



# *Town of Annapolis Royal Municipal Planning Strategy*





## *Acknowledgements*

### **Annapolis Royal Town Council**

Bill MacDonald, Mayor  
Pat Power, Deputy Mayor  
John Kinsella  
Holly Sanford

### **Municipal Effectiveness Advisory Committee (MEAC)**

Jane Nicholson, Chair	Marilyn Francis (past member)
Bill MacDonald, Vice-Chair	Issam Mansour (past member)
Brian Bohaker	Byron Mersereau (past member)
Alyn How	Sam Myhre (past member)
Paul Paquette	Ruth Thorbourne (past member)
Pat Power	Ron Wesman (past member)

### **Planning & Heritage Advisory Committee (PHAC)**

Barry Moody, Chair  
Brian Bohaker, Vice-Chair  
Carol Hanson  
John Kinsella  
Holly Sanford  
Heather Sprague

### **Planning Services**

Chris Millier, 4Site Group, Town Planner & Development Officer  
Sandi Millett-Campbell, Community Development Coordinator

### **Graphic Design**

Kimberly Gunn, Red Shed Graphic Design

### **Photography**

Laura Boyko Photography

---

### ***Town of Annapolis Royal***

*Box 310, 285 St. George Street, Annapolis Royal, Nova Scotia B0S 1A0*

---



*Town of Annapolis Royal*  
***Municipal Planning Strategy***

## *Table of Contents*

Introduction		pg 6
	Authority	
	Statements of Provincial Interest	
	About This Document	
Vision Statement		pg 9
Part 1	Residential Development	pg 10
Part 2	Commercial Development	pg 17
Part 3	Industrial Development	pg 22
Part 4	Institutional Development	pg 24
Part 5	Services and Utilities Development	pg 26
Part 6	Parks, Recreation and Open Space Development	pg 28
Part 7	Environment and Conservation Areas Development	pg 30
Part 8	Annapolis Royal Historic Gardens	pg 32
Part 9	Fort Anne	pg 33
Part 10	Museums	pg 34
Part 11	National Historic District	pg 35
Part 12	Comprehensive Development Districts	pg 38
Part 13	Town Infrastructure	pg 41
Part 14	Town Services	pg 44
Part 15	Signage	pg 48
Part 16	Land Use Conflicts	pg 50
Part 17	Implementation	pg 52
Map 1	Generalized Future Land Use	pg 61
Map 2	National Historic District	pg 63
Map 3	Transportation	pg 65
Appendix 1	NSPI Emergency Preparedness Plan (2010)	pg 66

## *Introduction*

### **Authority**

This Municipal Planning Strategy and the accompanying Land Use By-law have been prepared pursuant to and in conformity with Part 8 of the Nova Scotia Municipal Government Act, SNS c 18, 1998 as amended.

### **Statements of Provincial Interest**

The Province of Nova Scotia has adopted Statements of Provincial Interest relating to specific land use issues: the protection of drinking water supplies; the efficient and responsible use and extension of municipal infrastructure; the preservation of high-quality agricultural lands; development within identified flood risk areas; and the provision of adequate housing.

The Municipal Government Act requires the contents of a Municipal Planning Strategy to be generally consistent with these Statements of Provincial Interest.

This Strategy has been prepared with a recognition and acknowledgement of the Statements of Provincial Interest and contains policies that are consistent with the goals and objectives of these Statements. To this end, this Strategy contains provisions that address the following relevant issues:

- Policies relating to encouraging the protection of the Town's source water supply, which is located outside of the Town in the adjacent Municipality, through municipal cooperation;
- Policies relating to the efficient use, maintenance, and extension of the Town's road, sanitary sewer, water, and storm sewer infrastructure, including requirements for all new development to be serviced with municipal services;
- Policies that encourage the maintenance of existing, and the development of a range of new, high-quality housing opportunities that meet the varied needs of all Town residents.

The Town does not contain any designated flood risk areas. The Town is located adjacent to the Annapolis River and the Strategy and Land Use By-law provide for development control provisions for development adjacent to the Annapolis River and in particular consideration of the impacts of potential sea level rise for those lands located adjacent to the Annapolis Basin.

The Town does not have intensive agriculture activities within its boundaries, although the Allains River marshlands are sources of agricultural hay. Located in environmentally sensitive areas, this type of agricultural is supported and encouraged to continue. The balance of the Town, with the presence of municipal services and infrastructure, is intended to continue to develop as a primarily residential and commercial community.

## About This Document

The Town of Annapolis Royal has a number of strategic documents as well as a variety of policies, procedures and regulations which provide a framework for municipal governance and the management of the Town's operations.

This Municipal Planning Strategy (MPS) and the accompanying Land Use By-law (LUB) are the primary documents relating to the regulation of land use and development activities within the Town.

The Municipal Planning Strategy identifies the policies which land use and development will follow. The Land Use By-law identifies the specific land use and development control regulations which apply within the Town. Together, these documents provide both a high level, longer-term vision for development, as well as the shorter-term regulatory and administrative processes to manage growth and development on a day-to-day basis.

The Municipal Planning Strategy and the Land Use By-law should be read together to understand the general intent of planning and development requirements within the Town.

The Municipal Planning Strategy establishes the vision for growth and development in Annapolis Royal and is organized by major land use activity classes or groupings (such as residential, commercial, etc.). The strategy also establishes implementation and administrative provisions relating to planning and development processes.

The MPS also includes three maps which support and detail the document's policies - the Generalized Future Land Use Map, the National Historic District Map and the Transportation Map.

The Generalized Future Land Use Map is a long-term (five to seven year) policy level map which appears as Map 1 on page 61 and shows contemplated future land uses in various districts of the Town of Annapolis Royal, tied to both the Municipal Planning Strategy (MPS) and Land Use By-law (LUB).

The National Historic District Map is an administrative map which appears as Map 2 on page 63 and shows the boundaries of the National Historic District of the Town of Annapolis Royal.

The Transportation Map is an administrative map which appears as Map 3 on page 65 and shows the existing arterial, collector and local roads in the Town of Annapolis Royal, as well as future local extensions.





## *Vision Statement*

The goal of the Annapolis Royal planning documents – the Municipal Planning Strategy and the Land Use By-law – is to encourage, support, harmonize and promote the long-term economic, social and cultural environment of the Town with a view to preserving its unique character and enhancing the quality of life for all its citizens. To that end, Annapolis Royal will continue to promote and protect the Town’s natural and built heritage, history, environment and inclusive small-town atmosphere.

These planning documents recognize that Annapolis Royal is unique. To quote from the Historic Sites and Monuments Board of Canada, Annapolis Royal “possesses a distinctive sense of both history and place by virtue of its strategic siting, its role as a colonial capital and commercial centre and its association with the historical themes of early Acadian settlement. These are represented physically through its evolved town site plan, surviving fortifications and waterfront installations”.

The Town’s large National Historic District is a National Historic Site of Canada and contains an extensive catalogue of Maritime and Canadian architectural styles of the 18th, 19th and 20th centuries. Their character-defining elements are described in Part 11 of this document. Rare in our country, Annapolis Royal’s buildings, sites and open spaces retain “an excellent degree of integrity, characterized by the generally superior craftsmanship of the buildings and the relationship between those buildings and the green spaces”.

It is to protect the Town’s unique character that the general intent of our planning documents is to manage economic growth and sustainable development by regulating its architectural design and its impact on heritage protection and preservation. At the same time, our Municipal Planning Strategy and Land Use By-law are designed to recognize the changing needs of our 21st century rural economy in both an innovative and respectful way, reflecting the dynamic combination of physical factors, economic interests and social patterns that make up the unique character of the Town.

# 1

## *Residential Development*

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 retains the character and charm associated with its designated heritage resources, and, consequently, that future housing and commercial development and conversions of institutional and commercial buildings complement and positively add to the community. Annapolis Royal is almost entirely a National Historic District as shown on Municipal Planning Strategy Map 2. It has the greatest concentration of heritage homes in Nova Scotia. The housing stock consists principally of municipally and provincially designated heritage houses as well as a few newer dwellings on quiet side streets.

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 breakfast establishments, historic vacation suites and inns. A number of these are converted older homes and former institutional and commercial buildings. All areas of the Town are safe, enjoyable, and within reasonable walking distance of the downtown, the high school, and recreational facilities.

# Policies

## Community Form, Permitted Uses and Zoning

### 1.1 Residential Designation, Generalized Future Land Use Map

- 1.1 Council shall designate those areas shown on Map 1, the Generalized Future Land Use Map, as Residential and their use shall be primarily for residential development. The Residential Designation shall recognize existing residential areas and permit a variety of new housing, including affordable housing of various types. Criteria for new development within the Residential Designation shall ensure that it is compatible with existing residential neighbourhoods.

### 1.2 Uses Permitted within the Residential Designation

- 1.2.1 Designated residential areas shall be developed and maintained primarily for residential purposes. Residential zones shall be established to create and regulate a broad variety of type of residential uses and a range of non-residential uses which are compatible with residential uses and areas, including but not limited to home-based business uses, day nurseries, bed and breakfast establishments, inns and short-term accommodations.
- 1.2.2 Recreational uses, public parks, institutional uses, historic gardens and service/utility uses may also be permitted in designated residential areas. Such existing uses shall be zoned according to their use and new uses shall be considered by amendment to the Land Use By-law (rezoning).

### 1.3 Residential Zones

- 1.3.1 The Land Use By-law shall establish the following zones to regulate residential development within the Residential Designation: the Residential Single Unit (RSU) Zone; the Residential Two Unit (RTU) Zone; the Residential Medium Density (RMD) Zone; the Residential Mixed Use (RMU) Zone; and the Residential Prince William Zone (RPW).

