

# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## **PUBLIC HEARING DEVELOPMENT AGREEMENT APPLICATION AGENDA**

**Time:** 11:00 a.m.

**Date:** Tuesday, April 15, 2025

**Place:** Municipal Administration Building, 752 St. George Street, Annapolis Royal, NS

---

### **Welcoming Remarks – Warden Diane LeBlanc**

The purpose of a Public Hearing is to permit members of the public to make their views known to Council, concerning, solely, the application before Council.

This Public Hearing concerns a Development Agreement Application for PID 05187471, Ben Phinney Road, Margaretsville.

All questions and comments throughout the public hearing are required to be addressed to the Chair. The Chair will provide an opportunity for public input and will ask that persons speaking identify themselves so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application.

Questions and comments from Council members are asked to be held until all public comment is heard.

All questions and comments throughout the public hearing are to be addressed to the Chair.

### Re: Development Agreement Application – Jason Milner

#### *Information Report – B. Boateng*

#### *Call for Oral Presentations (open discussion from the floor – public)*

- 1<sup>st</sup> call for comments against the application
- 2<sup>nd</sup> call for comments against the application
- 3<sup>rd</sup> call for comments against the application
- 1<sup>st</sup> call for comments in support of the application
- 2<sup>nd</sup> call for comments in support of the application
- 3<sup>rd</sup> call for comments in support of the application

#### *Call for questions or comments from Council Members*

#### *Next Steps – B. Boateng*

#### *Closing Comments*

#### *Adjournment (Warden)*



# STAFF REPORT

---

**Report To:** Municipal Council  
**Meeting Date:** Tuesday, April 15, 2025  
**Prepared By:** Barbara Boateng, Manager of Planning  
**Subject:** File No. 66520-40 County Wide 2025-DA-001 Planning – Development Agreement

---

## RECOMMENDATION:

That pursuant to the first reading given on March 18, 2025, in accordance with the recommendation for approval from the Planning Advisory Committee and after holding a Public Hearing thereon, Municipal Council give second and final reading to consider the Development Agreement application submitted by Mr. Jason Milner to erect a single-family dwelling on PID 05187471, Ben Phinney Road, Margaretsville, in the Groundwater Supply (GW3) Zone of the Annapolis County Land Use Bylaw.

## LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) Sections 206, 225, 227, 228 and 230  
Annapolis County MPS Policies 5.3.2, 7.3.4, 7.3.4.1, 7.3.4.2, 7.3.4.3, 7.3.5, 7.4 and 7.5  
Annapolis County LUB Section 3.10 and Part 5  
Policy 113 Public Participation Policy (PPP)

## CURRENT STATUS

At the February Planning Advisory Committee (PAC) meeting, the application was recommended for a Public Information Meeting (PIM) session, scheduled for Feb 25, 2025.

The PIM was held at 6PM at the Margaretsville Fire Hall to review the application and respond to public questions. 20 members of the public attended the meeting. Members of the public were supportive of the application. Details of the PIM are attached to this report.

At the March meeting of the Planning Advisory Committee, this application was supported and recommended that Council proceed with a first reading and subsequent Public Hearing pending the identification of a well. The well has since been identified on the Site Plan.

## BACKGROUND

Staff received a planning application to develop a residential building containing a single dwelling unit on PID 05187471. As this property is within the GW3 Zone, development of single-unit residential uses is permitted through a Development Agreement.

The subject property is approximately 2 acres located on Ben Phinney Road, Margaretsville, in the Annapolis County Planning area. Land use in the area is predominantly residential.

## DISCUSSION

Housing is a pertinent issue and ranked third in a list of issue priorities recognized by council in Section 2.1 of the Municipal Planning Strategy. As population change has impacted housing demand in Annapolis County, we have seen an increase of nearly 1,000 residents over the past five years. This population increase has created substantial housing needs, and 564 dwelling units were added over that time. 760 more units will be required in the coming decade, or 76 each year. With Canada's current policies these estimates are likely to sustain or increase population growth – meaning housing needs in our County could very likely exceed our estimates (*Section 2.2 of the MPS*) and may include developing lands near or within wellfield areas.

Wellfield areas were developed as municipal water supplies in Lawrencetown, Bridgetown, Granville Ferry, and Margaretsville. These water supplies are sensitive. Lands that may affect the water quality in a wellfield area are protected by the Annapolis County Municipal Planning Strategy (2024), as informed by community interest and the Margaretsville Source Water Protection Plan. These inputs recommend planning and zoning measures that limit development that may impact the quality and/or quantity of water supplied to residents to protect the water supply (*Section 5 - 5.1 of the MPS*).

The subject property is within the *GW3 Zone* in which only passive recreation uses; public and private utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, water distribution uses; storm water management facilities; and public passive recreation uses are permitted and where single-unit residential uses may be considered by development agreement (*Section 5.3 -5.3.2 of the MPS*).

The application was circulated to the Municipal Departments of Operations, GIS, and Building Inspection. It was also reviewed to external partners including Valley Waste Resource Management, Public Works (Transportation), RCMP, Regional and Local school board, and the local Fire Chief for review. These departments had no concerns with the final development plans and application. As part of the requirements for a development agreement, the applicant has posted a notification sign on their property.

## **CONCLUSION**

This development addresses a key community priority by creating a new residential building, it does not significantly impact the wellfield area, and future uses limited by the Land Use Bylaw continue to pose an acceptable level of risk. To achieve the County of Annapolis 2023-2027 Strategic Priority 1 (Investing in Housing and housing infrastructure), having a good stock of all types of housing is critical to growing our community.

## **FINANCIAL IMPLICATIONS**

N/A

## **POLICY IMPLICATIONS**

The proposed development meets the policies and requirements of the MGA, LUB, MPS and PPP.

## **ALTERNATIVE OPTIONS:**

1. That Municipal Council approve the development agreement in principle per Section 225D of the MGA.
2. That Municipal Council does not move forward with the application.

**NEXT STEPS**

1. Pursuant to MGA 230 (1) & (2), Council adopts entering into a DA by policy (motion) after holding a public hearing).
2. Pursuant to MGA 230 (3), only those council members present at the public hearing may vote.
3. After approval, an ad shall be placed on the website outlining the right to appeal (14 days after). Only after appeal period passes or appeals heard by NSURB can Council enter into DA.
4. DA does not come into effect until the DA is filed by the municipality in the Registry of Deeds (developer’s cost)
5. Pursuant to MGA 228 (2), Council can stipulate period the DA must be signed by the property owner.
6. If rejected, applicant has 14 days to appeal to NSURB.

**ATTACHMENTS**

- 1 – Site Location Map
- 2 – Zoning & Future Land Use Map
- 3 – Schedule A - Legal Description of Land
- 4 – Schedule B - Site Plan
- 5 – Schedule C – Building Elevations
- 6 – Development Agreement
- 7 – Public Information Meeting Notes
- 8 – Development Agreement Criteria
- 9 – Annapolis County MPS Excerpt
- 10 – Annapolis County LUB Excerpt

**Report Prepared by:**

Barbara Boateng, Manager of Planning

**Report Reviewed by:**

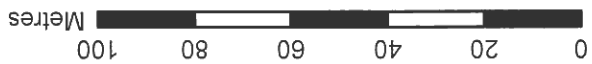
Linda Bent, Director of Planning & Inspection Services

**Approved by:**

**Approval Date:**

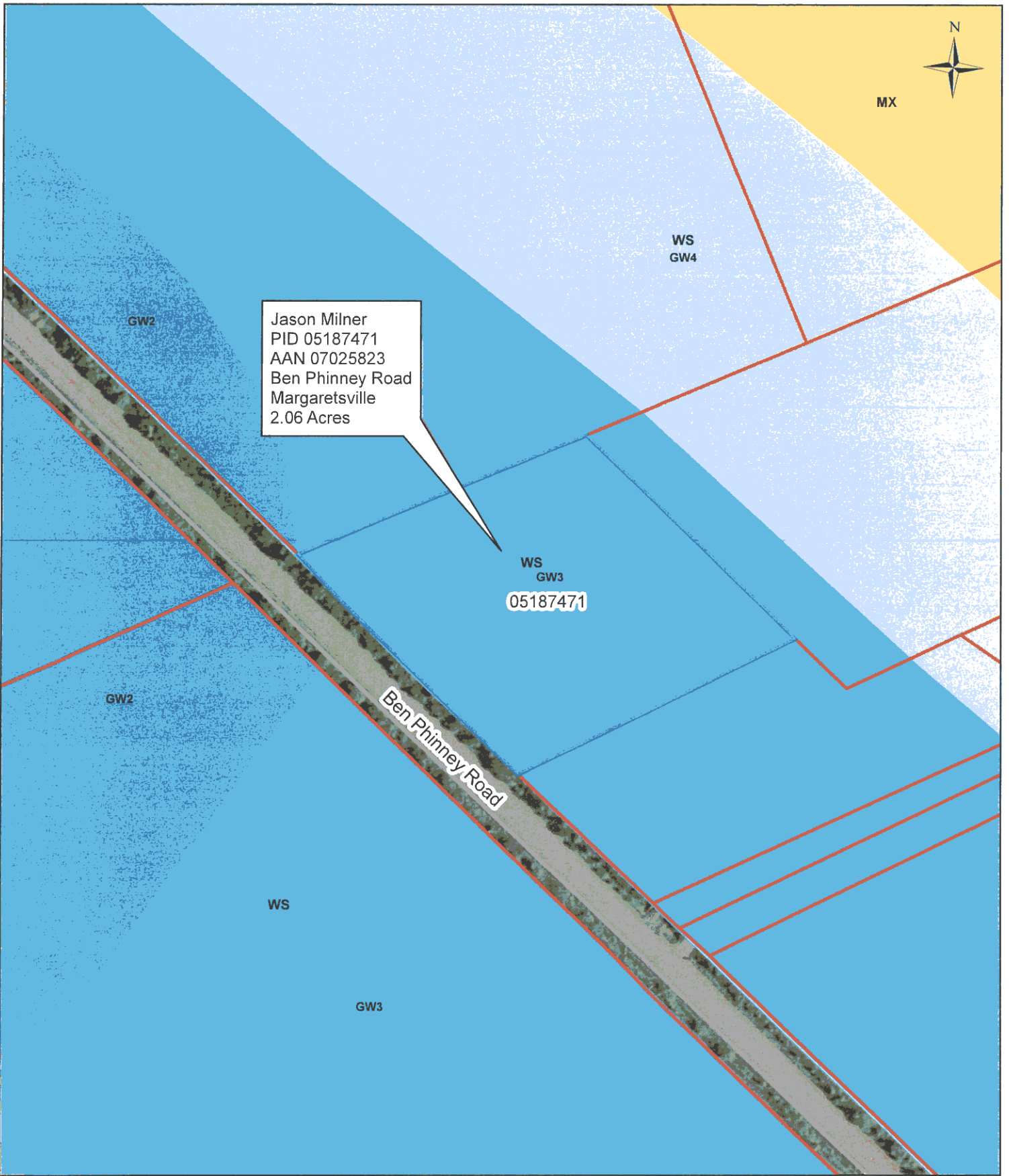
Chris McNeill,  
Chief Administrative Officer

