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# **MUNICIPAL PLANNING STRATEGY**

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*TOWN OF ANNAPOLIS ROYAL*

June 2000, with amendments to December 2008

Prepared for the TOWN OF ANNAPOLIS ROYAL  
by the Annapolis District Planning Commission

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# Acknowledgments

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### *Business Survey*

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### *'Day Resident' Survey*

ADPC Staff

The following is the text of the Municipal Planning Strategy of the Town of Annapolis Royal as approved by Council, reviewed by the Department of Housing and Municipal Affairs and effected by public notice on

\_\_\_\_\_, 2000.

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# PART 1 - INTRODUCTION

## 1.1 Purpose of the Municipal Planning Strategy

### 1.1.1 General Statement of Purpose

The Town of Annapolis Royal Municipal Planning Strategy is an important product of the wishes and participation of the community and has been adopted by the Annapolis Royal Town Council to guide land use and development for the next 5 to 10 years. A Municipal Planning Strategy is a means of expressing the concerns of, and choices available to, the people of Annapolis Royal. Quite importantly, this Plan addresses the heritage of Annapolis Royal which is of prime concern to the Town, the Province, and Canada. It is Council's purpose within this plan to achieve orderly and economical growth within an environmentally sensitive context.

### 1.1.2 Statutory Statement of Purpose

The *Municipal Government Act*, Section 213 states the enabling legal purpose of the Annapolis Royal Plan:

"The purpose of a municipal planning strategy is to provide statements of policy to guide the development and management of the municipality and, to further this purpose to establish

- (a) policies which address problems and opportunities concerning the development of land and the effects of the development;
- (b) policies to provide a framework for the environmental, social and economic development within a municipality;
- (c) policies that are reasonably consistent with the intent of statements of provincial interest; and
- (d) specif[ic] programs and actions necessary for implementing the municipal planning strategy."

## 1.2 Legislative Mandate for Municipal Planning

The Town of Annapolis Royal is empowered by statute to carry out land-use planning and development control. This authority is delegated through the *Municipal Government Act* Statutes of Nova Scotia, 1999. The *Municipal Government Act* gives municipalities in Nova Scotia the following planning powers:

- (a) to establish a Planning Advisory Committee (Section 200);
- (b) to prepare and adopt a Municipal Planning Strategy (Sections 208, 212 and 214); and
- (c) to implement a Municipal Planning Strategy through a Land-use By-law (Section 219 and 220).

After adopting the Plan, Council must follow and require others to follow the intent of the policies contained in the Plan.

The adoption of the Municipal Planning Strategy does not commit Council to undertake any of the projects suggested in the Plan, but Council cannot undertake or permit any development which is inconsistent with the Plan.



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This Municipal Planning Strategy may be amended. It is Council's policy that it shall be reviewed from time to time as deemed advisable, generally within ten years from the date of its last adoption. (Section 214).

## **1.3 Planning Context**

### **1.3.1 Location**

The Town of Annapolis Royal is located in the Annapolis Valley on the banks of the Annapolis River. The Town is approximately 204 km from Halifax and 132 km from Yarmouth. Annapolis Royal is in the western part of a chain of towns and villages extending along Highways 101 and 1. Digby is 38 km to the west and Bridgetown is 24 km to the east. Annapolis Royal serves as an employment, administrative, and service centre within this area.

There are significant inter-relations with the surrounding region, particularly with the Municipality of the County of Annapolis. While the policies in the MPS are related to the Town, consideration has been given throughout the planning process to the surrounding urbanizing area. An important planning concern that has a growing interest to Annapolis Royal is the management areas of growth and the boundary adjustment that will be needed over time. Annapolis Royal, in order to remain healthy, must be able to expand. Long-range planning predicates adequate room for Annapolis Royal to grow.

Council also recognizes that Annapolis County, and particularly the valley floor, is a unique and fragile environment. The resources and opportunities of the area must be carefully utilized and developed for the benefit of the residents of the Annapolis Valley towns, the County, and the Province as a whole. The land on the valley floor is a valuable and limited resource which must not be used indiscriminately. To give high priority to protecting, maintaining, and encouraging the use of land for agriculture, forestry, and other rural resources; clustered development in existing centres should be encouraged. This plan aims to enhance Annapolis Royal's role as a major tourism destination and a service and primary development centre within the surrounding area. The underlying intent of the Municipal Planning Strategy is to enable Annapolis Royal to become a more viable and efficient centre and in so doing, to meet the needs of residents, businesses, and visitors within the Town and its surrounding area.

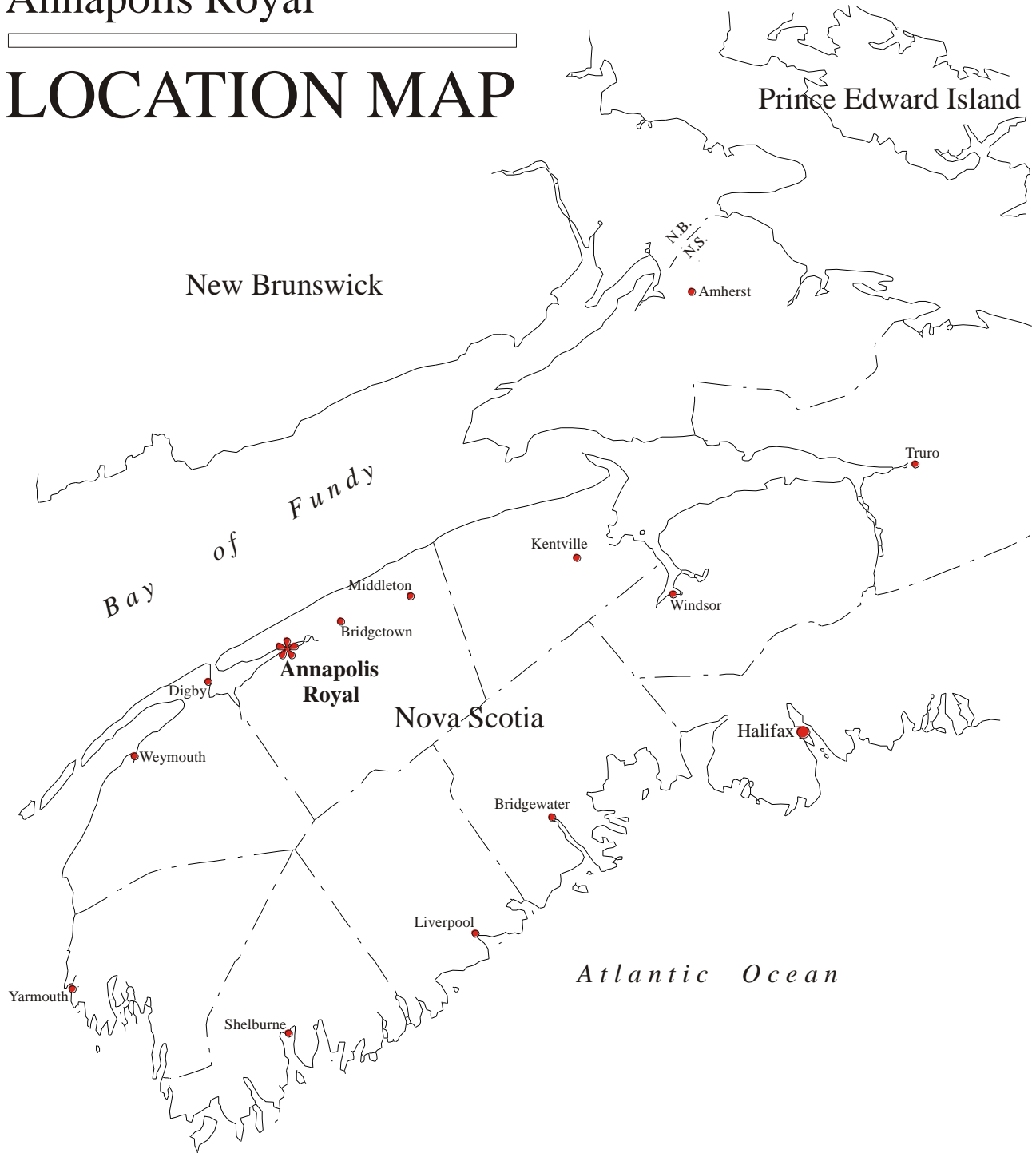
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Town of

# Annapolis Royal

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## LOCATION MAP



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### 1.3.2 History

Annapolis Royal (originally Port Royal until 1710) was the capital of present-day Nova Scotia until the founding of Halifax in 1749. As the centre of political activity for the colony, it was also the social and commercial hub.

Before Sieur de Mons' 1604 expedition sailed into the Annapolis Basin, the region was populated solely by the Mi'kmaq First Nations. On arriving, the Basin geography and landscape so impressed Samuel Champlain, the King's geographer, that he named the area "Port Royal". He estimated that two thousand of the King's ships would be able to moor in this beautiful and sheltered harbour.

With the destruction of the French Port Royal Habitation in 1613, European settlement was suspended until the arrival of a Scottish expedition in 1629. In that year, the Scots built and occupied the Charles Fort, situated where Fort Anne now stands.

Although the Scottish settlement lasted for only three years, it was from the Scottish charter of 1621 that the name Nova Scotia replaced that of Acadie (Acadia) and the Province received its coat of arms and flag.

In 1635, under the terms of The Treaty of St. Germain-en-Laye, the French reoccupied the Port Royal area. In 1643 a fort was built where present-day Fort Anne is situated. The French, as before, lived in harmony with the Mi'kmaq of the area, extending the earthworks of the Fort and erecting the first buildings along the Town's waterfront.

Port Royal was besieged and plundered in 1654 by Robert Sedgewick from Boston, in the name of Cromwell. This was the start of a long conflict between the French and British that would see control of the area change hands seven times before it ended.

Under the French regime, 350 inhabitants were living at Port Royal. In 1686 there were approximately twenty buildings scattered along the waterfront from the Fort along Rue Dauphin (now St George Street).

Hostilities between the French and British peaked when an expedition under the command of Colonel Nicholson arrived at the Fort in 1710. With approximately 2,000 men, Nicholson far outnumbered the small French garrison, and within two weeks the Fort fell to the British for the last time. It was renamed "The Fort at Annapolis", while the Town was named "Annapolis Royal" in honour of then-reigning Queen Anne. In 1720 Annapolis Royal was declared the capital of Nova Scotia.

The following years were not peaceful for the British at Annapolis Royal. Often under siege, the Fort and Town suffered a number of attacks from the French and native bands, who hoped to re-establish French supremacy. These attempts failed, however, and after two final attempts in 1744, the British decided to take a more defensive role in Nova Scotia. This culminated in the founding of Halifax in 1749.

With the move of the Provincial capital to Halifax, the importance of the Fort and the Town began to diminish. Except for a flurry of activity in the late 18th century, Fort Anne's importance decreased throughout the 19<sup>th</sup> century. The garrison was removed in 1854. However, the Town was highly active in the second half of the 19th century, with the many wharves of its commercial port (then at the head of the rail line to Halifax) lined with schooners trading with Boston and more distant ports, as well as regular ferries to Boston.

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Annapolis Royal, present-day seat of Annapolis County, is frequented each summer by many thousands of tourists, who enjoy the Town's scenic surroundings, its rich historical and built heritage, and its pleasant climate.

### **1.3.3 Site Conditions**

#### **Topography and Drainage**

The Town of Annapolis Royal is bounded on the south by the tidal waters of the Allain River and to the west and north by the Annapolis River. The Town is situated on a ridge running between the floodplains of the two rivers. This ridge, deposited during the Pleistocene epoch, is of the Bridgetown soil type. The bordering floodplains are the result of glacial depression and sea encroachment.

#### **Soils**

Three different types of soil are found within the Town: Bridgetown, Acadian, and Saltmarsh. Most development in the Town is on Bridgetown soil, which is a sandy loam of 65% sand, 25% silt, and 10% clay. This soil has high load-bearing capacity, is not susceptible to erosion except on steep slopes, drains well, and has high permeability. It is well suited to development.

Acadia and Saltmarsh soils are similar in type. Both are silty clay loams of 10% sand, 55% silt, and 35% clay with extremely low bearing capacity. This makes them relatively unsuitable for building foundations. Major limitations are high soil consolidation, water saturation, presence of organic components, high compressibility under surface weight, high susceptibility to erosion if disturbed, and poor drainage. Additionally, Saltmarsh cannot be used for cropland because of its high saline content.

Generally, Bridgetown soil is found in the northwestern, western, and southern parts of the Town, while Acadian and Saltmarsh soils predominate in its northeastern and eastern parts.

#### **Climate**

The climate of Annapolis Royal may be described as "humid temperate". Its winters are long, though the Annapolis Valley has a more temperate climate than anywhere in the rest of Canada, with the exception of British Columbia's southern coastal region. The Town receives 115.8 cm (45.6 in) of precipitation per year; the mean annual temperature is 7.38 C (45.3 F). Its frost-free season averages 139 days per year, from late May till early October.