### 1.4 Residential Single Unit (RSU) Zone

- 1.4.1 With the exception of the area generally bounded by St. James Street, Church Street, St. Anthony Street and Victoria Street and lands generally bounded by Drury Lane, Prince William Street and St. Anthony Street, the Residential Single Unit (RSU) Zone shall be applied to all residential properties within the Residential Designation.
- 1.4.2 Other than as provided for by Policy 1.8, all dwellings existing on the effective date of this Strategy shall be zoned Residential Single Unit (RSU) and shall be considered legal conforming uses. The development of new single unit dwellings will be permitted as-of-right in the Residential Single Unit (RSU) Zone.

### 1.5 Residential Two Unit (RTU) Zone

- 1.5.1 Permitted uses within the Residential Two Unit (RTU) Zone shall include the construction of new two-unit residential dwellings and the conversion of existing single unit dwellings to two-unit dwellings.
- 1.5.2 The development of new two-unit dwellings, the conversion of existing single unit dwellings to two-unit dwellings or the conversion of an accessory building for residential use pursuant to Policy 1.5.3 within the Residential Designation will be considered by amendment to the Land Use By-law (rezoning).

- 1.5.3 The conversion of an existing accessory building to a dwelling unit or the construction of a dwelling unit within an existing accessory building shall be permitted within the Residential Two Unit (RTU) Zone. The maximum number of dwelling units on a lot shall be two (2). In addition to criteria contained in this Strategy, the development of a dwelling unit within an existing accessory building shall be subject to the provision of adequate on-site parking and that no addition to the accessory building shall be constructed to accommodate the residential use.

## **1.6 Residential Medium Density (RMD) Zone**

- 1.6.1 Permitted uses within the Residential Medium Density (RMD) Zone shall include multiple unit residential dwellings containing between three (3) and six (6) dwelling units.
- 1.6.2 The development of new dwellings containing between three (3) and six (6) dwelling units or the conversion of existing dwellings to three (3) to six (6) unit dwellings within the Residential Designation will be considered by amendment to the Land Use By-law (rezoning).
- 1.6.3 The conversion of an existing accessory building for residential use containing between two (2) and six (6) units shall be permitted within the Residential Medium Density (RMD) Zone. The maximum number of dwelling units on a lot shall not exceed six (6). In addition to criteria contained in this Strategy, the development of dwelling units within an existing accessory building shall be subject to the provision of adequate on-site parking and that no addition to the accessory building be constructed to accommodate the residential use.

## **1.7 Higher Density Residential Development**

- 1.7.1 The development of new residential dwellings containing seven (7) or more units, the conversion of existing dwellings to seven (7) or more units, the development of grouped dwellings located on a single lot and the development of Rooming and Boarding Houses shall be considered in the Residential Designation by Development Agreement.

## **1.8 Residential Mixed Use (RMU) Zone**

- 1.8.1 The Residential Mixed Use (RMU) Zone shall be applied to lands generally bounded by St. James Street, Church Street, St. Anthony Street and Victoria Street and to lands fronting on the east side of Drury Lane between Prince William Street and St. Anthony Street, being Civic #36, 40, 46, 50 and 58 Drury Lane and #167 St. Anthony.
- 1.8.2 Permitted uses within the Residential Mixed Use (RMU) Zone shall include existing single unit, existing two-unit, existing multiple unit and converted residential dwellings. Permitted new uses shall include single unit and two-unit residential dwellings and the conversion of existing single unit dwellings to two units. New residential dwellings containing three (3) or more units and the development of residential dwelling units within existing accessory buildings shall be considered by Development Agreement.
- 1.8.3 In addition to permitted residential uses, up to forty-nine percent (49%) of the floor area of a dwelling within the Residential Mixed Use (RMU) Zone may be permitted to be occupied by a commercial or institutional use, provided no alteration to the exterior of the building is undertaken to accommodate the non-residential use.
- 1.8.4 The Residential Mixed Use (RMU) Zone shall not be applied to or permitted in any areas other than identified in Policy 1.8.1.
- 1.8.5 Notwithstanding anything in this section, lands of the Town of Annapolis Royal at 24 Drury Lane (PID 05003470) shall be zoned Commercial General (CG), reflecting current and intended public and commercial uses.

## Residential Prince William (RPW) Zone

- 1.9.1 The Residential Prince William (RPW) Zone may be applied to lands which front on the north and south side of Prince William Street by amendment to the Land Use By-law (re-zoning).
- 1.9.2 Permitted uses within the Residential Prince William (RPW) Zone shall include existing single unit, existing two-unit, existing multiple unit and converted residential dwellings. Permitted new uses shall be limited to single unit dwellings and all development within the Residential Prince William (RPW) Zone shall be considered only by Development Agreement.
- 1.9.3 In addition to permitted residential uses, up to forty-nine percent (49%) of the floor area of a dwelling within the Residential Prince William (RPW) Zone may be permitted to be occupied by a commercial or institutional use, provided no alteration to the exterior of the building is undertaken to accommodate the non-residential use.
- 1.9.4 Notwithstanding Policy 1.9.2, permitted uses on PID 05002852 may include new two-unit (2) dwellings, townhouse dwellings and grouped dwellings on a single lot.
- 1.9.5 The Residential Prince William (RPW) Zone shall not be applied to or permitted in any areas other than identified in Policy 1.9.1.
- 1.9.6 Before considering proposals for redevelopment of any properties in the Residential Prince William (RPW) Zone for residential or commercial purposes, the Town will undertake a planning study to determine construction requirements, overall cost and the time necessary to upgrade Prince William Street to meet the standards contained in the Subdivision By-law and the Municipal Services Specification Manual.
- 1.9.7 If the planning study required pursuant to Policy 1.9.6 determines that the standards contained in the Subdivision By-law and the Municipal Services Specification Manual cannot be met for the upgrading of Prince William Street, the Town engineer may prescribe and approve alternative standards which, in addition to other criteria, would be included as conditions for approval of proposals for redevelopment of any properties in the Residential Prince William (RPW) Zone for residential or commercial purposes.
- 1.9.8 The responsibility for the necessary upgrading of Prince William Street to standard rests with the developer/owner.

## Home-Based Businesses

The Town of Annapolis Royal and its citizens recognize that home occupations are part of a thriving modern economy. Home occupations and home-based businesses create an interesting community and provide sources of income for Town residents. But Annapolis Royal must take care to maintain its other economic assets, the charm of its residential heritage properties and neighbourhoods, and the viability of its downtown commercial core.

For this reason, the Town of Annapolis Royal limits the range of home occupation uses to the creation and sale of traditional light goods, the provision of professional and personal services and the manufacture or repair of small commercial goods. Home occupations and home-based businesses within this range are permitted in any dwelling unit or accessory building in any residential zone.

As noted in Part 5 of the Land Use By-law, General Provisions for All Residential Zones, the establishment of a home-based business, other than a Home Office, shall require a Municipal Development Permit. Every application for a development permit shall be accompanied by a Letter of Consent from the property owner if the occupant of the dwelling unit is not the owner.

### 1.10 Home-based Business Uses in the Residential Designation

- 1.10.1 Home-based business uses shall be permitted accessory to a residential use in areas designated as Residential. They shall not alter the predominant character of the neighbourhood or its amenities and shall not create noise or traffic which interferes unduly with the predominantly residential character of the area.
- 1.10.2 The Land Use By-law shall contain definitions and criteria to regulate home-based business uses including, but not limited to, the type of non-residential uses permitted, the use of accessory buildings for non-residential purposes, the maximum floor area of business uses permitted, the maximum number of non-resident employees permitted and the requirement for adequate on-site parking. The Land Use By-law shall establish a definition for a Home Office and shall exempt Home Offices from requiring a Municipal Development Permit to operate.
- 1.10.3 As provided for in Policy 17.13 Variances, a variance of up to five percent (5%) on the maximum permitted floor area of a home-based business may be considered upon application.
- 1.10.4 The Land Use By-law includes a definition of permitted and prohibited home-based businesses. Council may consider by Development Agreement the approval of home-based businesses other than those defined in the By-law as long as such uses are not identified as Prohibited Home-based Businesses in the Land Use By-law.

## Commercial Accommodations in the Residential Designation

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.

Recognizing the emergence of the “sharing economy”, the potential impact of technology and evolving preferences of visitors to the community, short-term rental uses, such as Airbnb, shall be permitted within the Town and be subject to development controls which will ensure that these uses remain compatible with the residential character of existing neighbourhood.

### 1.11 Permitted Commercial Accommodation

- 1.11.1 Within the Residential Single Unit (RSU) Zone, existing Bed and Breakfasts, Inns and Historic Vacation Suites shall be included as permitted uses. New Bed and Breakfasts, Inns and Historic Vacation Suites in the Residential Single Unit (RSU) Zone shall be considered by Development Agreement.
- 1.11.2 Short-Term Rental uses shall be included as permitted uses in the Residential Single Unit (RSU) Zone and shall be subject to conditions to ensure their appropriate integration into existing neighbourhoods. Exterior alteration to or expansion of an existing residential structure shall not be permitted to accommodate a short-term rental use and requirements relating to on-site parking must be met.

## Heritage Values and Protection

The protection and enhancement of the Town's heritage assets is critical to both the Town's existing and future cultural, social and economic opportunities. For that reason, homes of heritage value shall be protected by maintaining a Municipal Heritage Registry and a Heritage By-Law for the Town of Annapolis Royal, in accord with the Heritage Properties Act. Part 11 of this Strategy details policies around the National Historic District and the role of the registration of heritage properties.

Many of the Town's heritage assets are located within established residential areas and their location, within the context of adjacent properties in their neighbourhoods, often contributes to their character defining elements. To this end the Town recognizes that changes to the character of existing non-registered dwellings located immediately adjacent to registered dwellings can have an impact on the general integrity of the National Heritage District and particular impact on adjacent registered heritage properties. The Town also recognizes that new infill construction can have the same impact. To this end the Town will regulate development adjacent to registered heritage properties to support and protect heritage assets and ensure compatibility of style and workmanship. The Town recommends that all building owners and developers be aware of the Town's Heritage by-law and its related policies.

