



COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

***Annapolis County East End  
Area  
Municipal Planning Strategy***

Effective Date: August 16, 2012

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

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

**ii. Purpose**

Annapolis County Municipal Council adopted its first municipal planning strategy and land use by-law for the east end area of the County on July 31, 1997. Thus, this Municipal Planning Strategy and Land Use By-law is the third reiteration of planning documents. 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 East End Area Advisory Committee.

**iii. Limitations**

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

**iv. Goals**

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

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

#### v. **Components - Text and Maps**

This Plan is divided into a number of sections: each dealing with one or more subject areas. Each section contains policies prefaced with explanatory material. 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 of the East End that are already predominantly residential in nature, or are suitable for such, and can potentially be serviced by municipal water and/or sewer services.

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

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

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

**Enviro Open Space:** The Town of Middleton water supply wellhead area.

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

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

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**vi. The Planning Process**

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

**vii. Statements of Provincial Interest**

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

**a. Drinking Water**

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

**b. Flood Risk**

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

**c. Agricultural Land**

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

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

#### **d. Infrastructure**

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

#### **e. Housing**

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

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

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**viii. Future Development Prospects/Limitations**

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

**Policy Part 1(viii) (i)**

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

**Policy Part 1(viii) (ii)**

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

**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 East End 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 land use planning; those prohibited or non-permitted uses would thusly be permitted elsewhere in the non-zoned or un-zoned areas of the Municipality.

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## **PART II: POLICIES**

### **1.0 RESIDENTIAL DEVELOPMENT**

The residential development component of this Municipal Planning Strategy sets out Municipal Council's policies concerning development within the Residential Designation.

The East End Area Municipal Planning Strategy 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, including single unit development, mobile homes, multiple unit housing and mobile home parks. Policies are also included dealing with those existing commercial and/or industrial uses in the Residential Designation.

Those areas that have been developed as residential areas or slated for residential development and where municipal services are provided or have been considered, 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 Planning Area which are predominately residential in nature or appropriate for future residential development and which are presently serviced by municipal services or suitable for the provision of municipal services as Residential on the Future Land Use Map (Map 1).**

### **1.1 Low Density Housing**

The focus of the Plan, concerning low-density housing, is the protection of the area's residential subdivisions by encouraging the continuation of the single unit residential dwelling housing form and preventing the intrusion of inappropriate commercial or industrial uses in those areas. Many subdivisions developed in the Planning Area over the last 30 to 40 years had restrictive covenants that limited development to residential single unit detached dwellings. Therefore, Council shall create a specific zone to permit residential single unit detached dwellings as the exclusive housing form.

#### **Policy 1.1.1**

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

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As regularly shaped single unit detached dwellings are the predominant housing forms within the Residential Low Density (R-1) Zone, Council wishes to continue to protect these predominantly uniform residential subdivision areas from undesirable changes or variations in what is the established overall housing form and design. Thus, Council shall include provisions in the land use by-law that restrict the development of long, slender, housing forms in the Residential Low Density (R-1) Zone.

#### **Policy 1.1.2**

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

In the process of developing a land use plan for the East End Planning Area, Council chose to be very tight in what lands would be zoned R-1. Council, however, feels that an option should be available should additional lands within the Residential Designation be proposed for rezoning to Residential Low Density (R-1) Zone. However, Council does not feel that those areas now included in the Residential Low Density (R-1) Zone should be allowed to be rezoned to any other permissible zone in the Residential designation or the Institutional (I) Zone.

#### **Policy 1.1.3**

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

#### **Policy 1.1.4**

**It is the policy of Council to refuse to consider applications to rezone lands from the Residential Low Density (R-1) Zone to the Residential Medium (R-2) Zone, the Residential High Density (R-3) Zone, the Residential Grouped Dwelling (R-4) Zone or the Institutional (I) Zone.**

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## 1.2 Medium Density Housing

Council feels that there should be a buffer between the low density residential subdivisions in the Planning Area and areas where Council feels higher residential densities should be developed. To achieve this Council shall include a Residential Medium Density (R-2) Zone in the Land Use By-law. This medium density or buffer zone will permit the continuation of the single unit dwelling housing form but also allow such houses to be converted to include an apartment. This buffer zone will also permit the development of new residential double dwelling and duplexes.

### Policy 1.2.1

**It is the policy of Council to establish a Residential Medium Density (R-2) Zone in the Land Use By-law which would limit the permitted uses in the R-2 Zone to residential single detached dwellings, residential double dwellings and residential duplex dwellings, parks and playgrounds, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage and parking.**

As this buffering R-2 Zone is located adjacent to or in close proximity to the R-1 Zone, Council wants to protect both of these areas of uniform residential land use from undesirable change or variation in housing design. Thus, Council shall include architectural control provisions in the land use by-law intended to restrict the development of long, slender, housing forms in the R-2 Zone. Council is however aware that there are a number of existing manufactured dwellings in the R-2 Zone. Council wishes to ensure that these existing uses are recognized and will provide a waiver from the architectural control standards for existing manufactured single residential dwellings located in the R-2 Zone.

### Policy 1.2.2

**It is the policy of Council that, in keeping with the predominant and desired character of those residential areas identified and referred to in Policies 1.1.1 and 1.2.1, that special dwelling development design standards be included in the Land Use By-law to regulate the average length to average width ratio within a range of 2:1 to 4:1 of residential dwellings structures in the Residential Medium Density (R-2) Zone to restrict the development of long, slender residential dwelling structures such as a mobile home or a mini home.**

**It is also the policy of Council that in the Residential Medium Density (R-2) Zone, where there is an existing residential dwelling structure, such as a mobile home or a mini home, on a lot that does not meet the special dwelling development design standards set out in the Land Use By-law, to waive the special dwelling development design standards so as to permit the replacement of the residential mobile home or mini home dwelling structure on that lot in the Residential Medium Density (R-2) Zone.**

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Of the three existing mobile home parks in the Planning Area, only one is located within the Residential Medium Density (R-2) Zone. The existing mobile home park occupies only a small portion of the lot upon which it is located. Rather than limit the existing mobile home park to the space it currently occupies on the lot, Council feels that an expansion of the mobile home park should be permitted but the expansion of the mobile home park must be limited to the parcel of land the mobile home park occupied on the effective date of the Land Use By-law.