#### **Vegetation**

Annapolis Royal is known for its stately trees, magnolias, elephant grasses, well-kept lawns and gardens. An extensive tree-maintenance program has been in place since 1984, and the Town has a policy of planting new trees every year. The Town's Tree Committee annually inspects the elms and other trees in the Town, and preventative pruning of trees has kept Dutch Elm virus and other diseases under control.

#### **Development Potential**

Environmental limitations and opportunities are important considerations for the Town. In particular, limitations must be recognized because they pose real constraints on the use of land and particularly in the construction of buildings and installation of sewer and water systems, storm sewers and roads. Proper engineering and technology can overcome many limitations imposed by environmental factors,

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but these solutions are costly both to study and to implement. Once implemented, alternative engineering measures are usually very expensive to maintain. In light of these drawbacks, the preferable position is to avoid servicing and developing such areas. To date, development in Annapolis Royal has avoided these areas. Within this Plan, Development Potential Map “D” is a synopsis of biophysical and geotechnical engineering reports and findings that are a background to this Plan.

### **1.3.4 Planning and Development**

As a result of Council's recognition that the planning of the use of land and the managed provision of Town services was necessary, Town Council during the 1970s established a Planning Advisory Committee (in 1998, this became the Planning & Heritage Advisory Committee). It became a founding member of the Annapolis District Planning Commission. Council then embarked on a process of developing a Municipal Planning Strategy for the Town and a Land-use By-law to accompany it.

The business of managing the use of land, the manner in which development occurs, and the provision of Town services which support urban growth, is complicated.

Before modern planning, land was used, development occurred, and services were provided in an ad hoc manner. Individuals built what and where they wanted, and Council provided Town services in response to the demand. While this manner of developing is acceptable to some, it is not adequate for Annapolis Royal for the following reasons:

1. Without planning, there is uncertainty as to how land is to be developed; hence, property owners have little protection for their properties and property values.
2. Without planning, the Town develops with no overall strategy, resulting in confusion and uncertainty.
3. Land-use conflicts occur. Activity on an adjacent property may be inconvenient to an owner by reason of noise, odour, parking, lighting, accessibility, and other factors.
4. As each land use has different requirements (for example, a gas station has more need of car parking than does a single family home), some uses are placed on lots too small while other uses have ample room. On lots which are too small to accommodate parking, cars may park on the street, causing a traffic problem. Many other issues may arise due to the lack of land-use and development standards.
5. From Council's point of view, the business of extending water and sewer lines should not be carried out in a piecemeal fashion. Council's interest is in the provision of adequate service to Town properties and an efficient return on a taxpayer's dollar.
6. Council is sometimes placed in the position of having to arbitrate between disputing property owners with no guidelines to which it can refer.
7. In contrast to an unplanned community where residents and businesses must respond to whatever happens, a well planned community can establish what it prefers for a physical, social, economic, and environmental future and use the planning process to work toward desirable objectives.

The purpose of the Municipal Planning Strategy is to serve as the development policy for the Town of

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Annapolis Royal, guiding development in the Town.

The Plan policies apply to all physical development within Annapolis Royal. These policies are implemented in large part through the regulations contained in the Land-use By-law.

This Plan focuses on physical development within the Town in order to achieve orderly, economical, compatible, and safe growth. The Plan does not directly address issues of social, educational, or welfare programs and services. These will be dealt with by Council in other ways, although the Plan is integrated with them and may support measures having related community impacts. As our physical surroundings partially determine our well-being, the Plan policies are aimed at creating a convenient and attractive community in which to live, work, and play.

### **1.3.5 Population, Demographics, Economy and Employment**

#### **Population**

The size of the population of the Town has declined over the last century and is characterized by three distinct plateaus. In 1901 to 1911, the population of Annapolis Royal was approximately 1000. This buoyant statistic reflects the last years of the age of sail and a vibrant resource and trade-based economy. By 1931, another plateau population of 739-805 was reached and remained within that range until 1976. The 1966 figure of 805 was primarily a peak baby boom phenomenon. This middle plateau had attributes of local economic decline, but large families persisted. With the onset of birth control and the steady rural-to-urban migration throughout Nova Scotia, the Town's population further decreased to an average of about 619 from 1981 to the present. The 1996 Census indicated a population in the Town of 583. Reduced average household sizes and a relatively fixed number of dwellings (little room within the municipal boundaries for new residential growth) has precluded any real increase in the Town's population. Indications show retirement and second-career households. This is connected to a net migration to the area by foreign and out-of-province residents. If these trends continue, and without boundary adjustment, the resultant residential fringe growth from these new population sources will only ring the Town boundaries, becoming a form of "non-participating" rural sprawl.

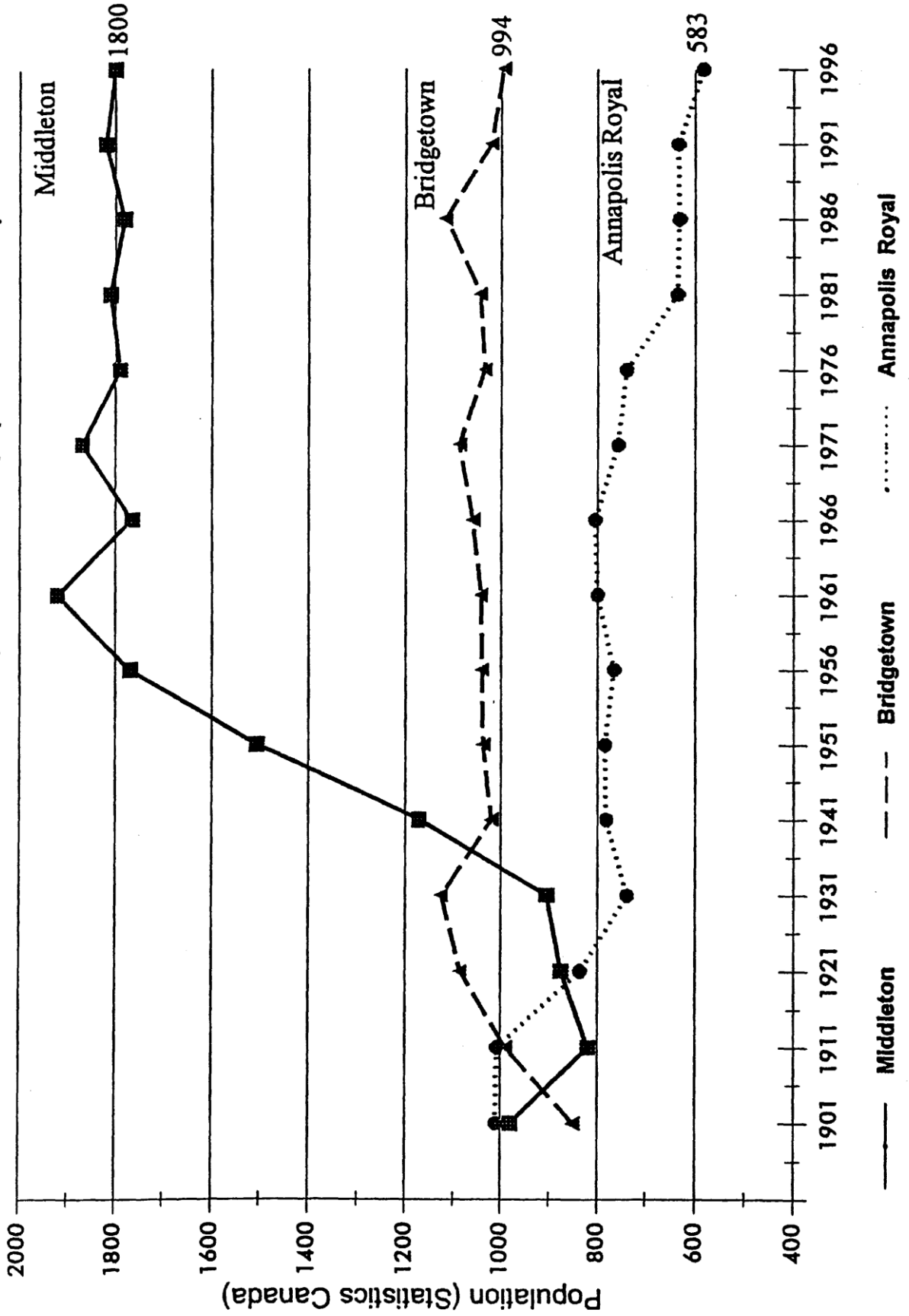
#### **Demographic Profile**

Annapolis Royal's present population resides in 295 households. As of 1996, the average household size was approximately 2.0 persons/household. The population is 56% female and 44% male. The Town has 45 single parent families. The population of people over 75 has declined slightly, yet still represents 13% of the total. Of interest is a more youthful population trend that is now most strongly exhibited in the 45-59 age-group.

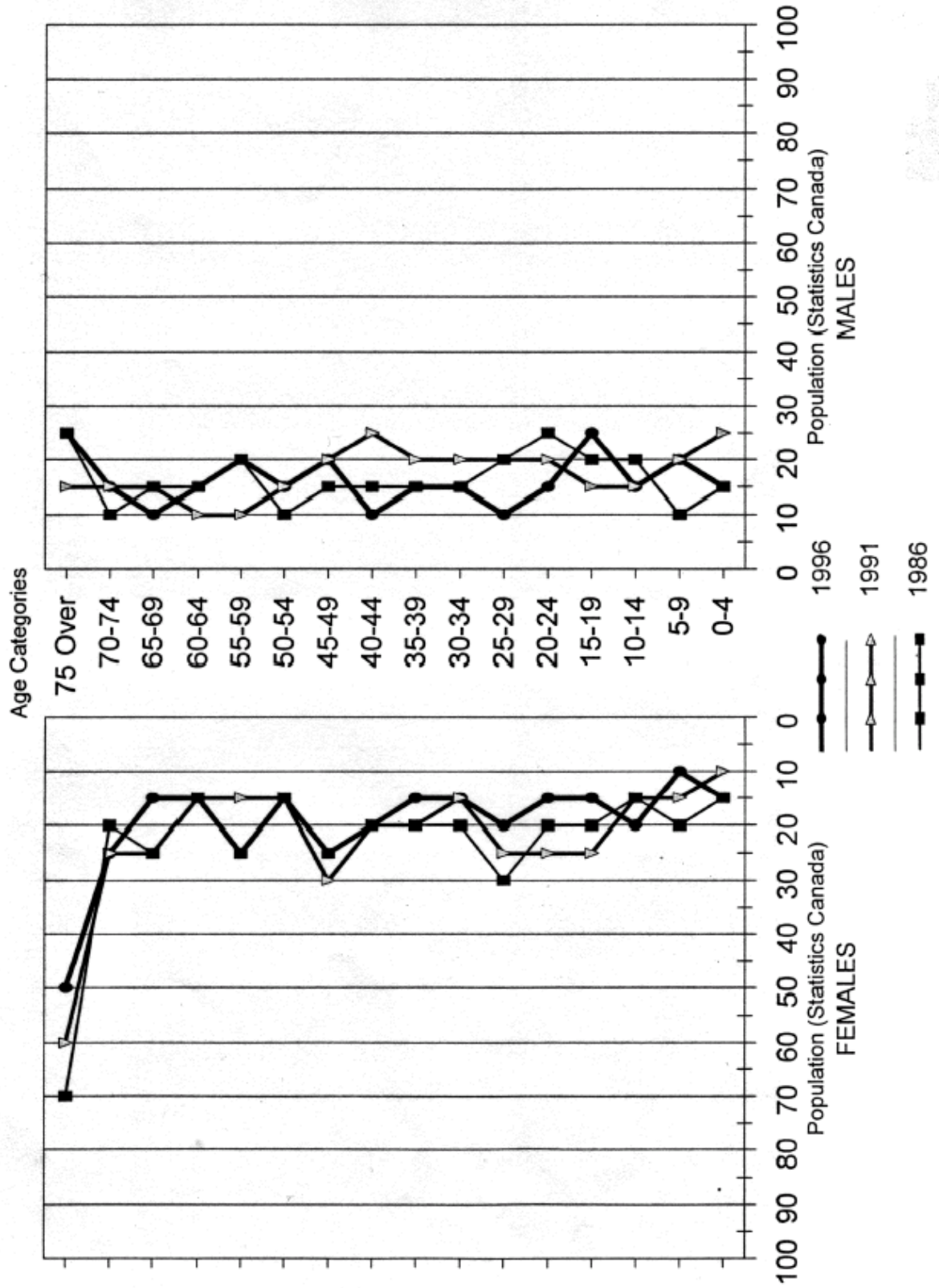
#### **Economy and Employment**

Annapolis Royal's economy provides employment in health services, social services, retail trade, tourism, manufacturing, education, food and groceries, banking, financial services, insurance, restaurant, theatre, arts and culture, general business, hardware, building supplies, and government services. One hundred businesses and community organizations exist within the Town. The 1996 Census unemployment rate for males 25 years and over was 0%, while the unemployment rate for females 25 years and older stood at 25%. The average Annapolis Royal business employs 3-4 persons, while the largest business employers have about 15-20 employees each. The local school system exceeds the largest businesses in employment figures.