### 1.12 Existing and New Development Adjacent to Registered Heritage Properties

- 1.12.1 Where a property abuts a registered heritage property in the Residential Designation, in addition to all relevant provisions of the Land Use By-law, the following exterior alterations of the structure (except for routine maintenance or repair with original building materials) or the development or redevelopment of a property shall be subject to review and recommendation of the Town's Planning and Heritage Advisory Committee:
- a) The construction of new dwellings;
  - b) Additions to an existing structure located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot;
  - c) Construction of accessory structures (including accessory buildings, exterior porches and decks, antenna, ramps, fences) located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot.
- 1.12.2 In reviewing proposed development subject to Policy 1.11.1, consideration shall be given to:
- a) the development's height, bulk, roof-line, siding, and number, location, and size of windows and doors relative to the character-defining exterior elements of the adjacent registered heritage building;
  - b) the advice of a professional architect or other qualified professional;
  - c) any other applicable criteria contained in this Strategy or the Land Use By-law.

### 1.13 Minimum Development Standards for Residential Zones

- 1.13.1 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.



# 2

## Commercial Development

Businesses and residents alike understand that the commercial growth of the Town of Annapolis Royal is predicated on the successful marketing and protection of its heritage, arts, culture, environment and small-town charm.

While tourism-oriented commercial activity is critical to the Town's economic well being, it is important to note the Town's role as a commercial centre for surrounding communities through the provision of a variety of retail, personal and commercial services and government and institutional services.

Council supports commercial uses that fit this understanding and are integrated into the existing pattern of development, retaining an attractive and convenient downtown commercial area. Council also supports the creation of new commercial locations and innovations that are beneficial to the community, and the establishment of relevant commercial development standards.

Annapolis Royal's main commercial activities are located on St. George Street below/north of the traffic lights and St. Anthony Street/Prince Albert Road. St. George Street is zoned Commercial General (CG) on the uptown side, and Heritage Waterfront Comprehensive Development District (HWCDD) on the water side from Town Hall to Chapel Street. St. Anthony Street and Prince Albert Road are zoned Commercial Highway (CHW). Council's goal is to encourage new retail businesses to locate in the downtown Commercial General area and the Heritage Waterfront Comprehensive Development District (HWCDD), with the Commercial Highway area being reserved for those businesses with large space requirements and others which, for various reasons, cannot be accommodated in the Commercial General (CG) Zone. Mixed use development which is compatible with the heritage character of the downtown is envisioned for the Heritage Waterfront Comprehensive Development District (HWCDD) Zone as detailed in Part 12 of this Strategy. It is important for the Town's economic health that these areas should be able to accommodate future growth, with considerations such as compatibility with the Town's character and matters such as parking and landscaping being given due importance.

Council will encourage comprehensively planned multiple-unit retail development in the Commercial Highway (CHW) Zone, as well as a portion of the Environmentally Sensitive Area to the west of Prince Albert Road, provided that this development can be undertaken in a manner which is consistent with the existing attractive small-town charm of Annapolis Royal. New large-scale commercial and light industrial uses will also be permitted in the Commercial Highway Zone, again with the provision that it can be undertaken in a built form that is consistent with the goal of ensuring that the character of this area as a gateway is promoted and encouraged.

Council believes commercial areas must be compact and continuous, providing pronounced commercial shopping activities, particularly at ground level. For that reason, Council will not support new street-front ground level residential development in the Commercial General (CG), Heritage Waterfront Comprehensive Development District (HWCDD) or Commercial Highway (CHW) zones.

Additional commercial uses of a very limited nature are permitted on four properties in the important and historic Lower St. George Street, north of Drury Lane, which are zoned Commercial Heritage (CHR) Zone. This is the only commercially designated area on St. George Street where residential use is strongly encouraged and specifically permitted at ground level.

# Policies

## 2.1 Commercial Designation, Generalized Future Land Use Map

- 2.1 It shall be the policy of Council to designate those areas shown on Map 1, the Generalized Future Land Use Map, as Commercial and their use shall generally be for commercial development. The Commercial Designation shall recognize existing commercial areas as well as areas suitable for potential new commercial development. The Commercial Designation permits and encourages a wide variety of commercial development.

## 2.2 Uses Permitted within the Commercial Designation

- 2.2.1 The Commercial Designation will be applied to two areas with distinct commercial character, the traditional downtown core fronting on St. George Street, excepting than those lands abutting the Annapolis River between the Amphitheatre and Chapel Street which shall be designated Waterfront Heritage Comprehensive Development District pursuant to Policy 12.2, and the highway commercial area generally located on St. Anthony Street and Prince Albert Road.
- 2.2.2 The Land Use By-law will establish zones and specify development control provisions, including the range of permitted uses, site planning and built form which respond to the differing character and development capabilities of the two primary commercial districts within the Town.
- 2.2.3 In general, the unique historical and pedestrian character of the Town's traditional commercial core will be protected and supported. Small scale retail, personal service, commercial service, office and institutional uses located at street level will be encouraged.
- 2.2.4 Commercial development which would otherwise not be generally compatible with the character of the traditional downtown core will be encouraged and permitted to locate in the highway commercial area. Commercial uses with larger floor and/or lot area needs, uses requiring larger outdoor storage or display and uses which may be dependant of higher traffic volumes will be encouraged in this area. Development within the highway commercial area will be regulated to ensure that it is compatible with the function of this area as a primary gateway to the Town.
- 2.2.5 Where a property abuts a registered heritage property in the Commercial Designation, in addition to all relevant provisions of the Land Use By-law, the following exterior alterations of the structure (except for routine maintenance or repair with original building materials) or the development or redevelopment of a property shall be subject to review and recommendation of the Town's Planning and Heritage Advisory Committee:
- a) The construction of new dwellings;
  - b) Additions to an existing structure located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot;
  - c) Construction of accessory structures (including accessory buildings, exterior porches and decks, antenna, ramps, fences) located in the front yard, the side yard which abuts the registered heritage property or any abutting yard for development on a corner lot.

- 2.2.6 In reviewing proposed development subject to Policy 2.2.5, consideration shall be given to:
- a) the development's height, bulk, roof-line, siding, and number, location, and size of windows and doors relative to the character-defining exterior elements of the adjacent registered heritage building;
  - b) the advice of a professional architect or other qualified professional;
  - c) any other applicable criteria contained in this Strategy or the Land Use By-law.

## 2.3 Commercial Zones

- 2.3.1 The Land Use By-law shall establish the following zones to regulate commercial development: Commercial General (CG) Zone; Commercial Highway (CHW) Zone; Commercial Heritage (CHR) Zone. Commercial development along the downtown waterfront shall be regulated through the Heritage Waterfront Comprehensive Development District (HWCDD) Zone as provided for in Part 12.2 of this Strategy.
- 2.3.2 In addition to general provisions relating to the control of signage, the Land Use By-law shall contain specific provisions for the regulation of commercial signage. Regulation of commercial signage will promote the appropriate siting of signs and public safety. Signage regulations will also control the visual appearance of signs to ensure that this is in keeping with the historical and architectural heritage of the Town.
- 2.3.3 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 areas zoned Commercial General (GC), 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 downtown to help address parking problems and, where feasible, shall assist in the provision of public parking areas near the downtown.

## 2.4 Commercial General (CG) Zone

- 2.4.1 Council shall maintain and support measures to enhance the St. George Street downtown commercial district as the principal retail area of the Town.
- 2.4.2 The Commercial General (CG) Zone shall generally be applied to lands fronting on the east side of St. George Street between civic 358 St. George Street (PID 05002365) and Chapel Street.
- 2.4.3 Permitted uses within the Commercial General (CG) Zone shall include, in addition to existing commercial uses, a broad range of retail, office, personal service, commercial service, restaurants and accommodation, institutional and tourist-oriented marine related uses.
- 2.4.4 In the Commercial General (CG) Zone, new ground-floor level residential development shall be prohibited from fronting on St. George Street south from civic 194 St. George Street (PID 05003405).
- 2.4.5 It is intended that the downtown commercial area be primarily a retail and service centre, with a relatively high-density development form. Lot frontage, lot area and setback requirements will be minimal.
- 2.4.6 Lands designated Commercial and zoned Commercial General (CG) shall not be permitted to be rezoned to any other commercial or residential zone.

## Commercial Highway (CHW) Zone

- 2.5.1 The Commercial Highway (CHW) Zone shall generally be applied to existing commercial uses fronting on St. Anthony Street between civic 190 St. Anthony Street (PID 05002654) and the intersection of St. Anthony Street and Prince Albert Road, and to lands fronting on Prince Albert Road in the vicinity of the Town of Annapolis Royal Public Works yard.
- 2.5.2 Permitted uses within the Commercial Highway (CHW) Zone shall include, in addition to existing commercial uses, retail, personal and commercial service, accommodation, light industrial and institutional uses.
- 2.5.3 The Land Use By-law will contain provisions relating to site planning including building and parking placement, access and the use of landscape materials to ensure that new development in the Commercial Highway area is compatible with the area's function as a gateway.
- 2.5.4 Lands fronting on Prince Albert Road generally north of the Town Public Works yard extending to the causeway are recognized and designated as an Environmentally Sensitive Area (see Part 7). These lands may be suitable for commercial mixed-use development subject to detailed assessment and confirmation of their environmental character. Their strategic location makes them suitable for detailed planning through a separate planning effort.
- 2.5.5 In considering detailed area planning envisioned in Policy 2.5.4, and in conjunction with environmental investigations, the Town will consider the establishment of comprehensive planning provisions for this area which will include the potential development of a range of commercial and institutional uses with accessory residential development which is consistent with the role of this area as a gateway. Planning and development provisions for this area, to be considered through an amendment to this Strategy, shall ensure that any future development is compatible with and supports the Town's character and heritage values.
- 2.5.6 Recognizing the unique size and location of the property at 155 St. Anthony Street, (PID 05002852), redevelopment of this property will be considered only by Development Agreement. Uses and structures adjacent to St. Anthony Street shall be for commercial purposes to maintain and support the commercial function of St. Anthony in this area. The northern portion of the property which abuts Prince William Street may be considered for residential and commercial mixed-use purposes pursuant to Policy 1.9. In considering proposals for redevelopment of this property, in addition to other criteria, the Town will require any proposed development fronting on Prince William Street to include upgrading of Prince William Street to meet the standards contained in the Subdivision By-law and the Municipal Services Specification Manual.