(Date)



1:1,500



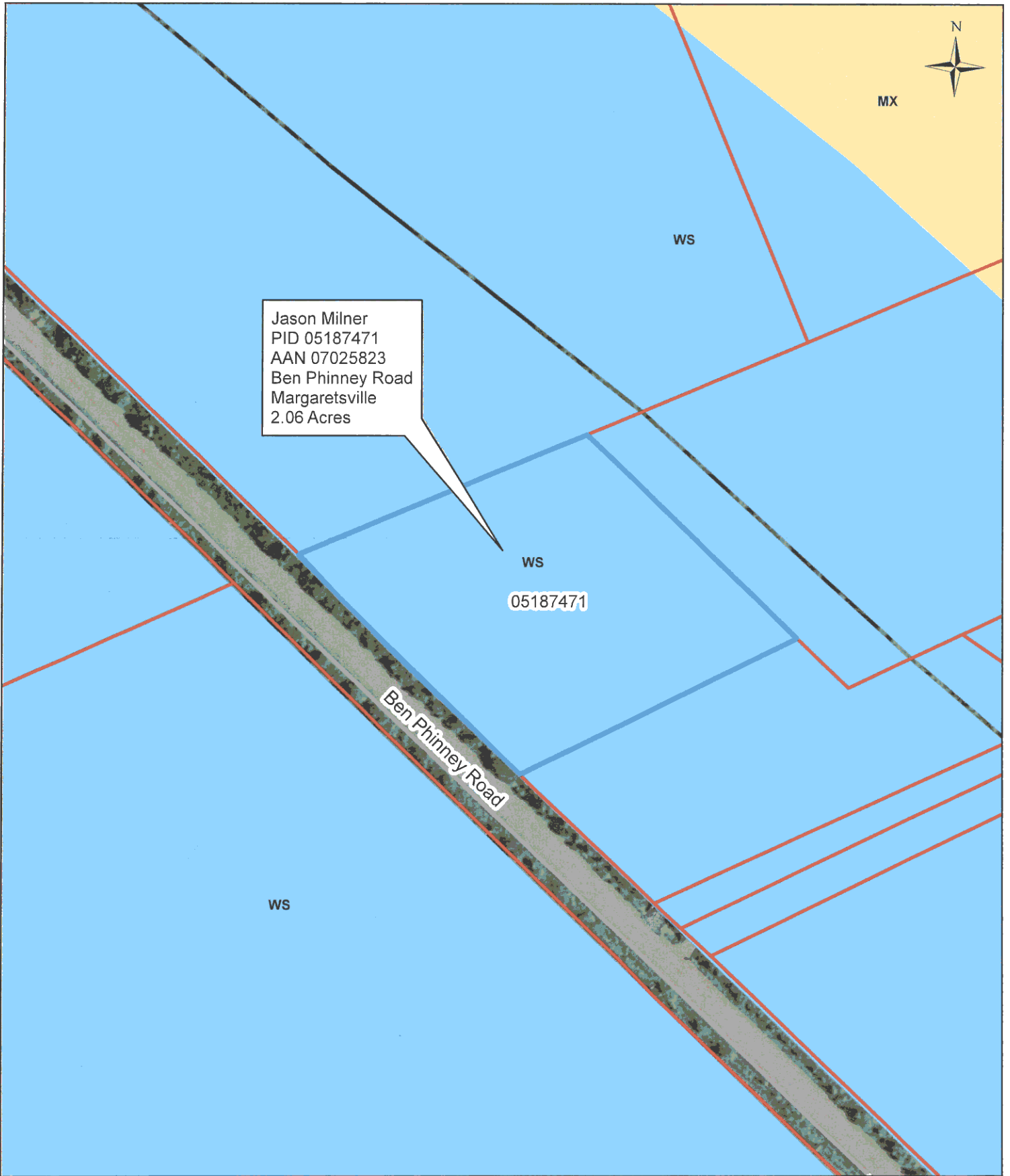


- Well Head 2 (GW2) Zone
- Groundwater Supply (GW3) Zone
- Groundwater Buffer (GW4) Zone
- Mixed Use (MX) Zone

1:1,500

County-Wide Zoning





- Mixed Use (MX)
- Water Supply (WS)

1:1,500

County-Wide Future Land Use Designation



PID 5187471

SCHEDULE "A"

A.L.L. that certain lot of land situate at East Margareville, Annapolis County, Nova Scotia, and shown as Lots 2 and 3 on a Plan of Subdivision made by Derik R. DeWolfe, N.S.L.S., dated the 21st day of September, A.D., 1994 and approved for subdivision by the Development Officer for the County of Annapolis and recorded at the Registry of Deeds for Annapolis County under Plan No. P-5194, and more particularly bounded and described as follows:

Lot 3

*X* BEGINNING at a survey marker placed at the eastern boundary of the Ben Phinney Road and the south west corner of other lands of the Grantors located S 49°37'57" E a distance of 1277.97 feet from NSCM #7845;

THENCE N 66°19'52" E a distance of 320.44 feet to a survey marker placed at the northwest boundary of other lands of the Grantors;

THENCE S 45°52'17" E a distance of 305.54 feet to a survey marker placed at the northeast corner of Lot 2 described in the same Plan;

THENCE S 64°14'37" W a distance of 308.48 feet to a survey marker placed on the eastern boundary of the Ben Phinney Road and at the northwest corner of Lot 2;

THENCE N 47°07'31" W a distance of 320.62 feet along the eastern boundary of the Ben Phinney Road to the **Place of Beginning**.



# SITE PLAN

## LOT "3"

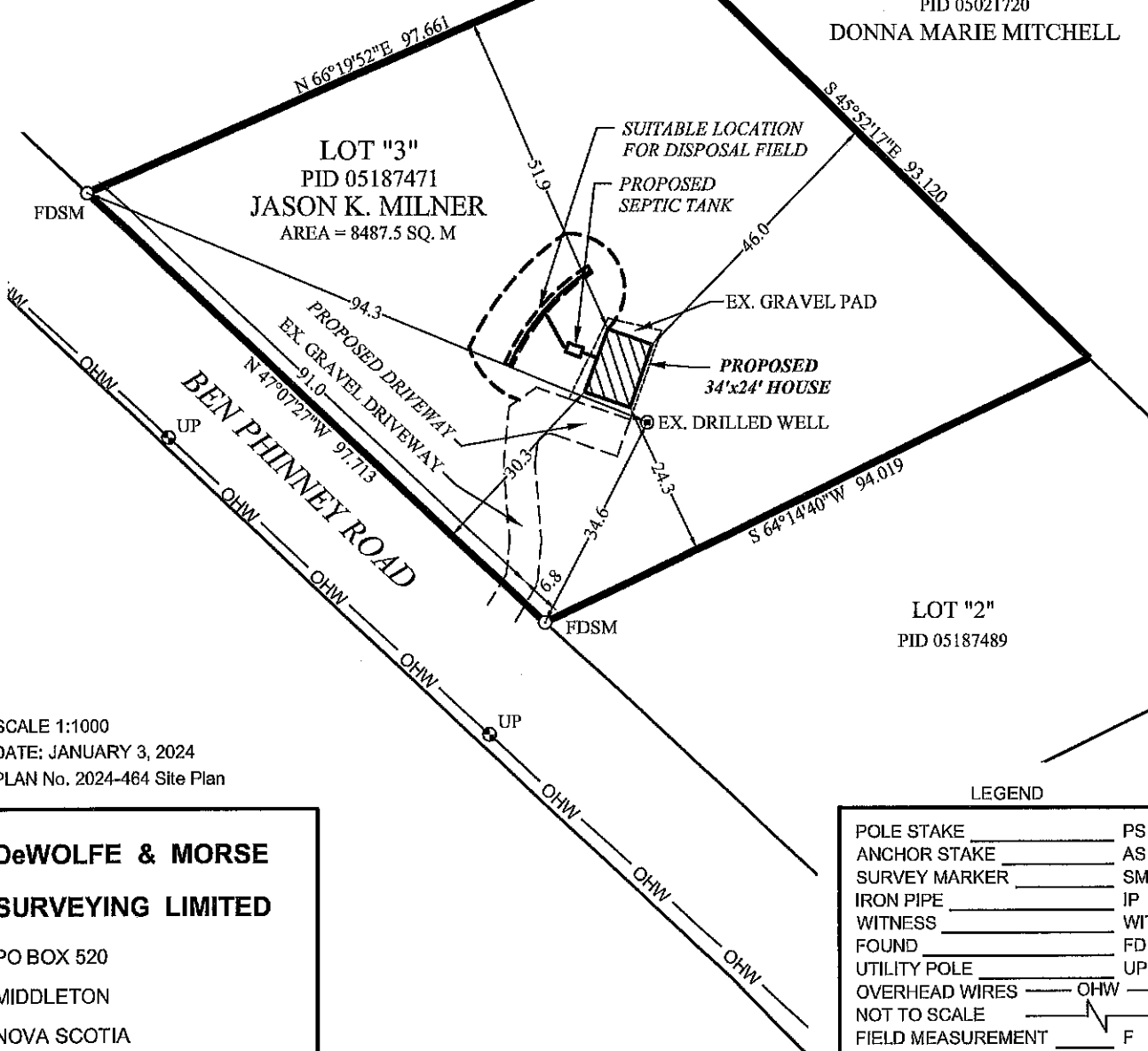
LANDS CONVEYED TO  
**JASON K. MILNER**  
 BEN PHINNEY ROAD  
 MARGARETSVILLE  
 ANNAPOLIS COUNTY