# Population of Towns in Annapolis County (1901-1996)



### Census Profile Annapolis Royal 1986 - 1996





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## **1.4 Planning Process**

### **1.4.1 A Continuing Community Process**

The Annapolis Royal planning process is an extension of the community planning which created the first plan in 1981. The Plan was reviewed and updated in 1989. Since those initial efforts, the Planning & Heritage Advisory Committee has addressed a wide variety of planning issues through amendment evaluation, public information meetings and regular Committee meetings. The Planning & Heritage Advisory Committee has actively worked on the review of the Annapolis Royal Municipal Planning Strategy since September 1999.

### **1.4.2 Community Household Surveys**

During November 1999, a comprehensive planning survey was completed by the ADPC with the assistance of the senior high-school band members. A community survey was distributed to all households within Town limits. Sixty six (66%) percent of all households completed questionnaires (96% of those where residents were at home). The results were then tabulated and used in the policy development of this Plan. In survey research terms, the survey represented 95% accuracy with 5% variance. Geo-coding was used, allowing a measure of sensitivities to land-use issues on a neighbourhood basis.

### **1.4.3 Business and Community Organization Survey**

Following the community household survey, a special survey was distributed to all Town businesses and community organizations. Of the 100 businesses and organizations in Annapolis Royal, 82% responded to this survey. Given issues of concern to business and organizations, this survey provided a consensus around key planning policies, especially those affecting planning and design for the downtown area, home occupations, parking and sign regulations.

### **1.4.4 'Day Resident' Survey**

In March, 2000, a 'day resident' survey was distributed widely to persons not residing in Annapolis Royal, but who work or are otherwise resident during the day on a regular basis. The population of Annapolis Royal increases with 'day residents'. Examples of organizations with sizeable 'day resident' population include the Annapolis Community Health Centre, the Annapolis West Education Centre, Annapolis Royal Regional Academy, IGA, and Foodland. One hundred and thirty five responses were received and evaluated.

### **1.4.5 Public Information**

In addition to public meetings and direct surveys of residents, 'day residents', and businesses; the planning process also used information flyers dealing with the plan review and newspaper coverage of detailed survey results. A "Town Plan Open House" was a popular offering that ran from April 18-20th, 2000 from a well-visited storefront. One hundred and fifty-one people stopped in to discuss the developing draft policies and plans. Numerous impromptu meetings occurred with developers, townspeople, and store owners. During the planning process, media coverage also provided an important opportunity for further 'iterative participation': from residents, 'day residents', business owners and operators. PHAC and Council have been able to review the results of surveys, public input and technical information, and respond to these several times within the ongoing process. This approach permitted a much richer appreciation of and reflection on the issues and proposed solutions.

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## 1.5 Plan Format and Interpretation

### 1.5.1 Plan Format

The Plan is made up of two sections according to law:

- (a) Text
- (b) Maps
  - Map A - Generalized Future Land Use
  - Map B - Generalized Existing Land Use
  - Map C - Transportation
  - Map D - Development Potential
  - Map E - Existing Services
  - Map F - Recreation
  - Map G - Heritage Properties

Goals, objectives, and policies governing future development in Annapolis Royal are outlined in the text.

The spatial pattern of future development and future roads is set out in Maps A and C. It is intended that Map A, Future Land Use Map, be the leading planning tool for the Town's development. The Future Land Use Map's land-use categories or 'designated' districts are to be developed in accordance with the policies of this Plan. Areas contiguous to a given district may be considered for a rezoning without an amendment to the Plan if the intention is acceptable to Council and is reasonably consistent with the policies of the Plan.

Supplementary information such as a civic address map and similar supporting information, is not officially part of the municipal planning strategy, but is included with the map set for further reference.

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## 1.5.2 Plan Interpretation

(a) Text

The Plan is a policy statement by Annapolis Royal Council. In implementing the Plan, Council shall have regard to the goals and policies set out in the text. No development can be permitted which is contrary to the policies of this Plan. It is intended that all figures, symbols, proposed roads, and the location of development areas within the Plan shall be considered as approximate only.

Buildings and structures normally incidental or essential to and customarily associated with a primary land use may also be permitted unless otherwise stated. Text requirements for these accessory uses, buildings, and structures are to be set out in the Land-use By-law, so as to ensure that they remain accessory and do not detract from the principal use, building, or structure or detract from the area in which they are located.

(b) Map A - Future Land Use Map

The Town is divided into seven designated districts as shown on Map A - Future Land Use

<u>District</u>	<u>Symbol</u>
Commercial	C
Residential	R
Historic Garden	HG
Environmentally Sensitive Area	ESA
Parks and Open Space	O
Institutional	IN
Comprehensive Development District	CDD

This map indicates generalized future land use patterns. Council shall have regard to this map when considering any amendment to the Municipal Planning Strategy or Land-use By-law.

(c) Map B - Generalized Existing Land Use Map

This map shows the generalized existing land use for Annapolis Royal as of March 2000. For more accurate and detailed information, reference should be made to the "Town of Annapolis Royal - Existing Land Use Survey, 1999" which is available at the Annapolis District Planning Commission.

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## **1.6 Plan Application, Comprehensive Growth Management, and Boundary Adjustment**

The Municipal Planning Strategy for the Town of Annapolis Royal is legally applicable only within the Annapolis Royal boundaries. The boundaries of the Town must change over time to allow for and support an efficient development pattern. The Town, to maintain a healthy future, must plan and make room for its inevitable growth and development as a small urban area. Recognizing this responsibility, Annapolis Royal needs to be able to manage the development for the population it serves.

It is anticipated that the boundaries of the Town may need to be extended sufficiently to supply, protect, and maintain its growing infrastructure. Of prime importance in boundary expansion is 1) elimination of the incentives for multi-jurisdictional fringe development, and 2) removal of duplication in area service decision-making by local governments. The Town exists within a rural environment and is being harmed by a ring of peripheral sprawl. The Town is positively committed to comprehensive growth management. It is an evolving community, with four centuries of recorded history, a unique population, and a need to build its infrastructure and grow under its own municipal jurisdiction.

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## **PART 2 - STATEMENTS OF PROVINCIAL INTEREST**

### **2.0 Statements of Provincial Interest**

The planning documents (planning strategy and land-use by-law) of Annapolis Royal must be reasonably consistent with statements of provincial interest: *Municipal Government Act*, Section 198 and Schedule B.

Statements of provincial interest are generally broad statements of principle necessary to protect the provincial interest in the use and development of land. Essentially, a statement of provincial interest is a direction to municipalities to consider and include certain subjects in their planning documents. The Province is bound by these statements as well.

The *Municipal Government Act* includes five statements of provincial interest. Planning documents may have to be amended as further statements are adopted.

The original statements deal with protecting the quality of water within municipal water supply watersheds, protecting public safety and property in floodplains, protecting agricultural land, making efficient use of municipal water and wastewater infrastructure and providing housing opportunities to meet the needs of all Nova Scotians.

In order to comply with the statutory requirement, planning in Annapolis Royal must take reasonable steps to apply these policies to the local situation.

### **2.1 Compliance with Statements of Provincial Interest**

#### **2.1.1 Drinking Water**

Planning documents must identify all municipal water supply watersheds within the planning area, and address the protection of drinking water within those watersheds.

The water supply of the Town of Annapolis Royal is located on the North Mountain north of the Town, and is entirely within the Municipality of the County of Annapolis. This shared water system became operational in the summer of 1999.

The Town of Annapolis Royal has taken steps to protect all of the watershed lands and to enforce strict controls.

- 2.1.1.1 It is the policy of the Town of Annapolis Royal to continue to protect the watershed and the supply wells and to implement further controls on land use within the watershed and to work with the Municipality of the County of Annapolis as its planning develops to ensure protection for the watershed.
- 2.1.1.2 It is the policy of the Town of Annapolis Royal to conduct regular water quality testing in order to meet Provincial drinking water standards.

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### **2.1.2 Flood Risk Areas**

Planning documents must identify flood risk areas. Development must be restricted within these areas.

The Town has been subject to occasional flooding from the Annapolis River. Some flooding aggravated by a storm surge occurred in the famous Groundhog Day storm of 1976. Following this, armoring was installed along the waterfront. There are a few narrow river edge areas below the 100 year flood line along French Basin (see Map "D" Development Potential). This area comprises less than 5% of the Town and is not suitable for development.

### **2.1.3 Agricultural Land**

Planning documents must identify agricultural land and address its protection.

In Annapolis Royal there are no extensive areas within the Town boundaries used for agricultural purposes. Marsh areas once used by settlers for pasturage are now resources of environmentally sensitive area and open-space use. A marshland farm demonstration site is developing along Allain's Creek. The prime focus of the Town of Annapolis Royal for properties within its small area is the interpretation and promotion of historic agriculture values. The very limited agricultural resources of the Town have been identified in the mapping that accompanies this strategy.

The Town recognizes that it is important to protect and continue our agricultural economy. Land within an established area such as the Town of Annapolis Royal should be developed intensively to make use of the municipal infrastructure (streets and sidewalks, water and sewer, recreational facilities) to reduce the pressure for development of the more valuable agricultural lands outside the Town. Accordingly, controls have been included in the planning documents to minimize conflicts among uses and to make the best use of available land.

### **2.1.4 Infrastructure**

Planning documents must promote the efficient use of existing infrastructure and reduce the need for new infrastructure.

Essentially, this strategy permits infilling where possible and encourages development in a concentrated form requiring the least additional public investment. Infrastructure development must be linked with growth management strategies for the benefit of Town taxpayers and if rational development patterns are to be achieved. Development that occurs beyond existing services or a reasonable extension of them is not permitted. The Town does want to encourage development in some of its undeveloped areas in order to make more efficient use of its existing infrastructure. The Town is very concerned with the diminishing capacity of its lagoons as fringe growth has taken up 52% of the sewage treatment system capacity.

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## 2.1.5 Housing

Planning documents must include statements respecting affordable housing, special-needs housing and rental accommodation, and must provide for manufactured housing.

### 2.1.5.1 Affordable Housing

Land prices are not a determinant of affordable housing in Annapolis Royal. Lot prices are reasonably consistent throughout the Town. Basic homes are available in a wide range of prices. The Town shall keep aware of the potential for a problem to develop but does not require a policy at this time.

### 2.1.5.2 Special-Needs Housing

The Town has accommodated special-needs housing in the past in its residential zones, and continues to do so. Should more significant facilities be required, they may be accommodated within the institutional zone. At the present time the needs of the area are being met by facilities within the Town or nearby.

### 2.1.5.3 Rental Accommodation

Provision for rental accommodation is included in the Land-use By-law for apartment dwellings and converted homes, duplexes, triplexes and row housing. These are most often owner-occupied, but the strategy and by-law accommodate the more commonly rented dwellings.

### 2.1.5.4 Manufactured Accommodation

Mobile homes and mini-homes are accommodated by definition and a specific zone. Implementation of this zone would be premature without an expansion of the boundaries of the Town. Given the Town's very small size, suitable lands are needed that would permit such development without detriment to the historic appearance of this old and historically important community. Annapolis Royal is a heritage community with many significant older homes in excellent condition. The Town is almost entirely within a Government of Canada National Historic District. Only seven National Historic Districts exist in all of Canada. The Town has developed a significant heritage tourist trade based on its unique historical appearance and national prominence. Canada, the Province and the Town have invested significantly in attractions that complement this appearance. Accordingly, it is inappropriate to permit the development of mobile homes and mini-homes at random. The mobile home zone would permit the location of mobile homes on small lots in areas where there would be little conflict with existing heritage development.

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## **PART 3 - PLANNING STRATEGY VISION, GOALS AND POLICIES**

### **3.1 Introduction to Vision, Goals and Policies**

The vision and goals for Annapolis Royal are very broad statements of policy. The goals are elements that give shape and definition to the overall planning vision for the Town of Annapolis Royal. Public input and the work of Council and the Planning & Heritage Advisory Committee has created the vision, goals and policy statements for the Annapolis Royal Municipal Planning Strategy. Specific policies in conjunction with Annapolis Royal's goals set a context which establishes intents for town planning and the interpretation of other sections of the Municipal Planning Strategy and Land-use By-law. The Municipal Planning Strategy is a policy plan which will have effects on the growth, development, property revenues and quality of life within the Town.

### **3.2 Vision and Goals for Annapolis Royal**

***Planning Vision: It is the intent of the Annapolis Royal plan to maintain and enhance the Town of Annapolis Royal's heritage values and beauty; protect its small town character; nurture its economic, social and cultural environment; thereby enabling a rich quality of life for residents and guests to our community.***

The following are the adopted goals for the Town of Annapolis Royal:

- 3.2.1 To guide and manage development toward enhancing Annapolis Royal's beauty, small-town atmosphere, and character.
- 3.2.2 To promote the Town's National Historic District, and to protect heritage property and heritage values throughout the community.
- 3.2.3 To encourage the present and future development of Annapolis Royal as a distinct, yet regionally important growth and service centre.
- 3.2.4 To encourage the provision of a range of employment opportunities.
- 3.2.5 To maintain and improve existing neighbourhoods.
- 3.2.6 To strengthen and develop the downtown core by:
  - improving parking and sidewalks
  - promoting pedestrian movement and shopping
  - making the downtown attractive
  - designing and managing signs and 'wayfinding'
- 3.2.7 To strengthen business and carefully encourage the tourist industry.
- 3.2.8 To enhance and promote Annapolis Royal as a rich and exciting cultural centre.
- 3.2.9 To encourage 'good' development that is financially positive for the Town.



