



# COUNTY *of* ANNAPOLIS

NATURALLY ROOTED

## Habitation Community

Secondary Planning Strategy (SPS)

EFFECTIVE DATE: October 25, 2024



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## PART 1 INTRODUCTION – AUTHORITY AND CONTEXT

### SECTION 1.1 PURPOSE

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

### SECTION 1.2 INDIGENOUS LAND ACKNOWLEDGEMENT

It shall be the policy of Council to acknowledge that the Habitation Planning Area is in Mi'kma'ki, the ancestral and traditional territory of the Mi'kmaq people.

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

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

### SECTION 1.4 BACKGROUND

In 2017 residents of the communities located along Granville Road signed a petition asking the municipality to implement land use planning in the area to prevent undesirable land uses from being developed within the community. Thereafter, they signed a petition with their desired goals for the area. On May 21, 2019, Council made a motion to establish the planning area boundary and to create a secondary planning strategy and accompanying land use bylaw.

On October 11, 2018, the Province of Nova Scotia adopted Bill 58 which established a requirement that all municipalities adopt a plan, or plans, sufficient to satisfy the “minimum planning requirements” set out in the MGA, and described under Section 4 of the Province's Minimum Planning Requirements Regulations as follows:

In addition to the requirements prescribed in subsection 214(1) of the Act, a SPS must contain all the following:

- (a) a discussion of the background and contextual information that informed the goals and objectives of the SPS;

- (b) a map of the lands within a municipality that depicts the intended future uses of the lands as contemplated by the municipality's SPS;
- (c) statements of policy with respect to the lands subject to the SPS in relation to all of the following:
  - (i) residential uses,
  - (ii) commercial and industrial uses,
  - (iii) institutional uses,
  - (iv) recreational facilities and public open spaces, and
  - (v) resource uses, where resources are present within a municipality;
- (d) a statement of policy describing the procedures to be followed when reviewing a SPS that must provide for public consultation and notice.

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

## SECTION 1.5 PUBLIC CONSULTATION

The preparation of the Habitation Community Secondary Planning Strategy and its accompanying Land Use Bylaw was carried out by planning staff of the Municipality of the County of Annapolis and the Habitation Community Area Advisory Committee, acting at the direction of Municipal Council. During the preparation of these planning documents, a public consultation process was undertaken including a community workshop, survey, open house, and the requirements of the MGA to include a Planning Advisory Committee meeting and public hearing.

The Habitation Community Area Advisory Committee was essential to the creation of the Habitation Community Secondary Planning Strategy and Land Use Bylaw. The draft documents were crafted at the direction of the committee based on their knowledge of the community along with detailed analysis of the planning area. The committee used a combination of land use survey mapping exercises, soil classification maps, and satellite imagery to create the proposed designation and zone boundaries. Over a two-year period, the committee met on average once a month with municipal staff to review and craft in-house working papers, conduct issue identification, evaluate and assess proposed regulation, formulate policies, and consider community feedback and correspondences.

On July 26, 2022, a Public Engagement Workshop was held at the Lower Granville Community Hall where thirty-four (34) members of the public took part in roundtable discussions to provide ideas and feedback to the Habitation Community Area Advisory Committee (HAAC) on the draft policies and regulations. The tables discussed a wide range of questions aimed at providing municipal staff and the HAAC with the community's view on topics regarding housing, the environment, agriculture, and the planning area's vision and goals.

A survey was released by municipal staff based on the topics and questions discussed at the workshop as an additional way of engaging with community members who were unable to

attend the workshop or individuals who felt uncomfortable providing their opinions in a public workshop. Paper copies of the survey were hand delivered to mailboxes within the Habitation Planning Area on August 16, 2022, with an online version posted on the County of Annapolis website the following week.

On June 22, 2023, an open house and community forum was held at the Annapolis Royal Volunteer Fire Department Community Hall. Community members were invited to review presentation materials and speak with municipal staff at the open house to answer any questions regarding the proposed SPS and LUB. After the open house, members of the public were invited to speak at the public forum, either in person or by written correspondence, in favour for or against the proposed planning documents. Once every member in attendance had been given a chance to speak, the committee discussed the feedback they had heard from the community and made the final motion to send the proposed documents to Council to start the review process as outlined within the MGA.

On October 5, 2023, November 30, 2023 and July 3, 2024 the Annapolis County Planning Advisory Committee (PAC) held meetings at Lower Granville Hall to hear from members of the community speak in favour or against the proposed planning documents. At the July 3, 2024, PAC meeting, after every member in attendance was given the chance to speak the PAC made a motion to send a favorable recommendation to Municipal Council regarding the adoption of the Habitation Planning Area Secondary Planning Strategy and Land Use Bylaw.

### SECTION 1.6 COMPONENTS OF THE SPS AND LUB

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

The purpose of a LUB is to carry out the land use development policies set out in a SPS and to establish a fair and systematic means of guiding development. Generally speaking, this is accomplished by dividing an area into land use zones. Land use developments are considered by way of listing them as a permitted use in a zone or, alternately, a prohibited use. Where a land use development is considered a permitted use, usually there are specific development conditions that must be fulfilled before a development permit is issued.

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



## SECTION 1.7 LIMITATIONS

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

## SECTION 1.8 STATEMENTS OF PROVINCIAL INTEREST

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

### (a) Drinking Water

The majority of the properties within the Planning Area are serviced by private wells, with the primary exception being the portion of the Granville Ferry community that is contained within the Habitation Planning Area and serviced by municipal water and sewer. Those areas serviced by municipal water and sewer include the west side of Mill's Mountain Road and the section of Granville Road located within the community boundary of Granville Ferry, along with a handful of properties within the community boundary of Granville Beach.

The municipal wellfields, the source water for the municipal services that provide water to Granville Ferry, Annapolis Royal, and the surrounding communities is located primarily within the Planning Area and is protected by the Granville Ferry Source Water Protection Plan. Currently, the area designated for protection under the source water protection plan is located on lands owned and operated by the Federal Government. While the current ownership adds a level of protection to the municipal wellfields and buffer area, additional levels of protection will be addressed within the Habitation Community SPS and LUB.

### (b) Flood Risk

No waterways within the Habitation Planning Area are identified as flood risk areas designed under the Canada - Nova Scotia Flood Damage Reduction Program. While flooding is not considered to be a current issue in the planning area, both coastal and interior watercourse setbacks will be used to mitigate any impacts from potential future flood events.

The area's historical ties to the Acadian settlement provides an additional level of protection to property owners and government infrastructure. The majority of the coastline within the Habitation Planning Area are dyke lands protected and partially maintained by the province. If substantial coastal flooding was to take place, the dyke lands - which under the **Agricultural Marshland Conservation Act** do not permit development - would bear the brunt of the impact.

Additionally, the Habitation Planning Documents include a conservation forestry zone to promote ecological forestry practices and limit the impact of development and disturbances to the slope of the North Mountain. By aiming to protect the forest

ecosystems along the slope, the planning documents will work to create a vegetation buffer to absorb and slow storm runoff to help with downstream flooding. The protected conservation forestry area is also looking to include the low-lying wetlands at the base of the north mountain that work as natural water catches and recharge points for ground water, further working to minimize downstream flooding.

