with Council's industrial park development strategy, Council will set aside additional land in the Cornwallis Park Planning Area for further business development. This area, mostly north of the old rail line is being reserved for commercial development, office development and some limited industrial development, mostly marine industrial.

Policy 4.0.1

It is the policy of Council to designate those remaining lands north of Highway 1 as BUSINESS PARK on the Future Land Use Map (Map 1). It is also the policy of Council to include these lands in the Business Development (BD) Zone.

Policy 4.0.2

It is the policy of Council that the Business Development (BD) Zone list of permitted uses include conference and convention facilities, banks and financial institutions, call centres and data processing centres, retail / video stores, shopping centres, strip malls, fitness centres, hotels and motels, barracks, licensed liquor establishments, restaurants, drive-in or take-out, research centres, training and educational facilities, public, private and commercial schools, community centres, fraternal centres, universities, community colleges, institutional uses, art galleries, libraries, museums, concert halls, commercial recreation and entertainment centres, commercial and private clubs, medical practitioner and veterinary offices and clinics, funeral homes, personal service shops and clinics, personal grooming shops, counselling offices, instruction studios, domestic and household arts shops, artist and craft workshops, government offices, business offices, professional offices and administrative offices, with appropriate standards relating to such uses, including provisions for accessory buildings, signage and building height provisions.

Policy 4.0.3

It is the policy of Council to also include a variety of marine and industrial uses in the Business Development (BD) Zone including, but not limited to, auction houses, storage facilities, self-storage facilities, display courts, service and repair shops, artisan workshops, marinas, yacht clubs, ship chandlery facilities, wharves, piers and moorage facilities, marine fueling stations, boat and marine sales, service and rental facilities, boat construction, building and repair facilities, fishery and marine related uses, with appropriate standards relating to such uses, including provisions for accessory buildings, signage and building height provisions.

5.0 ENVIRONMENTAL PROTECTION

Council is concerned with the protection of the quality Ditmars Brook water. In Council's opinion potential sources of erosion or pollution may come from existing or future development in either the Waldeck industrial area or the residential areas. As there is ample land available in the Cornwallis Park Planning Area for development, Council also does not wish to see those steeply sloped lands alongside the proposed Highway 101 access road be developed as yet.

Policy 5.0.1

It shall be the policy of Council to designate areas on the Future Land Use Map as ENVIRONMENTAL OPEN SPACE in which only limited development shall be permitted at locations where it is clearly demonstrated that such development will not be detrimental to the environment by causing excessive erosion or other detrimental consequences.

Policy 5.0.2

It is the policy of Council to include an Environmental Open Space (OS) Zone in the Land Use By-law. Permitted uses in this zone shall include conservation related uses and structures, single detached dwellings on large lots and forestry uses, but excluding buildings and structures accessory to the operation of the forestry use.

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

Policy 5.0.3

It is the policy of Council to include a 30 m. (98.4 ft.) watercourse setback for Ditmars Brook in the Land Use By-law in which the erection of any single detached dwelling in the Environmental Open Space (OS) Zone shall be prohibited. For clarification, the separation distance or setback shall be measured from the edge, meaning the ordinary high water mark of Ditmars Brook 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.

6.0. UTILITIES AND MUNICIPAL SERVICES

Utilities are usually defined as any public or private system, service or works, including the plant equipment. Policies governing utilities include uses, the water system, sanitary sewer system, stormwater collection, municipal streets and water, sewer and stormwater laterals.

Policy 6.0.1 - Utilities

It is the policy of Council that public or private utilities and municipal service facilities are permitted uses in all zones in the Planning Area, except for waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites, which shall be prohibited in all zones in the Planning Area. 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.

Policy 6.0.2 – Water System

It is the policy of Council to assume responsibility for the entire water system except certain parts that serve a single property and are located entirely within the boundaries of that property.

Policy 6.0.3 - Sanitary Sewer System

It is the policy of Council to assume responsibility for all the trunk and collector sanitary sewer mains and appurtenances including pumping stations, except those serving only one property and located entirely within the boundaries of that property.

Policy 6.0.4 - Stormwater System

It is the policy of Council to assume responsibility for the entire stormwater system except certain parts that serve a single property and are located entirely within the boundaries of that property.

Policy 6.0.5 - Laterals

It is the policy of Council to be responsible for all water, sanitary sewer, and stormwater laterals located in a street to the limit of the street line.

Policy 6.0.6 - Streets

It is the policy of Council to take over a street system so as to ensure that each individual property can be accessed from a public street.