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- 3.2.10 To improve and develop recreational trails, open spaces, programs, and facilities.
  - 3.2.11 To protect the Town environment and conserve the banks and marshes of the Annapolis River.
  - 3.2.12 To maintain adequate services and utility systems (i.e., water, sanitary sewer, storm sewer, roads, sidewalks, lighting).
  - 3.2.13 To minimize disruption to existing land uses.
  - 3.2.14 To encourage the provision of adequate housing of a variety of types while focussing particular attention on heritage properties and heritage values.
  - 3.2.15 To secure planning, management, and municipal control over the Town's present and future land base.
  - 3.2.16 To provide information to citizens and businesses and to hold public meetings on matters of community interest.
  - 3.2.17 To ensure that all development and building is carried out properly and adequately (i.e., according to the adopted version of the National Building Code, Land-use By-law, Subdivision By-laws and Regulations and other By-laws, Regulations, Standards and Specifications adopted by Council).

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## **PART 4 - POPULATION POLICY**

Given a lack of suitable land to supply new housing; historical, economic and demographic trends; together with the inability of the Town to easily expand its boundaries; the population of the Town of Annapolis Royal has been in decline and lacking real opportunities for growth. Recognizing these facts, Annapolis Royal Council is planning for moderate population and economic growth. Population projections suggest that sudden growth will not be experienced to any great extent in Annapolis Royal without a major change in the basic economy of the area. Some indicators suggest a net in-migration to this area from foreign countries and other provinces. Council can encourage population growth by co-operating with Government to improve the economy of the area, by ensuring that the Town boundaries are adjusted to accommodate growth due to it's role as a service centre, and by adopting policies that encourage regional development within the Town. Council's decisions relating to land use, Town services, and natural environment protection can lead to the type of environment that will make a desirable community, avoid the hidden and sizeable costs of development sprawl, and create opportunities for managed growth.

- 4.1 It is the intention of Council to favour moderate population growth.
- 4.2 It is the intention of Council to ensure that increases in population in the Annapolis Royal area do not create excessive financial burdens for the Town or excessive taxation burdens for its ratepayers, or exceed the ability of the Town to provide necessary services.
- 4.3 It is the intention of Council to evaluate decisions regarding land use, Town services, and the protection of the natural environment in the light of the foregoing policies.
- 4.4 It is the policy of the Town to pursue and apply growth-management tools and techniques to stimulate, manage, and benefit from regional population growth and development.

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## **PART 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.

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.

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- 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.
  - 5.3 Lands within the ESA designation shall be zoned as Environmentally Sensitive Area ESA.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

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## PART 6 - RESIDENTIAL POLICY

Most of the built environment in Annapolis Royal is used for residential purposes. The residents agree that it is crucial to the Town that it retain the character and charm associated with its designated heritage resources, and, consequently, that future housing and commercial development complement and positively add to the community. The housing stock consists of sometimes grand, municipally and provincially designated heritage homes, as well as a few newer dwellings on quiet side streets. Annapolis Royal is almost entirely a National Historic District. It has the greatest concentration of heritage homes in Nova Scotia. It is a characteristic of the Town that virtually all residential uses are well maintained. Single detached dwellings predominate, but there are a number of semi-detached dwellings, duplexes, apartments, bed-and-breakfasts, historic vacation suites, and inns. A number of these are converted older homes. All areas of the Town are safe, enjoyable, and within relatively easy walking distance of the downtown, schools, and recreational facilities.

- 6.1 It shall be the policy of Council to designate those areas shown on Map A, the Future Land Use Map, for residential development.
- 6.2 Designated residential areas shall be developed and maintained primarily for residential purposes and may include uses compatible with residential uses, including parks and playgrounds, secondary business uses, bed and breakfasts, inns and historic vacation suites.
- 6.3 Recreational uses, institutional uses, historic gardens, and service/utility uses may be permitted in designated residential areas by amendment to the Land-use By-law.
- 6.4 Adequate on-site parking in residential developments is required.
- 6.5 Homes of heritage value shall be protected by maintaining a Municipal Heritage Registry and Heritage By-Law for the Town of Annapolis Royal, in accord with the Heritage Property Act.
- 6.6 Development or external redevelopment (except for maintenance or repair with original building materials) of residential properties directly adjoining properties of heritage value (i.e., registered according to Policy 6.5 above) shall be permitted only by considering
  - a) the development's height, bulk, roof-line, external siding, and number, location, and size of windows relative to the heritage building,
  - b) the advice of a professional architect or the Planning & Heritage Advisory Committee, and
  - c) any other applicable criteria contained in this Plan or the Land-use By-law.
- 6.7 In considering an amendment to the Land-use By-law to allow residential development of land, the Council shall take into account the feasibility of extending central sewer and water systems, roads, and other services to the proposed development; the compatibility of the proposed development with adjacent land uses; the direction and pattern of services which the proposed use will establish within the Town; and environmental constraints on services, utilities, and development.

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6.8 Designated residential areas shall be zoned as:

- |   |      |         |
|---|------|---------|
| Residential Light Density               | (R1) |         |
| Residential Multiple Density            | (R2) |         |
| Residential Zero Lot-line               |      | (R3) or |
| Institutional or Historic Gardens uses. |      |         |

6.9 In considering the zoning of designated residential areas and in particular amendments to the Land-use By-law or development agreements that would permit increased residential density or permit non-residential uses in residential areas, Council shall ensure that the proposed use does not alter the predominant character of the area or the amenities of the area, does not have a deleterious effect on Town services, does not result in excessive noise or traffic, and does not have extended hours of activity.

6.10 It shall be the policy of Council to establish development and servicing standards for each residential zone, including standards respecting lot size, lot dimension, yard clearance, and servicing requirements sufficient to maintain and enhance the integrity of residential areas within the Town.

Annapolis Royal does not have mobile-home subdivisions or mobile-home parks within the Town. Council recognizes that such uses provide a valid form of housing, but considers that they are not readily compatible with other forms of development within the Annapolis Royal National Historic District and the Town given their narrow dimensions, low profile, prefabricated construction, and non-historic appearance.

6.11 Mobile homes and mini homes shall be permitted within the Town only by zoning suitable land to the Residential Mobile Home (MH) Zone, provided the Town is able to extend its boundaries and the new area being zoned for subdivision has a minimum area of 150,000 sq. ft. The Residential Mobile Home (MH) Zone shall have development standards which shall enable conversion of the mobile home subdivision to a single detached dwelling subdivision without the need to redevelop water and sewer servicing and other infrastructure. Mobile homes shall not be allowed in mobile home parks given the difficulty in regulating conversion and infrastructure provision.

Annapolis Royal currently has high quality bed and breakfasts and inns in a number of areas of the Town. Historic vacation suites are also contemplated to provide additional uses for registered heritage properties. These uses provide a source of income to some Town residents and accommodation for the travelling public. Council considers that these uses can be compatible in residential areas.

6.12 Bed and breakfasts and inns shall be permitted in the Residential Multiple (R2) zone provided that: additions or alterations that change the roofline or increase the height of the dwelling (except for the addition of dormers) or that extend into the front or side yard of the lot (except for fire escapes) shall not be permitted.

6.13 The construction or use of a second building (e.g. carriage house) on a Residential Multiple (R2) zoned lot for use as accommodation may be permitted through a development agreement which shall address elements of the development such as parking, size of amenity areas, landscaping, adequacy of servicing, appropriateness of architecture and massing to the site and neighbouring properties, and any other matter that may be addressed in a land-use bylaw or development agreement.

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- 6.14 Existing bed and breakfasts up to 3 rentable rooms may be continued in the Residential Light Density (R1) Zone, subject to a development agreement between the owner and the Town.
  - 6.15 Historic vacation suites to a maximum of 2 suites per dwelling may be permitted in provincially or municipally registered heritage buildings west of Prince Albert Road in the Commercial General (C1) Zone, the Residential Multiple (R2) Zone. In the case of the Residential Light Density (R1) Zone, any existing historic vacation suite shall continue to be subject to a development agreement between the owner and the Town.

A number of home-business uses are located within the designated residential areas, whether within a dwelling or in an accessory building on a lot. These uses create an interesting community, strengthen the economy and provide sources of income for Town residents. Council recognizes that these uses can be beneficial to the Town. However, care must be taken in regulating them so as to maintain the residential character of the properties and the neighbourhoods and also to avoid detracting from the commercial viability of the downtown area.

- 6.16 Business uses permitted in a designated residential area shall be secondary to a residential use, shall not alter the predominant character of the neighbourhood or its amenities; and shall not create noise or traffic to an extent inconsistent with the predominately residential character of the area. The Land-use By-law shall have definitions and criteria to regulate home offices and home occupations. For greater certainty, where there is any doubt about whether an application meets these criteria fully, the application shall be modified or refused.
- 6.17 It shall be the policy of Council to require the provision of amenities areas in connection with higher density residential development.
- 6.18 Dwelling units are permitted in the areas zoned commercial in the downtown commercial zone, provided that if a dwelling unit is located on a parcel fronting St. George Street between St. Anthony Street and Drury Lane it must be located above or to the rear of the first storey of another permitted use.
- 6.19 It shall be the policy of the Town to investigate annexation of lands adjacent to the Town in order to increase the possibility of future residential development and the rationalization of services in the Annapolis Royal urban area.

Occasionally, legal non-conforming uses and structures are found in designated residential areas of the Town. While it is anticipated that these uses and structures will eventually change to become completely conforming to the designation and zone, it may be advantageous to the Town to consider transition by permitting changes to uses, structures, and site requirements through the use of development agreements.

- 6.20 It shall be the policy of the Town to consider changes to uses, structures, and site requirements for legal non-conforming properties in the Residential designation by means of development agreements.

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## PART 7 - COMMERCIAL POLICY

The Town of Annapolis Royal has experienced a rejuvenation of its commercial base. Since the last Town Plan, commercial activity has greatly increased and a variety of retail, business, and commercial establishments have taken hold or expanded. The Town has been designated a National Historic District. Previously vacant or under-utilized buildings have been converted into active retail use. Substantial numbers of commercial structures are historic buildings and are part of the Municipal Heritage Registry. The quality of the commercial retail and tourism market in Annapolis Royal continues to improve and is characterized by better and more stable commercial enterprises.

In addition to its important role in providing regional commercial and business services, the Town recognizes that it is maturing as a destination for ever greater numbers of tourists. Businesses and residents alike understand that the commercial growth of the Town is predicated on marketing and protecting its heritage, arts, culture, environment and small town charm. The 2005 Anniversary of Port Royal is just one important opportunity for focussing on these. Council is of the opinion that commerce is tantamount to a strong community and care must always be exercised to ensure that commercial and tourism 'successes' do not in any way diminish the community or flourish at the expense of values held by residents.

The Town supports commercial uses that are integrated into the existing pattern of development, an attractive and convenient downtown commercial area, new commercial locations and innovations that are beneficial to the community, and the establishment of commercial development standards.

The Town's main commercial activity is on St George Street (General Commercial (C1) Zone), St Anthony Street and Prince Albert Road (Highway Commercial (C2) Zone and Heritage Commercial (C3) Zone). It is important for the Town's economic health that these areas should be able to accommodate future growth, with considerations such as parking and landscaping being given due importance. These development control issues are of particular significance for the northern portion of St. Anthony Street which serves as a primary entry point and gateway into the Town.

Council's goal is to encourage new retail business to be located in the downtown commercial area, with the highway commercial area reserved for businesses with large space requirements and other retail uses that could not otherwise be accommodated in the downtown area. The Town also encourages planned multiple-retail developments (e.g. a plaza or mini-mall) in the highway commercial area or the ESA Zone west of Prince Albert Road. Within the commercial area on St. Anthony Street north of Chapel Street new highway commercial uses and the redevelopment or expansion of existing commercial uses will only be considered by Development Agreement to ensure that appropriate consideration is given to architectural, site planning and landscaping design provisions which are in keeping with the Town's heritage character and which enhance this area as an important gateway to the Town. Additional commercial uses of a very limited nature are permitted in the Heritage Commercial (C3) Zone and as home occupations.

Council does not wish new ground-floor residential development to occur in highway commercial areas or the downtown commercial areas fronting on St. George Street. Commercial areas should be compact and continuous, providing pronounced commercial shopping opportunities, particularly at ground level. The very important and historic Lower St. George Street area north of Drury Lane is a mixed use area. This is the only commercially designated area on St. George Street where residential use is strongly encouraged and is specifically permitted on the ground level.

The development of amusement arcades has caused some difficulty in the past, due to late hours of operation and nuisance factors such as loitering and noise. Council will permit such uses by Development Agreement only, when hours of operation, maintenance of premises, and proximity to schools, residential areas, and churches will be taken into account.