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

The SPS prioritizes the protection of existing agricultural lands while encouraging new community scale agricultural developments that will create less conflict with residences in the planning area. The Policies used to address the preservation of land for agricultural uses were developed by:

- i. Overlaying soil resources to locate fertile lands.
- ii. Including existing agricultural operations within zoned agricultural districts.
- iii. Prohibiting development within sensitive agricultural lands outlined by the Agricultural Marshland Conservation Act.
- iv. Prohibit the sale of topsoil and turf.
- v. Prohibit development within the Forestry Designation to protect the agricultural lands at the base of the North Mountain from flood and erosion risks.

### **(d) Infrastructure**

The portions of the Planning Area that are serviced by municipal services, both water and sewer, allow for smaller lot sizes and a greater level of density than the primarily rural communities within the planning area. It is the priority of the plan to encourage future development within the serviced area in such a way that it will utilize the potential of existing infrastructure and provide a tax base that will help to support future repairs to the system, but in such a way that will encourage a level of growth that blends the development and density patterns of Granville Ferry and Granville Beach.

### **(e) Housing**

The SPS seeks to achieve a balance between encouraging new residential development while respecting the existing cultural landscape and built form of the Habitation Planning Area. While the planning area is primarily composed of single-unit residential development, policies were included to promote both single and two-unit residential dwellings along the serviced areas to better utilize the existing infrastructure; along with an area set aside for multi-unit dwellings. Additional policies were included to allow for residential property owners to build secondary or backyard suites. These suites can be used to house family members or provide additional income to the property owner as a residential rental unit or as a short-term rental establishment. To minimize the impact of the short-term rental market on the housing supply, policies were included to require short-term property operators to own and live on the property that contains the short-term rental or the property abutting the short-term rental.

## PART 2 COMMUNITY PROFILE

The Habitation Area is located in southwest Nova Scotia at the western end of the Annapolis Valley. The area is recognized as one of the first permanent European settlements in North America. Even with the close proximity to the Town of Annapolis Royal, the community has developed as an independent economic and residential base, primarily building on the long history of settlement in the area, its unique attributes and history, and as a well-established centre of agricultural, fishing, and forest industries.

### SECTION 2.1 HABITATION AREA HISTORY

The areas around Te'wapskik (Annapolis Valley) and L'stikuk (Bear River), have been home to the Mi'kmaq people for thousands of years. The Habitation Area and surrounding lands was the traditional summering home for the ancestors of the Bear River First Nation, who were well known for their craftsmanship in building canoes for fishing and hunting. Their twenty-foot canoes could carry whole families and materials to construct wigwams and travel between their seasonal lands.

The first permanent European settlement north of Florida was attempted by the French on the south shore of what is today known as the Annapolis Basin at the beginning of the 17<sup>th</sup> century. The ancestors of the Bear River First Nation welcomed Pierre Dugua, Sieur de Mons, Samuel de Champlain and others who settled at Port-Royal in 1605. The sakhmow, or chief, at the time was Henri Membertou who befriended the French. The French community - consisting of fur traders, cartographers, ship builders, artisans, cooks, a doctor, and a priest - formed in a sheltered tidal river on the north bank opposite an island where the river narrows. It was a business venture that began as a trading expedition with the local Mi'kmaq communities, primarily for fur pelts which was a valuable commodity in European markets. However, the settlers had a vision to grow the trading post to create a lasting settlement of French citizens and their families. The relationship with the Mi'kmaq was crucial for the French settlers who had to depend on the Mi'kmaq to learn how to survive the long cold winters where hunger and disease were prevalent.

During the 1740's & 50's French settlers began to arrive and build an independent and self-sustaining community centered on the dyking and farming of the rich marshlands that banked the Riviere Dauphin (Annapolis River). Pear and apple orchards and possibly vineyards were developed by the new arrivals and the rich land made it possible to grow excess crops which could be traded with larger settlements such as Louisbourg and Boston. Over time, the settlers became a distinct group and community developing their own culture and linguistic differences from their French predecessors, known as the Acadians.

Due in part to offshore fishing-rights disputes and the hostile relationship between the European French and English governments, when English rule was established in 1710, it led to the tragic chain of events climaxing in the deportation of the Acadians in 1755. The surrounding communities of the Port Royal area were emptied of the Acadian population. Nearly 1000 persons were deported from the Town of Annapolis Royal, and their farmsteads were destroyed.

The empty lands and dyke systems could not be left unattended for long, so settlers from New England were called upon to take over the vacant farms in the late 1750s. In this area, Port Royal, the Township of Granville was formed and surveyed, containing 100,000 acres. The north side of the Annapolis River was divided into narrow lots from the Annapolis River to the Bay of Fundy, with narrow fish lots to the West, wider farm lots to the East, and dyked marshes divided into smaller dykeland lots.

New England settlers, who were used to rocky lands, cleared the upland while maintaining the existing dykes with the help of the few remaining Acadians who retained the knowledge of dyke building. Many of the rock walls that can be found in the area along fence lines date back to this period. The new settlers had to be self-sufficient and creative in their livelihood. Sustainable farming was the mainstay - large gardens, crops of hay and grain on the dykeland, orchards of apples, pears, and cherries were propagated with peaches and grapes being added in the 1940's. Chimney bricks and local pottery were made from the rough clay soils along the upper marshland border.

From the beginning of European exploration, the river and the seas were the primary mode of transportation for local and global travel. Beginning in the 1820's, shipbuilding began its prominence in the Granville Township and Granville Road area. Henry Hall owned a shipyard on the Winchester Creek, located on the Dentiballis Marsh. Forest harvesting played an important role in the ship building business but was also a necessity for the building of new houses. Growing demand resulted in a need for more local sawmills, which contributed in part to the development of the Granville community. As the ship building increased so did the trade of farm products such as apples, potatoes, and livestock. A major apple market was established in England and was maintained to the mid-1940s when the market collapsed. In these times of hardship, the pulp wood industry played an important role in the supplement of farm incomes.

Families were the key to the area's evolution, with the primary place for social interaction centering around community halls and churches. As schools and hospitals were built the community demographics changed to include a growing number of professionals who continued to maintain an interest in farming and the dykeland culture. Over the years small businesses were created to meet current trends in transportation, construction, and excavation.

### SECTION 2.2 ISSUES AND OPPORTUNITIES

As described in **Part 1, Section 4**, this SPS was developed through an extensive consultation process involving Council, the Habitation Community Area Advisory Committee, members of the public, and interested parties. A key source of information on issues was based on the knowledge of the Area Advisory Committee and members of the public who took part in public engagement events and surveys. The following issues and opportunities were highlighted through municipal staff research and public feedback.

#### (a) A Changing Climate

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

impacts of climate change and as vital industries in rural communities they will require special consideration as we plan for the future. Coastal communities will bear the brunt of climate change related impacts such as storm surges and flooding that cause property damage to public and private properties and infrastructure as well as increased erosion to our natural coastlines.

The Habitation Area's extensive dyke system that runs along the area's coastline, in part shields the community from some of the negative impacts of climate change. The dykelands, which are a lasting legacy of the area's Acadian history, provide fertile agricultural lands that are naturally resistant to drought. However, the low-lying land is more susceptible to the combination of rising sea levels and increase in storms. While the risk to the dykelands grow, the dykes themselves act as a break for storm surges. Even if the dykes were to breach during a storm, the dykeland would act as a catch basin to absorb the worst of the damage, flood waters, while protecting property along the road. Additionally, the Province has more recently adopted measures which are in the process of being implemented to regulate coastal development and reduce potential shoreline erosion and damage to coastal properties.

