

Environment

Environment

Description This document brings together all relevant sections of the Land Use By-law and the Municipal Planning Strategy that deal with the environment.

Notes

Policy

Bylaw

LUB Section 18.2 Development Agreements

The following uses in the Environmentally Sensitive Areas (ESA) Zone shall be permitted only by development agreement between the Council of the Town of Annapolis Royal and the owner of land, as further described in the Municipal Government Act and the Implementation Section of the Municipal Planning Strategy.

- C2 commercial or industrial uses in the ESA Zone west of Prince Albert Road
 - any building with a floor area of greater than 93 sq m (1000 sq ft.)
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LUB Section 18.3 Special Requirements where Development Agreements Used

All uses permitted in the ESA zone by development agreement will additionally require that a written assessment of the site by a qualified professional engineer demonstrates that the proposed development can be safely constructed, with particular reference to the load-bearing capability of the soil and the design of any proposed structure and that the proposed specific Use will not have an adverse effect on the adjacent marshlands.

LUB Section PART 18 - ENVIRONMENTALLY SENSITIVE AREAS (ESA)
ZONE 18.1 Uses Permitted

- environmental protection
 - interpretation
 - tourism and recreation
 - non-polluting agricultural uses that do not require permanent buildings
 - service or utility uses
 - conservation projects and accessory uses and structures
 - wetlands
 - garden and landscape projects
 - Town sewage treatment facilities
 - conservation-related projects
 - crop farming, grazing and pasturage
 - Historic Gardens uses
 - public or private parks
 - wildlife preserves
 - farm demonstration sites
 - accessory uses and structures
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MPS Section 1.1.1

It is Council's purpose within this plan to achieve orderly and economical growth within an environmentally sensitive context.

MPS Section 5 ENVIRONMENT AND CONSERVATION POLICY

The Town of Annapolis Royal wishes to ensure that the development and servicing of land occurs in harmony with the natural environment.

Council wants to avoid developing and servicing land in areas with hazardous environmental constraints. Council also is committed to land-use standards which minimize disruption to the natural environment. The Town intends to continue to co-operate with the Nova Scotia Department of Environment to ensure the protection of the natural environment and the preservation and improvement of its water quality.

In any development, it is important to respect environmentally sensitive areas in order to protect the environment and to lessen construction problems and development costs. Over 400 years, development in the Town has avoided environmentally sensitive areas (see Map D, Development Potential). These areas, given the ESA designation on Map A: Generalized Future Land Use, are best utilized for public or private open space or conservation. Council recognizes that, owing to the limited space available for development within the Town, some development of these lands may be possible, with careful and site-specific environmental engineering.

Due to its historic nature and its attractiveness to tourists, the Town does not wish to see any intensive development take place along the Allain's River. The views to the French Basin from Highway 1 are also to be protected from intensive development. Enhancements through trail access, constructed wetlands, and recreation projects are encouraged.

Development of Environmentally Sensitive Areas west of Prince Albert Road may take place only if suitable precautionary measures are substantiated by site-specific studies. Uses permitted include environmental protection, interpretation, tourism, recreation, and limited and sensitively designed highway commercial and industrial development. Commercial and industrial uses or proposals involving buildings with a floor area of greater than 1000 square feet, shall require development agreements. Careful landscaping for site protection and aesthetics, the details of which must be part of a development agreement, will be required of all commercial and industrial proposals.

Environmentally sensitive areas present a number of problems that may affect potential development. Potential foundation instability, corrosive effects of salt-water on concrete, high water table, unstable soils, and others have made these lands generally unsuitable for substantial development. Proposals for use in environmentally sensitive areas shall be considered only when site-specific development studies, to be referred to the Provincial Department of the Environment for comment, have been submitted for consideration by the Solid Waste & Environment Committee and Council.

MPS Section 5.1

It shall be the policy of Council to limit development in areas that:

- are subject to flooding
- have unsatisfactory natural drainage
- have unsuitable soils or slopes

or have similar features of environmental constraint or in which the cost of providing services would be prohibitive. These areas are indicated on Map D, Development Potential Map.

MPS Section 5.2

Lands believed to be particularly environmentally sensitive and unprotected by other zoning controls shall be designated as Environmentally Sensitive Areas, ESA on Map A, Generalized Future Land Use.

MPS Section	5.3	Lands within the ESA designation shall be zoned as Environmentally Sensitive Area ESA.
MPS Section	5.4	Areas within the 100 year floodplain (NSPI, Emergency Preparedness Plan 1999) see Map D, Development Potential, may only be developed for the very limited uses permitted within the area=s particular zone. This area makes up only 5% of the Town and is a river edge along the French Basin. Existing environmental constraints and appropriate design will be the sole responsibility of owners and developers of these properties.
MPS Section	5.5	Notwithstanding that areas designated as ESA on Map A, the Generalized Future Land Use Map, are usually not intended for urban development, they may be used for non-polluting agricultural uses which do not require permanent buildings, for service or utility uses, for uses and structures related directly to conservation projects, wetlands, recreation, garden or landscape projects, or for accessory uses and structures.
MPS Section	5.6	Commercial (C2) uses, including multiple-retail developments such as plazas and mini-malls are permitted in the ESA west of Prince Albert Road (Highway No. 1), by development agreement only, where an engineering assessment is provided demonstrating that the proposed construction is safe and that the proposed specific use will not have an adverse effect on the adjacent marshlands.
MPS Section	5.7	Council shall ensure the retention of the lowlands and marshlands bordering the north side of the Allain=s River for passive recreational uses such as historic sites, historic gardens, wildlife preserves, wetlands, and farm demonstration sites, together with any small structures necessary to these uses.
MPS Section	5.8	Council shall favour annexation of the marshland area bordering the south side of the Allain River (opposite to the Town) in order to protect the Historic Gardens, to conserve historic views to Fort Anne and the Town and to further protect environmentally sensitive lands near this historically important river.
MPS Section	5.9	It shall be the policy of Council, through the Annapolis Royal Tree Committee, to protect and maintain trees and vegetative covering in the Town. ALSO UNDER TREES