LOT "2002"  
 PID 05319595

GRID NORTH

PID 05021720  
**DONNA MARIE MITCHELL**

LOT "3"  
 PID 05187471  
**JASON K. MILNER**  
 AREA = 8487.5 SQ. M



SCALE 1:1000  
 DATE: JANUARY 3, 2024  
 PLAN No. 2024-464 Site Plan

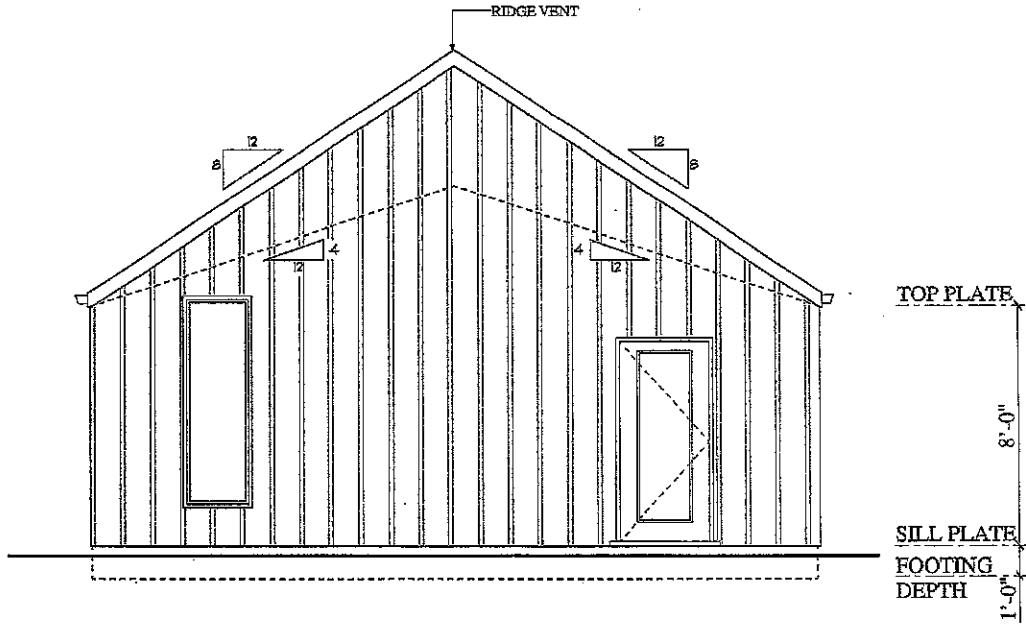
## DeWOLFE & MORSE SURVEYING LIMITED

PO BOX 520  
 MIDDLETON  
 NOVA SCOTIA  
 B0S 1P0

REVISIONS: FEBRUARY 26, 2025 TO  
 SHOW DRILLED WELL

### LEGEND

POLE STAKE	PS	▣
ANCHOR STAKE	AS	◆
SURVEY MARKER	SM	●
IRON PIPE	IP	—
WITNESS	WIT	—
FOUND	FD	—
UTILITY POLE	UP	—
OVERHEAD WIRES	OHW	—
NOT TO SCALE		↘
FIELD MEASUREMENT	F	—
PLAN MEASUREMENT	P	—
DEED MEASUREMENT	D	—



TOP PLATE

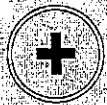
8'-0"

SILL PLATE

FOOTING DEPTH

1'-0"

KUMBC-THE LAWYER GROUP  
**JASON MILNER**

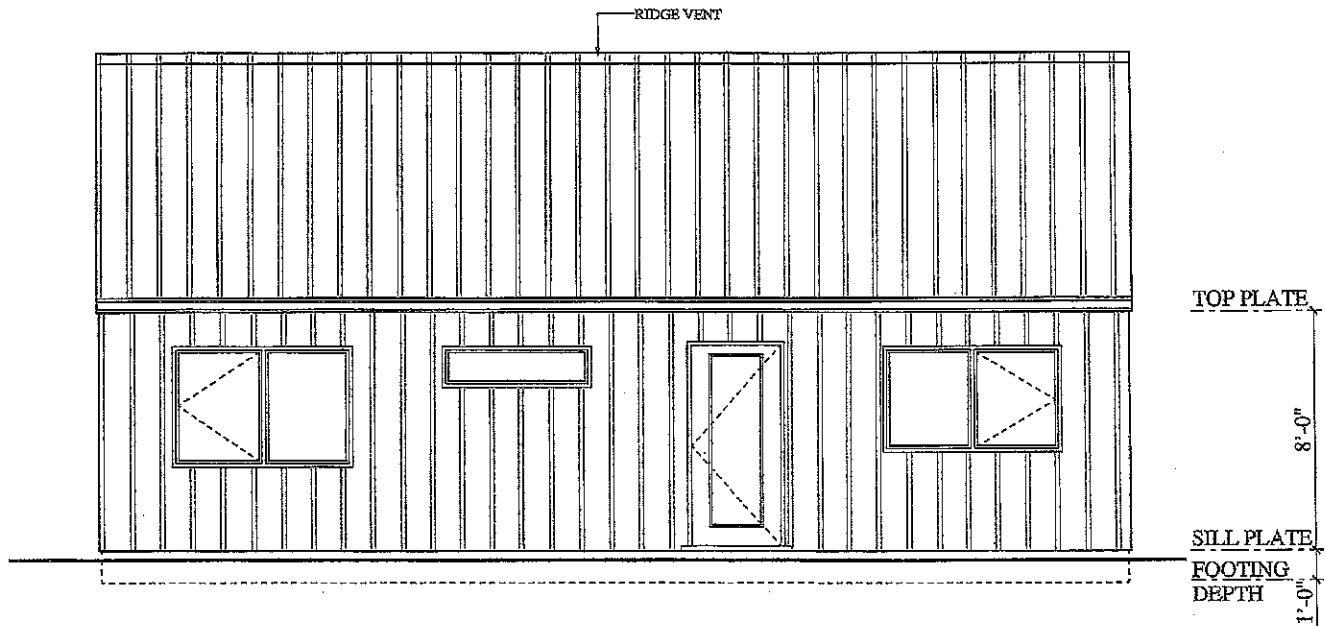


SCALE: 1/4"=1'-0"

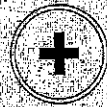
TYPICAL SECTION

**A-3**

NOV 29/2024



KHBC CONSULTING GROUP  
**JASON MILNER**

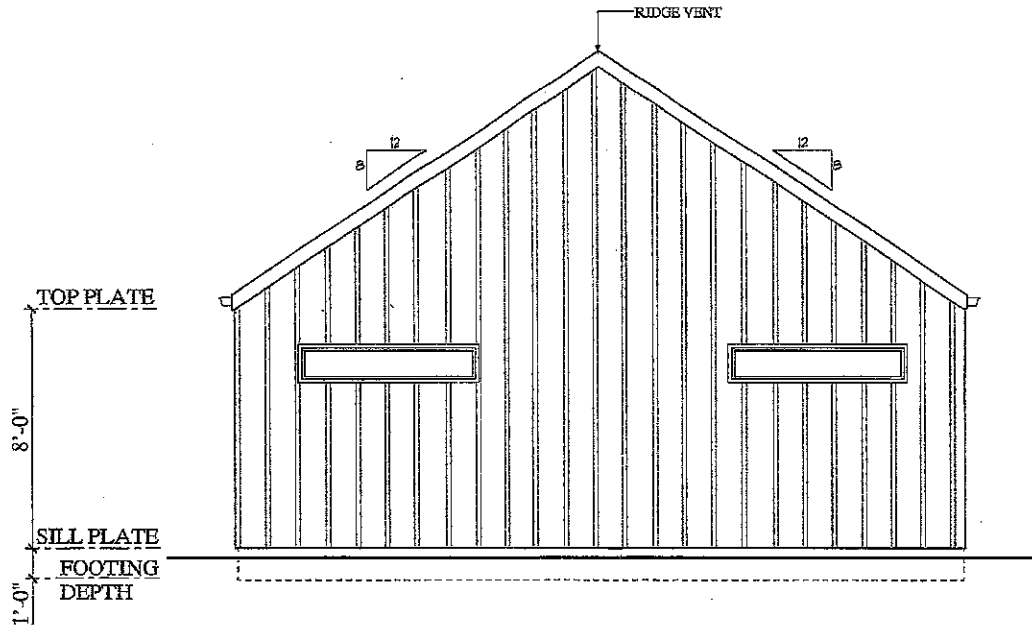


SCALE: 1/4"=1'-0"