7.0 RECREATIONAL DEVELOPMENT

To encourage the development of linear trails in the Cornwallis Park Planning Area, Council will consider public parks, playgrounds; passive recreation uses and multi-use trails permitted uses in all zones in the Cornwallis Park Planning Area. While Council prefers that these trail lots front on a street, Council will waive this requirement for public recreation lots.

Policy 7.0.1

It is the policy of Council that parks, playgrounds, passive recreation uses trails and multi-use trails, where the control and/or operation of the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, are considered permitted uses in all zones in the Cornwallis Park Planning Area and no municipal development permit is required for the development of such parks, playgrounds, passive recreation uses, trails and multi-use trails or their ancillary structures or buildings.

Policy 7.0.2

It is policy of Council that where a lot is created for a park, playground, passive recreation use, trail or multi-use trail, where the control and/or operation of the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, that abuts a municipal or provincial public street or highway or a private road that the minimum road frontage shall be 6 metres (19.7 ft.).

Policy 7.0.3

Notwithstanding Policy 7.0.2 and Policy 8.2.1, it is the policy of Council to include provisions in the Land Use By-law to provide for the relaxation of the requirement for frontage of a lot created for a park, playground, passive recreation use, trails or multi-use trail, where the control and/or operation of the park, playground, passive recreation use, trail or multi-use trail is vested in a public authority or agency thereof, to abut a municipal or provincial public street or highway or a private road in accordance with the provisions of Section 27 of the Annapolis County Subdivision By-law and to include provisions in the Land Use By-law to permit the development of such lots so created.

8.0 GENERAL DEVELOPMENT STANDARDS

8.1 Subdivision Controls

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

Policy 8.1.1

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

8.2 Subdivision Flexibility

There are a number of subdivision issues the Provincial Subdivision Regulations address that if Council wishes to provide for these flexibilities - the Plan must provide policy support for both the subdivision of land and the development of lots so created.

Policy 8.2.1

With exception of those recreation lots referred to in Policy 7.0.2, it is the policy of Council that all lots created in the Cornwallis Park Planning Area shall abut a municipal or provincial public street or highway or a private road and provisions shall be set out in the Land Use By-law to permit development permits to be issued for lots created along private roads.

Policy 8.2.2

Notwithstanding lot area and frontage requirements set out in the Land Use By-law, the subdivision of land and the issuance of development permits shall be permitted where a maximum of two lots, shown on a Final Plan of Subdivision, are created provided that the lot area and/or frontage are not less than 90% of the required lot area and/or minimum for any zone. Provisions shall also be included to permit the subdivision of land and allow for the issuance of development permits where an existing lot containing two or more main structures is subdivided such that the normal lot area and frontage requirements cannot be met, provided that each new lot created contains at least one main building or structure and retains a minimum of 6 metres (19.7 ft.) of frontage along a municipal or public street or a private road.

Policy 8.2.3

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

Policy 8.2.4

Provisions shall be included in the Land Use By-law to permit the subdivision of land and allow for the issuance of development permits on new lots called "flag lots," at the rear of an existing lot, with reduced frontage provided that the rear portion of the existing lot has sufficient area to meet the By-law requirements for "flag lots." Provision shall also be set out in the Land Use By-law to limit what the zone a flag lot may be created in and to limit the type of use that may be permitted to be developed on a flag lot.

8.3 General Standards

Development standards shall be set out in the LUB that may vary according to the use, zone and location. The common theme throughout the LUB is that Council has set appropriate development standards that aim to maintain sufficient control to ensure good quality development within the Cornwallis Park Planning Area.

Policy 8.3.1

Further to Policy 9.2.1, it is the policy of Council to regulate the use and development of land, buildings and structures in the Cornwallis Park Land Use By-law. This Land Use By-law shall contain provisions, regulations and development standards which may vary according to the use, zone and location, including, but not limited to:

- i. provisions to the listing of permitted/prohibited uses in a zone;
 - ii. provisions with respect to requiring of municipal development permits and the submission of supporting documentation and the waiving the requirement of municipal development permits;
 - iii. provisions to regulate lot coverage, yard and setback requirements, the height and location of buildings and structures from property boundaries, watercourses, other buildings and or structures on the same or separate lots and roads;
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- iv. provisions with respect to 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;
- v. provisions with respect to abutting yard requirements, special increases or waivers of yard requirements for certain types of lots such as lots with existing buildings on them, existing lots, corner lots or to require developments blend with existing development and setbacks;
- vi. provisions respecting temporary buildings (e.g. construction huts), temporary uses and special occasions, such as fairs;
- vii. provisions with respect to requiring new lots to have frontage on provincial or municipal public streets or private roads;
- viii. provisions to provide for the relaxation of the requirement for frontage of a lot to abut a municipal or provincial public street or highway or a private road for new and existing lots;
- ix. provisions with respect to parking lot, parking space and loading and unloading requirements and/or restrictions;
- x. provisions with respect to number and/or location of accessory uses, buildings and structures to ensure a subordinate relationship to the main use of land on the same lot;
- xi. provisions limiting the number of driveway accesses for a through lot or corner lot to one for safety reasons;
- xii. provisions with respect to permitted encroachments into yards to allow for some architectural flexibility and wheelchair access;
- xiii. provision with respect to development in corner vision triangles for traffic movement for vehicular and pedestrian safety reasons;
- xiv. provisions to permit the development of government authorized, private or public, operated utilities and recreation facilities within any zone or within the watercourse setback; and
- xv. provisions with respect to nonconforming uses of land and structures and nonconforming uses in a structure; and
- xvi. provisions with respect to “Home Occupations” in residential dwellings and/or an accessory building to ensure a subordinate relationship to the main use or building on the lot.

Policy 8.3.2

It is the policy of Council to prohibit the keeping of agricultural animals in any zone in the Planning Area where residential uses are permitted.

Policy 8.3.3

It is the policy of Council to prohibit the development of adult oriented stores and uses such as an adult bookstore/video store, an adult retail store/sex shop, an adult entertainment use or casinos in all zones in the Cornwallis Park Planning Area.

Policy 8.3.4

It is the policy of Council to prohibit the development of commercial uses, facilities or operations involving tracks for the racing of animals in all zones in the Cornwallis Park Planning Area.

Policy 8.3.5

Excepting Policy 7.0.1, as it relates to multi-use trails, it is the policy of Council to prohibit the development of commercial or private use motorized vehicle race tracks, jump tracks, trails stadiums, arenas or other such motor vehicle entertainment uses facilities or operations or any other such form of commercial or private use sporting facility for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles, or all terrain vehicles, in all zones in the Planning Area.

Policy 8.3.6

It is the policy of Council to prohibit the use of an automobile, truck, bus, coach, or other motor vehicle, with or without wheels, for human habitation. However, Council may permit the limited use of a recreational vehicle or a camper for temporary human habitation, with appropriate standards related to the use of such, including provisions to limit the time such a temporary use may be permitted, the location and number of such on a lot, the prohibition of connecting such to municipal services and considerations as to timing related to main use of the lot being established.

Policy 8.3.7

It is the policy of Council to prohibit the development of large scale wind turbines in all zones in the Cornwallis Park Planning Area.

Policy 8.3.8

It is the policy of Council to permit the limited development of small scale and mini scale wind turbines, with appropriate standards related to the development of such mini scale and small scale wind turbines including provisions as to limit the location and number on a lot, via property boundary setbacks and separation distances, the maximum allowable height, considerations as to timing related to main use of the lot being established and limiting the zones in which a small scale and mini scale wind turbine would be permitted to be developed.

8.4 Commercial Signage Standards

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

Policy 8.4.1

Sign requirements shall be included in a Sign Section of the Land Use By-law, which for public safety and visual appearance reasons, shall include provisions dealing with size, location, illumination, type and number of commercial signs. In addition, certain types of commercial signs 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.

9.0 IMPLEMENTATION

9.1 Municipal Planning Strategy Amendments

A municipal planning strategy is a document that should evolve with changing circumstances such as where Council wishes to change its policy intent.

Policy 9.1.1

It shall be the intention of Council to amend this Plan where either of the following occurs:

- i. any policy intent is to be changed;
- ii. where the Future Land Use Map is to be changed;
- iii. where the plan is in conflict with a provincial land use policy or regulation;
- iv. where a requested amendment to the land use by-law is in conflict with this Plan and there are valid reasons for the amendment;
- v. or where a secondary planning strategy is to be incorporated into this Municipal Planning Strategy.

9.2 Land Use By-law and Amendments

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

Policy 9.2.1

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

Residential	CPR-1
General Residential	CPR-2
Condominium Residential	CPR-3
Industrial Park	IND-1
Business Development	BD
Highway Commercial	C-1
Waldeck Industrial	IND-2
Enviro Open Space	OS

Policy 9.2.2

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

- i. the financial capability of the Municipality to absorb any costs relating to the development;
 - ii. the proposal not meeting the requirements of the land use by-law;
 - iii. 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, the impact of nuisance factors from the proposed development such as illumination, shadows, dust, odors, open storage or display areas and other safety concerns related to the development;
 - iv. the adequacy of road networks, in, adjacent to, or leading to the development, the adequacy of provisions for pedestrian and vehicle access to and from the site and the adequacy of provisions for on-site and off-site parking and loading areas;
 - v. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution;
 - vi. the adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water system;
 - vii. the adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal sanitary sewer system;
 - viii. the adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal water system;
 - ix. where not connected to a municipal system, the adequacy of physical site conditions for, and the provision of, on-site sewage disposal and water and storm water management;
 - x. the presence of significant natural features or buildings or sites of historical or architectural significance;
 - xi. the suitability of the proposed site in terms of steepness of grades, soil or geological conditions; and
 - xii. the potential impact of the development on watercourses, protected wetlands or other sensitive habitat and on endangered species in the area of the proposed site.
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9.3 Development Agreements

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. 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.