### **Policy 1.2.3**

**It is the policy of Council that the existing mobile home park shall be considered an existing permitted use in the Residential Medium Density (R-2) Zone. It is also the policy of Council to waive the special dwelling development design standards set out in the Land Use By-law so as to permit the location or replacement of a mobile home or mini home on a mobile home space within the existing mobile home park in the Residential Medium Density (R-2) Zone. It is also the policy of Council to permit the expansion of the existing mobile home park located within the Residential Medium Density (R-2) Zone but the expansion of the mobile home park shall be limited to the parcel of land the mobile home park occupied on the effective date of the Land Use By-law, in accordance with Policy Part 1(viii) (ii).**

In the process of developing a land use plan for the Planning Area, Council also chose to be very tight in what lands would be zoned R-2. Council, however, feels that an option should be available should additional lands, other than R-1 zoned land, within the "Residential" designation be proposed for rezoning to Residential Medium Density (R-2) Zone. However, due to nature of a Residential Medium Density (R-2) Zone being a buffer type of zone between the Residential Low Density (R-1) Zone and the Residential High Density (R-3) Zone, Council shall not consider changing land zoned Residential Medium Density (R-2) Zone to the Residential High Density (R-3) Zone.

### **Policy 1.2.4**

**It is the policy of Council to consider applications to rezone any land within the "Residential" designation to the Residential Medium Density (R-2) Zone with the exception of lands included in the Residential Low Density (R-1) Zone, subject to the evaluative criteria set out in Policy 9.2.2. In considering applications to rezone land to the Residential Medium Density (R-2) Zone Council shall ensure that no non-conforming uses are created as a result of the rezoning. It is also the policy of Council to refuse to consider applications to rezone lands from the Residential Medium Density (R-2) Zone to the Residential High Density (R-3) or the Institutional (I) Zone.**

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### 1.3 High Density Housing

Location patterns of residential development, outside of the established subdivisions, have tended to be associated with the prevailing road network. Thus, a multitude of housing forms have evolved, usually in close proximity to each other. Council feels that an appropriate zone should be included in the Land Use By-law to permit the development of a higher density residential area in the Planning Area where a variety of housing forms can be permitted including, but not limited to, single unit dwellings, double dwellings, duplexes, converted dwellings, townhouses and rowhouses, boarding houses, mobile homes, either in mobile home parks or individually located on separate lots and bed and breakfast establishments, along with residential and non-residential daycare centres.

#### Policy 1.3.1

**It is the policy of Council to include a Residential High Density (R-3) Zone in the Land Use By-law in which a variety of residential uses shall be permitted, including single detached dwellings, duplex or semi-detached dwellings, double dwellings, mobile home dwellings, multiple unit dwellings (containing up to five dwelling units), existing multiple unit dwellings (containing in excess of six dwelling units), converted dwellings (containing up to five dwelling units), townhouse / rowhouse dwellings (containing up to five dwelling units), boarding houses or rooming houses (containing up to four rooms for rent), bed and breakfast establishments (containing up to four rooms for rent) and residential and non-residential day care centres, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage.**

While the intent of the Residential High Density (R-3) Zone is to permit a variety of residential dwelling types, these developments for the most part have been developed on single lots. In an effort to ensure diversity of housing options and to provide for development flexibility, Council is of the opinion that the option should be provided that considers a second Residential High Density (R-3) Zone permitted use to be developed on a R-3 zoned lot by way of a development agreement.

#### Policy 1.3.2

**It is the policy of Council to consider the development of a second Residential High Density (R-3) Zone permitted use on a lot in the Residential High Density (R-3) Zone that contains an existing Residential High Density (R-3) Zone permitted use by development agreement in accordance with the evaluative criteria of Policy 9.3.1.**

Also in an effort to ensure diversity of housing options, Council is of the opinion that the option should be provided that considers the intensification of certain R-3 zone housing forms beyond their permitted as-of-right densities by way of a development agreement.

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**Policy 1.3.3**

It is the policy of Council to include provisions in the Land Use By-law, applicable to the Residential High Density (R-3) Zone, that:

- i. the development of a multiple unit dwelling containing six or more dwelling units;
- ii. the expansion of an existing multiple unit dwelling so as to contain six or more dwelling units;
- iii. the expansion of an existing converted dwelling so as to contain six or more dwelling units;
- iv. the development of a townhouse or rowhouse dwelling containing six or more dwelling units;
- v. the expansion of an existing townhouse or rowhouse dwelling so as to contain six or more dwelling units;
- vi. the development of a boarding or rooming house containing five or more rooms for rent;
- vii. the expansion of an existing boarding or rooming house so as to contain five or more rooms for rent;
- viii. the development of a bed and breakfast establishment containing five or more rooms for rent; or
- ix. the expansion of a bed and breakfast establishment so as to contain five or more rooms for rent;

be considered by development agreement in accordance with the evaluative criteria set out in Policy 9.3.1.

To ensure flexibility in the zoning process, Council may consider applications to rezone lands from the Residential High Density (R-3) Zone to the Institutional (I) Zone, Nictaux Commercial (C-1) Zone or Highway Commercial (C-2) Zone.

**Policy 1.3.4**

It is the policy of Council to consider applications to rezone lands from the Residential High Density (R-3) Zone to the Nictaux Commercial (C-1) Zone or the Highway Commercial (C-2) Zone, provided the Residential High Density (R-3) zoned land immediately abuts the subject commercial zone. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

**Policy 1.3.5**

It is the policy of Council to consider applications to rezone lands from the Residential High Density (R-3) Zone to the Institutional (I) Zone to permit the development of institutional zone uses. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

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## 1.4 Residential Grouped Dwelling

It is the opinion of Council that an option should be provided where a grouping of residential dwellings should be permitted whereby up to four certain types of dwellings can be developed on a lot. This type of option would provide for the opportunity to permit the grouping of residential dwellings on a lot without having to go through the development agreement process, such as required for the construction of a second dwelling in the Residential High Density (R-3) Zone. While Council wishes to permit such development, Council feels that such higher density grouped developments should occur in a planned unit development format. As such Council will set out special building design criteria such as limiting the type, number and height of main and accessory buildings to be constructed in the Residential Grouped Dwelling (R-4) Zone.

### Policy 1.4.1

**It is the policy of Council to establish a Residential Grouped Dwelling (R-4) Zone in the Land Use By-law where development will be limited to single detached dwellings, duplex or semi-detached dwellings and townhouses / rowhouses, subject to provisions and standards relating to such uses, including home occupations, accessory buildings, parking and signage and the limiting the number of dwelling units that may be developed in a townhouse / rowhouse residential building to a maximum of four dwelling units.**

### Policy 1.4.2

**It is the policy of Council to permit up to four Residential Grouped Dwelling (R-4) Zone permitted uses to be developed on a single lot in the Residential Grouped Dwelling (R-4) Zone and that may be any combination of single detached dwellings, duplex or semi-detached dwellings or townhouses / rowhouses.**

### Policy 1.4.3

**It is the policy of Council that special building design standards be included in the Residential Grouped Dwelling (R-4) Zone to limit the height of a single detached dwelling, duplex or semi-detached dwelling or townhouse / rowhouse to one storey in height above grade.**

While Council does permit up to four, four-unit townhouses / rowhouses to be constructed on a single lot in the Residential Grouped Dwelling (R-4) Zone, Council feels that such townhouses / rowhouses developments should be subject to special building and site design criteria. This is due to townhouses / rowhouses developments being intensive residential developments by nature and permitting them to be located in relative close proximity to other less intensive residential dwelling types in an adjacent R-2 Zone.