**2.6****Commercial Heritage (CHR) Zone**

- 2.6.1 The Commercial Heritage (CHR) Zone shall be specifically applied to four properties fronting on St. George Street between Drury Lane and Chapel Street, known as “Lower St. George Street” – PIDs 05003538, 05003579, 05003587 and 05003595. This zone will also be applied to the heritage property at 204 St. Anthony Street (PID 05002647).
- 2.6.2 The Commercial Heritage (CHR) Zone shall not be applied to any properties other than those identified in Policy 2.6.1.
- 2.6.3 The Commercial Heritage (CHR) Zone is intended to promote the economic viability of important heritage assets and streetscape through the encouragement of reuse and redevelopment of existing structures.
- 2.6.4 Permitted uses within the Commercial Heritage (CHR) Zone shall include existing residential uses, bed and breakfasts, professional offices, antique shops, arts and crafts studios, museums, sales establishments, dessert shops and cafes.
- 2.6.5 Except as provided for in Policy 1.9, lands zoned Commercial Heritage (CHR) shall not be permitted to be rezoned to any other commercial or residential zone.

**2.7****Commercial Development Support Program District**

- 2.7.1 In keeping with the Town of Annapolis Royal By-law Respecting A Commercial Development Support Program, lands zoned Commercial General (CG) and Heritage Waterfront Comprehensive Development District (HWCDD), Residential Mixed Use (RMU) and Residential Prince William (RPW) shall be considered to comprise the Commercial Development District as prescribed in the By-law.

# 3

## *Industrial Development*

The Town does not have a strong history of established industrial uses or established areas where industrial activity has traditionally located. While the Town does not have a recognized industrial park and there is little industry operating in Annapolis Royal, the Town does wish to attract and enable development of compatible light industrial uses. The Town also wants to be prepared for changing demands for industrial activities and be able to respond to a variety of potential smaller scale manufacturing and processing uses which may be compatible with balancing these types of use with protection of the Town's character.

Areas zoned Commercial Highway (CHW) or the area west of Prince Albert Road in the Environmentally Sensitive Area designation may be suitable for development of light industrial uses, provided appropriate site planning and building design controls are considered. Industrial development in the Environmentally Sensitive Area designation must be by Development Agreement.

Heavy industrial uses such as pulp and paper mills, industrial uses requiring outdoor storage or manufacturing and processing activities which generate noise, odour, vibration or which require the storage or use of environmentally hazardous materials or processes shall not be permitted in Annapolis Royal.

# Policies

## 3.1 Industrial Development

- 3.1.1 Recognizing that there is a limited land base within the Town and that there has not been a strong history of the location and presence of traditional larger scale or heavy industry within the Town, no provision has been made for a Generalized Future Land Use Designation or Zone specifically for industrial uses.
- 3.1.2 Light industrial uses, including manufacturing, fabricating, industrial assembly, warehousing and processing of goods and materials which are wholly contained within a building and which are not obnoxious by means of noise, light, odour, vibration or other emissions shall be considered by Development Agreement in the Commercial Highway (CHW) Zone and the Environmentally Sensitive Area 2 (ESA2) Zone.
- 3.1.3 In addition to other criteria contained in this Strategy, a Development Agreement for a proposed light industrial use within the Commercial Highway (CHW) Zone shall contain provisions to ensure that:
- a) site planning considerations such as access, building location, parking areas and landscaping promote integration of the development into the area; and
  - b) that building design and architectural considerations promote compatibility between the proposed development and the adjacent built form.
- 3.1.4 In addition to other criteria contained in this Strategy, a Development Agreement for a proposed light industrial use within the Environmentally Sensitive Area 2 (ESA2) Zone shall contain provisions to ensure that:
- a) the proposed specific use will not adversely affect adjacent watercourses or wetlands, based on the report of a qualified person;
  - b) adequate on-site parking for employees and customers and on-site loading and unloading facilities are provided;
  - c) 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
  - d) architectural controls address the significance of the area as a gateway and reflect Town character.
- 3.1.5 Any new industrial use shall be considered a "Prohibited Industrial Use" and shall not be permitted to locate within the Town if it:
- a) includes the processing of primary and raw materials, including metals, minerals and rock, which is not wholly contained within a building or which includes exterior storage of materials or equipment, or
  - b) generates noise, light, odour, vibrations or other emissions inconsistent with adjacent commercial or residential uses, or
  - c) requires or utilizes hazardous materials or processes.
- 3.1.6 Small scale light industrial uses which include a significant retail component and whose goods or products are primarily intended for direct consumption or use by the consumer shall be considered in the Commercial General (CG) Zone only by Development Agreement.

# 4

## *Institutional Development*

This broad category of land use includes properties occupied by churches, libraries, museums, art galleries, 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 generate vehicular and pedestrian traffic. Institutional uses have generally been well integrated into and compatible with both established residential and commercial areas of Town.

Within the commercial areas, institutional uses are an integral part of the land use fabric. Institutional uses support and are in turn supported by adjacent commercial activities and they contribute to the vibrancy of the commercial district. In this regard, institutional uses are seen as an addition to the range and scope of land use which the Town wishes to promote. New institutional uses are encouraged to locate within the commercial areas.

Within established residential areas, institutional uses are clearly distinct from the residential character of abutting uses. They have, however, established a relationship within their immediate settings which generally limits conflicts with residential uses. The presence of schools, churches and hospital uses within established residential neighbourhoods is recognized as supporting the small-town character which residents value.

In order to ensure that potential new institutional uses or the redevelopment of existing institutional uses within the established residential areas can continue to be compatible with the primary residential character of these areas, it is appropriate they be considered by Development Agreement. Consideration of site planning, building form and the nature of proposed uses will ensure that new institutional uses or the redevelopment of existing institutional properties do not generate undue impacts on residential areas.



# Policies

## 4.1 Institutional Uses in Residential Areas

- 4.1.1 Council shall support and encourage existing institutional uses located within the Residential Generalized Future Land Use Designation.
- 4.1.2 The Land Use By-law shall establish an Institutional (INS) Zone which shall be applied to all existing institutional uses located within the Residential Generalized Future Land Use Designation.
- 4.1.3 The Institutional (INS) Zone shall contain minimum zone requirements relating to lot area, lot frontage and setbacks which are consistent with the general character of the existing institutional uses.
- 4.1.4 The development of new institutional uses on lands zoned residential or the redevelopment of existing institutional properties for residential purposes will be considered only by Development Agreement. Other than as provided for in Policy 4.1.5, redevelopment of institutional uses within the residential designation shall be for residential purposes only.
- 4.1.5 Recognizing the unique size and location of the Municipality of the County of Annapolis Administrative Building at 752 St. George Street (PID 05000484), redevelopment of this property will be considered only by Development Agreement and permitted uses may include residential or commercial or mixed-use development. In considering proposals for redevelopment of this property, in addition to other criteria, the Town will encourage any proposed residential development to front on St. George Street.
- 4.1.6 In addition to other criteria contained in this Strategy, when considering amendments to the Land Use By-law for institutional uses within Residential Designation, Council shall consider:
  - a) whether the proposed use is compatible with adjacent land uses and the character of the area;
  - b) the impact on Town services;
  - c) alternative locations for the proposed use;
  - d) whether or not the proposed use takes into account the direction and pattern of development established for the Town; and
  - e) whether or not the site plan, building location and building design are compatible with the general character of the adjacent uses.

## 4.2 Institutional Uses in Commercial Areas

- 4.2.1 Council shall support and encourage existing institutional uses located within the Commercial Generalized Future Land Use Designation.
- 4.2.2 Existing institutional uses shall be included as permitted uses in the Commercial General (CG) and the Commercial Highway (CHW) Zones, and new institutional uses shall be permitted in these zones as-of-right. Institutional uses shall be permitted in the Heritage Waterfront Comprehensive Development District (HWCDD) and the Causeway Comprehensive Development District (CCDD) Zones subject to Development Agreement.

# 5

## *Services and Utilities*

Service and utility uses are those involved in the provision of services by governments and corporations, including the Town and public utilities. 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.

## Policies

- 5.1 Existing service and utility uses shall be permitted in all zones.
- 5.2 Given the unique character of certain service and utility uses, Council will 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.
- 5.3 New service and utility uses shall be considered by Development Agreement. In considering amendments, Council shall encourage the location of service and utility uses in light industrial areas and highway commercial areas, and away from the downtown, residential and environmentally sensitive areas.
- 5.4 In addition to other criteria contained in this Strategy, when considering a Development Agreement for a proposed new service and/or utility use, Council shall take into account:
  - a) the necessity of the proposed use;
  - b) the alternative locations within the Town for the proposed use;
  - c) the pattern of development and direction of growth which would be established within the Town by the proposed use;
  - d) compatibility with adjacent land uses;
  - e) servicing requirements of the proposed use; and
  - f) the impact on vehicular and pedestrian traffic.
- 5.5 Council shall establish requirements for service/utility uses that increase public safety, minimize the effect on the environment, and minimize land use conflicts.