The natural environment dominates the Planning Area, much of which is undeveloped. The preservation and proximity to environmental features is often an important influence in rural areas, where it is considered a valued feature of a community, providing economic benefits through natural resources, and providing physical and mental health benefits to the community. Some natural features require greater measures of protection, for example, watercourses are vulnerable to human activity and present potential dangers through flooding. If water is drawn from a watercourse or the ground for human consumption, its quality is critical to human health.

The Habitation Area contains the majority of the groundwater source for Granville Ferry and the Town of Annapolis Royal. A variety of measures are needed to protect groundwater sources, including a buffer area, restrictions on new construction, and measures to prevent land uses that increase the potential for pollutants to enter the water. If residential or commercial properties are located within the identified contamination infiltration zones and home heating fuel or other hazardous materials are improperly stored, they may leak into the groundwater.

The Province of Nova Scotia manages other environmental protections including stringent measures to restrict development in wetlands, adopted in 2011. Under Provincial regulations, no development can be undertaken in a wetland unless the wetland is replaced by constructed or preserved wetlands at a ratio of 2:1. The Province also manages and administrates forestry activity and the development of pits and quarries with the objective of minimizing the negative effects of both activities.

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

Nova Scotian communities have experienced declining birthrates over the past decade resulting in 50% of the populace being 55 years or older, with approximately 25% of the total population being above the standard age of retirement. The demographic shifts have been most noticeable in the population demographics 25 years and younger, where from 2006 to 2016 the population of young adults, teenagers, and children decreased by 20% across the municipality. The transition to communities that have

fewer households containing young adults and children have resulted in the consolidation and centralization of public-school systems and other child related services. The consolidation of child education and youth recreational services can disproportionately impact lower income families, who have limited time and financial resources to spend on greater travel costs. Additionally, the increase in residents nearing or at retirement age has resulted in a growing need for senior based services such as specific healthcare requirements and long-term care homes. While many people above the age of retirement play a vital role in the volunteer sector, a decrease in the number of working-age residents can result in labour shortages that effect an area's economy. Furthermore, retirees are often reliant on a set income, such as pensions, which can affect the amount of disposable income being spent within the local economy.

Population growth across Annapolis County has been erratic over the past few decades. The Census population of the County, which includes the Towns of Annapolis Royal and Middleton, peaked at 23,641 in 1986, but fell consistently over the next 30 years with occasional spikes due to residential market trends. The number of residents in the County had dropped to 20,591 in 2016, however, the 2022 Census indicates that over the past 6 years there was a 3.2% increase in population. The addition of new residents to the County may in the long term offset some of the growing concerns around population decline, however, the influx of new arrivals can place new strains on housing availability resulting in inflation within the housing market.

Based on Statistics Canada average household size for the area and the Nova Scotia Civic Address Files, the population of the Habitation Area is estimated to be approximately 283 persons. It is notable that the civic address information for the Planning Area indicates that the housing supply is predominately single-detached residential units, which is not unexpected in a rural area where land is generally plentiful.

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

Communities that tend to attract new residents are those that contain a high-quality of infrastructure and services including reliable communications networks, transportation networks, active transportation and recreation infrastructure, and quality affordable housing. The portion of the Habitation Area that has access to municipal water and sewer, currently receives these services through aging infrastructure. However, as a predominantly low density residential area, there is concerns from residents about introducing development patterns that would disrupt the existing character and built form of the community. A need for an increased tax base, as well as a need for growth in the housing supply to counter rising demands, will need to be carefully balanced with the desire to maintain the current feel of the community.

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



Two sectors where we can expect to see the biggest impact on households are food and transportation costs. The Habitation Area's agricultural routes can work to the community's advantage and provide the opportunity for self-reliance and access to more affordable local food. While the area is outside of any potential catchment for current or future public transportation, it is within relatively close proximity to Annapolis Royal which is an economic hub in the area and contains a combination of private and public services.

There are considerable concerns from community members about traffic conditions on the provincially managed Granville Road and at the present time there are no existing sidewalks or pedestrian trails in the planning area. The Granville Road also experiences a high volume of tourists, including tour buses which drive through the community to visit the area's national historical sites. While the road has been designated as part of Blue-Route Cycling Trail and sees a higher-than-average volume of cyclists, the road requires further investment from the Province to meet safe cycling standards. The paved shoulder is lacking the required width to provide room for cyclists and drivers to safely pass in many sections, further hindered by a lack of grass and hedge trimming which pushes cyclists further into the roadway. Unless the municipality and the province can find a way to address these safety concerns and increase efforts into public education on road etiquette and safety, it will continue to act as a barrier to affordable and sustainable forms of transportation.

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

As a predominantly rural community, the Habitation Area's local industries have been historically based in primary and secondary agriculture and forestry uses. There are a number of agricultural operations within the area that are large enough to require additional workers to be employed, either seasonally or full time including but not limited to Ragged Robin Farm & Nursery, Heritage Pork, DeNuke Dairy Farm, Halliday Farm, Nikian Farm, and Cajacet Vineyards. Only one commercial scale sawmill business is operating within the area, however, it is common for individual residents to own smaller portable sawmills for personal use.

To date, there are only a handful of commercial businesses within the Planning Area including but not limited to Sarty's Repair Shop, Pension Pies and Long Branch Studios. Due to the size and number of businesses within the area, the majority of working residents leave the area to reach their place of employment. The largest employer within the area is the Port Royal Habitation Settlement, which is a federally run national historical site that operates seasonally on the western edge of the area. However, the economic impact of the Habitation Settlement on the community is considered to be negligible, as there are few businesses that can benefit from the tourism generated by the site and its neighboring historical sites, the Melanson Settlement and the North Hills Museum.

Changes in technology and the growing popularity of remote work is having a positive impact on the economic capabilities of the community. An increase in the number of community members who work from home could help to decrease the overall amount of vehicle traffic moving through the community. Thanks to the installation of Fibre Optic internet services in the area, dozens of households now have improved bandwidth and

connectivity, which has made remote work possible. The improvement of communication networks in the area have made these services more reliable, but further work to improve connectivity and deal with bandwidth limitations, will ensure that remote working continues to provide an economic benefit to the community.

## SECTION 2.3 FUTURE DEVELOPMENT PROSPECTS

This Secondary Planning Strategy has been prepared on the assumption that the Habitation Area of Annapolis County will continue to experience low to moderate levels of growth in the coming years. While this plan has been written to accommodate some variation in growth, if the area experiences an unforeseen level of development pressure, Council may wish to review this Strategy earlier than the ten (10) year review period set out within the planning documents. It is also desirable that a community-based Habitation Community Area Advisory Committee continue to function as an area subcommittee of the Annapolis County Planning Advisory Committee, to review and monitor new developments, trends, or changes within the Planning Area, in addition to reacting to requested Secondary Planning strategies, policies, and land use bylaw text or map amendments.

### Policy 2.3.1

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

### Policy 2.3.2

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



## PART 3 VISION AND GOALS

### SECTION 3.1 VISION

Based on input from Habitation Community Area Advisory Committee and community members, the following Visioning Statement was created:

“The Habitation Area strives to be a community that recognizes and stewards the area’s unique agricultural, historical and cultural heritage and the scenic landscapes that visually define those assets and shape its character. The Area aims to protect the environment, promote sustainability and self-reliance and encourage economic prosperity through family farms, home-based businesses, and tourism.”