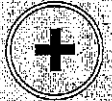
TYPICAL SECTION

**A-6**

No. NOV 29/2024



KIRBY THE LAWYER GROUP  
**JASON MILNER**

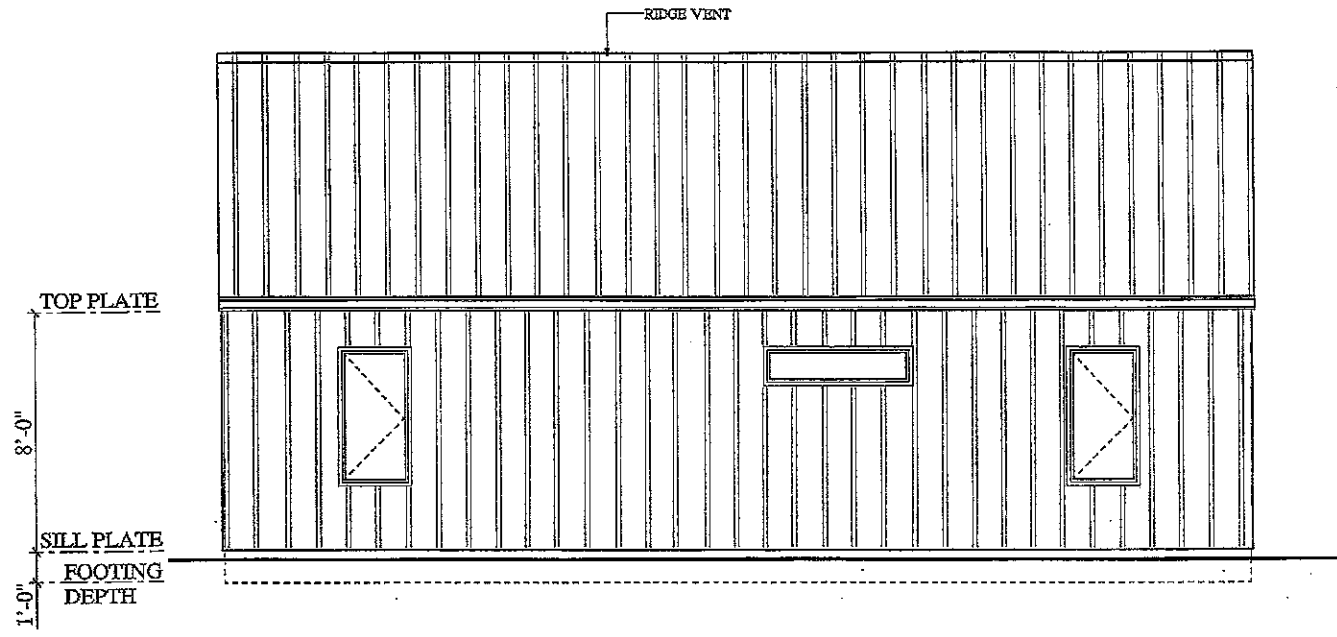


SCALE: 1/4" = 1'-0"

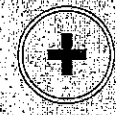
TYPICAL SECTION

**A-4**

No. NOV 29/2024



REGISTERED ARCHITECT  
**JASON MILNER**



SCALE: 1/4" = 1'-0"

TYPICAL SECTION

**A-5**

NOV 29/2024

**DEVELOPMENT AGREEMENT**

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 2025;

**BETWEEN:** Jason K. Milner, of Ben Phinney Road, Margaretsville in the County of Annapolis and Province of Nova Scotia, hereinafter called the “**DEVELOPER**”,

**OF THE ONE PART**

and

Municipality of the County of Annapolis, a municipal body corporate, pursuant of the Municipal Government Act, hereinafter called the “**MUNICIPALITY**”,

**OF THE OTHER PART**

**WHEREAS** the Developer is the registered owner of certain land located in the Municipality known as Property Identification Number 05187471, Ben Phinney Road, Margaretsville (hereinafter called “Property”) which land is more particularly described in “Schedule “A” attached hereto;

**AND WHEREAS** the Property is situated in an area which is designated as Water Supply (WS) on the Future Land Use Map of the Annapolis County Municipal Planning Strategy and zoned Groundwater supply (GW3) on the Zoning Map of the Annapolis County Land Use Bylaw;

**AND WHEREAS** the Developer wishes to obtain approval of a development permit for the construction of a single-unit dwelling on the Property (hereinafter called the Project) pursuant to Policy 5.3.1 of the Annapolis County Municipal Planning Strategy and Part 5 of the Annapolis County Land Use Bylaw;

**AND WHEREAS** as a condition of granting approval by the Municipality, the Developer must enter into a Development Agreement (hereinafter called the Agreement) pursuant to the terms of the Municipal Government Act and the Annapolis County Municipal Planning Strategy and the Annapolis County Land Use Bylaw;

**AND WHEREAS** the Municipality, at a Regular Session of Council held on the \_\_\_\_ day of \_\_\_\_\_, approved the Developer’s application for a Development Agreement to permit the construction of the aforesaid Project;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Municipality agree as follows:

1. That the Developer shall develop and complete the Project in accordance with the following hereto attached Schedules "A", "B" and "C" detailed as follows:
  - a. Schedule "A": to develop and complete the Project within the generalized area identified as PID 05187471 hereto attached as Schedule "A"
  - b. Schedule B: to develop and complete the single-unit dwelling generally in conformity with the site plan hereto attached as Schedule "B"
  - c. Schedule C: to develop and complete the Project generally in conformity with the Rendering Drawings hereto attached as Schedule "C"
2. That the Project shall conform to the zone standards of the GW3 Zone of the Land Use Bylaw, as established by the Municipal Planning Strategy except as otherwise established by this Agreement.
3. That the property may be subdivided, consolidated or used for any other purpose or use permitted by the Land Use Bylaw (as may be amended from time-to-time) and in all other respects, the provisions of the Land Use Bylaw shall apply.
4. That the Developer shall at all times maintain the property, including land, building and structures on the property, in good repair, including driveway and landscaping, along with proper pick-up and storage and disposal of all garbage and litter.
5. That the Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Project, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.
6. That the Developer shall not commence construction or operation until first receiving the required development or building permits from the Municipality. No municipal development permits or building permits shall be issued until the Developer has submitted site plans in conformance with Schedule "B" and building plans and specifications that are acceptable to the Development Officer and Building Inspector of the Municipality.
7. That the Development Agreement shall be deemed to be entered into on the day the Agreement is registered in the Land Registration Office. All time requirements imposed in this Development Agreement shall be calculated from that date unless otherwise specified.
8. That the Developer shall apply for a development and/or building permit for the Project enabled by this Agreement within two (2) years of the effective date of this Agreement and completed within three (3) years thereafter. Upon failure to meet this timing

requirement, the Municipality may terminate this Development Agreement without the consent of the Developer.

9. That the Developer shall pay all costs and expenses incurred by the Municipality related to this Development Agreement.
10. That Pursuant to Section 264 of the Municipal Government Act, in the event of a breach by the Developer of any of the terms or conditions of this Agreement, the Municipality may exercise any or all of the remedies provided by the Municipal Government Act and the Developer also acknowledges that no action shall be maintained against the Municipality or against any agent, servant or employee of the Municipality for anything done pursuant to this section.
11. That this Development Agreement shall be administered by the Development Officer as appointed by the Council of the Municipality.
12. Unsubstantial Amendments:
  - a. Any amendment to this agreement, whether substantive or otherwise, must be approved by both parties in writing.
  - b. Any unsubstantial amendment to either the terms of this agreement or to any Schedules shall be subject to the amendment procedures set out in the Municipal Government Act.
  - c. Amendments which are considered unsubstantial are the following:
    - i. A written request to have the time limits identified in Section 8 of this agreement extended by a period to be decided by Council.
    - ii. Changes to the site plan that are necessary to accommodate features that are subject to approval or authorization by other authorities such as, but not limited to, the Nova Scotia Department of Public Works, the Nova Scotia Department of the Environment and Climate Change and the Municipality's Department of Municipal Operations.
    - iii. Changes to the Project in order to comply with any bylaw or building code requirements.
    - iv. Changes to the site plan to allow for the locating of accessory structures permitted in the GW3 zone. Such structures shall be located such that they do not interfere with elements required by the Agreement.
    - v. A written request to expand the building up to the maximum lot coverage of the GW3 zone as provided in the Annapolis County Land Use Bylaw.
    - vi. Changes to the external elevation design of the residential building which are considered 'generally in conformity' with Schedule "C", unless otherwise permitted by this Development Agreement.
    - vii. Changes to the vehicular access design which are needed to comply with Nova Scotia Department of Public Works requirements.
    - viii. Changes of use to a different use as permitted in the GW3 Zone as of right. The application for an unsubstantial amendment shall comply with the provisions of the use outlined in the Land Use Bylaw.