# 6

## *Parks, Recreation and Open Space Development*

Parks, open spaces and recreation facilities are an important component of Annapolis Royal's community fabric and contribute significantly to the quality of community life as well as supporting the community's social, economic and environmental foundations.

It is important to identify all public parks, open spaces and recreation facilities and for the community to understand how these resources are intended to be integrated into their settings. It is perhaps even more important for the community to understand how these assets can and will be protected and potentially enhanced. The development of new parks and open space is an important consideration in the planning for continued growth and development within the Town.

Environmental stewardship and the enhancement of open space and passive recreation opportunities has been particularly successful in Annapolis Royal and has established a benchmark for future comprehensive planning efforts envisioned adjacent to the French Basin.

The opportunity to provide for multiple uses of public space enhances the value of parks and recreation facilities. The sharing of facilities, such as those associated with schools, is also an important consideration in light of the limited area available for recreation programming and the costs associated with operation and maintenance of these facilities.

As new comprehensively planned development occurs, the Town will encourage and require the development of open space and recreation facilities at the neighbourhood level which complement existing facilities, and which can be integrated into broader long-range plans for community parks and open space infrastructure.

## Policies

### 6.1 Designation and Zoning

- 6.1.1 Council shall designate those areas shown on Map 1, the Generalized Future Land Use Map, as Parks and Open Space and they shall be primarily for public park land and passive and active recreation use.
- 6.1.2 The Land Use By-law shall establish a Parks and Open Space (POS) Zone. The Parks and Open Space (POS) Zone shall be applied to all lands designated as Parks and Open Space on the Generalized Future Land Use Map and shall include all existing Town-owned parks, dog parks, playgrounds, recreational facilities and trails, other than public trails located within Environmentally Sensitive Area (ESA) zones where such facilities shall be considered permitted uses in those zones.
- 6.1.3 The Parks and Open Space (POS) Zone shall include and permit a broad range of passive and active recreation uses, playgrounds, recreational facilities and accessory structures and uses.
- 6.1.4 Given that Town lands may be used for a variety of purposes, whether managed jointly or independently, parks and open space uses will be included as permitted uses in the Institutional (INS) Zone. This will also serve to support the use of school and related public facilities for community recreation purposes.
- 6.1.5 Development standards and requirements for parks and open space uses will be modest, recognizing that varied and unique physical character of these spaces and facilities.

### 6.2 Public Parks and Open Space in New Subdivision

- 6.2.1 As enabled in the Municipal Government Act, Council shall, through the Subdivision By-law, require for all subdivisions resulting in a net increase of three (3) lots or more that the developer dedicate public parks and open space equal to five percent (5%) of the subdivided lands or cash-in-lieu of parks and open space equal to five percent (5%) of the assessed value of the proposed lots as shown on a final plan of subdivision.
- 6.2.2 The Town, through the Subdivision By-law, will establish criteria for defining the suitability of proposed parks and open space dedication. These criteria will include assessment of environmental conditions, the ability for the lands to accommodate passive and/or active recreation facilities and the integration of the proposed lands into the Town's parks and open space network. Where lands are deemed unsuitable for public parks and open space use, cash-in-lieu of open space will be required from the developer.

### 6.3 Future Opportunities

- 6.3.1 Council shall support the development of the Trans-Canada Trail within the Town.
- 6.3.2 Council shall encourage the continuing development of waterfront improvements, trails and walks, multi-purpose corridors and bicycle racks at convenient locations throughout the Town.
- 6.3.3 Council shall encourage a high standard of recreational facilities and programs, seeking to expand recreational and cultural opportunities and community participation.
- 6.3.4 Recreation and open space pursuits shall be permitted and promoted, providing that they are compatible with the environmentally sensitive areas of Town.

# 7

## *Environment and Conservation Areas Development*

The natural landscape of Annapolis Royal contributes significantly to the character of the Town and the quality of life enjoyed by its residents. Some areas in the Town, designated as ESA (Environmentally Sensitive Areas), have both physical and broader cultural characteristics which make them either unsuitable for development or in need of appropriate planning, engineering and design considerations if they are to be considered for development.

Since the Town has a limited amount of land available for development, Council wishes to be both responsible and innovative when it comes to regulating development in areas that have been traditionally labelled as “environmentally sensitive”.

In this regard Council recognizes that the Town does not have jurisdiction over environmental or conservation regulations; these are the responsibility of the Province of Nova Scotia. The Town will continue to co-operate with the Nova Scotia Department of Environment to ensure the protection of its natural environment, and, similarly, will continue to co-operate with the Municipality of the County of Annapolis, where its water supply is located.

Annapolis Royal does, however, have jurisdiction over land use and through the management of development, the Town seeks to balance growth with environmental protection and preservation. Planning for the impacts of climate change, including sea-level rise and an increase in the frequency and magnitude of storm events, is also critical to managing appropriate future growth and development in the Town.

Some recognized environmentally sensitive areas are, by their physical nature or by virtue of their cultural significance, inappropriate for development. Allains River and the French Basin shore line are examples of areas which should be protected and preserved. No commercial development is allowed in these ESA-defined areas, although enhancements through trail access, constructed wetlands and recreation projects are encouraged. Other areas, such as lands on the east side of Prince Albert Road generally between the causeway and St. George Street, may be appropriate for development subject to technical evaluation and study and the required engineering and site preparation. Approval of development in this type of area will be considered through the Development Agreement process to ensure that site-specific engineering, site planning and land use will be taken into consideration.

The Town recognizes that development in environmentally sensitive areas presents a number of problems. Potential foundation instability, corrosive effects of salt-water on concrete, a high-water table, unstable soils, and other environmental conditions have, in the past, made these lands traditionally unsuitable for substantial development. Proposals for use in environmentally sensitive areas shall be considered only when site-specific development studies are completed.

These site-specific development studies are the responsibility of the owner. The Town, however, recognizes that data and studies relating to such matters as flood mapping, topography, soil conditions and habitat conditions are important public decision-making tools. To this end, the Town will continue to undertake appropriate studies to guide development and land use regulations.

# Policies

## Designation and Zoning

- 7.1 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 constraints; or in which the cost of providing services would be prohibitive due to environmental conditions.
- 7.2 It shall be the policy of Council to designate those areas shown on Map 1, the Generalized Future Land Use Map, as Environmentally Sensitive Area (ESA), which due to their physical conditions and characteristics or cultural values, should be preserved or only considered for development subject to technical evaluation.
- 7.3 The Land Use By-law shall establish an Environmentally Sensitive Area 1 (ESA1) Zone which shall only be used for non-polluting agricultural uses which do not require permanent buildings; service or utility uses; uses and structures related directly to conservation projects; grazing, wetlands, recreation, garden or landscape projects; or for accessory uses and structures.
- 7.4 The Land Use By-law shall establish an Environmentally Sensitive Area 2 (ESA2) Zone which may be used for residential, commercial, institutional, recreation and comprehensively planned mixed-use development.
- 7.5 All development within Environmentally Sensitive Area 2 (ESA2) Zone, or the development of lands within the Annapolis River 100 Year Flood Inundation Limit (NSPI Emergency Preparedness Plan 2010, as appended in Appendix 1) shall be considered only by Development Agreement. Proposed development of these lands shall be subject to evaluation and confirmation of suitability by studies, prepared by qualified professionals, relating to their environmental condition. In addition to other criteria and matters provided for in Policy 17.6 (General Criteria for Development Agreements) a development agreement shall contain provisions to mitigate potential impacts on the proposed development resulting from the land's environmental conditions.
- 7.6 Further to Policy 7.3, Council shall ensure the retention of the lowlands and marshlands bordering the north side of Allains River for passive recreational uses such as historic sites, historic gardens, wildlife preserves, wetlands, and farm demonstration sites, together with any accessory structures related to these uses.
- 7.7 Further to Policy 7.4, Commercial Highway (CHW) uses including multiple-retail developments may be permitted in the ESA2 Zone 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.
- 7.8 Council shall favour annexation of the marshland area bordering the south side of the Allains River (west of 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.
- 7.9 It shall be the policy of Council to protect and maintain trees and vegetative covering on Town-owned lands.
- 7.10 Council shall encourage and support the Municipality to adopt source water protection plans and the adoption of land use regulations for the purposes of protecting the quality of water utilized for the Town's municipal water supply.

# 8

## *Annapolis Royal Historic Gardens*

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.

### **Policies**

- 8.1.** It shall be the policy of Council to designate those areas shown on Map 1, the Generalized Future Land Use Map, as Historic Gardens (HG). All lands of the Annapolis Royal Historic Gardens Society shall be included in the designation.
- 8.2.** The Land Use By-law shall establish a Historic Gardens (HG) Zone. The Historic Gardens (HG) Zone shall be applied to all lands designated Historic Gardens.
- 8.3.** Permitted uses within the Historic Gardens (HG) Zone shall include:
  - a) the Historic Gardens and related structures including administrative and educational facilities, courtyards, greenhouses, boardwalks, dyking and marshland display and interpretation, fountains, bridges, maintenance yard, and workshops; and
  - b) restaurants and licensed premises, gift shops, open-air cafes, existing residential units, and professional offices.
- 8.4.** 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.



# 9

## Fort Anne

In 1702 the French began construction on what is now Fort Anne, the Vauban-designed earthwork in downtown Annapolis Royal. The Fort, added to by the English, was decommissioned by the military in 1854 and allowed to fall into disrepair. In the late 1890s a group of townspeople, interested in restoring the Fort, organized a committee and obtained government grants to repair the crumbling magazine, fortifications and Officers' Quarters, turning the latter into a local history museum. In 1917, the Fort was transferred from the Department of Militia and Defense to the National Parks Service, becoming Canada's first administered National Historic Site. Beloved in Annapolis Royal and visited by thousands of travelers annually, Fort Anne's grounds and museum are extremely important to the Town's tourism economy.