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**Policy 1.4.4**

It is the policy of Council that for townhouse / rowhouse developments in the Residential Grouped Dwelling (R-4) Zone special building design standards be included in the Land Use By-law to require a minimum separation between each townhouse / rowhouse residential building located on the same lot.

**Policy 1.4.5**

It is the policy of Council that for townhouse / rowhouse developments in the Residential Grouped Dwelling (R-4) Zone special site design standards be included in the Land Use By-law to require a minimum central driveway width requirement.

**Policy 1.4.6**

It is the policy of Council that for townhouse / rowhouse developments in the Residential Grouped Dwelling (R-4) Zone special site recreational open space and parking design standards be included in the Land Use By-law to require a minimum recreational open space and parking standard for each dwelling unit.

**Policy 1.4.7**

It is the policy of Council that for townhouse / rowhouse developments in the Residential Grouped Dwelling (R-4) Zone special accessory building design standards be included in the Land Use By-law to limit the maximum number of accessory buildings per dwelling unit and to limit the height, size and location of accessory buildings.

Planned unit development of grouped residential uses is a relatively new type of development control technique employed in the East End Planning Area. Council feels that this form of development has merits and additional such flexibilities should be provided to permit the grouped residential areas to grow. Alternatively, should this form of development no longer be desired, Council will provide options to revert such grouped residential zoned land back to the Residential Medium Density (R-2) Zone, via the rezoning process.

**Policy 1.4.8**

It is the policy of Council to consider applications to rezone land from the Residential Medium Density (R-2) Zone to the Residential Grouped Dwelling (R-4) Zone, provided the Residential Medium Density (R-2) zoned land immediately abuts the subject Residential Grouped Dwelling (R-4) Zone. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

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**Policy 1.4.9**

**It is the policy of Council to consider applications to rezone land from the Residential Grouped Dwelling (R-4) Zone to the Residential Medium Density (R-2) Zone, provided the Residential Grouped Dwelling (R-4) zoned land immediately abuts the subject Residential Medium Density (R-2) Zone. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.**

Because these grouped residential zones generally occur out of Residential Medium Density (R-2) zoned properties, Council, in support of the limiting conversion policies applicable to Residential Medium Density (R-2) zoned properties found elsewhere in the planning document, will not consider applications to rezone land from the Residential Grouped Dwelling (R-4) Zone to the Residential Low Density (R-1) Zone, the Residential High Density (R-3) Zone or the Institutional (I) Zone.

**Policy 1.4.10**

**In order to minimize land use conflicts between grouped residential uses and other potentially conflicting uses within the Planning Area, it is the policy of Council to refuse to consider applications to rezone Residential Grouped Dwelling (R-4) zoned land to the Residential Low Density (R-1) Zone, the Residential High Density (R-3) Zone or the Institutional (I) Zone.**

## **1.5 Existing Commercial and Industrial Uses in the Residential Designation**

There are a number of existing commercial and industrial uses located in the Residential Designation that pre-date adoption of the first East End Area Municipal Planning Strategy and Land Use By-law back in 1997. These existing commercial and industrial uses in the Residential Designation will be considered non-conforming uses and as such governed by the authorities set out in the Municipal Government Act. However, provided there is policy support in the planning documents, the MGA offers a number of nonconforming structures, nonconforming uses of land and nonconforming uses in a structure, restriction relaxations. Thus it is the opinion of Council that these existing commercial and industrial uses be afforded a variety of available development flexibilities and the development agreement process is the best means in which to do so.

### **Policy 1.5.1**

**It is the policy of Council to include provisions in the Land Use By-law, applicable to the Residential Low Density (R-1), the Residential Medium Density (R-2) and the Residential High Density (R-3) Zones, that:**

- i. a change in use of an existing commercial or industrial nonconforming use of land to another nonconforming use;**
- ii. a change in the use of an existing commercial or industrial nonconforming use in a structure to another nonconforming use;**
- iii. the extension, enlargement, alteration or reconstruction of an existing commercial or industrial nonconforming structure;**
- iv. the extension of an existing commercial or industrial nonconforming use of land;**
- v. the extension, enlargement, alteration of structures containing existing commercial or industrial nonconforming uses and the permitting of the expansion of the existing nonconforming commercial or industrial use into the addition;**
- vi. the reconstruction of structures containing an existing commercial or industrial nonconforming uses after destruction;**
- vii. the recommencement of an existing 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 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 commercial or industrial nonconforming uses of land shall be limited to the parcel of land the existing commercial or industrial nonconforming use of land occupied on the effective date of this Municipal Planning Strategy and its accompanying Land Use By-law.**

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## **2.0 RURAL DEVELOPMENT**

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

### **Policy 2.0.1**

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

## **2.1 Rural Zone**

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

### **Policy 2.1.1**

**It is the policy of Council to include a Rural (R-5) Zone in the Land Use By-law in which a variety of residential uses shall be permitted, including single detached dwellings, duplex or semi-detached dwellings, double dwellings, mobile home dwellings, multiple unit dwellings, converted dwellings, townhouse / rowhouse dwellings, mobile home parks, boarding houses or rooming houses, bed and breakfast establishments and residential and non-residential day care centres, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage.**

### **Policy 2.1.2**

**It is the policy of Council to also include a wide variety of commercial uses in the Rural (R-5) Zone including, but not limited to, administrative, business and professional offices, garden centres, video and retail stores, storage and self-storage facilities, auction houses, store front recycling centres, rent-all shops, call centres and data processing centres, medical practitioner offices and clinics, commercial recreation centres, commercial or private clubs, commercial schools, commercial entertainment uses, display courts, fitness centres, service shops, repair shops, household article repair shops, artist and craft workshops, domestic and household arts shops, golf courses, golf driving and practice ranges, personal grooming shops, personal service shops and clinics, counselling offices, instruction studios,**

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campgrounds and fixed roof accommodations, veterinary clinics and animal hospitals, kennel/grooming salons, drive-in or take-out restaurants, licensed liquor establishments and any activity connected with the motor vehicle trade, including sales, service, maintenance, washing, towing, repair and manufacturing of motor vehicles (with the exception of salvage yards and scrap yards), with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage.