13. That pursuant to the Municipal Government Act, the Developer shall sign this Agreement within a period of one (1) month of the date the appeal period has elapsed or within one (1) month of the date all appeals have been abandoned or disposed of, or the development agreement has been affirmed by the Board. Failure on the part of the Developer to comply with the provisions of this section hereof, this Agreement shall terminate. Termination of this Agreement revokes any permission for any development on the Property and does not operate as a discharge of the Agreement.
14. Subject to Section 13 of the Agreement, the use of the property and buildings thereon, in whole or part, shall not be substantially altered, varied or changed unless a new Agreement is entered into with the Municipality or this Agreement is discharged by the Municipality or the proposed use of the property is permitted by the Annapolis County Land Use Bylaw and a municipal development permit for the change of use has been approved by the Development Officer for the Municipality.
15. That pursuant to the Municipal Government Act, this Agreement shall remain in effect until discharged by the Municipality and the Municipality may discharge this Agreement, in whole or in part, in accordance with the terms of this Agreement or with the concurrence of the Developer.
16. That nothing in this Agreement shall exempt the Developer from complying with Federal, Provincial and Municipal laws, bylaws and regulations in force within the Municipality, including the Building Bylaw, or from obtaining any license, permission, permit, authority or approval required thereunder. Where the provisions of this Agreement conflict with those of any bylaw or regulations, the more stringent requirement shall prevail.
17. That the provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not prejudice the validity or enforceability of any other provision.
18. That pursuant to the Municipal Government Act, the covenants, agreements, conditions and understandings herein contained on the part of the Developer shall run with the land and shall be binding upon them, their heirs, executors, administrators, agents, successors, assigns, mortgagees, lessees and occupiers of the said land from time to time and shall be and form a charge and/or restrictive covenant upon said land.
19. That the Municipality shall register this Agreement in the Nova Scotia Land Registry at the Developer's cost and expense.
20. Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid.

IN WITNESS WHEREOF, this Agreement was properly executed by the respective parties hereto on the day and year first above written.

**SIGNED, SEALED AND DELIVERED**

in the presence of:

\_\_\_\_\_  
Witness

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

FOR THE DEVELOPER

\_\_\_\_\_  
Jason K. Milner  
Registered Property Owner

**SIGNED, SEALED AND ATTESTED**

to be the proper signing officers of the Municipality of the County of Annapolis duly authorized in this behalf, in the presence of:

\_\_\_\_\_  
Witness

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

FOR THE MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per: \_\_\_\_\_  
Warden

Per: \_\_\_\_\_  
Municipal Clerk

On this \_\_\_\_ day of \_\_\_\_\_, 2025 A.D., before me, the subscriber, personally came and appeared \_\_\_\_\_, a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that JASON K. MILNER, the registered owner of the property and one of the parties thereto, signed and delivered the same in \_\_\_\_ presence.

\_\_\_\_\_  
Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF ANNAPOLIS**

On this \_\_\_\_ day of \_\_\_\_\_, 2025 A.D., before me, the subscriber, personally came and appeared \_\_\_\_\_, a subscribing witness to the foregoing Indenture, who, having been by me duly sworn, made oath and said that the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS, one of the parties thereto, duly executed the same in his presence by affixing thereto its corporate seal identified by the signatures of \_\_\_\_\_, its Warden and \_\_\_\_\_, its Municipal, duly authorized officers in that regard.

\_\_\_\_\_  
Commissioner of the Supreme Court of Nova Scotia

## **Attachment 7 – Notes from Feb 25, 2025 Public Information Meeting Session**

A total of 20 members of the public were in attendance. Also in attendance were Annapolis County Staff members: Jeremy Banks, Barbara Boateng, Linda Bent, and Chris McNeill.

The meeting began informally at 5:50pm with small group discussions, and a presentation was given at 6:10pm. A question period began immediately afterward and ended around 7:30pm.

After a Discussion, Presentation, and Question period, there were no concerns about the proposed application and a consensus that it should be approved with restrictions on the storage of contaminants.

Many people expressed concerns and confusion about unrelated topic of discussion pertaining the subject property such as the new Municipal Planning Strategy and Land Use Bylaw. It appears many residents were unaware of how the new documents impact their property, or that they had been adopted at all.

For those who preferred to remain anonymous, the opportunity to post concerns or questions on a poster-board was available.

# Application for Development Agreement

PID 05187471  
(Margarettsville)

Public Information Meeting  
February 25, 2025

## DISCUSSION

What are your thoughts?

Bring up what you see around town

Why did you not accept the site plan that was on file?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

Leave a note!

Why did you not accept the site plan that was on file?

I am pleased to support the site plan that was on file.

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

How do you think the site plan is going to work?

COUNTY of ANNAPOLIS

NATURALLY ROOTED

**Attachment 6 - MPS, Policy 7.3.4.1, Criteria for a Development Agreement or Site-Plan Approval**

Policy consideration	Staff Comment
1. The adequacy and the proximity of the proposed development to recreation and other community facilities.	Staff are confident this is adequate as this development is within 2km of existing Margaretsville, and associated recreation and facilities used by existing residents.
2. The impact of the proposed development on existing nearby land uses with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), and other similar features of the use and structure in order to minimize any potential land use conflicts.	Staff anticipate limited or no impact to existing nearby land uses, which include agriculture, source water, and residential.
3. The adequacy of municipal services with particular regard to demands on the municipal storm water, sanitary sewer, and water systems: fire protection: solid waste collection: police protection; and existing schools and churches.	Staff are confident this is adequate as this development is within 2km of existing Margaretsville and associated services.
4. The adequacy of provisions for on-site sewage disposal and on-site water where the proposed development will not be connected to a centralized municipal system.	Staff have no outstanding concerns about on site water, which has been identified on a map at this time.
5. The impact of and the adequacy of proposed pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed access and egress points 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 parking areas.	Staff are confident this is adequate as existing circulation can accommodate existing residents with ease.

Commented [JB1]: Circulate to Jim / Engineer

Commented [JB2]: Circulate to Jim / Engineer

<p>6. The impact of the proposed development on structures on the immediately abutting lots in terms of such considerations as height, roof line, setbacks, and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.</p>	<p>Staff are confident the impact on the abutting parcels is acceptable. Neighboring Parcels include vacant land and agricultural uses.</p>
<p>7. The adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.</p>	<p>Staff are confident adequate screening and landscaping is appropriate to minimize conflict with adjacent land uses.</p>
<p>8. The suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, swamps, and bogs and the proximity to highway ramps, and other nuisance factors.</p>	<p>Staff are confident the site is suitable for this use.</p>



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## Annapolis County Municipal Planning Strategy

EFFECTIVE DATE: April 23, 2024  
AMENDED DATE: October 25, 2024

Residential (LCR1) Zone, PID 05069315, 05069331, 05069307, 05004502, 05069323, 05194055, and 05085246.

## SECTION 5.3 GROUNDWATER SUPPLY PROTECTION

Wellfields have been developed as municipal water supplies in Lawrencetown, Margaretsville, Bridgetown, and Granville Ferry. The Lawrencetown wellfield is on the western edge of the Village of Lawrencetown and is subject to ongoing development to meet the needs of community land uses. The Margaretsville Source Water Protection Plan has clearly delineated the Margaretsville wellfield and recommended the adoption of planning and zoning measures for its protection. Groundwater protection zones contained in the Annapolis County LUB accompanying this MPS were applied previously through the Lawrencetown Water Supply Municipal Planning Strategy and Land Use Bylaw and are applied to both the Lawrencetown and Margaretsville water supplies through this Municipal Planning Strategy. New water supply protection zones emulating the provisions for Lawrencetown, have been applied to the Bridgetown and Granville Ferry well fields.

### Policy 5.3.1 Groundwater Supply Designation

It is the policy of Council to designate lands containing a municipally operated well field and surrounding lands that may affect the water quality in a well field within the Annapolis County Plan Area as a Groundwater Supply Protection Area. In such areas, the Municipality shall adopt zones and other land use designations to limit development that may impact the quality and/or quantity of water supplied to residents. First consideration shall be given to adopting the zones and related standards applied to Lawrencetown water supply through **Policy 5.3.2** but shall not limit the consideration of differing measures designed to address the features of each ground water supply area.

### Policy 5.3.2 Groundwater Supply Protection Zones

It is the policy of Council to establish the following zones in the LUB to accommodate the uses described below in any Groundwater Supply Protection Designation:

1. **Well Head 1 (GW1) Zone** in which only passive recreation uses; public utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, and water distribution uses including structures or facilities for the display and interpretation of the waterworks its groundwater management plan and protection strategy; and storm water management facilities will be permitted shall be applied to all lands within the 0 to 250-day and 250-day to five-year capture zone around an active well head.
2. **Well Head 2 (GW2) Zone** in which only passive recreation uses; public utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, and water distribution uses including structures or facilities for the display and interpretation of the waterworks, its groundwater management plan and protection strategy; and storm water management facilities will be permitted shall be applied to all lands within the 0 to 2-year capture zone around an active well head.
3. **Groundwater Supply (GW3) Zone** in which only passive recreation uses; public and private utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, water distribution uses; storm water management facilities; and public passive recreation uses will be permitted and single-unit residential uses may be considered by development agreement shall be applied to all lands within the 2 to 5-year



capture zone around an active well head.

4. **Groundwater Supply Buffer (GW4) Zone** in which only passive recreation uses; public and private utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy; storm water management facilities; public passive recreation uses, and single and two-unit residential uses will be permitted.
5. **Groundwater Supply General (GW5) Zone** in which in which only passive recreation uses; public utilities; municipal service facilities; and government owned, operated, and maintained water extraction, water treatment, water retention, and water distribution uses including structures or facilities for the display and interpretation of the waterworks and its groundwater and surface water management plan and protection strategy; storm water management facilities; and any other use not prohibited from the zone will be permitted.