### Policies

- 9.1 It shall be the policy of Council to designate the lands comprising of the Fort Anne National Historic Site as shown on Map 1, the Generalized Future Land Use Map, as Parks and Open Space (POS).
- 9.2 Lands of the Fort Anne National Historic site shall be zoned Parks and Open Space (POS).
- 9.3 Council shall co-operate with Parks Canada in ongoing restoration and development of Fort Anne.

# 10

## Museums

The two other museums located in Annapolis Royal - the Sinclair Inn National Historic Site and the O'Dell House Museum - play a significant role in the life of the Town. They are key to tourism-based economic development, serving as living examples of heritage preservation and education, and hosting many exhibits and special events that benefit both tourists and residents alike. Both museums are owned and operated by the Annapolis Heritage Society.

### Policies

- 10.1 Recognizing that the significance of heritage assets relates to their context and that they exist as an integral part of the community fabric, museums shall be included as permitted uses in all residential, commercial and institutional zones.
- 10.2 Council shall encourage the Annapolis Heritage Society and any other non-profit group which may have an interest in establishing, enlarging or developing museums within the Town.

Annapolis Royal was the centre of Acadie and the first capital of Nova Scotia. The Town has an illustrious history centred on Fort Anne and its river frontage. The designation of the greater part of the Town as a National Historic District, comprising five sub-districts, reflects the heritage value, both historical and architectural, of many of its buildings (see MPS Map 2: National Historic District and LUB Map Schedule “B” : Registered Heritage Properties).

There are a great many key elements that contribute to the heritage character of the Town’s residential district, including the 19th and 20th century buildings set back from the street on large lots; the varying architectural styles, including Gothic, British Classicism, Queen Anne Revival, Colonial and Italianate; the harmonious design elements, including wood siding, gable roofs, verandahs and projecting bays; the homogenous nature of the residential streetscape, exhibited in the aesthetic quality and superior craftsmanship of the buildings; and finally, the spatial characteristics between the buildings and the green spaces.

In subdistrict two, a blend of buildings and uses, the key heritage elements include an urban streetscape of smaller lots and setbacks; the 19th century two-and-a-half storey residential and commercial buildings that feature both Gothic Revival and Queen Anne Revival architectural styles; the landscaped grounds of the old Town cemetery and of Fort Anne National Historic Site of Canada ; and the principal intersection of the Town, reinforced by the Annapolis County Court House National Historic Site of Canada.

In the commercial subdistrict three, the key heritage elements include the integration of 18th, 19th and 20th century commercial buildings; the varying height, massing, architectural style and roofline of the buildings; the presence of the Sinclair Inn National Historic Site of Canada, with its Palladian and classical style inspirations; the overall cohesion in the materials and fenestration of the buildings, as well as similarities in aesthetic details, storefront designs and cornice lines; and finally, in the contours of the corner buildings that adapt to the street curvature.

Key elements that contribute to the heritage character of subdistrict four, below the wharf, include the concentration of 18th and 19th century houses, combining Palladian symmetry and Maritime vernacular forms, similar materials and setbacks; the two-storey framed buildings with front yards delineated by low picket fences; and the intact two-storey commercial building on the waterfront, one of the few remaining riverside buildings.

Finally, key elements in subdistrict five include the modest size and design of the buildings with common elements such as setbacks, aesthetic details, materials and overall massing and proportions; the one to two-and-a-half storey massing of buildings; their various styles and their mixed-use character.

The Town of Annapolis Royal recognizes the value of its heritage buildings. In 1977, the Town carried out a study of heritage conservation and development opportunities. 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, which then created the Planning and Heritage Advisory Committee, known as PHAC.

PHAC reviews all applications for any change to the external appearance of all heritage properties and to any non-registered property located on either side (but not to the rear) of a registered heritage property, before making recommendations to Council. The committee consists of up to seven members, not fewer than two of whom must be members of 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; and
- signs, and other matters related to the Heritage Property Act.

PHAC also provides review, evaluation and planning information on heritage concerns. According to its criteria, all buildings over 50 years old may 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 codes. 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. 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, therefore, 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 in this Strategy.

## Policies

- 11.1 Council shall ensure that Town residents and business operators are kept aware of the importance and value of the Annapolis Royal National Historic District.
- 11.2 Council shall favour the promotion of the Annapolis Royal National Historic District locally, provincially, nationally and internationally.
- 11.3 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.
- 11.4 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.
- 11.5 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.
- 11.6 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.
- 11.7 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 Strategy.
- 11.8 Council shall support efforts to promote restoration of older buildings to original condition with the use of original building materials where possible.
- 11.9 Council shall permit substantial development adjacent to designated residential heritage properties only by special conditions, as provided for in Residential Policy 1.12 and Commercial Policy 2.2.5.
- 11.10 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.
- 11.11 Council shall consider the feasibility and desirability of the creation of expanded or new Heritage Districts.
- 11.12 Council shall include in the Land Use By-law development provisions which support the preservation of registered heritage properties, protect heritage values and promote the character of the Town. These provisions shall include controls relating to building form, architectural design, landscaping and site planning as enabled through various policies of this Strategy.

Specific areas of the Town, due to their location, size, character and overall significance to the Town, require that new development be carefully considered and controlled to ensure development is compatible with and enhances the character of the community. The use of a comprehensive development district approach allows the community to consider and regulate new development on a site-specific basis and to consider significant matters such as land use, site planning, building form, architectural control and signage in a comprehensively planned and regulated manner. Development within the comprehensive development district is regulated through the Development Agreement process.

The comprehensive development district designation will be applied to the waterfront properties located within the downtown commercial core, to the Fortier Mills subdivision and to lands generally located at Hogg Island and the lands at the Annapolis River causeway and Nova Scotia Power Tidal Generating Station.

Ensuring high-quality development on the downtown waterfront is critical to the character of the community. Tourism, cultural and commercial assets together with the Town Wharf, boat haul-up and a working waterfront serve to define much of the Town's character and are critical to the National Historic District. New development on the waterfront must reflect the area's built heritage, encourage a variety of uses and activities and support a high-quality visitor experience, all of which are critical to ensuring the vitality of the commercial downtown core.

The Fortier Mills subdivision is a comprehensively planned new residential development which is located adjacent to the Annapolis River on lands which have been reclaimed and engineered for residential use. The development was approved under the previous planning documents and is subject to a comprehensive master plan, specific development control requirements and is regulated through a Development Agreement. The comprehensive development district designation and zoning is intended to remain in place until such time as development of all the lands is completed. It is envisioned that once complete, the Strategy and By-law will be amended, and a conventional designation and zone will be applied to these lands.

Lands generally located in the vicinity of Hogg Island and the Annapolis River causeway, including the NSP Tidal Power Generation Station, are also included in the comprehensive development district. This area serves as a gateway to the Town. A broad range of industrial, utility, commercial and recreational uses exist in the area. It is critical that these uses, and all new development, remain compatible with each other and perhaps more importantly that new development is mindful of its role in this gateway area.

## Policies

### 12.1 Comprehensive Development District Designation

- 12.1.1 It shall be the policy of Council to designate those areas shown on Map 1, the Generalized Future Land Use Map, as Comprehensive Development Districts and to regulate all development in these areas by Development Agreement.

### 12.2 Comprehensive Development District Zones

#### Heritage Waterfront Comprehensive Development District

In an effort to ensure that development on the waterfront lands of downtown Annapolis Royal from Town Hall to Chapel Street is consistent with the character of existing development in the area, Council has introduced the opportunity for architectural controls, protection of vistas and view planes, limits on types of use and the integration of any permitted new development into the existing streetscape. The Heritage Waterfront Comprehensive Development District (HWCCD) Zone allows for this control through the Development Agreement tool which also calls for public input and Council decision-making before any construction may go ahead.

- 12.2.1 The Land Use By-law shall establish a Heritage Waterfront Comprehensive Development District (HWCCD) Zone and it shall be applied to lands designated Comprehensive Development District (CDD) generally located with the downtown core and certain lands adjacent to the Annapolis River causeway.
- 12.2.2. The Heritage Waterfront Comprehensive Development District (HWCCD) Zone shall permit a broad range of commercial, institutional, cultural, tourism, parks and open space and residential uses. The Zone will also recognize and permit marine-related industrial, marine commercial and marine tourism uses.
- 12.2.3 All development within the Heritage Waterfront Comprehensive Development District (HWCCD) Zone shall be considered only by Development Agreement.
- 12.2.4 In addition to other criteria contained in this Strategy, when considering a Development Agreement pursuant to Policy 12.2.3, Council shall consider:
- a) the architectural compatibility of the proposed structure with the existing built heritage fabric including facades which shall include window and door placement, building materials, setback from the street and signage;
  - b) that the proposed structure not exceed two (2) storeys.
  - c) the identification of mitigation measures in relation to sea level rise.

### 12.3 Fortier Mills Comprehensive Development District

In 2009 the Town approved a Development Agreement to permit the construction of a residential subdivision on a 17-acre area of former Town-owned lands behind the Fire Hall and the Independent Grocery complex. The subdivision layout, engineering standards, lot sizes, and building development standards were prepared specifically for the project and implemented through the Development Agreement. The development was successfully initiated and much of the property has been built out.

The comprehensive development district designation should remain on the property until such time as development of the property is fully complete. At the completion of the project, the Strategy and By-law should be amended to enable the Land Use By-law to apply.