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- 7.1 Commercial areas shall be designated as per Map A: Generalized Future Land Use, and allow a Downtown Commercial (C1) Zone, a Highway Commercial (C2) Zone, and a Heritage Commercial (C3) Zone, encompassing the following commercial uses:
- a) a wide range of commercial uses in the Downtown Commercial (C1) Zone of St George Street,
  - b) highway commercial uses, particularly those with large parking and storage requirements, in the Highway Commercial (C2) Zone of St Anthony Street and Prince Albert Road except as provided for in subsection (g) of this policy, or in the Environmentally Sensitive Area (ESA) Zone west of Prince Albert Road by Development Agreement,
  - c) limited retail uses in the Heritage Commercial (C3) Zone,
  - d) light industrial uses (such as any manufacturing, industrial, assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of sound, odor, dust, fumes, or smoke, or other emission or refuse matter of water-carried waste or by reason of unsightly open storage or the detonation of explosives) in the Highway Commercial (C2) Zone,
  - e) amusement arcades in the Commercial General (C1) Zone or Highway Commercial (C2) Zone by development agreement; and
  - f) a limited range of low impact commercial uses in home occupations in residential zones.
  - g) new highway commercial uses or the redevelopment or expansion of existing highway commercial within the Commercial Generalized Future Land Use Designation on St. Anthony Street north of Chapel Street by Development Agreement.
- 7.2 The downtown commercial area shall be primarily a retail and service area, including offices, stores, restaurants and places of entertainment. The area shall be oriented for the convenience of pedestrians, with the emphasis on high density commercial developments including the multiple use of buildings and provision of off-street parking. Lower St. George Street north of Drury Lane shall have a mix of uses. An open-space trail system is contemplated along the Trans Canada Trail property in the vicinity of the commercially designated, former train station. The designated commercial area shall therefore, in addition to commercial uses, additionally be zoned for residential, institutional and open space uses.
- 7.3 Council shall maintain and support measures to enhance the St George Street downtown commercial district as the principal retail area of the Town.
- 7.4 Multiple uses shall be permitted in buildings in the Town's commercial zones, especially favouring retail uses at ground-floor level in the General Commercial (C1) Zone.
- 7.5 Council shall control signs, commercial advertising, and displays in the Town in order to ensure safe construction and siting, and to control the visual appearance of signs in keeping with the historical and architectural heritage of the Town.
- 7.6 Council shall attempt to provide an effective, interconnected system of parking, loading areas, and sidewalks as funds permit.
- 7.7 In the General Commercial (C1) Zone south of Drury Lane, Council shall prohibit new ground-floor level residential development that fronts on St. George Street.

It is intended that the downtown commercial area be primarily a retail and service centre, with relatively high density. Parking is an important factor. Lot size, dimension, and setback requirements should be minimal.

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- 7.8 New developments shall be required and encouraged to provide a reasonable amount of off-street parking as set out in standards prescribed by the Land-use By-law. Council may designate in the By-law certain areas, particularly along St. George Street and in the Commercial General (C1) Zone, which are exempt from these requirements due to the virtual impossibility of complying with them owing to the existing pattern of development. Council shall also co-operate with property owners in the downtown to help solve parking problems, and where feasible, shall assist in the provision of public parking areas near the downtown.
- 7.9 It shall be the policy of Council to encourage property owners in the business community to work together to determine ways to make the downtown a more convenient and safe place to visit, shop and work.

Council has concern over the establishment of a shopping plazas, malls or centres nearby or adjacent to the Town. Council considers that such development would seriously affect the downtown commercial base and would be a form of harmful, low-density sprawl.

- 7.10 It shall be the policy of Council to oppose the development of shopping plazas, shopping malls and shopping centres within 10 kilometres of the Town boundaries.
- 7.11 It shall be the policy of Council to closely scrutinize any proposed shopping centre, of which it receives notice pursuant to the Shopping Centre Development Act, and to make representation against permitting such development to proceed if Council in consultation with Town merchants, concludes that such a development would have a damaging effect on the commercial areas of the Town.

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## PART 8 - INSTITUTIONAL POLICY

This broad category of land use includes properties occupied by churches, libraries, museums, art galleries, private clubs, fraternal organizations, schools, educational facilities, judicial facilities, hospitals, public utility facilities, town administration and services, and government offices. Most of these uses occupy separate buildings, usually occupying large areas of land and generating vehicular and pedestrian traffic. Institutional uses preferably must have minimal impact on adjacent land uses, particularly in residential zones. It is the intention of the Town that institutional buildings and facilities are well-used on a continuous basis; the re-zoning of institutional properties to other zones, as uses change over time, is encouraged.

- 8.1 The Institutional (IN1) Zone is created to allow institutional uses by rezoning amendment to the Land-use Bylaw.
- 8.2 Institutional uses shall be efficiently accommodated and well integrated within the Town.
- 8.3 When considering amendments to the Land-use By-law for institutional uses within residential or downtown commercial areas, Council shall consider whether the proposed use is compatible with adjacent land uses and the character of the area; the impact on Town services; alternative locations for the proposed use; and whether or not the proposed use is premature for the area, taking into account the direction and pattern of development established for the Town.
- 8.4 Institutional structures that change to non-institutional use shall be rezoned appropriately subject to a Development Agreement.
- 8.5 Rezoning of Residential (R1 and R2) land to Institutional is shall be discouraged unless a lack of suitable sites makes this unavoidable.
- 8.6 Major educational and community health centre uses shall be designated as Institutional on Map A: Generalized Future Land Use.

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## PART 9 - RECREATION, PARKS, AND OPEN-SPACE POLICY

The Town enjoys a number of recreational facilities, particularly those provided to the community through the local schools. Community use of schools and school-grounds for recreational purposes is an efficient use of tax dollars. The Robinson Field, jointly owned by the County of Annapolis and the Town, is an example of co-operative funding and development. More funding from Annapolis County is required, however, for facilities such as the J. Howard Langille Pool, to offset the costs associated by rural users.

Given the recognition that new subdivisions create developments with associated recreation demands, a parks levy is associated with new parcel development. The Town has also left some of its land in its natural state for recreational purposes; examples being the marshes bordering the Town's two rivers, which are environmentally sensitive and unsuitable for development. A new Recreation Map, Map F depicts the inventory of recreation facilities, both public and private, existing and proposed.

- 9.1 Parks and Open-Space lands shall be designated as shown on Map A: Generalized Future Land Use.
- 9.2 As permitted under Section 273 of the *Municipal Government Act*, Council shall, through the Subdivision By-law, require for all subdivisions resulting in a net increase in lots that the developer make a cash payment to the Town equal to 5% of the value of the area shown on the final plan of subdivision.
- 9.3 As open-space recreational developments are compatible with virtually any form of development, it shall be the policy of Council to permit parks and playgrounds in any zone in the Town, together with any necessary accessory building or structure. Maximum sizes for accessory buildings or structures shall be as set out in the Land-use By-law.
- 9.4 Existing and proposed recreational uses shall be zoned Parks and Open Space (O1) or Institutional (IN1).
- 9.5 Council shall permit recreational uses in association with institutional uses where these are ancillary to the main object of the institution.
- 9.6 It shall be Council's policy to support the community use of schools for recreational and cultural purposes.
- 9.7 The development of Trans-Canada Trails property shall be supported by Council.
- 9.8 Council shall encourage the continuing development of waterfront improvements, walks, multi-purpose corridors, and bicycle racks at convenient locations throughout the Town.
- 9.9 Council shall encourage a high standard of recreational facilities and programs, seeking to expand recreational and cultural opportunities and community participation.
- 9.10 Compatible recreation and open-space pursuits in the environmentally sensitive areas of the Town shall be promoted.
- 9.11 Subject to requirements regarding fencing and siting, swimming pools shall be permitted in any zone. Council shall pass a Swimming Pool By-law to ensure that swimming pools in the Town are safe and do not create a hazard, particularly for children.

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## **PART 10 - SERVICE/UTILITY POLICY**

Service/utility uses are those involved in the provision of services by governments and corporations, including the Town and public utilities, such as Nova Scotia Power Incorporated and Maritime Telegraph and Telephone Limited. Examples include the sewage treatment plant, emergency services, and power and communication facilities. Often, these uses require certain specific locations to operate with maximum efficiency. A certain degree of land-use incompatibility may need to be accepted as a result.

- 10.1 It shall be the policy of Council to exempt rights-of-way, pumping stations, composters, leaf and yard waste transfer sites, transformer stations, service easements and utility easements from the requirements of the Land-use By-law. Other service/utility uses shall be permitted within the Town by amendment to the Land-use By-law.
- 10.2 It shall be the policy of Council that new service/utility uses shall be permitted only in zones allowing such uses or by amendment to the By-law. In considering amendments, Council shall encourage the location of service/utility uses in light industrial areas and highway commercial areas, and away from the downtown, residential, and environmentally sensitive areas. When considering amendments to the Land-use By-law, Council shall take into account the necessity of the proposed use, the alternative locations within the Town for the proposed use, the pattern of development and direction of growth which would be established within the Town by the proposed use, compatibility with adjacent land uses, servicing requirements of the proposed use, and the impact on vehicular and pedestrian traffic.
- 10.3 It shall be the policy of Council to establish requirements for service/utility uses that increase public safety, minimize the effect on the environment, and minimize land use conflicts.

At present in the Town, power, TV cable, and telephone lines are placed on poles within street rights-of-way, creating a dangerous and unsightly situation, entirely at odds with the Town's designation as a National Historic District and its potential attractiveness to tourists, film-making, and other related income-generating activities.

- 10.4 It shall be the policy of Council to seek funding and support efforts to place all power, TV cable, telephone, and other wires within the Town underground, remove all present wooden utility poles, and install period street-lighting in the downtown.
- 10.5 Where interim measures are necessary, Council shall encourage the joint use of power and telephone poles, permitting the placement of poles in the rear yard of properties, and notification to the Annapolis Royal Tree Committee of service/utility uses and activities necessitating the pruning or removal of trees within the Town.

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## **PART 11 - INDUSTRIAL POLICY**

Although there is little industry operating in Annapolis Royal, the Town wishes to attract compatible light industrial uses, and to be prepared for industrial land demands. Areas zoned Highway Commercial (C2) Zone or the limited area west of Prince Albert Road in the ESA designation may be developed for light industrial uses. All industrial development in the ESA designation must be by Development Agreement. Heavy industrial uses such as pulp and paper mills that are offensive by reason of noise, odour, vibration, dangerous materials or processes shall not be permitted in Annapolis Royal.

- 11.1 Council's policy is to allow industrial development only by Development Agreement in the ESA land west of Prince Albert Road, as indicated on Map A: Generalized Future Land Use.
- 11.2 Council shall use the following criteria in negotiating a Development Agreement for industrial development:
  - a) the development is of benefit to the Town of Annapolis Royal,
  - b) the proposed specific use will not adversely affect adjacent marshlands, based on the report of a qualified person,
  - c) adequate on-site parking for employees and customers and on-site loading and unloading facilities are provided,
  - d) the load-bearing capacity of the specific site is shown by a professional engineer's report to be adequate for the specific proposed structure and
  - e) account is taken of Section 7.1 Commercial Policy and Sections 27.6 and 27.7 Development Agreements.
- 11.3 Council shall permit light industrial development in the Highway Commercial (C2) Zone.
- 11.4 Council shall permit only the following industrial uses in the specified ESA or C2 areas: any manufacturing, fabricating, processing, industrial, assembly, or warehousing operation that is not obnoxious by reason of sound, odor, dust, fumes, smoke, other emission, refuse matter, or water-carried waste, or by reason of unsightly open storage or the detonation of explosives.
- 11.5 Small compatible industries may be permitted in the downtown commercial area if they have a significant retail component.

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## **PART 12 - AGRICULTURAL POLICY**

Agriculture is a prime yet often neglected resource in the Annapolis Valley. Good quality agricultural lands are being converted to wasteful low-density residential and commercial uses that constitute a form of rural sprawl. The Town of Annapolis Royal is a growth centre that is equipped to supply compact residential and commercial land use, thereby removing the need for rural development of these uses on agricultural lands.

- 12.1 It shall be the policy of Council to take positive steps to ensure that agriculture and agricultural lands in the Annapolis Valley are conserved and protected.
- 12.2 It shall be the policy of Council to practice and promote growth management within the Annapolis Royal region in order that development does not need to sprawl over traditional and potential agricultural lands.
- 12.3 The Town shall encourage education and interpretation about traditional and sustainable farm practice through the Annapolis Royal Historic Gardens and farm demonstration sites.

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## PART 13 - HISTORIC GARDENS, FORT ANNE & MUSEUMS

Annapolis Royal's Historic Gardens development site, opened in 1981, is a major attraction for visitors and residents alike. Council recognizes that such a site must have related services, and allows residential and professional uses within the main garden site structures as a way of encouraging year-round economic activity.