### Policy 5.3.3 Rezoning in the Groundwater Supply Protection Designations

It is the policy of Council to refuse to consider applications to rezone any lands within a Groundwater Supply Protection Designation except for the following circumstances:

1. From the Groundwater Supply Buffer (GW4) Zone to the Well Head 1 (GW1) and/or Well Head 2 (GW2) Zones.
2. From the Well Head (GW1) and Well Head 2 (GW2) Zones to the Groundwater Supply Buffer (GW3) Zone should an existing production well be decommissioned in accordance with Provincial regulations and guidelines, so that there is no hydraulic interaction between the decommissioned well and any other existing production well.
3. From any existing zone to the Well Head (GW1), Well Head 2 (GW2), and/or Groundwater Supply (GW3) Zones, or to another appropriate zone in the event a Groundwater Supply Protection Designation is expanded and/or a new well or wells is brought into production as appropriate to ensure the protection of water resources within the Water Supply Protection Designation.

collection, police protection, existing schools and churches.

5. Where central piped services are not to be provided, information as to the adequacy of physical site conditions for on-site sewage, water, and storm water management.
6. 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.
7. Information as to intended outdoor storage and/or display, and commercial signage.
8. Information as mitigation of the impact of nuisance factors such as illumination, flicker, noise, vibration, shadows, dust, odors and other safety concerns related to the development.
9. Information as to the separation distance of the development from other buildings or structures, setback distance from public roads, watercourses, and property boundaries, and buffering between the proposed development and adjacent buildings, structures, and properties.
10. Information as to the presence of significant natural features or buildings or sites of historical or archaeological significance.
11. Information as to the presence of sensitive habitat or endangered species on the site of the proposed development.
12. Copies of a permit, license, authorization, or approval from any other applicable provincial or federal government or First Nations department, authority, board, tribunal, band, or agency approving the design and operation of the proposed use, building, structure, or project.
13. A suitability study specified by the Municipality to justify the requested amendment.

### **Policy 7.3.4 Development Agreements and Site-Plan Approvals**

Development agreements provide a flexible approach to approving development applications through structured negotiation between Council and the development proponent. A development agreement is a formal written agreement between Council and a developer and as such is binding on both parties. As provided for through the provisions of the *Municipal Government Act*, where a Council intends to regulate development by way of a development agreement, a municipal planning strategy is required to establish policy with regard to the types of development to be considered by development agreement; those items that may form a part of the development agreement; and evaluation criteria that Council shall consider prior to entering into a development agreement. Policies establishing the types of development subject to development agreements are found in the land use sections of this Annapolis County MPS and are implemented by the Annapolis County Land Use Bylaw. The evaluative criteria for a development agreement as well as items to be included in the agreement are summarized in the following two policies.

#### **Policy 7.3.4.1 Criteria for a Development Agreement or Site-Plan Approval**

It is the policy of Council that in considering an application for a development agreement, a development by site-plan approval, or an application for an amendment to an existing development agreement or site-plan that Council, with the written advice of staff, shall have regard to the following evaluative criteria, where applicable, to ensure that the agreement or agreement amendment is in conformity with the intent and policies of this Municipal Planning Strategy and the requirements of the Land Use Bylaw. It is further

the policy of Council to have regard to the provisions of **Policy 7.3.4.2** concerning the content of a proposed development agreement or site-plan approval application and **Policy 7.3.4.3** concerning the provision of information by the applicant:

1. The adequacy and the proximity of the proposed development to recreation and other community facilities.
2. The impact of the proposed development on existing nearby land uses with particular regard to the use and size of the structures that are proposed, buffering and landscaping, hours of operation for the proposed use (where applicable), and other similar features of the use and structure in order to minimize any potential land use conflicts.
3. The adequacy of municipal services with particular regard to demands on the municipal storm water, sanitary sewer, and water systems: fire protection: solid waste collection: police protection; and existing schools and churches.
4. The adequacy of provisions for on-site sewage disposal and on-site water where the proposed development will not be connected to a centralized municipal system.
5. The impact of and the adequacy of proposed pedestrian and vehicular traffic circulation with particular regard to the traffic that the development will generate, the adequacy of the proposed access and egress points 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 parking areas.
6. The impact of the proposed development on structures on the immediately abutting lots in terms of such considerations as height, roof line, setbacks, and lot coverage to minimize any potential land use conflicts between the proposed development and structures on abutting properties.
7. The adequacy of the proposed lot to ensure that adequate screening and landscaping can be undertaken to minimize the potential for any land use conflicts with adjacent uses.
8. The suitability of the proposed site in terms of steepness of grades, soils and geological conditions, location of watercourses, wetlands such as marshes, swamps, and bogs and the proximity to highway ramps, and other nuisance factors.

### **Policy 7.3.4.2 Development Agreement Terms**

It is the policy of Council, when considering an application for a development agreement or a site plan approval application or an application for an amendment to an existing development agreement or approved site plan, that the agreement or amendment agreement may include, but is not limited to, some or all of the following terms:

1. The specific use and size of a structure, either new or an expansion of an existing structure, the minimum lot sizes and accessory uses.
2. The regulating or prohibiting of the use of land or the erection or use of structures except for purposes as may be set out in the agreement.
3. The location of any structure within the development.

4. The percentage of land area that may be built upon, setbacks and the size of yards, courts or other open spaces.
5. The external appearance of structures, in particular the compatibility with adjacent structures and uses in terms of architecture and appearance, with respect to, but not limited to, height, roof type, window type, building cladding, and building footprint.
6. Adequacy of access to and from streets and parking.
7. Adequacy of the proposed landscaping or buffering of development which may include fencing, vegetation, walkways and lighting and their compatibility with adjacent structures and uses.
8. Other forms of advertising, open storage and screening, the provision of services and utilities, time limits for the initiation of construction (and may include phased construction).
9. The hours of operation and the maintenance of the property.
10. The maximum density of the population within the development.
11. Any other matters that may be addressed in a Land Use Bylaw which Council feels is necessary to ensure the compatibility of the development with adjacent uses, structures and areas; and
12. It is also the policy of Council to require, where applicable, that the development agreement be accompanied by a site plan or other clear description showing the existing and proposed site characteristics, and existing and proposed developments that shall form part of the agreement. A development agreement shall not require an amendment to the Land Use Bylaw but shall be binding to the property until the agreement or part thereof is discharged by the Council. Information required for evaluation of a proposed development agreement or amendment to an existing development agreement may be required to be submitted (in text, map, or photographic form) by the applicant pursuant to **Policy 7.3.4.3**

### **Policy 7.3.4.3 Information Required for a Development Agreement Application**

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 development agreements, or amendments to an existing development agreement:

1. Information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands.
2. Information as to the location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands.
3. Information as to the adequacy of the proposed provisions for site drainage and servicing with water supply and sewage disposal or if central piped services are not provided, the adequacy of physical site conditions for private on-site sewer and water systems and storm water management.
4. Information as to the adequacy of the access to and from the lands, estimated traffic flows to be

generated and parking provisions.

5. Information as to intended hours of operation, open storage, and signs.
6. Information as to provision of appropriate buffering between the proposed development and the adjacent structures and/or uses; and
7. Presence of significant natural features or historical buildings or sites of historical or archaeological significance.

## **Policy 7.3.5 Completeness of Applications**

Applications for development agreements, site-plan approval, or Land Use Bylaw amendments, whether a rezoning or a text amendment, require careful consideration of the circumstances surrounding the request. The onus therefore falls to the applicant to provide adequate and accurate information to Council to make the case for receiving development agreements, site-plan approvals, or Land Use Bylaw amendments. However, because the complexity of requests varies, the nature of the information that Council will require to assess the request will also vary.

## **SECTION 7.4 PUBLIC CONSULTATION**

As outlined at the beginning of this MPS, Council through its staff and consultants undertook an extensive public consultation process. It was designed to involve the residents of Annapolis County and to solicit their input in the development of this MPS 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, or the entering into of development agreements made pursuant to the documents, beyond the statutory public hearing as set out in the *Municipal Government Act*.

### **Policy 7.4.1 Public Participation Program**

It is the policy of Council that a public participation program for development agreements, LUB text or rezoning amendments, and amendments to this MPS shall consist of the following:

1. Referral of the application to the Planning Advisory Committee
2. Setting the date of the Planning Advisory Committee Public Meeting
3. Advertising the Planning Advisory Committee Public Meeting on the Municipal website as well as in a local newspaper (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)
4. Where an 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 meeting
5. 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
6. 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 7.4.2 Extending the Public Participation Program

It is the policy of Council to extend the public participation program, where Council deems it to be applicable and warranted, in relation to applications for LUB text or rezoning amendments and amendments to this MPS so as to require more advertisements or more information in the advertisement or otherwise vary the public information process set out in County of Annapolis Policy.

Council may, in any matter, choose to extend the public information process more widely, require the Development Officer to notify all landowners within a minimum 61-metre (200 foot) radius affected area by personal service or regular mail, require more advertisements or more information in the advertisement or otherwise vary the public information process, so long as the minimum set out above is met.

Council, in the case of a LUB amendment or development agreement, or their subsequent amendment which does not require Ministerial approval, allows the Municipal Clerk to refer the application to the Annapolis County Planning Advisory Committee for recommendation and to set and advertise a date for a public hearing for Council.