#### **Policy 2.1.3**

It is the policy of Council to also include a wide variety of industrial uses in the Rural (R-5) Zone including, but not limited to, artisan workshops, construction industry uses, extractive related facilities, excavation operations, warehouse and distribution centres, wholesale establishments, truck transfer and transport operations, custom workshops, recycling depots and commercial and retail uses accessory to the main industrial use on the lot, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage. It is also the policy of Council to permit light industrial uses in the Rural (R-5) Zone, such as manufacturing, assembling and processing uses, batching plants, service industries, secondary forestry product processing operations and agricultural related industries, that do not exceed 465 square metres (5005 sq. ft. in area), with appropriate standards relating to such uses, including provisions for accessory buildings, parking and signage.

#### **Policy 2.1.4**

It is the policy of Council to also include primary forestry operations, fishery uses, agricultural uses, agricultural related uses, agri-tourism uses and animal rescue and rehabilitation centres in the Rural (R-5) Zone, with appropriate standards related to such uses including provisions for accessory buildings, signage and home occupations.

Council wants to balance flexibility against issues related to the development of new institutional uses in rural areas. Thus, Council may consider the development of new institutional uses by rezoning land from the Rural (R-5) Zone to the Institutional (I) Zone.

#### **Policy 2.1.5**

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

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## **2.2 Rural Residential Zone**

There are areas within the Rural Designation that could support a wide variety of residential housing types. However, unlike the Rural (R-5) Zone, Council feels that these areas should be limited as to the variety of commercial development permitted. Thus Council shall include a Rural Residential (R-6) Zone in the Land Use By-law where residential uses with some limited or secondary commercial development can be developed, on larger lots.

### **Policy 2.2.1**

**It is the policy of Council to establish a Rural Residential (R-6) Zone in the Land Use By-law which would limit the permitted uses in the R-6 Zone to single detached dwellings, duplexes or semi detached dwellings, double dwellings, boarding or rooming houses, converted dwellings, multiple unit dwellings, townhouses or rowhouses, residential and non-residential daycare centres, retail stores, drive in or take out restaurants, service shops, repair shops, gardening centres, farm markets, secondary commercial uses, secondary animal care commercial uses, agricultural uses, agricultural related uses and agri-tourism uses buildings and structures, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings and signage.**

### **Policy 2.2.2**

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

### **Policy 2.2.3**

**It is the policy of Council to consider applications to rezone any land within the Rural Designation to the Rural Residential (R-6) Zone. In considering such applications, Council shall have regard to the criteria set out in Policy 9.2.2. In considering applications to rezone land to the Rural Residential (R-6) Zone Council shall ensure that no nonconforming uses are created as a result of the rezoning.**

### **Policy 2.2.4**

**In order to minimize land use conflicts, it is the policy of Council to refuse to consider applications to rezone Rural Residential (R-6) Zone land to the Rural (R-5) Zone, the Institutional (I) Zone or the Light Industrial (IND2) Zone.**

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## 2.3 Country Residential Zone

Council recognizes that low density residential areas have developed within the Rural Designation that enjoys large lots and resulting quiet nature of the area. Council feels that there should be a continuation of this type of development. Therefore, Council shall create a specific zone to permit this style of country residential living where the residential single unit detached dwelling with an ability to have a home based business is the preferred form.

### Policy 2.3.1

**It is the policy of Council to establish a Country Residential (R-7) Zone in the Land Use By-law which would limit the permitted uses to residential single detached dwellings, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage and parking.**

As regularly shaped single unit detached dwellings are the predominant housing form within the R-7 Zone, Council wishes to protect these areas of uniform residential land use from undesirable change or variation in housing design. Thus, Council shall include provisions in the land use by-law that restrict the development of long, slender, housing forms in the Country Residential (R-7) Zone.

### Policy 2.3.2

**It is the policy of Council that, in keeping with the predominant and desired character of those residential areas identified and referred to in Policy 2.3.1, special dwelling development design standards be included in the Land Use By-law to regulate the average length to average width ratio within a range of 2:1 to 4:1 of residential single detached dwelling structures in the Country Residential (R-7) Zone to restrict the development of long, slender single detached residential dwelling structures.**

In the process of developing a land use plan for the Planning Area, Council chose to limit the amount of land that would be zoned R-7. Council, however, feels that an option should be available should additional lands within the Rural Designation be proposed for rezoning to Country Residential (R-7) Zone.

### Policy 2.3.3

**It is the policy of Council to consider applications to rezone any land within the Rural Designation to the Country Residential (R-7) Zone, subject to the criteria set out in Policy 9.2.2. In considering applications to rezone land to the Country Residential (R-7) Zone Council shall ensure that no nonconforming uses are created as a result of the rezoning.**

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**Policy 2.3.4**

In order to minimize land use conflicts, it is the policy of Council to refuse to consider applications to rezone in the Country Residential (R-7) Zone land to the Rural (R-5) Zone, the Rural Residential (R-6) Zone, the Institutional (I) Zone or the Light Industrial (IND2) Zone.

**2.3 Industrial Development in the Rural Designation**

Generally speaking the Rural Designation allows for a wide variety of uses. In terms of industrial development, Council's opinion is that light industrial uses under 465 square metres or 5005 square feet in area can be accommodated in the Rural (R-5) Zone. Light industrial uses exceeding this size and other more intensive types of industrial uses should be included in a Light Industrial (IND2) Zone. Council may also consider applications to rezone land from the Rural (R-5) Zone to the Light Industrial (IND2) Zone.

**Policy 2.3.1**

It is the policy of Council to include a Light Industrial (IND2) Zone in the Land Use By-law which would permit a variety of light industrial manufacturing, assembling and processing operations, batching plants, service industries, machine and metal working shops, secondary forestry product processing operations, agricultural related industries and commercial composting and soil mixing, blending or storage facilities that exceed 465 sq. m. (5,005 sq. ft.) in area, bulk storage facilities, existing salvage yards or scrap yards and extractive related facilities along with uses accessory to the main industrial use such as a single detached dwelling, commercial or retail uses and business offices along with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, signage and parking.

**Policy 2.3.2**

It is the policy of Council to establish abutting yard requirements in the Land Use By-law to apply to land within Light Industrial (I) Zone that immediately abuts a property in the Residential Designation, Commercial Designation, Nictaux Commercial Designation, Rural Residential (R-6) Zone or the Country Residential (R-7) Zone

**Policy 2.3.3**

It is the policy of Council to consider applications to rezone land from the Rural (R-5) Zone to the Light Industrial (IND2) Zone to permit the development of new industrial uses. In considering such applications, Council shall have regard to the evaluative criteria set out in Policy 9.2.2.