- 13.1 Council has designated the area shown on Map A: Generalized Future Land Use located immediately east of the former railway line and south of St George Street as Historic Garden (HG).
- 13.2 Council recognizes a zone known as Historic Garden (HG) Zone within the Land-use By-law.
- 13.3 Council shall permit the following uses in the Historic Garden (HG) Zone:
  - a) the Historic Gardens and related structures including administrative and educational facilities, courtyard greenhouses, boardwalks, dyking and marshland display and interpretation, fountains, bridges, maintenance yard, and workshops, and
  - b) restaurants, gift shops, open-air cafes, residential development units, and professional offices.
- 13.4 Council shall require that screening be erected on the site to block the view from adjoining properties of any objectionable matter, including maintenance equipment and parts, compost, waste, and other gardening implements and materials.

The buildings at Fort Anne National Historic Site were allowed to fall into decay during the nineteenth century. Early interest in restorative action became evident between 1895-7 when a group of townspeople organized a committee and obtained government grants to repair the crumbling magazines, the fortifications, and the officers' quarters. In 1917 the fort was transferred from the Department of Militia and Defense to the National Parks Service, and became Canada's first National Historic site. The Fort is visited by thousands of tourists and others every year, and its importance to the Town cannot be overstated.

- 13.5 It shall be the policy of Council to designate the lands of Fort Anne as Parks and Open Space on Map A: Generalized Future Land Use.
- 13.6 Council shall co-operate with Parks Canada in the further restoration and development of Fort Anne as a visitor attraction.

Several properties have been developed and maintained along Lower St George Street north of Drury Lane as museums or non-profit society offices and archives.

- 13.7 Council shall encourage the Historic Restoration Society of Annapolis County and other non-profit groups who may have an interest in establishing, enlarging, or redeveloping museums within the Town.



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## PART 14 - COMPREHENSIVE DEVELOPMENT DISTRICTS

### Waterfront Comprehensive Development District I

In order to preserve and develop this area of Lower St George Street, comprising the Government Wharf and the Boat Haul-up, the Waterfront Comprehensive Development District I allows use for the purposes of ship chandlery, marina, ship building and repair, as well as and electrical/mechanical, welding, and woodworking shops associated with ship building and repair, industrial and historical interpretation. This both preserves and allows development of this area along the lines of previous historical and traditional uses. It is the intention of the Town of Annapolis Royal that this area be kept neat and attractive as a significant part of the Town's National Historic District.

- 14.1 It shall be the policy of Council to designate the area of land comprising the Government Wharf and Boat Haul-up as Comprehensive Development District CDD on Map A: Generalized Future Land Use and zone the area Waterfront CDD I (WF1)Zone.
- 14.2 Council shall permit the following types of development in the Waterfront Comprehensive Development District I:
  - a) ship chandlery,
  - b) marina,
  - c) ship-building and repair,
  - d) electrical/mechanical, welding, and woodworking shops associated with ship-building and repair, and
  - e) industrial and historical interpretation.
- 14.3 Council shall permit development only by Development Agreement as described and permitted by the evaluative criteria in Parts 27.6 and 27.7 of this Municipal Planning Strategy.

### Waterfront Comprehensive Development District II

The 17-acre area of land behind the Fire Hall and the IGA Complex is owned by the Town. In order to facilitate mixed-use development and to create strong tax generation, the Town in 1995 created its second Waterfront Comprehensive Development District. Recently the Department of National Defense gave over its marina, east of Prince Albert Road, to Kespwick Developments. These holdings and the restaurant adjacent are also now part of this Waterfront Comprehensive Development District.

- 14.4 It shall be the policy of Council to designate the area of land shown on Map A: Generalized Future Land Use as Comprehensive Development District (CDD) and to zone these properties Waterfront CDD II (WF2) Zone.
- 14.5 Council shall permit the following types of development in the Waterfront Comprehensive Development District II:
  - a) residential,
  - b) commercial,
  - c) marina,
  - d) park, open space, and interpretation,
  - e) institutional, and
  - f) non-noxious waterfront uses.

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- 14.6 The Town shall permit development in the Waterfront Comprehensive Development District II only by Development Agreement as described and permitted by the evaluative criteria in Parts 27.6 and 27.7 of this Municipal Planning Strategy.

Hogg Island Comprehensive Development District

A major tourist attraction, the Tidal Power Generating Station, owned by Nova Scotia Power Inc., is situated on Hogg Island. This area is to be used primarily for the purposes of tidal-power generation, boat building and related sales and service, opportunities for tourism development, marinas, boat-launching slips, restaurants and associated licensed premises, and industrial and historical interpretation. It is the intention of the Town of Annapolis Royal that this area be kept neat and attractive as an entryway to the Town.

- 14.7 It shall be the policy of Council to designate the area of land known as Hogg Island as Comprehensive Development District (CDD) on Map A: Generalized Future Land Use and zone the area as Hogg Island CDD (HI1) Zone.

- 14.8 Council shall permit the following types of development on Hogg Island:

- a) tidal-power installations and accessory structures,
- b) tourist and retail establishments,
- c) restaurants and associated licensed premises,
- d) marinas,
- e) boat-launching slips,
- f) boat building and related sales and services, and
- g) industrial and historical interpretation.

- 14.9 Council shall permit by Development Agreement only any manufacturing, fabricating, processing, industrial, assembly, or warehousing operation or retail uses related to on-site manufacturing which is not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission or refuse matter or water-carried waste, provided

- a) the use is conducted and wholly contained within the walls of a building previously existing on the site,
- b) outdoor display does not cover a lot area in excess of 100 ft<sup>2</sup>, and
- c) outdoor storage is prohibited.

- 14.10 Council shall permit development only by Development Agreement as described and permitted by the evaluative criteria in Parts 27.6 and 27.7 of this Municipal Planning Strategy.

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## PART 15 - NATIONAL HISTORIC DISTRICT

Annapolis Royal was the centre of Acadia and the first capital of Nova Scotia. The Town has an illustrious history centred on Fort Anne and its river frontage. The recent designation of the greater part of the Town as a National Historic District reflects the heritage value, both historical and architectural, of many of its buildings (see Map G: Heritage Properties).

The Town of Annapolis Royal recognized the value of its heritage buildings some time ago. In 1977, a study of heritage conservation and development opportunities was carried out. Two years later, a heritage resource study developed criteria for selecting districts and buildings that were of heritage value. In 1980, the Province passed its Heritage Property Act, and the Town's decision to implement the terms of this act followed later that year. In 1981, the Minister of Municipal Affairs approved a Heritage By-Law for the Town. At present, Council's Planning & Heritage Advisory Committee, consisting of up to twelve members, not fewer than two of whom must be members of Council, reviews all applications for any change to the external appearance of a heritage property, or to any property adjoining a heritage property, before making recommendations to Council. The PHAC also provides advice to Council on the addition of buildings, streets, and areas to the Municipal Registry of Heritage Property, the demolition of heritage property, signs, and other related matters in the Heritage Property Act. The PHAC also provides review, evaluation, and planning information on heritage concerns. According to its criteria, all buildings over 50 years old should be considered eligible for registration as heritage properties.

Since most of the Town's heritage properties were built well before modern zoning by-laws and building and fire codes, restoration to original condition may result in technical violation of these. The Town, while remaining primarily concerned with the safe restoration of heritage buildings, encourages flexibility in the application of these by-laws and codes wherever feasible.

Council is particularly concerned that the Town's heritage buildings should not be marred through careless or mismatching repair techniques or sheer negligence. Since the built heritage of the Town is the backbone of its appeal to tourists and other visitors, as well as a constant source of pride and pleasure to its residents, it is imperative that it be preserved in its original form as much as possible, and that future development be compatible in design as well as use. All developers should be aware of the provisions of the Town's Heritage By-Law as well as the policies listed below.

- 15.1 Council shall ensure that Town residents and business operators are kept aware of the importance and value of the Annapolis Royal National Historic District.
- 15.2 Council shall favour the promotion of the Annapolis Royal National Historic District locally, provincially, nationally and internationally.
- 15.3 Council shall encourage buildings, streets, and areas of heritage significance to be preserved through use of the Heritage By-Law of the Town of Annapolis Royal, under the *Heritage Property Act* and in conjunction with an updated Municipal Heritage Registry.
- 15.4 Council shall maintain a Planning & Heritage Advisory Committee (PHAC) as enabled under the *Municipal Government Act* and the *Heritage Property Act* and as required under the Heritage By-Law of the Town of Annapolis Royal.
- 15.5 Council shall encourage the PHAC to work with private property owners of the Town, and ensure that the PHAC provides education and information on the value and importance of heritage resources within the Town.

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- 15.6 The Town shall maintain a Municipal Registry according to the *Heritage Property Act* by accepting its criteria and methods, as adopted by Council, as the basis upon which buildings, streets, and areas within the Town will be recommended for registration;
  - 15.7 Council shall require that an updated list of registered properties be compiled by the PHAC for inclusion in heritage mapping revisions at each review of this Plan;
  - 15.8 Council shall provide heritage design consultation for owners or tenants of registered heritage properties through the PHAC.
  - 15.9 Council shall support efforts to promote restoration of older buildings to original condition by encouraging zoning, building codes, and fire codes that address the specific limitations of these buildings, so as to enhance prospects for their economical alteration and safe use by owners and tenants.
  - 15.10 Council shall permit substantial residential development adjacent to designated residential heritage properties only by special conditions, as noted in Residential Policy 6.6.
  - 15.11 Council shall favour a diversity of uses within the Annapolis Royal National Historic District so that its legacy of historic buildings may be actively used and maintained.
  - 15.12 Council shall consider the feasibility and desirability of the creation of expanded or new Heritage Districts.

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## **PART 16 - TOWN SERVICES POLICY**

The Town of Annapolis Royal has committed itself to policies that encourage or require compact, cost-effective growth and development for the community. Generally, new subdivisions will be permitted where municipal services are available. Services will typically be extended in an incremental pattern, that avoids 'leapfrog' sprawl. Engineering specifications to regulate all subdivision developments shall be according to the Town Engineer and the Town of Annapolis Royal Subdivision By-law. The Town of Annapolis Royal shall support the active use and development of geographic information systems for the proper management of its services.

- 16.1 Outdoor storage of materials required for public works and utility uses shall be permitted only in accordance with the Land-use By-law.
- 16.2 Service and utility offices shall be regarded and treated under the Land-use By-law as any other business office.
- 16.3 Geographic information systems shall be used for Town services planning, budgeting and maintenance, and the Town shall continue to develop these.
- 16.4 Engineering specifications to regulate all subdivision developments shall be according to the Town Engineer until amendments are made to the new Town of Annapolis Royal Subdivision By-law.
- 16.5 Council shall designate the lands of the Public Works Department as Commercial on Map A: Generalized Future Land Use for future development flexibility, and zone the property Institutional (IN1) Zone.
- 16.6 The Town shall continue to provide adequate public services through the Public Works Department.

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## **PART 17 - SANITARY SEWER POLICY**

Sewage lines throughout the Town were recently upgraded. The present collection system consists of variously-sized gravity lines and five electrically-operated pumping stations that pump sewage to an lagoon-aeration treatment plant. This plant was constructed on the northeast side of the Town in 1978, and still has some capacity to handle new development in the Town. The County use of the system has increased to more than 50% and this has diminished the security for new Town developments having ready access to sewage treatment.

The sewage-collection system is at present connected on School and Champlain Street to the storm-water system, allowing storm water to flow into the lagoon during periods of heavy rainstorm and meltwater flow. This is an unsatisfactory situation, given the limited capacity of the treatment plant.

An inventory and engineering assessment of sewer and storm-sewer lines is available for planning and maintenance purposes. The Annapolis District Planning Commission has developed a geographic information system for the Town that allows for accurate identification of the system and its components. Map E: Existing Services indicates where services are situated.

- 17.1 Council shall maintain a program to separate, as far as possible, storm-water drainage from the sanitary sewer system.
- 17.2 Council shall require all subdividers to install and bear the costs of sanitary sewer mains and laterals within any new subdivision in an area requiring these services. Subdividers shall also bear all costs of installation of mains required to connect to the existing Town mains. Subdivision requiring servicing shall typically abut an existing serviced area.
- 17.3 All additional sanitary sewer lines shall be constructed to meet the standards set out in the Subdivision By-law or as determined by the Town Engineer.
- 17.4 The Town shall reserve sufficient land for a third cell of the lagoon sewage treatment system to allow for future expansion.
- 17.5 The Town shall reserve sufficient capacity in the sewage treatment system to accommodate potential development within Town boundaries.

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## **PART 18 - STORM DRAINAGE POLICY**

- 18.1 Council shall establish an on-going program of storm sewer installation where required.
- 18.2 Council shall require that adequate storm drainage is installed within all new subdivisions and that all new developments are connected. The developer shall bear all costs of installation and connection of storm drainage.
- 18.3 All storm sewer lines shall be constructed to meet the standards set out in the Subdivision By-law.
- 18.4 Council shall prohibit the connection of any sanitary sewer line to the storm drainage system.
- 18.5 The Town shall not allow the extension of municipal storm sewer beyond its municipal boundaries.