### SECTION 3.2 GOALS

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

- **G1** Support the natural and historical landscapes by encouraging sustainable and ecological forestry practices, while protecting and preserving our coastline, marshlands, agricultural land, and water sources.
- **G2** Celebrate the historical and scenic significance of the Habitation Area by fostering community pride and promoting tourism through its national historic sites and provincial museum.
- **G3** Promote development that reflects the community’s agricultural roots and history of self-reliance by encouraging homesteading, farming, and home-based businesses.
- **G4** Encourage the Municipality to utilize the existing park land by investing in a community green space and trails to provide recreational spaces for all ages and abilities.
- **G5** Promote multi-generational living while striving to attract new families and young professionals to the community.

## PART 4 LAND USE POLICIES

### SECTION 4.1 LAND USE DESIGNATIONS

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

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

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

- (a) **Residential** – Areas that are predominately used for residential development and farmsteads, or to accommodate institutional uses operated by government or community-based organizations.
- (b) **Agricultural** – Areas within the Queen Anne and Dentiballis Marsh Lands.
- (c) **Forestry** – Areas along the slope of the north mountain that have been primarily used for forestry and are unsuitable for development.
- (d) **Water Supply** – Areas that are indicated as source water protection zones for the primary water supply of Granville Ferry, Annapolis Royal and surrounding communities serviced by municipal water.

#### Policy 4.1.2 Designations

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

- (a) Residential, for lands predominately used for or suitable for residential, institutional or agricultural based land uses and development.
- (b) Agricultural, for lands protected by the Agricultural Marshland Conservation Act, due to their good quality of soil and benefits to agricultural ventures.
- (c) Forestry, for lands predominately covered by natural vegetation, suitable for habitat conservation and are located on land unsuitable for development.
- (d) Water Supply, for lands identified as important under the Granville Ferry Source Water Protection Plan.

## SECTION 4.2 RESIDENTIAL DESIGNATION

The Habitation Community SPS seeks to provide stable residential neighbourhoods by preventing the intrusion of incompatible commercial or industrial uses. The purpose of the Residential Designation is to identify on the FLUM those areas that are presently and historically have been characterized by residential use, provide an institutional service, or where municipal services are provided. The policies contained within this SPS address the development of housing types, locally scaled agricultural uses, home based business, and existing commercial or industrial uses within the Residential Designation.

To protect the areas cultural landscape and built form, Council wishes to encourage residential development in a way that complements the predominantly single unit residential areas from drastic changes or variations in character and building design. Thus, Council shall include provisions in the land use bylaw that limit the development of tall or long and slender housing forms and multi-story apartment complexes in the Residential Designation.

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

### Policy 4.2.1 Community Character

It is the policy of Council that, in keeping with the desired character of those residential areas the following architectural standards will be applied to the Habitation Community Land Use Bylaw:

- (a) Limit the height of buildings to a maximum of three (3) stories within the areas designated "Residential".
- (b) Regulate the average length to width ratio of a new residential dwelling to be equal or less than three to one (3:1) within residential areas zoned HR1.

### Policy 4.2.2 Accessory Dwelling Units

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

Council feels that in keeping with the existing built form of the area, a buffer is required between the low density rural area of Granville Beach and Port Royal from the higher density development pattern found within the neighbouring residential centre of Granville Ferry. To

achieve this while providing a greater variation of housing types, Council shall include a Habitation Residential (HR1) Zone in the Land Use Bylaw, which will permit single and double-unit residential dwellings and an accessory dwelling unit in the form of a secondary or backyard suite. In keeping with the predominately rural character of the Habitation Area, Council shall set minimum lot requirements for the HR1 Zone that are smaller than the other residential zones within the “Residential” designation, but slightly larger than Council sets in other residential zones throughout the Municipality.

It is also the opinion of Council that areas serviced by municipal water or sewer have the potential to support a higher level of residential density than un-serviced areas. Therefore, Council feels that if a need for housing increases in the community, areas within the “Residential” designation that receive municipal water or sewer can be proposed for rezoning to the HR1 Zone.

### **Policy 4.2.3 Habitation Residential Zoning**

It is the policy of Council to establish a Habitation Residential (HR1) Zone in the Land Use Bylaw within the area designated “Residential” which would permit residential uses, with standards relating to such uses, including provisions for home occupations, lot requirements, accessory dwelling units, accessory buildings, signage, and parking.

### **Policy 4.2.4 Rezoning to Habitation Residential**

It is the policy of Council to consider rezoning only lands in the Residential Designation serviced by municipal water or sewer to the Habitation Residential (HR1) Zone, subject to the criteria set out in Policy 6.4.3.1. In considering applications to rezone land to the HR1 Zone; Council shall ensure that no non-conforming uses are created as a result of the rezoning.

It is the opinion of Council that lands within the “Residential” designation that are currently used for low-density development and agricultural uses, and are not presently serviced by municipal services, be zoned Habitation Rural (HR2). The intent of this zone is to encourage residential development that reflects the agricultural roots of the area and promotes community scale agricultural businesses and farmsteads. For these reasons, Council will place size limitations on the scale of agricultural operations within the HR2 Zone and limit the types of agricultural forestry uses permitted within the zone.

### **Policy 4.2.5 Habitation Rural Residential Zoning**

It is the policy of Council to include a Habitation Rural Residential (HR2) Zone in the Land Use Bylaw within the area designated “Residential” in which residential uses shall be limited to single-unit dwellings and recreational cabins, with standards relating to such uses, including provisions for home occupations, secondary suites, lot requirements, accessory buildings, parking, and signage.

### **Policy 4.2.6 Habitation Rural Residential Zone: Agricultural & Forestry Uses**

It is the policy of Council to permit primary forestry operations and agriculture uses within the Habitation Rural Residential (HR2) Zone, with standards relating to such uses, including limitations on related uses and provisions for lot and setback requirements, and accessory buildings.

### **Policy 4.2.7 Habitation Rural Residential Zone: Local Scale Agriculture**

It is the policy of Council to establish parameters that would place limits on the size or number of buildings that can be used for agricultural uses within the Habitation Rural Residential (HR2) Zone, along with setback requirements to help prevent land use conflicts between properties neighbouring agricultural operations.

It is the opinion of Council that lands within the “Residential” designation that have been previously used for larger agricultural operations, are to be zoned Habitation Rural Agriculture (HR3). The intent of this zone is to allow existing agricultural business to develop to a scale and scope that Council does not feel would be appropriate for the areas zoned HR2, while still placing reasonable limits on the scale of the agricultural operation.

To protect the food security of the communities within and around the Habitation Planning Area and to protect valuable agricultural land, Council will not consider rezoning lands from the Habitation Rural Agricultural (HR3) Zone to any other zone except the Habitation Water Supply (HWS) Zone, or the Habitation Open Space (HOS) Zone.

### **Policy 4.2.8 Habitation Rural Agricultural Zone**

It is the policy of Council to include a Habitation Rural Agricultural (HR3) Zone in the Land Use Bylaw within the area designated “Residential” in which residential uses shall be limited to single-unit dwellings and recreational cabins, with standards relating to such uses, including provisions for lot requirements, home occupations, secondary suites, parking, and signage.