- 12.3.1 The Land Use By-law shall establish a Fortier Mills Comprehensive Development District (FMCDD) Zone and it shall be applied to lands designated Comprehensive Development District (CDD) generally located at the Fortier Mills subdivision.
- 12.3.2 All development within the Fortier Mills Comprehensive Development District (FMCDD) shall be in conformity with the Fortier Mills Community Plan and Development Agreement (2009, as amended).
- 12.3.3 Upon completion of the Fortier Mills subdivision and fulfillment of the general terms and conditions of the Fortier Mills Community Plan and Development Agreement (2009, as amended) the Town will consider amendments to this Strategy and the Land Use By-law which will enable the discharge of the Development Agreement and ongoing regulation through the Land Use By-law.

## **12.4 Causeway Comprehensive Development District**

This district, on both sides of the Causeway, is to be used primarily for the purposes of tidal-power generation, opportunities for tourism development, boat-building and related sales and service, marinas, boat-launching slips, restaurants and associated licensed premises, and industrial and historical interpretation. It is the intention of the Town that this area be kept neat and attractive as an entryway to Annapolis Royal.

- 12.4.1 The Land Use By-law shall establish a Causeway Comprehensive Development District (CCDD) Zone and it shall be applied to the lands at Hogg Island and on the shore in the vicinity of the Annapolis River Causeway.
- 12.4.2 Development within the Causeway Comprehensive Development District (CCDD) Zone shall include the Tidal Power Generating Station, owned by Nova Scotia Power Inc., and its accessory structures and installations; tourist and retail establishments; restaurants and associated licensed premises; marinas; boat-launching slips; boat building and related sales and services, and industrial and historical interpretation.
- 12.4.3 All development within the Causeway Comprehensive Development District (CCDD) Zone shall be considered by Development Agreement.
- 12.4.4 In addition to criteria contained in this Strategy, only manufacturing, fabricating, processing, industrial, assembly, or warehousing operations or retail uses related to on-site manufacturing will be considered, and only if they are not obnoxious by reason of sound, odour, dust, fumes, smoke, or other emission or refuse matter or water-carried waste. Outdoor storage is prohibited, and any Development Agreement shall include provisions to ensure that:
  - a) the use is conducted and wholly contained within a building; and
  - b) outdoor display does not cover a lot area in excess of 9.3 square metres.
- 12.4.5 In April of 2019 the operations of the Tidal Power Generating Station were put on hold. This Strategy anticipates changes in the CCDD should Nova Scotia Power no longer have use for its property. It shall be the policy of Council to amend the permitted uses within the CCDD at such time as the future of the Tidal Power Generating Station is determined.



The provision, operation and management of municipal sanitary sewer, water and storm sewer services is a primary responsibility of the Town. The Town has committed itself to policies that encourage and require compact, cost-effective growth and development for the community. To this end the Town is committed to ensuring that all existing and new development within the Town boundary is serviced with municipal infrastructure. The extension of municipal infrastructure for new development will be considered and undertaken in an incremental manner which avoids leapfrog development patterns and 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 and municipal infrastructure assets.

Sanitary sewer, water and storm sewer infrastructure is maintained, and where necessary upgraded, on an ongoing basis. With respect to sanitary sewer, the present collection system consists of variously-sized gravity lines and five electrically-operated pumping stations that pump sewage to a lagoon-aeration treatment plant. This plant was constructed on the northeast side of the Town in 1978. The plant is capable of handling existing requirements and has capacity to accommodate additional flows from new development. Work undertaken by the Town to reduce inflow and infiltration has been successful in ensuring that the efficiency and treatment capacity of the plant is maintained.

Town sewer has been extended to service the communities of Granville Ferry and Lequille, located outside of the Town boundary. The Town has entered into joint service agreements with the Municipality of the County of Annapolis relating to this servicing which address shared maintenance and operating cost responsibilities. The Town will consider further extensions of Town Services within the adjacent Municipality, but these will be subject to the approval of Town Council and structured through appropriate joint services agreements.

The responsibility for overseeing the management and administration of the municipal water supply rests with the Town's Water Commission. The Commission is responsible for ensuring that the operation of the system is in compliance with all regulatory requirements. The source for the municipal water supply is located outside of the Town boundaries and the Town cooperates with the Municipality of the County of Annapolis to promote protection of the source water area. In the interest of water security, the Town will continue to investigate options and opportunities to enhance and/or identify alternative source water supply options over which the Town may have greater control.

Storm water services are primarily underground pipe. The Town has worked to separate sanitary sewer and storm water flows. All new development is required to provide separate sanitary and storm water systems. While management of onsite storm drainage is the responsibility of the property owner, the Town servicing specification will require the appropriate integration of storm water flows into the municipal system.

## Policies

### 13.1 Sewer, Water, Storm Sewer

- 13.1.1 Council shall maintain and operate all municipal sanitary sewer, water and storm sewer systems and infrastructure in accordance with all regulatory requirements
- 13.1.2 The extension of existing sanitary sewer, water and storm water infrastructure by the Town shall be undertaken in accordance with the Town's servicing specification, or as determined by the Town Engineer, and shall promote a compact and cost-efficient development pattern.
- 13.1.3 Should it require servicing, all new development within the Town shall be serviced with Town sewer, water and storm sewer services.
- 13.1.4 The Town shall reserve sufficient land for a third cell of the lagoon sewage treatment system to allow for future expansion.
- 13.1.5 The Town shall reserve sufficient capacity in the sewage treatment system to accommodate potential development within Town boundaries.
- 13.1.6 The Town shall prohibit the connection of any sanitary sewer line to the storm drainage system.
- 13.1.7 The Town may consider further extension of municipal sanitary sewer and water services beyond the Town boundaries provided there is:
- sufficient capacity, and:
  - an appropriate joint services agreement in place which adequately addresses matters including, but not limited to, capital and operating costs and maintenance responsibilities.
- 13.1.8 The Town will cooperate with the Municipality of the County of Annapolis to promote and ensure the protection of the Town's source water supply area.
- 13.1.9 The Town will investigate options and opportunities to enhance existing and/or identify alternative source water supply options.

## 13.2 Streets

Council recognizes that an efficient and well-maintained street system, including public parking infrastructure, is important for continued economic growth, particularly in the downtown area.

Since the Town of Annapolis Royal has evolved over 400 years, the configuration, alignment and rights-of-way of the street and road network, while contributing to the community's character, may not always be optimal for moving goods, services and people. Council strives, within its fiscal capacities and geographic constraints, to maintain the best possible standard of streets within the Town. Council also recognizes the importance of enabling and encouraging a variety of non-motorized modes of transportation throughout the Town.

Major road access points to the Town serve as important gateways requiring thoughtful development planning considerations. Council recognizes that new development (including access to public streets, signage and associated landscaping) must be both compatible with the transportation network capacities and supportive of the community's character.

The Town will require all new development to front on a public street and will ensure that the construction of new streets and associated services will meet minimum standards through its Subdivision By-law and Municipal Services Specification Manual.

- 13.2.1 Existing streets shall be classified as shown on, Map 3, Transportation Map.
- 13.2.2 All development within the Town shall abut a public street.
- 13.2.3 When land is being subdivided within the Town, the rights-of-way as shown on Map 3 shall be generally considered. The precise location and width of roads shall be determined at the time of subdivision.
- 13.2.4 All new local streets and extensions of existing streets shall be laid out in a manner which strives to improve the general traffic flow of the area.
- 13.2.5 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. The final determination of the width of a proposed extension shall be made through the subdivision approval process.
- 13.2.6 All new streets shall comply with the Municipal Services Specification Manual if they are:
  - extensions of existing streets, or
  - otherwise approved by the Town's engineer, or
  - not regulated by Development Agreement.

# 14

## *Town Services*

Council's responses to demands for the establishment and extension of various services are impacted by revenues, increasing costs and the Towns' assessment base. The Town is aggressively pursuing continued diversification of its economic base and the promotion of new development opportunities. The Town also believes that Annapolis Royal should continue as a regional growth centre capitalizing on its civic, commercial, cultural and tourism assets.

## Policies

### 14.1 Solid Waste

The Town cooperates with regional municipal partners in the Valley Waste Resource Management Authority for the management of organic and solid waste services. Inter-municipal cooperation has served the Town well and is seen as an opportunity to ensure the cost-effective delivery of appropriate services.

- 14.1.1 Council shall ensure that the collection, storage and management of solid waste is provided in a safe and environmentally responsible manner.
- 14.1.2 The Town shall promote cost-effective and responsible alternatives to traditional solid-waste management, including the Leaf & Yard Waste site.

### 14.2 Police, Fire and Public Safety

- 14.2.1 Council shall provide adequate policing and fire protection services for the Town through its support of the Annapolis Royal Police Department and the Annapolis Royal Volunteer Fire Department.
- 14.2.2 Council shall continue to support the Regional Emergency Measures Organization.

### 14.3 Public Trees

The Town has a great asset in its many large and stately trees, which contribute significantly to the Town's character. As well as encouraging private property owners to care for their own trees, the Town undertakes planting programs, and is responsible for the preservation and maintenance of trees on Town property.

- 14.3.1 The Town will pursue planting programs related to the replacement, preservation and maintenance of trees on public property, and shall include these programs in the Town's budget planning process.
- 14.3.2 The provision of trees as part of landscaping requirements shall be included in criteria for Development Agreements.
- 14.3.3 The Town shall maintain an inventory of public trees to assist in planning and management efforts.

### 14.4 Municipal Finances

- 14.4.1 Council shall prioritize development and servicing-related projects within the capital expenditure budget
- 14.4.2 Council shall assess development and servicing proposals on a comprehensive basis, including their impact on the finances of the Town.