## **PART 19 - WATER POLICY**

- 19.1 Council shall continue to upgrade and maintain the present water supply system of the Town.
- 19.2 Council shall investigate various methods of protection of the watershed area. The Town shall co-operate with the County to ensure the most beneficial and expedient method of protection of the watershed area.
- 19.3 Council shall require subdividers to install and pay for water mains and it shall be the policy of the Town only to permit new serviced subdivisions where the subdivision has available servicing or abuts an existing serviced area. The Town may, however, at the discretion of Council, construct water mains under a capital contribution agreement with a developer or subdivider.
- 19.4 All water lines shall be constructed to meet the standards set out in the Subdivision By-law.

## **PART 20 - SOLID-WASTE POLICY**

The Town has embarked on several initiatives to provide and involve the Community with sustainable solid waste management. The Town is recognized by the United Nations for its Zero Waste program. The community, together with Council and the Solid Waste & Environment Committee, is committed to improving existing programs and using only environmentally responsible ways to manage solid waste.

- 20.1 Council shall supervise the collection and storage of solid waste to ensure that the solid-waste management program is being carried out in a safe and sanitary manner.
- 20.2 Council shall promote cost-effective and responsible alternatives to traditional solid-waste management.

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## **PART 21 - POLICE, FIRE DEPARTMENT, AND SAFETY POLICY**

- 21.1 Council shall continue to support the Annapolis Royal Fire Department and the provision of adequate policing for the Town.
- 21.2 Emergency access shall be provided to as much development in Town as possible.
- 21.3 Council shall continue to support the Annapolis Royal Emergency Measures Organization.

## **PART 22 - TRANSPORTATION POLICY**

The Town of Annapolis Royal has a hierarchy of highways, streets and roads. The Town's early advantage as a convenient sea-port at the head of rail transportation in the Province is now history. Today, an efficient road network is the Town's predominant resource in moving goods, services, and people. A goal of Council is to maintain a good standard of streets within the Town, and to encourage modes of transportation other than motor-vehicle wherever possible.

To attain this goal, Council's objectives are

- a) to resolve problems of motor-vehicle access, circulation, and parking in the Town's commercial areas;
- (b) to encourage a variety of transportation methods other than private motor-vehicle to support the needs of the Town and its surrounding area;
- (c) implement adequate road standards and regulations for new road construction; and
- (d) provide and improve existing roads consistent with the Town's capacity to pay for this.

### Streets

- 22.1 Existing streets shall be classified as shown on, Map C, Transportation Map.
- 22.2 When land is being subdivided within the Town, the rights-of-way as shown on Map C shall be generally considered. The precise location and width of roads shall be determined at the time of subdivision.
- 22.3 All new local streets and extensions of existing streets shall be laid out in a manner which improves the general traffic flow of the area.
- 22.4 All new streets not regulated by development agreements or extensions of existing streets shall have the following minimum width rights-of-way where possible:

Arterial Road	- 20 m
Collector Road	- Residential Zone 16 m
Local Road	- 16 m
- 22.5 The right-of-way width of an extension to an existing street shall be based on the classification of the existing street and consideration of the width of the existing right-of-way. Council shall make the final determination of the width of a proposed extension.



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- 22.6 Council shall favour extending Drury Lane to Prince Albert Street as a means of access to and from the Town's commercial centre, acquiring the former railroad right-of-way for this purpose - see Map C: Transportation.
  - 22.7 Council shall provide clear signs, attractive entries, and convenient routing to the Town's commercial and tourist sites at all highway entrances to the Town.
  - 22.8 All new streets or extensions to existing streets shall be constructed in accordance with the standards set out in the Town's Subdivision By-law.
  - 22.9 Under present Provincial policy, the Town is responsible for maintenance and upkeep of all designated public streets within the Town, with the exception of designated Provincial highways.

#### Parking

During most of the year, parking is not a problem in the Town's business district, with large off-street parking areas behind at the Farmer's Market on Lower St George Street and at the Legion Social Centre. Smaller areas are available on either side of the Town Hall, behind the Adams-Ritchie House, beside the Post Office, and opposite the O'Dell Museum. The Town will continue to work with merchants and other business people to make improvements, especially to accommodate increased demand during the tourist season.

- 22.10 The Town will continue to meet parking needs for the downtown business district of the Town, as necessary.
- 22.11 Council shall support and ensure clear and adequate signs giving directions for the Town's parking lots.
- 22.12 All new developments in the Town shall be required to provide suitable parking with the exception of downtown uses specifically allowed partial or full exemption in the Land-use By-law.
- 22.13 Council shall encourage existing business firms to provide off-street parking incentives for employees.

#### Pedestrian & Bicycle Circulation

Annapolis Royal is an attractive town for pedestrians and cyclists, offering scenes of great beauty and historical significance within a gently graded topography. However, many of the Town's sidewalks need upgrading (some streets lack sidewalks altogether) and there are no designated bicycle trails within the Town. Further, the waterfront boardwalk should be extended to Fort Anne and completed as a pedestrian loop; and in future the Town's waterfront walkway should be extended beyond the end of Lower St George Street to connect with the Prince Albert Street causeway. Pedestrians and cyclists would also benefit from the development of the Trans-Canada Trail property as an all-purpose recreational trail. These improvements would benefit not only residents but also tourists and other visitors to the Town.

- 22.14 The Town will attempt to reconstruct sidewalks in the Town's retail and historically significant areas on a regular basis.
- 22.15 The Town supports the extension of the present boardwalk to connect with the Fort Anne grounds.

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- 22.16 The Town shall acquire and maintain a right-of-way for future extension of the waterfront walkway from the end of Lower St George Street to connect with the Prince Albert Road causeway.
- 22.17 Council shall support the development of the Trans-Canada Trail and other available lands for an all-purpose recreational trail for pedestrians and bicyclists.
- 22.18 Council shall encourage developers to provide pedestrian pathways or walkways through new development areas. Such walkways shall be designed to link with the Town's trail system. The right-of-ways shall be deeded to the Town. Maintenance shall be negotiated with the Town dependent upon the type and size of the development.
- 22.19 Council shall attempt to provide bicycle paths and bicycle racks within the Town whenever feasible.

#### Truck Routes

There are no designated truck routes within the Town, and some inconvenience results during truck deliveries to businesses, especially at the St George/St Anthony Street intersection, when parked delivery vehicles impede traffic flow.

- 22.20 Council shall encourage measures to improve truck circulation in the Town, including requiring loading zones in new commercial and industrial development, extending Drury Lane to Prince Albert Street, and providing adequate road signs.

#### Public Transportation

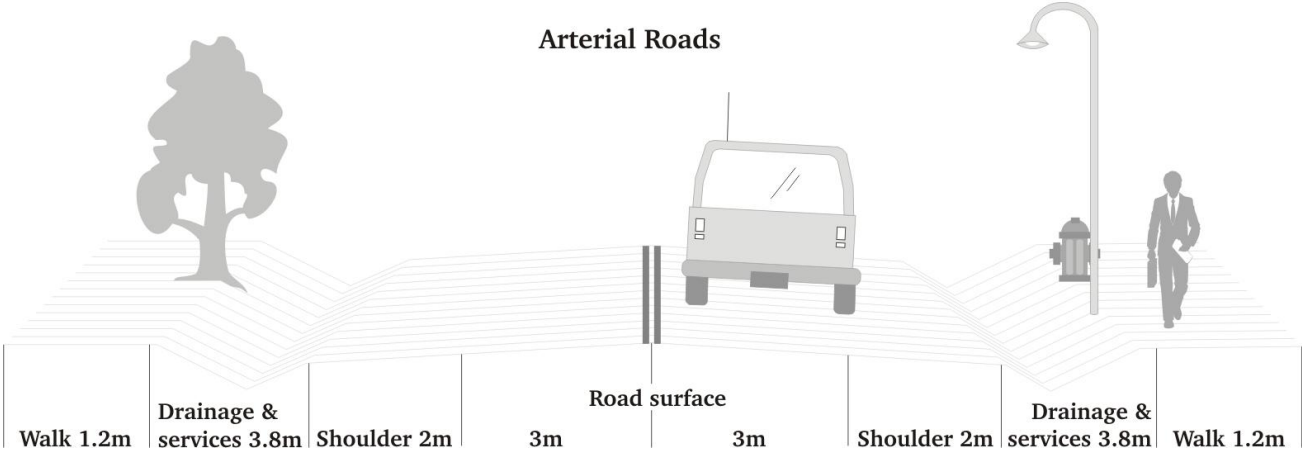
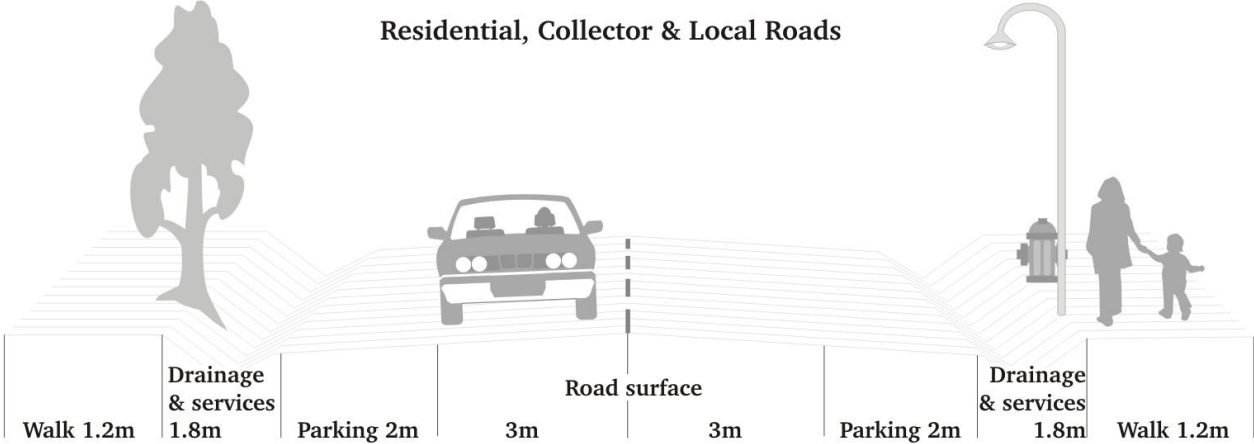
Very little scheduled public transportation service exists in the Annapolis Royal area, most residents being entirely dependent on private automobiles for travel outside the Town. Only Acadian Bus Lines provides a regular Halifax - Digby service. The Town supports the continuation of this bus service. Some minibus shuttle services are developing. Water transportation is entirely beyond the Town's control, but is encouraged through ongoing maintenance and improvement of the Town wharf and the efforts of the Annapolis Royal Boating Association to accommodate local and non-local pleasure craft.

- 22.21 Council shall support the continuation of Acadian Bus Lines' present level of service to the Town and the development of a reliable public transportation service.
- 22.22 Council shall encourage harbour facilities to encourage economic use of the waterfront, and specifically to allow for the docking of large ships through floating wharves or adequate moorage and tenders.
- 22.23 The Town encourages the development of mooring and other accommodation for local and non-local pleasure craft by the Annapolis Royal Boating Association and other interested bodies.

#### Bridge Removal

- 22.24 It shall be the policy of Council to pursue the removal of the wooden bridge over the former DAR railbed on Highway 8 near the main intersection of Town and to encourage the Trans Canada Trail foundation to work with the Department of Transportation and Communications to fund and oversee this needed work. Council also favours the upgrading or removal of the DAR railway bridge over the Allain's River near Highway 1.

# HIERARCHY OF STREETS



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## **PART 23 - SIGN POLICY**

The Town of Annapolis Royal is interested in the regulation of signs in order to present an attractive and orderly environment in which messages can be effectively conveyed for safety, direction, public information and commercial purposes. The Town has recently had a study on wayfinding completed and Council intends to implement some of its suggestions. Council will allow on-site commercial messages and limited directional and other messages throughout the community.

- 23.1 Sign requirements shall be included in the sign section of the Land-use By-law which, for public safety and visual appearance reasons, shall include provisions dealing with size, location, lumination, type and number of signs. In addition, certain types of signs, as specified, shall be prohibited completely or prohibited from specific zones, and other types of signs shall be permitted in all zones.
- 23.2 Signs on Town property or signs that are substantially part of the exterior of registered heritage properties shall be subject to review and recommendation to Council by the Planning & Heritage Advisory Committee.

## **PART 24 - TREE PLANTING POLICY**

The Town has a great asset in its many large and stately trees, which add and provide shade and protection from the wind. The Town's Tree Committee encourages private property owners to care for their trees, undertakes planting programs, and is responsible for the preservation and maintenance of trees on Town property. Council through the Tree Committee shall implement the following policies.

- 24.1 Encourage planting programs and the replacement, preservation, and maintenance of trees.
- 24.2 Plant a minimum of ten trees a year on Town property.

## **PART 25 - LAND-USE CONFLICTS**

It is recognized that where different zones or designated areas abut, there may be conflicts. As well, there may be conflicts with permitted uses, such as business uses permitted in designated residential areas.