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### **3.0 COMMERCIAL DEVELOPMENT**

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

#### **Policy 3.0.1**

**It is the policy of Council to designate those areas of the Planning Area located in the Nictaux area, which are predominately mixed residential and commercial in nature and serviced by municipal services or suitable for the provision of municipal services as Nictaux Commercial on the Future Land Use Map (Map 1) and to include those lands designated Nictaux Commercial on the Future Land Use Map in the Nictaux Commercial (C-1) Zone.**

#### **Policy 3.0.2**

**It is the policy of Council to designate those areas of the Planning Area located in Brooklyn, Wilmot, South Farmington and Meadowvale along either Brooklyn Road, Highway 1 or Route 201, which are predominately mixed residential and commercial in nature, as Commercial on the Future Land Use Map (Map 1) and to include those lands designated Commercial on the Future Land Use Map in the Highway Commercial (C-2) Zone.**

### **3.1 Nictaux Commercial**

The Nictaux commercial centre differs from the other highway commercial areas in the Planning Area in that Nictaux is serviced by a municipal sewer system. Thus lot sizes tend to be smaller and the development pattern much more compact and nodal.

#### **Policy 3.1.1**

**It is the policy of Council to include a Nictaux Commercial (C-1) Zone in the Land Use By-law in which a wide variety of residential uses shall be permitted including, but not limited to: single detached dwellings, duplex or semi-detached dwellings, boarding houses or rooming houses, double dwellings, mobile home dwellings, multiple unit dwellings, converted dwellings and townhouse / rowhouse dwellings, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage.**

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**Policy 3.1.2**

It is the policy of Council to also include a wide variety of administrative uses in the Nictaux Commercial (C-1) Zone including, but not limited to, all Institutional (I) Zone uses, subject to the Institutional (I) Zone requirements, administrative, business and professional offices, counseling offices, instruction studios, banks and financial institutions, call centres, data processing centres, fitness centres, veterinary clinics and animal hospitals, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-1 Zone administrative use property that abuts the Residential designation.

**Policy 3.1.3**

It is the policy of Council to also include a wide variety of business and commercial uses in the Nictaux Commercial (C-1) Zone including, but not limited to, retail and video stores, artist and workshops, domestic and household arts shops, bed and breakfast establishments, residential day care centres, shopping centres and strip malls, garden centres, taxi and bus stations, storage and self-storage facilities, service and repair shops, auction houses, rent-all shops, hotels, motels, inns, campgrounds and other fixed roof accommodations, licensed liquor establishments, commercial recreation centres, commercial clubs, commercial schools, private schools, commercial entertainment uses, display courts, personal grooming shops, personal service shops and clinics, drive-in or take-out restaurants, auto body shops, service stations and gas bars, and motor vehicle sales, service and wash facilities, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-1 Zone business or commercial use property that abuts the Residential designation.

**Policy 3.1.4**

It is the policy of Council to also include a wide variety of industrial uses in the Nictaux Commercial (C-1) Zone including, but not limited to, existing agricultural uses, existing extractive related facilities, existing excavation operations, artisan workshops, warehouse and distribution centres, wholesale establishments, service industries, truck transfer and transport operations, custom workshops, and commercial and retail uses accessory to the main industrial use on the lot, with appropriate standards relating to such uses, including provisions for home occupations parking, signage and abutting yard requirements, applicable to the C-1 Zone industrial use property that abuts the Residential designation.

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### **3.2 Highway Commercial**

It is the intention of Council to set aside a substantial amount of land along Brooklyn Road, along Highway 1 in Wilmot and along Route 201 in South Farmington and Meadowvale for highway commercial development. As such Council shall include these areas in a Commercial Designation to be shown on the Future Land Use Map (Map 1). Council shall also include a Highway Commercial (C-2) Zone in the Land Use By-law to permit a variety of residential uses as well as all Institutional (I) Zone uses and a variety of business and commercial enterprises. Council shall also include a limited amount of industrial types of development in the Highway Commercial (C-2) Zone. For area architectural compatibility Council will not permit the development of long slender residential dwellings

#### **Policy 3.2.1**

**It is the policy of Council to include a Highway Commercial (C-2) Zone in the Land Use By-law in which a wide variety of residential uses shall be permitted including, but not limited to: single detached dwellings (excluding mobile home dwellings), duplex or semi-detached dwellings, boarding houses or rooming houses, double dwellings, multiple unit dwellings, converted dwellings and townhouse / rowhouse dwellings, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings, parking and signage.**

#### **Policy 3.2.2**

**It is the policy of Council to also include a wide variety of administrative uses in the Highway Commercial (C-2) Zone including, but not limited to, government offices, administrative offices, business offices, professional offices, counseling offices, instruction studios, banks and financial institutions, call centres, data processing centres, medical practitioner offices and clinics, veterinary clinics and animal hospitals and fitness centres, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-2 Zone administrative use property that abuts the Residential designation.**

#### **Policy 3.2.3**

**It is the policy of Council to also include a wide variety of business and commercial uses in the Highway Commercial (C-2) Zone including, but not limited to, retail stores, video stores, artist and craft workshops, domestic and household arts shops, residential day care centres, shopping centres and strip malls, garden centres, storage and self-storage facilities, household article and service shops, repair shops, auction houses, rent-all shops, campgrounds and other fixed roof accommodations, kennels and grooming salons, licensed liquor establishments, commercial recreation centres, clubs, schools and**

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entertainment uses, display courts, personal grooming shops, personal service shops and clinics, drive-in or take-out restaurants, service stations and gas bars, and motor vehicle sales, service and wash facilities, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-2 Zone business or commercial use property that abuts the Residential designation.

#### **Policy 3.2.4**

It is the policy of Council to also include a wide variety of industrial uses in the Highway Commercial (C-2) Zone including, but not limited to, existing agricultural uses, artisan and custom workshops, wholesale, warehouse and distribution centres, service industries, truck transfer and transport operations, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-2 Zone industrial use property that abuts the Residential designation.

#### **Policy 3.2.5**

It is the policy of Council to also include all Institutional (I) Zone uses, subject to I Zone requirements, C-2 Zone, with appropriate standards relating to such uses, including provisions for accessory buildings, parking, signage and abutting yard requirements, applicable to the C-2 Zone institutional use property that abuts the Residential designation.

#### **Policy 3.2.6**

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

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### **3.3 Existing Commercial and Industrial Uses a Commercial Designation**

There are a number of existing commercial and industrial uses located in the Commercial and Nictaux Commercial Designations that are not suitable for the commercial areas Council wishes to promote. Thus, they are considered non-conforming uses. However, Council feels that a variety of development flexibilities should be considered for these existing nonconforming commercial and industrial uses and the development agreement process is the best means in which consider development restriction relaxations.