## Policy 7.4.3 Notifying Abutting Municipalities

It shall be the policy of Council to require the following notification standards when consulting with abutting municipalities as required by the *Municipal Government Act*:

1. Notification shall occur under the following circumstances directed by Council:
  - The creation or review of a Municipal Planning Strategy.
  - The creation or review of a Land Use Bylaw.
  - The creation or review of a Subdivision Bylaw.
  - The preparation of a draft Development Agreement, where the property is located within 500 metres of the County Boundary.
  - The preparation of amendments to a Municipal Planning Strategy or Land Use Bylaw, where the amendment is for a property located within 500 metres of the County boundary, or where the amendment has potential to impact a property located within 500 metres of the Town boundary.
  - The preparation of amendments to a Municipal Planning Strategy or Land Use Bylaw, where the amendment is associated with the Statements of Provincial interest.
2. Notification shall be sent by regular mail or electronic mail to the Clerk of the adjacent municipality. The notice shall provide a general summary of the proposed work and provide an opportunity for the abutting municipality to submit comments on the proposal.
3. Comments received from the abutting municipality shall be considered at a Council meeting prior to Council giving first reading.
4. The notification and opportunity to submit comments prior to the date of the first reading shall be deemed as having solicited comments, regardless of whether a written response is received.

## SECTION 7.5 COST RECOVERY

The MGA permits a municipality to recover notification and advertisement costs, as well as processing costs associated with MPS 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 7.5.1 Advertising Costs Associated with Amendments and Variances

It is the policy of Council to include provisions in the LUB regarding an administration deposit fee to cover the cost of advertising for development agreements, MPS and LUB Amendments 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 7.5.2 Processing Costs for Amendments and Permits

It is the policy of Council to include provisions in the LUB regarding an administrative processing fee to recover costs associated with applications for development agreements, MPS and LUB Amendments, Variances, and Municipal Development Permits.

## SECTION 7.6 REPEAL

Municipal Planning Strategy of the Municipality of the County of Annapolis, approved by the Minister of Municipal Affairs and Housing and effective on December 1, 2011, and amendments thereto, are hereby repealed.

Lake Cady Water Supply Area Municipal Planning Strategy, approved by the Minister of Municipal Affairs and Housing and effective on November 10, 2004, and amendments thereto, are hereby repealed.

Lawrencetown Water Supply Area Municipal Planning Strategy, approved by the Minister of Municipal Affairs and Housing and effective on June 5, 2008, and amendments thereto, are hereby repealed.



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## Annapolis County Land Use Bylaw

EFFECTIVE DATE: April 23, 2024



## SECTION 3.8 APPLICATION FOR DEVELOPMENT PERMIT

Every application for a development permit submitted to the Development Officer shall be accompanied by a sketch or site plans, drawn to an appropriate scale, showing:

1. The true shape and dimensions of the lot to be used;
2. The location, height, dimensions, and proposed use of the building/structure or land use proposed to be developed on the lot;
3. The location of every building or structure already on the lot, and if required the approximate location of buildings on abutting lots;
4. The proposed location and dimensions of any parking spaces, loading spaces, driveways, access points to a public or private street(s) and road(s) and if required landscaped areas;
5. Where applicable, a vegetative cover or soil retention plan; and
6. Any other information that the Development Officer deems necessary to determine whether or not the proposed development conforms to the requirements of this Bylaw.

Where the Development Officer is unable to determine whether the proposed development conforms to this Bylaw, the Development Officer may require that the plans submitted under **SECTION 3.6** be based on an actual plan of survey certified and stamped by a Nova Scotia Land Surveyor.

## SECTION 3.9 SIGNATURE FOR APPLICATIONS

The application for a development permit shall be signed by all registered owners of the property or by the owner's agent, duly authorized in writing by the registered owner of the property to act for or on behalf of the registered owners.

## SECTION 3.10 APPLICATION FEE

Every application for a planning strategy amendment, development permit, variance, site plan approval, development agreement or LUB amendment shall be accompanied by a form of payment acceptable to the Municipality in the amount specified by Municipal Council. Where an application to amend this Bylaw or to enter into a development agreement is made, the applicant shall deposit with the Municipal Clerk for Annapolis County, an amount established by the Clerk to be sufficient to pay the costs of all advertising and notification required. If the amount paid is not sufficient to cover the costs incurred, then the applicant shall pay to the Clerk the additional amount required. If the amount paid is more than sufficient, then the Clerk shall refund the excess amount.

Where Council decides not to proceed with the application, development permit, or variance or it is withdrawn by the applicant, or rejected by the Development Officer, the deposit shall be returned to the applicant, less the cost of any incurred advertising or notification cost to date.

## SECTION 3.11 EFFECTIVE DATE OF BYLAW

This Bylaw shall take effect when approved by the Minister assigned under the MGA and notification is provided in a newspaper circulating in the Municipality.

## Part 5 ZONES

### SECTION 5.1 ZONES ESTABLISHED

Annapolis County is generally divided into the following zones, which are also referred to by the appropriate shortforms. Each land use zone has certain land uses that are permitted outright, others are conditional upon approval, and some are prohibited.

#### 5.1.1 LAND USE ZONES

Land Use Category	Shortform	Zone
Mixed Use	<b>MX</b>	Mixed
Residential	<b>R1</b>	Low Density Residential
	<b>R2</b>	Multi-Unit Residential
Agricultural	<b>AG</b>	Agriculture
Commercial	<b>C1</b>	Local Commercial
	<b>C2</b>	Highway Commercial
Industrial	<b>M1</b>	Local Industrial
	<b>M2</b>	Industrial/Business Park
Institutional	<b>I1</b>	Institutional
Parks & Recreation	<b>PR</b>	Parks and Recreation
	<b>NP</b>	Nature Park

#### 5.1.2 WATER SUPPLY PROTECTION ZONES

Land Use Category	Shortform	Zone
Lake Cady	<b>LCR1</b>	Lake Cady Lakeside Residential
	<b>LCR2</b>	Lake Cady Residential Low Density
	<b>LCR3</b>	Lake Cady Residential
	<b>LCR4</b>	Lake Cady Rural Residential
Lawrencetown & Margaretsville	<b>GW1</b>	Well Head 1
	<b>GW2</b>	Well Head 2
	<b>GW3</b>	Groundwater Supply
	<b>GW4</b>	Groundwater Buffer
	<b>GW5</b>	Groundwater General

# ANNAPOLIS COUNTY LAND USE BYLAW

Land Use	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Waste Transfer & Processing Facility							M1 <sup>1</sup>				
<b>Institutional</b>											
Accessory Commercial & Retail	MX				C1	C2			I1	PR	
Cemeteries	MX								I1		
Community Centres	MX	R1	R2		C1	C2			I1	PR	
Courthouse	MX				C1	C2			I1		
Fire & Emergency Services	MX					C2		M2	I1		
Hospital	MX					C2			I1		
Institutional Uses	MX	R1	R2		C1	C2		M2	I1	PR	
Library	MX					C2			I1	PR	
Museums	MX					C2			I1	PR	
Places of Worship	MX				C1	C2			I1		
Post Office	MX				C1	C2			I1		
Public Utilities & Facilities	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	
Public Schools, Training & Educational Facilities					C1	C2			I1	PR	
Research & Development Centres	MX				C1	C2			I1	PR	
Transit & Taxi Stations/Stops	MX	R1	R2		C1	C2		M2	I1	PR	
<b>Recreational</b>											
Conservation & Compatible Uses	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Docks, Marinas & Wharves	MX	R1	R2	AG	C1	C2	M1	M2	I1	PR	NP
Firing Range & Shooting Club	MX <sup>1</sup>									PR	
Golf Courses & Driving Ranges	MX				C1	C2				PR	
Historical Sites & Interpretation Centres	MX	R1	R2		C1	C2			I1	PR	NP
Parks & Recreation Uses	MX	R1	R2	AG	C1	C2		M2	I1	PR	NP
Public Campground	MX			AG				M2	I1	PR	NP
Public Recreation Facility	MX		R2		C1	C2		M2	I1	PR	
Recreational Vehicle Parking Sites	MX			AG				M2	I1	PR	
Tracks & Facilities for Racing Animals or Motorized Vehicles	MX <sup>1</sup>									PR	

## 5.2.1.2 Water Supply Protection

Land Use	Lake Cady				Lawrencetown & Margaretsville				
	LCR1	LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
<b>Residential</b>									
Single-Unit Dwellings	LCR1	LCR2	LCR3	LCR4			GW3 <sup>1</sup>	GW4	GW5
Two-Unit Dwelling		LCR2 <sup>1</sup>		LCR4 <sup>1</sup>			GW3 <sup>1</sup>	GW4	GW5
Home Occupations	LCR1	LCR2	LCR3	LCR4			GW3	GW4	GW5
Existing Agricultural & Forestry Uses	LCR1	LCR2	LCR3	LCR4				GW4	GW5
<b>Institutional</b>									
Water Supply Infrastructure	LCR1	LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
Passive Public Parks & Recreation		LCR2	LCR3	LCR4			GW3	GW4	GW5
Public Trails		LCR2	LCR3	LCR4	GW1	GW2	GW3	GW4	GW5
All Uses Not Prohibited									GW5

**Notes:** See Section 5.3 Zone Provisions for lot size, setback, coverage, and height specifications.

1. By Development Agreement or Site-Plan Approval only.
2. Ground floor must be designated for a permitted commercial use.