- 25.1 It shall be the policy of Council to prescribe additional requirements to minimize land-use conflicts where commercial or industrial zones abut residential, recreational or institutional zones.
- 25.2 Council may prohibit outdoor storage or display of goods and may limit the extent to which outdoor storage and display is permitted in yards abutting lands zoned other than industrial and highway commercial.
- 25.3 The prevention of land-use conflicts is of particular importance, given the Town's nationally recognized historical significance.

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## **PART 26 - FINANCES POLICY**

Council's responses to demands for the establishment and extension of various services are affected by limited revenues, increasing costs and slow increases in the assessment base of the Town. The Town, with this Plan, is aggressively pursuing continued diversification of its economic base. The Town also believes that Annapolis Royal should contain as the regional growth centre, the area's commercial and industrial development and tax base. Any other form of development will result in sprawl.

- 26.1 It shall be the policy of Council to co-ordinate development and servicing projects with the capital expenditure estimates.
- 26.2 It shall be the policy of Council to assess development and servicing proposals on a comprehensive basis, including their impact on the finances of the Town.
- 26.3 It shall be the policy of the Town to pursue growth management, effecting compact growth in the Annapolis Royal region, in order to avoid commercial and industrial sprawl, a fragmented tax base, and higher infrastructure costs in the region.
- 26.4 It shall be the policy of the Town to match its boundaries and service areas for consistent financial and land-use planning.

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## **PART 27- IMPLEMENTATION POLICY**

### **27.1 General**

Annapolis Royal's Municipal Planning Strategy is the primary policy document providing the framework by which the future growth and development of the Town shall be encouraged, controlled and coordinated.

The value of its policy statements are ultimately, not only dependent on their acceptance by the majority of people for whom they are prepared, but also upon the means and feasibility of implementation. The Town Council has a variety of tools at its disposal, each of which is applicable only in certain situations. The implementation function is, in effect, carried out through a series of adopted by-laws and programs designed to control and shape changes in the Town. The by-laws referred to include for example, the Land-use By-law and the Subdivision By-law, while the programs are reflected through public works projects and capital improvement programs.

27.1.1 This Municipal Planning Strategy shall be implemented by means of the powers conferred upon the council by the *Municipal Government Act* and other Provincial Statutes as may be applicable.

27.1.2 In addition to employing specific implementation measures it shall be the intention of Council to maintain continuous monitoring and planning through its Planning & Heritage Advisory Committee.

### **27.2 Municipal Planning Strategy Amendments**

27.2.1 It shall be the intention of council to require amendments to the policies and maps of the Municipal Planning Strategy in the following situations:

- (a) where any policy intent is to be changed;
- (b) where the Municipal Planning Strategy is in conflict with applicable provincial land-use policies or regulations in accordance with the *Municipal Government Act*;
- (c) where a requested amendment to the Land-use By-law is in conflict with this planning strategy and there are valid reasons for the amendment; or
- (d) where a secondary planning strategy is to be incorporated into the Municipal Planning Strategy.

27.2.2 Planning strategy amendments shall be submitted to the Provincial Director of Planning acting on behalf of the Minister of Housing and Municipal Affairs and shall be carried out in accordance with the provisions of the *Municipal Government Act*.

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## 27.3 Actions Not Requiring a Planning Strategy Amendment

Since the Future Land Use Map is not intended to be a precise representation of the configuration of future land use pattern in the Town it is wise to provide some flexibility for those land uses on the boundary or fringe areas for which plan amendments might otherwise be required.

- 27.3.1 Areas immediately adjacent to a given land-use designation on the Future Land Use Map may be considered for a zoning amendment to a use permitted in that given designation without requiring an amendment to this strategy provided that the intents of all other policies of the Strategy are satisfied.

## 27.4 Land-use By-law

The Town of Annapolis Royal Land-use By-law is the main implementation instrument for the policies within this Municipal Planning Strategy affecting the control of land use and development. The Land-use By-law establishes certain zones, identifies their location by way of a Zoning Map, and indicates the uses permitted and the development standards required.

- 27.4.1 It shall be the intention of council to initially include the following zones in the Annapolis Royal Land-use By-law:

Residential Light Density	R1
Residential Multiple	R2
Residential Zero Lot-line	R3
General Commercial	C1
Highway Commercial	C2
Hogg Island CDD	HI1
Waterfront CDD I	WF1
Waterfront CDD II	WF2
Institutional	IN1
Environmentally Sensitive Area	ESA
Historic Garden	HG
Parks and Open Space	O1
Residential Mobile Home	MH

- 27.4.2 It shall be the intention of Council that the Land-use By-law may be amended to allow additional uses provided that they are consistent with the policies of this Strategy.

It is not intended that all land shall be pre-zoned at the outset as indicated by the policies of this strategy or as indicated on the Future Land Use Map. Rather, in order that Council may maintain a comparatively high degree of control and be able to monitor future development, initial zoning provisions will be comparatively restrictive. Development will be permitted by an amendment to the Land-use By-law or by Development Agreement, in accordance with the policies of this Municipal Planning Strategy.

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## 27.5 Amending the Land-use By-law

It may be necessary from time to time to amend the Land-use By-law, although the by-law must always be amended in conformity with the Municipal Planning Strategy. Those situations for which there is provision to initiate the process of amending a land-use by-law include:

- (a) a request by an individual to amend the by-law;
- (b) a motion by a member of council to amend the by-law; or
- (c) the amendment of the Municipal Planning Strategy such that the Land-use By-law is no longer in conformance with the strategy.

27.5.1 The Council in considering an amendment to the Land-use By-law shall comply with all requirements as provided for in the *Municipal Government Act*, and this strategy.

27.5.2 It shall be the intent of Council that the following uses, within the designations specified, shall only be considered by amendment to the Land-use By-law:

- (a) mobile homes in the Residential Designation (Policy 6.11);
- (b) institutional uses may be permitted in designated residential areas or commercial areas (Policy 8.3); and
- (c) service/utility uses may be permitted in any designation (Policy 10.2).

27.5.3 In considering an amendment to the Land-use By-law the Council shall have regard for those matters identified in Policy 27.7.1 as well as those criteria set out in other applicable policies of this Strategy.

27.5.4 In considering amendments to the Land-use By-law, it shall be the intention of Council to:

- (a) request a report from the development officer;
- (b) refer the matter to the Planning & Heritage Advisory Committee for their report with respect to any other policies of this strategy which affect the proposed amendment.

27.5.5 In considering an amendment to the Land-use By-law, Council shall hold a public hearing in accordance with the provisions of the *Municipal Government Act*.



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## 27.6 Development Agreements

A Development Agreement is, like traditional zoning, a tool for implementing a Municipal Planning Strategy, but unlike it, an approach which provides flexibility although not at the expense of adequate controls. A Development Agreement is a formal written agreement between a council and a developer and as such is binding on both. As provided for under the *Municipal Government Act*, where a Council intends to regulate development by Development Agreement, a Municipal Planning Strategy is required to have policy with regard to the following three matters: (1) the types of developments and the areas in which those developments shall be considered by Development Agreement, (2) those matters which the Council shall consider prior to entering into a Development Agreement, (3) those matters which may form a part of the Development Agreement.

- 27.6.1 It shall be the intent of Council that the following uses shall only be considered by development agreement and that this shall only be within the designations or zones indicated:
- (a) More than one main building for accommodation in the Residential designation and the R2 Zone (Policy 6.13);
  - (b) All uses in the Waterfront CDD I designation (Policy 14.3);
  - (c) All uses in the Waterfront CDD II designation (Policy 14.6);
  - (d) All uses in the Hogg Island CDD designation (Policy 14.10);
  - (e) Bed-and-breakfast uses up to three units in the Residential designation and the R1 Zone (Policy 6.14);
  - (f) Historic vacation suites in the Residential designation and the R1 Zone west of Prince Albert Road (Policy 6.15);
  - (g) Commercial or industrial developments west of Prince Albert Road in the ESA designation (Policy 7.1 and Policy 11.1); and
  - (h) Amusement arcades in the Commercial designation (Policy 7.1 (e));and
  - (i) Changes to uses, structures, and site requirements for legal non-conforming properties in the Residential designation (Policy 6.20)
  - (j) new highway commercial uses or the expansion or redevelopment of existing commercial uses in the Commercial Designation on St. Anthony Street north of Chapel Street (Policy 7.1(g)).
- 27.6.2 In considering entering into a Development Agreement, the Council shall have regard for those matters identified in Policy 27.7.1 as well as those criteria set out in other applicable policies of the strategy.

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27.6.3

It shall be the intention of Council that a development agreement made pursuant to the *Municipal Government Act* may contain such terms and conditions that it feels necessary to ensure that the development agreement is consistent with the policies of this Strategy, to this end, the agreement may include, but is not limited to, some or all of the following:

- (a) the specific use and size of the structure, either new or an expansion of an existing structure;
- (b) the location of any structure within a development;
- (c) the percentage of land that may be built upon and the size of yards, courts or other open spaces;
- (d) the maximum density of the population within the development;
- (e) the architectural design or external appearance of structure, in particular its compatibility with adjacent structures;
- (f) the provision of services and utilities;
- (g) traffic generation, ingress to and egress from the site to abutting streets and parking;
- (h) the landscaping or buffering of developments which may include fencing, walkways and outdoor lighting;
- (i) alteration of land levels;
- (j) open storage;
- (k) public display of advertising; and
- (l) any other similar matter that may be addressed in a Land-use By-law which Council feels is necessary to ensure to general compatibility of the use and structure with adjacent areas.

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## 27.7 Criteria for Amendment to the Land-use By-law and Evaluation of Proposals for Development Agreements

Zoning and Development Agreements are mechanisms for implementing land use aspects of Municipal Planning Strategies (MPS). As such they must be in conformity with the MPS. An Amendment to a Land-use By-law or entering into a Development Agreement can have a significant impact on fiscal, land-use and other matters in the Town. With this in mind, the *Municipal Government Act* provides that a Municipal Planning Strategy contain the criteria to be used by council when considering an amendment to a Land-use By-law or entering into a Development Agreement.

27.7.1 In considering amendments to the zoning in the by-law or, entering into Development Agreements, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:

- (a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;
- (b) That the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of the Town to absorb any costs relating to the development;
  - (ii) the adequacy of sewer and groundwater to support the proposed density of development;
  - (iii) the adequacy and proximity of school, recreation and other community facilities;
  - (iv) the adequacy of road networks adjacent to, or leading to the development;
  - (v) the potential for the contamination of water courses or the creation of erosion or sedimentation;
  - (vi) stored water capacity for fire protection; and
  - (vii) the potential for damage to or destruction of historical buildings and sites.

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- (c) That controls are contained in a Land-use By-Law or a development agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of
    - (i) type of use;
    - (ii) emissions including air and water pollutants and noise;
    - (iii) height, bulk, and lot coverage of the proposed building;
    - (iv) traffic generation, access to and egress from the site, and parking;
    - (v) open storage;
    - (vi) signs; and
    - (vii) similar matters of planning concern.
  - (d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps, or bogs and proximity of highway ramps, rights-of-way and other nuisance factors.
  - (e) Provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic.
  - (f) Development is located so as not to obstruct any natural drainage channels or watercourses.

## 27.8 Subdivision Control

The Town of Annapolis Royal presently has a Subdivision Bylaw, which was put in place April 1, 1999. Pursuant to the provisions of the *Municipal Government Act*, the province prescribed Provincial Subdivision Regulations. An amended Subdivision By-law for the Town of Annapolis Royal should add provisions such as engineering specifications for subdivision developments.

- 27.8.1 It shall be the intent of Council to review the existing Subdivision By-law for the Town of Annapolis Royal.

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## **27.9 Development Officer**

23.9.1 In accordance with Sections 243 (1) and 243 (2) of the *Municipal Government Act*, it shall be the intention of Council to appoint a development officer who shall administer the Land-use By-law and Subdivision By-law and as such shall be responsible for the granting of development permits and approvals of plans of subdivision.

## **27.10 Building By-law**

27.10.1 It shall be the intent of Council to administer the Building By-law and update it as warranted in order to effectively regulate the safety and structural sufficiency of buildings in the Town.

## **27.11 Sewer By-law**

27.11.1 It shall be the intent of Council to administer the Sewer By-law and update as required in order to clearly define the responsibilities of the user and effectively regulate the type, strength and volume of effluent discharged.

## **27.12 Unsightly Premises**

27.12.1 It shall be the intent of Council to maintain properties in the Town by applying the relevant sections of the *Municipal Government Act* to deal with unsightly premises.

## **27.13 Capital Improvement Plan**

In addition to controlling private development Council may undertake programs of its own to encourage development in certain areas, to enhance, improve, or protect the environment of the Town, or to provide a greater range of social, recreation, cultural or educational facilities and activities. It is one purpose of this Strategy to aid in establishing such programs.

27.13.1 It shall be the intent of Council to incorporate policies and provisions of this Strategy into the Capital Budget and the seven year Capital Improvement Plan of the Town to the greatest extent possible, with the goal of eventual integration of planning, capital programming, and budgeting.

27.13.2 To assist in co-ordinating planning and budgeting, it shall be the intent of Council to provide a copy of the budget to the Planning & Heritage Advisory Committee prior to the approval of the annual Capital Budget.