#### **Policy 3.3.1**

**It is the policy of Council to include provisions in the Land Use By-law, applicable to the Nictaux Commercial (C-1) Zone and the Highway Commercial (C-2) Zone, that:**

- i. a change in use of an existing commercial or industrial nonconforming use of land to another nonconforming use;**
- ii. a change in the use of an existing commercial or industrial nonconforming use in a structure to another nonconforming use;**
- iii. the extension, enlargement, alteration or reconstruction of an existing commercial or industrial nonconforming structure;**
- iv. the extension of an existing commercial or industrial nonconforming use of land;**
- v. the extension, enlargement, alteration of structures containing existing commercial or industrial nonconforming uses and the permitting of the expansion of the existing nonconforming commercial or industrial use into the addition;**
- vi. the reconstruction of structures containing an existing commercial or industrial nonconforming uses, after destruction;**
- vii. the recommencement of an existing 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 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 commercial or industrial nonconforming use of land shall be limited to the parcel of land the existing commercial or industrial nonconforming use of land occupied on the effective date of this Municipal Planning Strategy and its accompanying Land Use By-law.**

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## **4.0 INDUSTRIAL DEVELOPMENT**

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

### **Policy 4.0.1**

**It is the policy of Council to designate land in the area of Junction Road, Brooklyn Road and the Highway 101 interchange as Industrial on the Future Land Use Map and to include those lands designated Industrial on the Future Land Use Map in the Industrial (IND1) Zone.**

## **4.1 Industrial Zone**

Council's opinion is that the east end industrial area should be encouraged to grow as a combination industrial park and business park. As such, Council will create an industrial zone that permits a wide variety of commercial, warehousing, manufacturing, assembling and processing uses while also allowing automotive service facilities, restaurants, offices, hotels, commercial recreation development, parks and playgrounds. Given the location of the industrial area, being at a highway interchange and a junction of two relatively undeveloped streets outside of the Town of Middleton, Council feels that design of the industrial area should not be overly restrictive. To encourage ingenuity and permit development flexibility, Council will provide options to the developers, such as permitting more than one use to be developed on a lot at a time. Council's opinion is that this will encourage the use of shared parking areas and permit the developer to define the inter-lot transportation pattern. Council does not feel that it is warranted to define parking and loading standards, but rather leave these to the developers themselves.

### **Policy 4.1.1**

**It is the policy of Council to include an Industrial (IND1) Zone in the Land Use By-law in which existing residential uses shall be permitted, with appropriate standards relating to such uses, including provisions for home occupations, accessory buildings and signage.**

### **Policy 4.1.2**

**It is the policy of Council to also include a wide variety of industrial uses in the Industrial (IND1) Zone including, but not limited to, light and heavy manufacturing, assembly, processing operations, extractive related facilities, excavation operations, batching plants, bulk storage facilities, motor vehicle sales, service, maintenance, inspection, towing, repair, impounding and manufacturing operations, gasoline service stations and service stations and gas bars, salvage yards and scrap yards, motor vehicle impound facilities, artisan workshops, custom workshops, construction industry uses, recycling depots, cold storage**

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facilities, truck transfer and transport operations, service industries, service or repair shops, wholesale establishments, warehouse and distribution centres, construction industry uses, commercial composting facilities, soil mixing, blending and storage facilities and commercial and retail uses accessory to the main industrial use on the property, with appropriate standards relating to such uses, including provisions for accessory buildings, parking and signage.

#### **Policy 4.1.3**

It is the policy of Council to also include a wide variety of administrative uses in the Industrial (IND1) Zone including, but not limited to, government offices, administrative offices, business offices, professional offices, call centres, data processing centres, medical practitioner offices and clinics, veterinary clinics and animal hospitals and fitness centres, with appropriate standards relating to such uses, including provisions for accessory buildings, parking and signage.

#### **Policy 4.1.4**

It is the policy of Council to also include a wide variety of business and commercial uses in the Industrial (IND1) Zone including, but not limited to, retail stores, video stores, shopping centres and strip malls, highway commercial uses, farm markets, garden centres, storage facilities, self-storage facilities, auction houses, household article repair shops, rent-all shops, hotels, motels, motor inns and suite hotels, licensed liquor establishments, funeral homes, crematories, columbarium and mausoleums, commercial recreation centres, commercial or private clubs, commercial or private schools, commercial entertainment uses, display courts, service shops, repair shops, personal grooming shops, personal service shops and clinics, counselling offices, instruction studios, kennel/grooming salons, drive-in or take-out restaurants, and motor vehicle sales, service and wash facilities, with appropriate standards relating to such uses, including provisions for accessory buildings, parking and signage.

#### **Policy 4.1.5**

It is the policy of Council to also include forestry uses, fishery uses, agricultural uses and agricultural related agricultural uses (excluding farm residences), agricultural related industries and animal rescue and rehabilitation centres in the Industrial (IND1) Zone, with appropriate standards related to such uses including provisions for accessory buildings, parking and signage.

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## 5.0 AGRICULTURAL DEVELOPMENT

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

### Policy 5.0.1

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

### 5.1 Agricultural Protection

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

- a) employing agricultural zoning where the soil resources are such to support agricultural ventures; or alternatively, employing agricultural zoning to encourage the development of agricultural operations that do not rely on an area's soil resources;
  - b) including existing agricultural operations within zoned agricultural districts;
  - c) including lands within agricultural districts that have little development potential, such as wet or swampy areas, to act as buffers or physical separations between agricultural areas and adjacent lands and to act as filters for agricultural runoff;
  - d) curbing sprawl onto farmland and the subsequent loss of farmland to alternate forms of development via the creation of relatively exclusive agricultural zone districts;
  - e) mitigating conflicts/complaints about fertilization, spraying operations, vandalism and trespass also via the creation of relatively exclusive agricultural zone districts; and
  - f) requiring complimentary separation distances between an agricultural zone and any adjacent zone, in the form of abutting zone requirements.
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**Policy 5.1.1**

It is the policy of Council to include those lands designated Agricultural on the Future Land Use Map in an Agricultural (AG) Zone.

**Policy 5.1.2**

It is the policy of Council to establish an Agricultural (AG) Zone in the Land Use By-law which would permit primary agricultural production operations, being agricultural uses devoted to the purpose of the housing, raising and/or the production of agricultural farm products such as agricultural crops, products and livestock, agricultural related industries, being those types of uses involving the secondary processing of agricultural crops, products and livestock for the manufacture of secondary or finished farm products, farm residences and secondary farm residences required for additional labour (provided the secondary farm residences are accessory to a bona fide agricultural operation/farm), forestry uses, barns, silos, and other accessory buildings and structures required to form part of and support the agricultural use operation, with appropriate standards related to such agricultural zone uses including provisions for home occupations and abutting yard / zone requirements.