### **Policy 4.2.9 Habitation Rural Agricultural Zone: Agricultural & Forestry Uses**

It is the policy of Council to permit primary forestry operations and agriculture uses within the Habitation Rural Agricultural (HR3) Zone, with standards relating to uses, including provisions for setback requirements, accessory buildings, parking and signage.

### **Policy 4.2.10 Habitation Rural Agricultural Zone: Local Scale Agriculture**

It is the policy of Council to establish parameters that would place limits on the size and number of buildings that can be used for agricultural uses within the Habitation Rural Agricultural (HR3) Zone, along with setback requirements to help prevent land use conflicts between properties neighbouring agricultural operations.

## **Policy 4.2.11 Rezoning from Habitation Rural Agricultural**

It is the policy of Council to refuse any applications to rezone lands from Habitation Rural Agricultural (HR3) to any other zone, except the Habitation Water Supply (HWS) Zone or the Habitation Open Space (HOS) Zone.

It is the opinion of Council that an appropriate zone should be included in the Land Use Bylaw to permit the development of a higher density residential area in the Planning Area where a variety of housing forms can be permitted including single unit, double units and multi-unit dwellings.

## **Policy 4.2.12 Habitation Multi-Unit Residential Zoning**

It is the policy of Council to establish a Habitation Multi-Unit Residential (HR4) Zone in the Land Use Bylaw within the area designated “Residential” which would permit multi-unit dwellings, with standards relating to such uses, including provisions for home occupations, lot requirements, accessory dwelling units, accessory buildings, signage, and parking.

Within the “Residential” designation there are existing uses that do not meet the criteria for a home occupation. Given these commercial or industrial uses existed prior to the effective date of this Secondary Planning Strategy and accompanying Land Use Bylaw, Council feels these existing uses should not be penalized by the limitation set out in the MGA for a non-conforming use. Therefore, Council will set out policies that will allow these uses to continue to operate and grow if needed. However, Council does not feel that these existing commercial or industrial uses should be permitted to expand outside of the original lot boundaries occupied by the use on or before the effective date of this SPS or accompanying LUB. Thus, existing commercial and industrial uses shall be permitted to be enlarged, expanded, or replaced, provided that the commercial or industrial structures stay within the original property boundaries.

## **Policy 4.2.13 Existing Commercial & Industrial Uses**

It is the policy of Council to recognize all existing non-residential related uses that were legally in existence as of the effective date of this Plan and Bylaw in the Residential Designation. It is also the policy of Council that the expansion or replacement of existing non-conforming uses be permitted, provided that the expansion or replacement does not extend past the original lot lines established as of the effective date of this Plan and Bylaw.

## **SECTION 4.3 COMMERCIAL DESIGNATION**

The Habitation Community SPS seeks to provide an avenue for those seeking the development of commercial businesses by pre-emptively establishing the commercial designation. The primary goal of the designation is to strike a balance between fostering economic growth, promoting the region’s tourist sites, and preserving the area’s rural character. Further policies and regulations could be formulated to designate specific zones for commercial development, locating them close to major transportation routes to ensure accessibility and minimizing environmental impacts. Thoughtful planning may encourage the development of small-scale

businesses that align with the community's values, such as farmers markets, local retail, or restaurants.

### **Policy 4.3.1 Commercial Designation**

It is the policy of Council to create a Commercial Designation where land uses which are compatible with the rural nature of the area would be permitted that would complement tourism. The designation will be created in anticipation of any businesses that may choose to locate in the area.

## **SECTION 4.4 OPEN SPACE & INSTITUTIONAL DEVELOPMENT**

It is important to provide land uses with the "Residential" designation that complement the history and culture of the community and provide benefits to the residents. The preservation of open space and natural greenery through trails, parks, and sports fields help to create healthy communities and provide locations where social interactions can take place to help foster a sense of community. Therefore, Council shall include a Habitation Open Space (HOS) Zone in the Residential Designation for properties that provide space for passive or active recreation. To permit the expansion of community space within the Planning Area Council shall consider applications to rezone lands to the HOS Zone, however, to protect existing and future recreational uses it will be the policy of Council to refuse to consider applications to rezone properties from the HOS Zone to any other zone.

Additionally, due to the cultural and historical significance of the community, a variety of institutional uses exists within the area such as - places of faith, cemeteries, museums and National Historical Sites. The most notable public institutions include the Port Royal Habitation and the Melanson Settlements, two national historic sites located within the Planning Area. Therefore, Council shall establish a Habitation Institutional (HI) Zone within the "Residential" designation to promote these uses and may consider application to rezone lands to the HI Zone. However, if a parcel of land zoned HI is no longer providing a service to the community, it is the opinion of Council that the land can be rezoned from HI to allow for residential or agricultural uses.

### **Policy 4.4.1 Habitation Open Space Zone**

It is the policy of Council to include a Habitation Open Space (HOS) Zone in the Land Use Bylaw within the area designated "Residential" for properties that provide passive or active recreational space, including but not limited to public or privately owned parks, playgrounds, passive recreation uses, trails and multi-use trails with standards related to such uses including provisions for parking and signage.

### **Policy 4.4.2 Hollow Mountain Park**

It is the policy of Council to consider the development of the municipal land located along Hollow Mountain Road into a community park to provide recreational benefits to the Habitation Area and surrounding communities. It is also the Policy of Council to consider



the creation of a community group to help organize, maintain, and support the creation of the Hollow Mountain Road Park.

### Policy 4.4.3 Habitation Institutional Zone

It is the policy of Council to include a Habitation Institutional (HI) Zone in the Land Use Bylaw within the area designated “Residential” in which all existing institutional uses will be zoned. Uses permitted in the Habitation Institutional (HI) Zone shall be limited to ones that provide a cultural, educational, social, or spiritual benefit to the community, with standards related to such uses including provisions for accessory buildings, parking and signage.

### Policy 4.4.4 Rezoning to or from Institutional

It is the policy of Council to consider applications to rezone lands within the Residential Designation zoned Habitation Residential (HR1) or Habitation Rural (HR2) to the Habitation Institutional (HI) Zone and vice versa.

### Policy 4.4.5 Rezoning to Open Space

It is the policy of Council to consider applications to rezone any land within the Residential Designation to the Habitation Open Space (HOS) Zone, but to reject any application to rezone a property from the HOS zone into another zone.

All rezoning shall be subject to the criteria set out in Policy 6.4.3.1 and in considering applications to rezone lands, Council shall ensure that no non-conforming uses are created as a result of the re-zoning.

## SECTION 4.5 AGRICULTURAL DESIGNATION

Situated between the Annapolis Basin and the North Mountain, the Habitation Planning Area experiences a mild climate common to the Annapolis County which supports a wide range of agricultural crops and practices. It is important to Council to ensure that lands suitable for agricultural purposes are preserved and set aside to ensure the municipality’s future food security. Thus, it is the policy of Council to identify and protect suitable agricultural lands within the Planning Area. The Agricultural designation will be applied to all lands identified by the **Nova Scotia Agricultural Marshland Conservation Act** which include the Queen Anne and Dentiballis Marshlands.