Policy 9.3.1

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

- i. the financial capability of the Municipality to absorb any costs relating to the development;**
 - ii. 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;**
 - iii. 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;**
 - iv. the adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water system, sanitary sewer system and water system;**
 - v. 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;**
 - vi. 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;**
 - vii. 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);**
 - viii. the potential for the contamination of watercourses, creation of erosion or sedimentation, or pollution; and**
 - ix. that the proposal is in conformity with the intent and policies of any other applicable Municipal By-law or regulation.**
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Policy 9.3.2

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

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

Applications for development agreements or land use by-law amendments, whether a rezoning or a text amendment, requires careful consideration of the circumstances surrounding the request. Thus it is incumbent on the applicant to supply adequate information to Municipal Council so as to evaluate the application.

Policy 9.4.1

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

- i. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, geological features, watercourses, existing vegetative cover and vegetative cover to be retained;
 - ii. information as to the lot size, area, dimensions, ownership and location of the property;
 - iii. information as to the proposed location, height, dimensions and use of all existing and/or proposed buildings or structures to be built, erected or altered on the site;
 - iv. information as to the adequacy of the proposed provisions for site drainage and servicing with water supply and sewage disposal, or if central piped services are not provided, the adequacy of physical site conditions for on-site sewage and water and storm water management;
 - v. information as to the adequacy of the proposed access to and from the lands and estimated traffic flows to be generated by the proposed development and parking and loading provisions;
 - vi. information as to intended hours of operation, outdoor storage and/or display and on-site signage;
 - vii. information as to provision of an appropriate buffering between the proposed development and the adjacent buildings, structures, properties and/or uses;
 - viii. information as to the mitigation of the impact of nuisance factors such as illumination, noise, vibration, shadows, dust, odors and other safety concerns related to the development;
 - ix. information as to the presence of significant natural features, buildings or sites of historical or archaeological significance;
 - x. information as to the presence of sensitive habitat or endangered species on the site of the proposed development.
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9.5 Notification and Advertising Cost Recovery

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

Policy 9.5.1

It is the intention of Council to include provisions in the Land Use By-law regarding an administration deposit fee to cover the cost of advertising for Land Use By-law Amendments, Variances, Site Plan Approvals and Development Agreements, including the amendment thereto of an existing development agreement and the processing costs for notification of affected property owners. As estimated by Council, the applicant shall deposit 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.

9.6 Administration Processing Cost Recovery

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

Policy 9.6.1

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

9.7 Public Participation Program

As outlined at the beginning of this Municipal Planning Strategy, the County undertook an extensive public consultation process. It was designed to involve Cornwallis Park residents and to solicit their input in the development of this Municipal Planning Strategy and Land Use By-law. It is the opinion of Council that this plan and by-law are public documents and the public must be informed of changes to this plan and by-law, or the entering into of development agreements made pursuant to these documents, above and beyond the statutory public hearing, as set out in the *Municipal Government Act*.

Policy 9.7.1

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

- i. Referral of the application to the Planning Advisory Committee and the Cornwallis Park Area Advisory Committee;
- ii. Setting the date of the Planning Advisory Committee Public Meeting (which may be after meeting of the Cornwallis Park Area Advisory Committee);
- iii. Advertising the Planning Advisory Committee Public Meeting in a local newspaper (with the advertisement specifying the date, time and place of public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where application information is available);
- iv. At the Planning Advisory Committee Public Meeting, prior to any discussion among 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; and
- v. At the Planning Advisory Committee Public Meeting, prior to any discussion among Planning Advisory Committee members, written submissions from members of the public are to be heard.

Policy 9.7.2

Council may consider extending the public participation program, where Council deems it to be applicable and warranted, in relation to applications for land use by-law text or rezoning amendments, development agreements or their subsequent amendment and amendments to this Municipal Planning Strategy so as advise property owners and residents within a minimum 61 metre (200 feet) radius of the affected property by personal service or regular mail, to require more advertisements or more information in the advertisement or otherwise vary the public information process set out in Policy 9.7.1.