**Policy 5.1.3**

It is the policy of Council to include agricultural related uses, such as, but not limited to, wineries and cider operations, veterinary offices and clinics, service-oriented equine farms, such as those offering stud services, breeding and sales, recreational-oriented equine farms, such as those offering boarding and riding lessons, agricultural research and extension offices, a range of agricultural schools and other agriculture training operations, agricultural exhibitions, farm museums, farm markets, garden centres, community gardening plots and clubs, animal hospitals and animal rescue and rehabilitation centres as permitted uses in the Agricultural (AG) Zone, with appropriate standards related to such agricultural zone uses including provisions for home occupations and abutting yard / zone requirements.

**Policy 5.1.4**

It is the policy of Council to include agri-tourism uses or agricultural themed entertainment uses, such as, but not limited to, guest ranching/farm operations, petting farms, u-picks, hay rides, riding trails, farm tours, farm markets, farm museums and other entertainment uses based on agricultural topics as permitted uses in the Agricultural (AG) Zone, with appropriate standards related to agricultural zone uses including provisions for abutting yard / zone requirements.

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**Policy 5.1.5**

It is the policy of Council that existing non-agriculture related commercial and industrial uses be considered a permitted use in the Agricultural (AG) Zone. It is also the policy of Council that new commercial and industrial uses or farm supportive uses be permitted in the Agricultural (AG) Zone provided that the majority of their operation is related to the sale, processing, sorting, grading, packaging, inspection, storage, retailing, transport of agricultural farm products or goods and services supporting agricultural uses, agricultural related industries or agricultural related uses.

**Policy 5.1.6**

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

**5.2 Removal of Soils within an Agricultural District**

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

Thus it is readily apparent that the removal of an agricultural area's topsoil resource can and will negatively effect the ongoing viability of the area's agricultural cropping and pasturing operations. Council therefore wishes to establish restrictions on the removal of soil in agricultural districts in order to promote the continued viability of the land for agricultural use. However, Council does not wish to restrict the removal of topsoil in non-agricultural designated or zoned areas. As to sod removal or peat moss operations, it is not readily apparent what the impact these types of developments regarding the preservation of the topsoil of the agricultural zone. Therefore, developments of this nature should be considered by development agreement so that Council can evaluate the impacts of such a development in relation to potential or associated topsoil removal.

**Policy 5.2.1**

It is the policy of Council to prohibit the removal of topsoil for commercial sale which is necessary to preserve and enhance the agricultural resource of the East End area of Annapolis County, from

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properties within the Agricultural (AG) Zone with the exception of lands developed for sale of plants and trees by nurseries and greenhouses and excavations associated with the construction of permitted building/structures and infrastructure such as roads and driveways.

#### **Policy 5.2.2**

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

#### **Policy 5.2.3**

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

### **5.3 Residential Development within Agricultural Districts**

Within the Agricultural Designation there are a number of existing residential uses that are not associated with or form part of an agricultural operation. Given these residential uses existed prior to the effective date of this Municipal Planning Strategy and Land Use By-law, Council feels those existing residential uses should be considered existing permitted uses in an agricultural district. Council, however, does not feel that these existing residential uses should be permitted to be expanded so as to create additional dwelling units. Thus, existing residential uses shall be permitted to be enlarged, expanded or replaced, provided that the enlargement or expansion of those existing residential structures does not result in the creation of additional dwelling units.

#### **Policy 5.3.1**

It is the policy of Council to recognize all existing non-farm related residential uses that were legally in existence as of the effective date of this Plan and By-law and to consider these existing non-farm related residential uses as permitted uses in the Agricultural (AG) Zone. It is also the policy of Council that the expansion or replacement of these existing non-farm related residential dwellings in the AG Zone be permitted, provided that the expansion or replacement does not result in the creation of additional dwelling units.

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Within the Agricultural Designation there are a number of vacant lots created before the effective date of this Plan and By-law. As small lots are not viable to agricultural operations, Council feels that such lots may be developed for non-farm residential uses.

#### **Policy 5.3.2**

**It is the policy of Council that a vacant parcel of land, existing prior to the effective date of this Plan and Bylaw, may be developed for a non-farm related residential single detached dwelling provided that the lot is 10,200 sq. m. (109,796 sq. ft.) or less in area and the lot abuts a municipal or provincial public street or highway.**

#### **Policy 5.3.3**

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

### **5.4 Agricultural District Preservation**

Council believes that the development of an agricultural industry in the East End Planning Area has to be grounded in a multifaceted strategy to encourage, protect and promote both new and existing agricultural developments. For this Council has strived to include policies to address the preservation of land for agricultural industrial development. However, a municipal planning strategy is a document that should evolve with changing circumstances. While Council wishes not to consider applications to simply rezone agricultural land to another zone, there may be circumstances where Council may wish to change its policy intent. Thus, as set out in Policy 9.1.1, Council may consider amending this Plan, as it relates to the agricultural designation and its underlying zoning where policy intent is to be changed because a requested amendment to the land use by-law is in conflict with this Plan and there are valid reasons for the amendment.

#### **Policy 5.4.1**

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

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## 6.0 ENVIRONMENTAL PROTECTION

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

### Policy 6.0.1

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

## 6.1 Water Supply Protection

The Town of Middleton water supply wellhead is located east of the Nictaux River and immediately south of the Annapolis River, totally within the East End Planning Area. The well field is developed in a sandstone aquifer that is overlain by a marine silt and clay cap. What makes this area ideal is that it is equidistant from the North and South mountains, which optimizes the recharge areas, and the dense clay overburden offers a high degree of vertical protection. At present, to the north and west of the well field area is the Town of Middleton and a lightly developed commercial area. To the immediate south is an agricultural area primarily used for crop and pasturing operations with the remainder of the area being flood prone with little or no development potential. To date, many positive steps have been taken by the Town of Middleton to protect the well field area including purchasing or leasing land in the immediate well field area, installing monitoring wells in the zones of influence and securing agreements on the proper use and application of agricultural fertilizing agents and sustainable woodlot cutting practices. The well field and surrounding area, designated as Enviro Open Space, will be included in an Enviro Open Space (OS) Zone where the permitted uses are to be limited in order to minimize the negative impact development may have on this sensitive municipal water supply wellhead area.