# ANNAPOLIS COUNTY LAND USE BYLAW

## 5.3.1.2 Water Supply Protection

Zone	Land Use	Minimum Lot Area	Minimum Lot Frontage	Minimum Yard Requirements			Maximum Lot Coverage	Maximum Building Height
				Front Yard	Side Yard	Rear Yard		
		A, B**	E, F**	H**	K, M**	I, J**	D**	C**
<b>LCR1</b>	Lake Cady Low Density	4,047 m <sup>2</sup> 1.0 ac	45.7 m 150 ft.	7.6 m 25 ft.	7.6 m 25 ft.	7.6 m 25 ft.	5.0%	7.6 m 25 ft.
<b>LCR2</b>	Lake Cady Lakeside Residential	2.0 Ha 4.94 ac	45.7 m 150 ft.	19.8 m 65 ft.	7.6 m 25 ft.	15.2 m 50 ft.	2.5%	6.1 m 20 ft.
<b>LCR3</b>	Lake Cady Residential	2.0 Ha 4.94 ac	89.9 m 295 ft.	29.0 m 95 ft.	19.8 m 65 ft.	19.8 m 65 ft.	1.0%	10.6 m 35 ft.
<b>LCR4</b>	Lake Cady Rural Residential	1.2 Ha 2.97 ac	59.4 m 195 ft.	19.8 m 65 ft.	10.6 m 35 ft.	19.8 m 65 ft.	2.0%	6.1 m 20 ft.
<b>GW1</b>	Well Head 1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>GW2</b>	Well Head 2	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>GW3</b>	Groundwater Supply	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	3.0%	N/A
<b>GW4</b>	Groundwater Buffer	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	3.0%	N/A
<b>GW5</b>	Groundwater General	10,117.5 m <sup>2</sup> 2.5 ac	76.2 m 250 ft.	19.8 m 65 ft.	19.8 m 65 ft.	19.8 m 65 ft.	N/A	N/A

\*\* See Figure 1 for measurement of relevant dimensions.

## 5.3.2 MEASURING STANDARD LOT AND BUILDING DIMENSIONS

Figure 1 is provided as a guide to the application of the yard dimensions for each zone in this Bylaw. Users should note the following:

1. **Larger Lot Sizes (A, B)** may be required in accordance with Provincial Regulations for On-Site Sewage Disposal Systems.
2. **Lot Frontage (E, F)** for regular-shaped lots shall be measured as a straight line between the points where the two side lot lines meet the front lot line. In the case of irregularly shaped lots, lot frontage shall be deemed to be the horizontal distance between the side lot lines measured perpendicularly to a line joining the middle of the front lot line with the middle of the rear lot line, at a point equal to the required front yard.
3. **Height (C)** is measured from the mean grade of the lot on which a structure is erected to the highest point on that structure (excluding architectural features such as, but not limited to, chimneys, skylights, and towers incorporated with places of worship)
4. **All Yard standards (H, I, J, K, L, and M)** are measured from the pertinent lot line to the nearest main wall of the building or structure. Larger yard setbacks may be required in accordance with the Provincial Building Code.

1. Where the abutting yard follows a rear yard, the minimum rear yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the rear yard setback shall be 15.2 m (50 feet);
2. Where the abutting yard follows a side yard, the minimum side yard setback shall be 22.9 m (75 feet) for the AG Zone and 22.9 m (75 feet) for all other zones, unless a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lots, in which case the side yard setback shall be 15.2 m (50 feet);
3. No building in excess of 20.0 m<sup>2</sup> (215 ft<sup>2</sup>) of total floor area shall be permitted to be developed in a required abutting yard;
4. No outdoor storage or display area shall be permitted in a required abutting yard;
5. No parking space shall be permitted in a required abutting yard within 6.1 m (20 feet) of a side or rear lot line however, this may be reduced to 1.5 m (5 feet) where a 2.0 m (6.5 feet) opaque barrier such as, but not limited to, a fence, wall, hedge, or similar vegetation buffer is constructed between the lot; and
6. No signs located in an abutting yard shall be illuminated and only directional or business identification signs shall be permitted.

### 5.5.9 11 – INSTITUTIONAL SPECIAL REQUIREMENTS

#### 5.5.9.1 Re-use of Places of Worship

The re-use of former places of worship for residential, commercial, and alternative institutional uses may be considered within the Institutional (I1) Zone by site plan approval in accordance with **MPS Policy 4.7.3** and the evaluative criteria set out in **MPS Policy 7.3.4.1** of the Annapolis County Municipal Planning Strategy.

### 5.5.10 LCR AND GW – WATER SUPPLY PROTECTION REQUIREMENTS

#### 5.5.10.1 GW – Well Head and Watercourse Protection

No excavation, infilling, construction, tree, stump, or other vegetation removal, or any alteration of any kind shall be permitted within 30.4 m (100 feet) of any production or monitoring well head in a GW1 Zone or the edge of the shoreline of any watercourse within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones, except for government owned, operated, and maintained water supply related extraction, retention, treatment, and distribution facilities, including structures or facilities for the display and interpretation of the waterworks and its groundwater management plan and protection strategy, storm water management facilities, roads, bridges, and passive recreation uses.

#### 5.5.10.2 LCR and GW – Uses Prohibited in Water Supply Protection Zones

Notwithstanding any other provision in this Bylaw, the following uses shall be prohibited within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones:

1. Gas Stations;
2. Car Wash and Detailing Shops;
3. Facilities or operations involving tracks, roads, trails, stadiums, arenas, or any other such form of

## ANNAPOLIS COUNTY LAND USE BYLAW

- sporting facility for the racing of animals;
4. Facilities or operations involving tracks, roads, trails, stadiums, arenas, or any other such form of sporting facility for motorized vehicles including, but not limited to, automobiles, motorcycles, snowmobiles, or all terrain vehicles is prohibited;
  5. Facilities or operations involving any activity connected with wholesale, retail, or consignment sale or resale, construction, building, maintenance, or repair of all forms of motorized vehicles, whether the motorized vehicle is intended for use and required to be licensed for use on public roads or highways or whether the motorized vehicle is considered a recreational type of vehicle;
  6. Bulk Chemical Production, Storage and/or Distribution Facilities;
  7. Salt Storage Facilities;
  8. Laundry and Dry Cleaning Establishments;
  9. Landfills and Construction and Demolition Debris Disposal Sites;
  10. Recycling Storage and/or Processing Facilities;
  11. Scrap Metal and Salvage Storage and/or Processing Facilities;
  12. Salvage Yards;
  13. Septic Disposal Service Facilities;
  14. Commercial Composting Facilities;
  15. Fertilizer, Herbicide or Pesticide Production, Mixing, Blending, Storage and/or Distribution Facilities;
  16. Petroleum Fuels or Solvents Production, Storage and/or Distribution Facilities;
  17. Main or Accessory Buildings or Structures Related to Surface, Subsurface, Aggregate or Sand Extraction, Quarrying, Mining, Processing or Storage Facilities, Operations, or Industries;
  18. Soil Mixing, Blending or Storage Operations or Facilities;
  19. Cold Storage Facilities;
  20. Warehouse or Wholesale Storage and/or Distribution Facilities;
  21. Machine Shops and Metal Working Shops;
  22. Furniture Manufacturing, Restoration or Repair Facilities;
  23. Transport and Trucking Facilities;
  24. Funeral Homes, Cemeteries and Crematoria Facilities;
  25. Animal Burial Facilities;
  26. Golf Courses and Golf Driving Ranges;

27. Asphalt, Paint or Cement Plants;
28. Facilities for the Manufacture, Processing or Reprocessing of Radioactive Materials or Other Dangerous Goods;
29. Heavy Water Plants;
30. Pulp and Paper Mill;
31. Oil Refineries;
32. Metal Smelters;
33. Ferro-alloy Plants;
34. Non-ferrous Metal Smelters;
35. Abattoirs, Dismembering or Rendering Plants;
36. Facilities for the Treatment of Timber Resources;
37. Fishmeal Production Operations, Plants or Facilities;
38. Electricity Production Facilities, except for Wind energy or Solar Energy Production Facilities;
39. Home occupations involving any of the foregoing uses; and
40. Any other use similar to the foregoing that may present a threat to the quality of water supplied to the public whether as a primary or an accessory use or a home occupation.

### **5.5.10.3 LCR and GW – Public and Private Utilities and Municipal Service Facilities**

Public or private utilities and service facilities provided by the Municipality such as, but not limited to, parks, playgrounds, or passive recreation uses; sewage treatment plants; pumping stations; public transit facilities; and solid waste transfer stations shall be permitted in any zone, but shall not be permitted within the GW1 Zone or any watercourse setback within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones, except for government owned, operated, and maintained water supply related extraction, retention, treatment, and distribution facilities; and municipal parks, playgrounds, or passive recreation uses specifically permitted in each zone.

### **5.5.10.4 LCR and GW – Erosion and Sedimentation Control**

Erosion and sedimentation controls shall be required to be implemented during the construction of any development on lands within the LCR1, LCR2, LCR3, LCR4, GW1, GW2, GW3, GW4, and GW5 Zones. Erosion and sedimentation controls shall include the control, disposal, or runoff of water containing suspended material or other harmful substances with the use of siltation fences, sedimentation ponds, diversion ditches, silt curtains, sedimentation blankets, slope stabilization and the like, in accordance with the Nova Scotia Department of Environment and Climate Change Erosion and Sedimentation Control Handbook for Construction Sites.

### **5.5.10.5 LCR and GW – Altering Levels of Land**

No person shall alter land levels, excavate land, fill in land, place fill, or remove soil on or from any land outside of a protected well head in a GW1 Zone or watercourse setback within the LCR1, LCR2, LCR3,

LCR4, GW1, GW2, GW3, GW4, and GW5 Zones without first submitting a site grading and drainage plan and receiving approval from the Municipality.

### **5.5.10.6 LCR – Lake Cady Christmas Tree Operations**

Christmas tree growing operations and all accessory buildings or structures shall not be permitted within 200 metres (655 feet) of the edge of the shoreline of any watercourse in the Lake Cady Residential Low Density (LCR1), Lake Cady Lakeside Residential (LCR2), or the Lake Cady Rural Residential (LCR3) Zones.