Agricultural operations tend to have a higher chance of conflict with neighbouring properties than residential or commercial uses. Creating a protected agricultural zone can help to minimize these conflicts by consolidating similar land uses together. Agricultural land preservation within the Habitation Planning Area is grounded in a multifaceted strategy to encourage, protect and promote both new and existing agricultural developments. Therefore, in addition to encouraging agricultural uses within the Habitation Rural Residential (HR2) and Habitation Rural Agricultural (HR3) Zones, Council shall establish a Habitation Protected Agricultural (HAG) Zone within the



Agricultural Designation. As such, Council shall include policies in this Plan addressing the preservation of land for agricultural development by way of:

- (a) Allowing agricultural uses where the soil resources can support agricultural ventures.
- (b) Encouraging the growth of existing agricultural operations.
- (c) Limiting sprawl onto farmland and the subsequent loss of farmland to alternate forms of development via the creation of relatively exclusive zone districts with large minimum lot sizes ideal for community scale farming.
- (d) Mitigating conflicts/complaints by requiring larger setback between agricultural operations and neighbouring residential uses.
- (e) Protecting lands under the Queen Anne Marsh Body and the Dentiballis Marsh Body Land Use Regulations, made under clause 14(e) of the Nova Scotia Agricultural Marshland Conservation Act.

### **Policy 4.5.1 Habitation Protected Agricultural Zone**

It is the policy of Council to zone those lands designated “Agricultural” on the Future Land Use Map as Habitation Protected Agricultural (HAG) that allows for primary and related agricultural and forestry operations but does not permit the development of buildings or structures, unless a variance is secured under clause 51(1) (d) of the Nova Scotia Agricultural Marshland Conservation Act.

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

Thus, it is readily apparent that the removal of an agricultural area's topsoil resource can and will negatively affect the ongoing viability of the area's agricultural cropping and pasturing operations. Council therefore wishes to establish restrictions on the removal of soil in agricultural supported districts in order to promote the continued viability of the land for agricultural use. However, in doing so Council does not wish to restrict the necessary removal of topsoil for the construction of new developments and infrastructure. Therefore, Council shall set policies that prevent the commercial sale of topsoil.

Additionally, it is the opinion of Council that agricultural operations involved in the raising and harvesting of fur-bearing animals and aquaculture operations do not fit with the current land use of the Habitation Planning Area. Therefore, to prevent land use conflicts Council shall include policy to prevent the use of land for the housing and raising of fur-bearing animals or aquaculture operations.

## **Policy 4.5.2 Prohibited Agricultural Uses**

It is the policy of Council to prohibit the use or development of any land, building or structure for aquaculture operations or for the housing or raising of fur-bearing animals for the purposes of the production of pelts anywhere within the Habitation Planning Area.

## **Policy 4.5.3 Removal of Topsoil**

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

## **SECTION 4.6 FORESTRY DESIGNATION**

The majority of land below and along the slope of the North Mountain is undeveloped and used primarily for forestry operations. It is the opinion of Council that lands within the Habitation Planning Area that have historically been used for forestry or in areas where forest play a vital role in preventing erosion, such as the slope of the North Mountain, should be designated as Forestry on the Future Land Use Map (Map 1).

The slope of the North Mountain and the low-lying lands at its base play an important role in the ecological health of the area providing a habitat for local flora and fauna. Additionally, the geography and vegetation play a vital role in the capturing and dispersion of stormwater to help mitigate the risk of severe flooding while helping to recharge the local aquifer. Protecting this landscape from disturbances while still permitting the use of land by landowners is a delicate balance. For this reason it is the opinion of Council that the area within the “Forestry” designation, shall be zoned Habitation Forestry (HF), and within this zone Council shall limit uses and development to forestry operations.

## **Policy 4.6.1 Habitation Forestry Zone**

It is the policy of Council to zone those lands designated “Forestry” on the Future Land Use Map as Habitation Forestry (HF) Zone in the Land Use Bylaw and in which primary forestry operations shall be permitted but shall not include the secondary manufacturing or processing of wood products.

## **Policy 4.6.2 Rezoning from Habitation Forestry**

It is the policy of Council to only consider rezoning the Habitation Forestry (HF) Zone to the Habitation Source Water (HSW) Zone or Habitation Open Space (HOS) Zone. All rezoning shall be subject to the criteria set out in Policy 6.4.3.1 and in considering applications to rezone lands, Council shall ensure that no non-conforming uses are created as a result of the re-zoning.

## SECTION 4.7 ENVIRONMENTAL PROTECTION

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

Water must be protected from pollution to ensure that the habitat of local flora and fauna is not compromised, and for the benefit of people who use it for recreation or consumption. The Province of Nova Scotia has taken the lead in environmental concern including adopting stringent measures to restrict development in wetlands in 2011. In 2019 the province adopted legislation to control and protect coastal development in regard to potential shoreline erosion, which are in the process of being implemented. The Province also manages forestry activity and the development of pits and quarries with the objective of minimizing the negative effects of both activities. In these areas, the Municipality is obliged to assist the Province in their effort to put in place environmental protections and under the MGA Council may establish separation distances from watercourses, including any lake, river, stream, ocean or other body of water, so as to prohibit the development of structures that could disrupt or damage the watercourse.

It is Council's intent to include two watercourse setbacks in the Land Use Bylaw, one for coastal waterways and one for interior waterways. Watercourse setbacks protect not only development from flooding but protect the watercourse from accelerated erosion and an increase in the number of contaminants that can result from the development process. The consequences of which include the degradation or destruction of fish and wildlife habitat and the pollution of fresh water supplies. Additionally, the effects of climate change are increasing the severity of storms and rainfall which is accelerating the effects of coastal erosion and flooding. Therefore, Council will create policies that limit how close new development can take place to interior or coastal watercourses.

### Policy 4.7.1 Watercourse Setback

It is the policy of Council to include a 100 metres (328 ft.) watercourse setback buffer strip along coastal watercourses and a 15.25 metres (50 ft.) watercourse setback buffer strip along interior watercourses in the Land Use Bylaw. Within the watercourse setback the erection of any building or structure, other than wharves, boat houses or launches, personal fishing related uses, and landscaping structures such as gazebos, not including any structures that would impact the natural flow of the watercourse, 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.

## **Policy 4.7.2 Watercourse Setback Variance**

It is the policy of Council to relax the restrictions regarding the construction or placement of prohibited buildings or structures within the 100 metres (328 ft.) coastal watercourse setback, if a study is conducted by a certified engineer or an equivalent qualified professional, showing that the proposed development will not negatively impact the coastline and is at minimal risk from flooding. Additionally, a natural vegetation and soil retention plan must be submitted along with the previously mentioned study.

The construction of new buildings requires infilling to create roads, driveways and building sites. Infilling of flood plains can diminish their water storage capacity and cause flooding to be more prolonged and widespread. This is an added concern in the Protected Agriculture (HAG) designation where the infilling of a ditch on one property can affect the drainage of hundreds of acres.

## **Policy 4.7.3 Marshland Infill**

It shall be the policy of Council to control the placing of fill and the alteration of topography on all lands designated Protected Agricultural (HAG).

## **SECTION 4.8 WATER SUPPLY**

Plans to protect the wellfields located within the Habitation Planning Area can be found within the Granville Ferry Source Water Protection Plan, which pre-dates this SPS. The Source Water Protection Plan does not directly recommend establishing a Secondary Planning documents to regulate land uses within the Source Water Protection Area due to the land currently being owned by the Federal Government. However, it is the opinion of Council that since there is no guarantee that the land will remain federal land in the future, the source water area should be protected under the Habitation SPS and LUB.