### Policy 6.1.1

**It is the policy of Council to establish an Enviro Open Space (OS) Zone in the Land Use By-law and all lands designated as Enviro Open Space will be zoned OS. It is also the policy of Council that the permitted uses in the OS Zone shall be limited in order to minimize the negative impacts of development on the sensitive Middleton water supply area and to protect the quality of the water supply. Permitted uses in the Enviro Open Space (OS) Zone shall include water supply and distribution uses, conservation related uses and structures, forestry and agricultural uses.**

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

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

#### **Policy 6.1.2**

**It is the policy of Council to consider altering the boundaries of the Enviro Open Space Designation and Enviro Open Space (OS) Zone if deemed necessary, as a result of further study by a qualified professional to clearly define the extent of the recharge area and protection level zones, upon request of the Town of Middleton. It shall further be the policy of Council to be involved (as part of a committee or being a party to be consulted) in the development of any study that would result in the development of a water protection plan for the well field area that may result in the need to alter the boundaries of the Enviro Open Space Designation and the Enviro Open Space (OS) Zone.**

### **6.2 Watercourse Setback**

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

#### **Policy 6.2.1**

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

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## **7.0 INSTITUTIONAL, RECREATIONAL AND SERVICE DEVELOPMENT**

### **7.1 Institutional Zone**

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

#### **Policy 7.1.1**

**It is the policy of Council that an Institutional (I) Zone shall be included in the Land Use By-law in which all existing institutional uses, (outside of the commercial areas), will be zoned. Uses permitted in the Institutional (I) Zone shall include, but is not limited to: government offices, community centres, public and private schools, universities or community colleges, churches and religious institutions, along with residential dwellings accessory to the church or religious institution, funeral homes, columbarium, mausoleum and cemeteries, medical practitioners offices and clinics, food banks and soup kitchens, homes for special care facilities, senior citizen housing, group care facilities dwellings, nursing homes, addictions rehabilitation and counseling centres, continuum care residential communities, non-residential day care centres, private clubs, fraternal centres, libraries, museums, hospitals and health care facilities, an institutional use which is incorporated under the Societies Act, Ch. 435, R.S.N.S. 1989, with appropriate standards related to such uses including provisions for home occupations, parking and signage.**

### **7.2 Recreation Development**

The East End Area of Annapolis offers many recreational opportunities, such as Old Mill Trail, the first wheel chair accessible walking trail opened by Annapolis County and the area's multi-use trail that is open to all-terrain vehicles, snowmobiles, cycling, walking, cross-country skiing, snowshoeing and horse riding. Trails are popular and important for the East End Area and offer many health and social benefits. To encourage the continued development of linear trails in the East End Planning Area, Council will consider public parks, playgrounds; passive recreation uses and multi-use trails permitted uses in all zones in the East End Planning Area. While Council prefers that these trail lots front on a street, Council will waive this requirement for public recreation lots.

#### **Policy 7.2.1**

**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**

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vested in a public authority or agency thereof, are considered permitted uses in all zones in the East End Planning Area or within a watercourse setback 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. Notwithstanding Policy 8.2.1, it is also 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. It is also the 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.).

### **7.3 Utilities and Municipal Services**

Utilities are usually defined as any public or private system, service or works, including the plant equipment. Utilities also may include broadcasting, telecommunication and cellular towers and antennas, that may furnish services at approved rates to or for the use of the general public and is regulated by the Nova Scotia Utility and Review Board, Industry Canada or the Canadian Radio-television and Telecommunications Commission.

#### **Policy 7.3.1**

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 or the watercourse setback, except for public or private utilities and municipal service facilities such as 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.

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

#### **Policy 8.2.2**

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

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**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 shall 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 Annapolis County East End Area Land Use By-law that may vary according to the use, zone and location. The common theme throughout the Land Use By-law is that Council has set appropriate development standards that aim to maintain sufficient control to ensure good quality development within the East End 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 Annapolis County East End Area 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 the height and location of buildings and structures from property boundaries, watercourses, well heads, other buildings/structures 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;
- 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, nonconforming structures and nonconforming uses in a structure;
- xvi. provisions with respect to “Home Occupations” in residential dwellings and/or an accessory building to ensure a subordinate relationship to the main building on the lot.

#### **Policy 8.3.2**

It is the policy of Council to permit the keeping of agricultural animals in any zone in the Planning Area where residential uses are permitted, as an accessory use to an existing residential use, except for the Residential Low Density (R-1), Zone, the Residential Grouped Dwelling (R-4) Zone or the Country Residential (R-7) Zone. It is also the policy of Council that a development permit is not required for the keeping of agricultural animals, but a development permit is required for the construction, erection or development of residential accessory buildings or structures to house such agricultural animals.

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**Policy 8.3.3**

It is the policy of Council that the parking of commercial vehicles and parking lots shall be permitted uses in all zones in the Planning Area.

**Policy 8.3.4**

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 East End Planning Area.

**Policy 8.3.5**

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 East End Planning Area.

**Policy 8.3.6**

Excepting Policy 7.2.1, 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 8.3.7**

It is the policy of Council to prohibit the development of small scale and large scale wind turbines in all zones in the East End Planning Area.

**Policy 8.3.8**

It is the policy of Council to permit the limited development of mini scale wind turbines, with appropriate standards related to the development of such mini 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 mini scale wind turbine would be permitted to be developed.

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**Policy 8.3.9**

**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.**

**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.**

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

### 9.2 Land Use By-law and Amendments

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

#### Policy 9.2.1

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

Residential Low Density	R-1
Residential Medium Density	R-2
Residential High Density	R-3
Residential Grouped Dwelling	R-4
Rural	R-5
Rural Residential	R-6
Country Residential	R-7
Nictaux Commercial	C-1
Highway Commercial	C-2
Industrial	IND1
Light Industrial	IND2
Agricultural	AG
Enviro Open Space	OS
Institutional	I

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**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 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;
- vii. 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;
- viii. the presence of significant natural features or buildings or sites of historical or architectural significance;
- ix. the suitability of the proposed site in terms of steepness of grades, soil or geological conditions; and
- x. 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.

**Policy 9.2.3**

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

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#### **Policy 9.2.4**

**It is the policy of Council that where a property is split zoned, Council shall consider applications to rezone the split-zoned property to either abutting zone. In considering such applications Council shall have regard to the evaluative criteria set out in Policy 9.2.2. However, where a property is split zoned so as part of the property is included in the Agricultural (AG) Zone, it is the policy of Council to refuse to consider applications to rezone that portion of the property included in the Agricultural (AG) Zone to any other zone.**

### **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**
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- vii. 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.

#### **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;
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- 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.

#### **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, wetlands, swamps, marshes, fens or bogs, 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;
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- 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.

## **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.**

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## **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 the residents of the east end area of Annapolis County and to solicit their input in the development of this Planning Strategy and Land Use By-law. 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 East End Area Advisory Committee;**
- ii. Setting the date of the Planning Advisory Committee Public Meeting (which may be after meeting of the East End Area Advisory Committee);**
- iii. Advertising the Planning Advisory Committee Public Meeting in 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.**

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