### **Policy 4.8.1 Habitation Water Supply Zone**

It is the policy of Council that lands designated as “Water Supply”, shall be zoned Habitation Water Supply (HWS) in which only passive recreation uses, public and private utilities, municipal service facilities, and government owned water supply uses and structures will be permitted.

### **Policy 4.8.2 Rezone from Habitation Water Supply**

It shall be the policy of Council to refuse the rezoning of the Habitation Water Supply (HWS) Zone to any other zone, to ensure no hydraulic interaction between the decommissioned well and any other production well.

## **Policy 4.8.3 Rezone to Habitation Water Supply**

It is the Policy of Council that if the boundary of the Source Water Protection Zone is enlarged or changed, any land captured under the updated Source Water Protection Plan shall be rezoned to the HWS Zone.

## **Policy 4.8.4 North Mountain Aquifer**

It is the policy of Council to protect the future access to safe and clean drinking water for current and future communities by:

- Restricting all land uses other than trails within the municipal groundwater supply.
- Promoting awareness about the importance of safe drinking water and private well maintenance
- Ensuring transparency between municipality and residents on municipal well services regarding water quality reports and licensing

## **Policy 4.8.5 Private Well Owners**

It is the policy of Council to consider exploring programs to offer support and resources to private well owners for regular well testing and maintenance.

## **SECTION 4.9 UTILITIES & GOVERNMENT SERVICES**

Utilities, public or private, such as broadcasting, telecommunication and cellular towers or treatment and pumping stations and facilities for water or sewer, help provide a service to or for the general public. Utilities are regulated by organizations like the Nova Scotia Utility and Review Board, Industry Canada or the Canadian Radio-television and Telecommunications Commission. These services provide a benefit to the surrounding community and are often necessary for day-to-day life in a modern society. Therefore, it is the intent of Council to permit utilities in all zones, while prohibiting select utilities or services that may have a negative impact on the surrounding community.

### **Policy 4.9.1 Utilities & Services**

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 and are considered permitted uses within watercourse setbacks. It is also the policy of Council that a development permit shall not be required for the development or redevelopment of service facility.

### **Policy 4.9.2 Prohibited Utilities & Services**

It is the policy of Council that service facilities including waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites, shall be prohibited in all zones.

## PART 5 GENERAL DEVELOPMENT STANDARDS

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

### SECTION 5.1 SUBDIVISION BYLAW

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

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

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

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

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

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

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

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

- (a) Where a lot legally in existence on or before the effective date of the Subdivision Bylaw contains two or more existing main buildings and the owner wishes to rationalize an existing situation by creating a separate lot for each building, provided that each new lot meets the requirements of the Departments of the Environment and Department of Public Works, and contains at least one main building and retains a minimum of 18.3 metres (60 feet) of frontage along a public or private street, road, or highway.
- (b) Where a maximum of two lots will be created which both have 90 percent or more of the required minimums for lot area and frontage.
- (c) Where a no frontage lot can be subdivided in accordance with the provisions set out within the Subdivision Bylaw for lots in existence on or before August 1, 1987.
- (d) Where the creation of a “flag lot” is permitted.
- (e) Where a development component of a permanent nature such as a structure, driveway, well, or septic tank is encroaching in or on an abutting property, the lots affected may be subdivided to the extent necessary and practical to remove the encroachment.

### SECTION 5.2 LAND USE BYLAW

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

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

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

##### Policy 5.2.1.1 General Provisions

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



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

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

- (a) Provisions respecting temporary buildings (e.g., construction huts), temporary uses and special occasions, that shall not require a development permit but shall be subject to time restrictions.
- (b) Provisions respecting illumination from lights such that it is directed away from abutting lots for privacy and to prevent nuisance situations.
- (c) Provisions with respect to traffic movement for vehicular and pedestrian safety reasons including development in corner vision triangles, number of driveway accesses for a through or corner lot.
- (d) Provisions to permit the development of short-term rentals, if the owner of the short-term rental lives on the property or on the abutting property containing the short-term rental.
- (e) Provisions regarding renewable energy production systems including roof and ground based solar power systems as well as mini to small scale wind turbines with standards related to their development including provisions to limit the location and number on a lot via property boundary setbacks and separation distances, the maximum allowable height, and establishing by-laws that outline which zones mini or small scale wind turbines are permitted to be developed.
- (f) Provisions to permit the keeping of agricultural animals as a primary use or as an accessory use to an existing residential use, with limitations set on the number of animals based of type of animal and the size of the owner’s lot and adjacent lots.
- (g) Provisions to permit the limited use of a recreational vehicle or a camper for temporary human habitation, with standards related to such use, including provisions limiting the duration, the location and number on a lot, the prohibition of connecting to municipal services and considerations to the established main use on the lot.

### **Policy 5.2.1.3 Provisions for Existing Lots with No Street Frontage**

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

### **Policy 5.2.1.4 Provisions for Existing Undersized Lots with Existing Buildings**

It is the policy of Council to include provisions in the Land Use Bylaw to allow a lot or building legally existing on or before the effective date of the Habitation Community Land Use Bylaw coming into force, that does not meet the minimum frontage, area, or setback



requirements, or has been subdivided in accordance with Policy 5.1.1.2, to be used for a purpose permitted in the zone in which the lot is located and the building may be enlarged, reconstructed, repaired, or renovated, provided that all other applicable sections of the Land Use Bylaw are met and it is not explicitly prohibited by another policy of the Secondary Planning Strategy.

### **Policy 5.2.1.5 Prohibited Uses**

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

- (a) The development of commercial use racetracks, jump tracks, stadiums and arenas for motor vehicle entertainment use, facilities, or operations for the racing on animals;
- (b) The development of large-scale wind turbines;
- (c) The development of solar power systems that are not accessory to a main use.
- (d) The human habitation of an automobile or other motor vehicle, with or without wheels, with the exception of recreational vehicle or camper as laid out under Policy 5.2.1.2 (f).
- (e) The development of sewage lagoons, waste disposal facilities, landfills, solid waste transfer stations and construction debris disposal sites.

## PART 6 IMPLEMENTATION

### SECTION 6.1 PLANNING DOCUMENT REVIEW

While Council does make provisions in every plan to consider policy changes and amendment requests to its planning documents, Section 214 (2) of the **Municipal Government Act** requires a Municipality to include policies in their planning documents on how it intends to review a SPS and LUB. For this purpose, Council intends this SPS to be a ten (10) year plan with the requirement that municipal staff must submit a report to Council if there is a need to review the SPS and LUB within five (5) years of the date of adoption of this SPS to meet the requirements of the MGA. It is the intention of Council to commence a review of the Annapolis County SPS and the Annapolis County LUB within ten (10) years after the effective date in order to ensure that these planning documents remain consistent with the planning and development control needs of the Municipality.

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

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

### SECTION 6.2 SPS AMENDMENTS

A SPS, by its very virtue of being a strategy, is a document that should evolve with changing circumstances. As such, this Plan may need to be amended from time to time where Council may wish to change or clarify policy intent. Council shall assess the need for such amendments and shall not be obliged to consider any amendment to this SPS that is not justified by the stated Conditions for Amendment.

#### Policy 6.2.1 Conditions for Amendment

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

- (a) A change to the intent of one or more Secondary Planning Strategy policies
- (b) A change to the Future Land Use Map (FLUM)
- (c) Where the plan is in conflict with a Provincial Government land use policy or regulation
- (d) Where a requested amendment to the LUB is in conflict with this Plan, and there are valid reasons for the amendment

## SECTION 6.3 DEVELOPMENT OFFICER

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

### Policy 6.3.1 Appointment of Development Officer

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

## SECTION 6.4 LAND USE BY-LAW

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

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

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

### Policy 6.4.1 Land Use Bylaw Content

The Habitation Community Land Use Bylaw shall state in both text and map form the zones, permitted or prohibited uses, and development standards, which shall be generally compatible with the policies of the Secondary Planning Strategy. The Zoning Maps, appended as Schedules "A" to the Land Use Bylaw, shall represent the geographical extent of all zones in the Planning Area and the following zones shall be established in the Land Use Bylaw:

- Habitation Residential (HR1) Zone
- Habitation Rural Residential (HR2) Zone
- Habitation Rural Agricultural (HR3) Zone
- Habitation Multi-Unit Residential (HR4) Zone
- Habitation Protected Agriculture (HAG) Zone

- Habitation Open Space (HOS) Zone
- Habitation Forestry (HF) Zone
- Habitation Institutional (HI) Zone
- Habitation Water Supply (HWS) Zone

### Policy 6.4.2 Land Use Bylaw Provisions

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

- (a) Requirements for municipal development permits and the submission of supporting documentation.
- (b) Listing of permitted or prohibited uses in a zone.
- (c) Permitting multiple uses, buildings, or structures to be developed on a lot and provisions with respect to permitting multiple uses to be developed within a building.
- (d) Regulate the location of buildings and structures relative to other buildings and structures.
- (e) Regulate the location of buildings and structures relative to public roads and watercourses.
- (f) Regulate the location of buildings and structures relative to property boundaries.
- (g) Regulate the size of new lots.
- (h) Regulate permitted home occupations.
- (i) Regulate the height or architectural standards of buildings or structures.
- (j) Regulate or prohibit the placing of signage on buildings, structures or property.
- (k) Nonconforming uses of land, nonconforming structures and nonconforming uses in a structure.
- (l) The regulation of main buildings and structures and accessory buildings and structures on a lot.
- (m) The regulation of wind turbines.
- (n) The ability of the development officer to grant variances as outlined under the Municipal Government Act.

## Policy 6.4.3 Amending the Land Use Bylaw

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

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

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

- (a) The financial capability of the Municipality to absorb any costs relating to the development.
- (b) The proposal not meeting the requirements of the Secondary Planning Strategy.
- (c) The extent to which development might conflict with any adjacent or nearby land uses, buildings or structures by reason of the type of use proposed, the compatibility of its design; the impact of height, bulk and lot coverage of proposed buildings or structures; and the impact of nuisance factors from the proposed development such as illumination, flicker, noise, vibration, shadows, dust, odors, and other safety concerns related to the development.
- (d) The adequacy of road networks, in, adjacent to, or leading to the development, the adequacy of provisions for vehicle access to and from the site, and the adequacy of provisions for on-site parking and loading areas.
- (e) The adequacy of physical site conditions for, and the provision of, on-site parking requirements, sewage disposal, water, and storm water management, where not connected to a municipal system.
- (f) The adequacy of municipal services with particular regard to the demand the proposed development will have on the municipal storm water, sanitary sewer, and water systems.
- (g) The presence of significant natural features or buildings and sites of historical or architectural significance.
- (h) The suitability of the proposed site in terms of steepness of grades, soil, or geological conditions and the potential for the creation of erosion or sedimentation.
- (i) The potential impact of the development on watercourses, protected wetlands, sensitive habitats or on an endangered species in the area of the proposed site.
- (j) The proposal not meeting the requirements for a permit, license, authorization, or approval by any applicable municipal, provincial, or federal government

department, authority, board, or agency.

### **Policy 6.4.3.2 Information Required for Application to Amend the LUB**

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

- (a) Information as to the physical and environmental characteristics of the proposed site, including information regarding topography, contours, elevations, dimensions, natural drainage, soils, geological features, watercourses, wetlands, swamps, marshes, fens or bogs, existing vegetative cover, and vegetative cover to be retained.
- (b) Information as to the lot area, dimensions, ownership, and location of the property.
- (c) Information as to the proposed location, height, color, dimensions, nameplate capacity, and use of all existing and/or proposed buildings or structures to be built, erected or altered on the site.
- (d) Information as to the adequacy of the proposed provisions of central piped services for servicing with water and sewage disposal, site drainage, and storm water management.
- (e) Information where central piped services are not to be provided, as to the adequacy of physical site conditions for on-site sewage, water, and storm water management.
- (f) Information as to the adequacy of the proposed access to and from the lands and estimated traffic flows to be generated by the proposed development, as well as parking and loading provisions.
- (g) Information as to intended hours of operation, outdoor storage and/or display, and commercial signage.
- (h) Information as to mitigation of the impact of nuisance factors such as illumination, flicker, noise, vibration, shadows, dust, odors and other safety concerns related to the development.
- (i) Information as to the separation distance of the development from other buildings or structures on the lot or an abutting lot, setback distance from adjacent public roads, streets, highways, watercourses, and property boundaries.
- (j) Information as to the presence of significant natural features or buildings or sites of historical or archaeological significance.
- (k) Information as to the presence of sensitive habitat or endangered species on the site of the proposed development.
- (l) Copies of a permit, license, authorization, or approval from any other applicable

provincial or federal government department, authority, board, tribunal, or agency approving the design and operation of the proposed use, building, structure, or project.

### SECTION 6.5 PUBLIC CONSULTATION

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

#### Policy 6.5.1 Public Participation Program

It is the intention of Council that a public participation program for Land Use Bylaw text or rezoning amendments and amendments to this Secondary Planning Strategy shall follow the requirements of the Annapolis County Public Participation Policy and may consist of the following:

- (a) Referral of the application to the Habitation Community Area Advisory Committee.
- (b) Setting the date, time, and location of the Habitation Community Area Advisory Committee Public Meeting.
- (c) Advertising the Habitation Community Area Advisory Committee Public Meeting on the County website, social media accounts, and within the main county office in a location that is clearly displayed to the general public (with the advertisement specifying the date, time and place of the public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where application information is available).
- (d) Referral of the application to the Planning Advisory Committee.
- (e) Setting the date, time, and location of the Planning Advisory Committee Public Meeting.
- (f) Advertising the Planning Advisory Committee Public Meeting on the County website, social media accounts, within the main county office in a location that is clearly displayed to the general public, and hand or mail delivered copies to all property owners within 90 metres (295 ft.) of the affected property (with the advertisement specifying the date, time and place of the public meeting, the matter to be discussed, the specific property affected, where applicable, and the place where application information is available).
- (g) 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, followed by the reading of an written submissions from members of the public.

### **Policy 6.5.2 Extending the Public Participation Program**

It is the intention of Council to extend the public participation program, where Council deems it to be applicable and warranted to vary the public information process set out in Policy 6.5.1, as long as the minimum set out above is met.

Council may, in any matter, choose to extend the public information process more widely, require a Municipal Planner to extend the required radius of hand or mail delivered notices, and require more advertisements or more information in the advertisement.

## **SECTION 6.6 COST RECOVERY**

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

### **Policy 6.6.1 Advertising Costs Associated with Amendments and Variances**

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

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

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



**APPENDIX A SCHEDULES**