## 14.5 Parking Infrastructure

Parking is a service that supports Town development, and Council recognizes a role in providing for adequate parking facilities in Annapolis Royal, particularly in the downtown. During much of the year, parking is not a problem in the Town's business district, but there is a growing demand during tourist season. It is, therefore, the intention of the Town to acquire and maintain properties for public parking spaces. On-street parking is currently augmented by large off-street parking areas behind the Farmer's Market, at Sinclair Mews and also at the Legion Community Centre. Smaller parking areas are available adjacent to the Amphitheatre next to Town Hall and behind the Adams-Ritchie House. The Town will continue to work with merchants and other business people to make improvements in parking, especially to accommodate increased demand during the tourist season.

14.5.1 The Town will continue to meet public parking needs for the downtown business district.

14.5.2 Council shall provide clear and adequate signs giving directions for the Town's parking lots.

14.5.3 All new developments in the Town shall be required to provide suitable parking.

14.5.4 Notwithstanding Policy 14.5.3, certain areas of Town with subdivision and development patterns which limit or prohibit the ability to provide on-site parking shall be exempt from this requirement.

14.5.5 Council will work with property owners and businesses to address concerns relating to parking demands during peak tourism season, employee parking and public parking on private property.

14.5.6 The Town has two electric car charging stations in designated spaces fronting Fort Anne.

## 14.6 Pedestrian & Bicycle Circulation

Annapolis Royal is an attractive town for pedestrians and cyclists, offering scenes of great beauty and historical significance, and Council supports pedestrian and bicycle activity where possible. Because of existing Colonial street patterns, however, the Town recognizes that designating multiple walking and cycling routes is a challenge given public safety concerns.

14.6.1 The Town will provide and maintain sidewalks in the Town's retail and historically significant areas as an important component of public infrastructure.

14.6.2 The Town shall work towards the acquisition of a right-of-way for future extension of the waterfront boardwalk to connect with the Membertou Trail.

14.6.3 Council shall support the development of the Harvest Moon Trailhead as an all-purpose recreational trail for pedestrians and bicyclists.

14.6.4 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. These requirements shall be considered through the Town's Subdivision approval and/or Development Agreement process.

14.6.5 Council will, subject to financial capacities, support the ongoing development and maintenance of bicycle racks as important components of municipal facilities and in support of economic development and activity.

14.6.6 Dockless vehicles (motorized two-wheel scooters) shall be prohibited in the Town.

## 14.7 Truck Routes

Because there are no designated truck routes within the Town, the parking of large trucks making deliveries to businesses creates occasional inconvenience and impedes traffic flow, especially on St. George Street itself and at the St George/St Anthony Street intersection.

- 14.7.1 Council shall encourage measures to improve truck circulation in the Town, including requiring loading zones in new commercial and industrial development and providing adequate road signs.

## 14.8 Public Transportation

Very few scheduled public transportation services exist in the Annapolis Royal area and most residents rely on private automobiles for travel outside the Town. Some minibus shuttle services are developing, however, as tourism needs expand. Water transportation is entirely beyond the Town's control but Council supports the Annapolis Royal Wharf Association in its efforts to accommodate local and non-local pleasure craft with its floating dock at the Annapolis Royal Wharf.

- 14.8.1 Council shall support the continuation of Kings Transit's present level of service to the Town and the operation and enhancement of a reliable public transportation service.
- 14.8.2 Council shall support enhancement of harbour facilities to encourage economic use of the waterfront, and specifically to allow for the docking of vessels through floating docks or adequate moorage and tenders.
- 14.8.3 The Town encourages the development of mooring and other accommodation for local and non-local pleasure craft.
- 14.8.4 Council shall support the upgrading and alternative use of the DAR railway bridge over the Allains River near Highway 1.

The Town of Annapolis Royal regulates 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 recognizes that signage, whether it be public or private commercial signage, impacts a variety of community concerns and interests. The promotion of high-quality signage throughout the Town is an important objective of this Strategy and the accompanying Land Use By-law.

Signage has an important role in supporting the Town's character, especially in the gateway entrances to Town. Wayfinding and general information signage assist visitors and residents alike in navigating through the Town and locating community features and resources such as public parking and visitor destinations. The Town has initiated a review of wayfinding signage in an effort to ensure that appropriate signage is in place. Good wayfinding and community information signage also promotes public safety and the management of pedestrian and vehicle traffic.

Town Council, in cooperation with the Department of Transportation, will work to ensure that all signage within the public right-of-way is of high quality and supports the Town's character.

The nature of business and commercial signage also has a significant impact on the character of the community, in particular the downtown core. While signage on designated heritage buildings is subject to specific review and approval, the Town will regulate commercial and business signage to ensure that it supports the protection and enhancement of the character of Annapolis Royal.



## Policies

- 15.1 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, illumination, 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.
- 15.2 Signs on Town property or signs that are located on the exterior of registered heritage properties shall be subject to review and recommendation to Council by the Planning and Heritage Advisory Committee (PHAC).
- 15.3 Council will work with the Nova Scotia Department of Transportation and Infrastructure Renewal in an effort to ensure that signage erected by public bodies is high quality and consistent with the objectives of this Strategy, with particular focus on signage at highway entrances to the Town.

Promoting development which supports the Town’s character and provides a high-quality community environment for all residents is a primary goal of this Strategy. Development control provisions contained in the Land Use By-law are specifically intended to support this goal.

The prevention of land-use conflicts in Annapolis Royal is extremely important to the Town, given that its national historic significance is its greatest economic asset. Managing land-use compatibility is, therefore, a critical part of land use control because it effects not only the character of established areas but also future development. The Town wishes to avoid the “ripple effect” of incompatible development and has exercised guidelines to prevent it.

Council recognizes, however, that there may be conflicts concerning permitted uses, or where different zones or designated areas abut one another. For that reason, these policies clearly outline the Town’s objectives for compatible development and the criteria used to meet them, thereby protecting both owners and developers.

## Policies

- 16.1 It shall be the policy of Council to establish specific requirements to minimize land use conflicts where commercial zones abut residential, parks and open space or institutional zones.
- 16.2 Where any yard in a commercial zone abuts lands zoned residential, recreation or institutional, the Land Use By-law shall:
- a) provide for specific building setbacks, landscaping and fencing;
  - b) prohibit outdoor storage or display of goods;
  - c) limit the extent to which outdoor storage and display is permitted.
- 16.3 Notwithstanding 16.2, Council shall consider only by Development Agreement the construction of new buildings or the alteration or the substantial redevelopment and alteration of existing buildings within the Commercial General (CG) Zone where it abuts a Residential, Parks and Open Space or Institutional zone.
- 16.4 In the case of new or existing development adjacent to a registered Heritage Property, Council will follow the policies laid out in Policies 1.12 and 2.2.5 of this document.
- 16.5 In the case of Industrial Development, Council will follow the policies laid out in Section 3.1 of this document.
- 16.6 In the case of new development in the Highway Commercial zone fronting on St. Anthony Street, Council will follow policies laid out in section 2.5 of this document.

## Policies

### 17.1 General

Annapolis Royal's Municipal Planning Strategy (MPS) is the primary policy document that provides the framework through which the Town's growth and development is encouraged, controlled and coordinated. It recognizes the need to protect both the character of the Town and its built and natural environments while at the same time balancing economic development and inevitable change. To that end, the MPS is a living document – it is not cast in stone and can be amended through due process.

The value of its policy statements is ultimately dependent on both their acceptance by the majority of people for whom they are prepared, and the Town's ability to implement them. Council has a variety of tools at its disposal, each of which is applicable only in certain situations. The implementation function is, therefore, 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.

- 17.1.1 This Municipal Planning Strategy shall be implemented by means of the powers conferred upon the council by the Municipal Government Act and other applicable Provincial Statutes.
- 17.1.2 In addition to employing specific implementation measures, Council shall maintain continuous monitoring and planning through its Planning & Heritage Advisory Committee (PHAC).

### 17.2 Municipal Planning Strategy Amendments

- 17.2.1 Council will 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 boundary of a Future Land Use Designation is to be altered;
  - d) 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
  - e) where a secondary planning strategy is to be incorporated into the Municipal Planning Strategy.
- 17.2.2 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.

### 17.3 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 in each zone.

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

<b>RSU</b>	Residential Single Unit
<b>RTU</b>	Residential Two Unit
<b>RMD</b>	Residential Medium Density
<b>RMU</b>	Residential Mixed Use
<b>RPW</b>	Residential Prince William
<b>CG</b>	Commercial General
<b>CHW</b>	Commercial Highway
<b>CHR</b>	Commercial Heritage
<b>INS</b>	Institutional
<b>POS</b>	Parks and Open Space
<b>ESA1</b>	Environmentally Sensitive Area 1
<b>ESA2</b>	Environmentally Sensitive Area 2
<b>HG</b>	Historic Gardens
<b>HCDD</b>	Heritage Waterfront Comprehensive Development District
<b>FMCD</b>	Fortier Mills Comprehensive Development District
<b>CCDD</b>	Causeway Comprehensive Development District

17.3.2 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.

All lands are pre-zoned as indicated by the policies of this Strategy or as indicated on the Future Land Use Map so that Council may maintain a comparatively high degree of control and be able to monitor future development. Generalized Future Land Use boundaries shall be considered as “hard” and, as such, will require an amendment to the Strategy in order to be changed. Specific 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.

### 17.4 Amending the Land Use By-law

From time to time, it may be necessary 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; or
- 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 By-law is no longer in compliance with the strategy.

- 17.4.1. In considering an amendment to the Land Use By-law, Council shall comply with all requirements provided for in the Municipal Government Act and this Strategy.
- 17.4.2 Council shall consider only the following uses within the designations specified for amendment to the Land Use By-law:
- a) Development of new two-unit dwellings or the conversion of an existing single unit dwelling to a two-unit dwelling within the Residential Designation (Policy 1.5.2);
  - b) Development of new three to six-unit dwellings or the conversion of an existing single or two-unit dwelling to three to six-unit dwellings within the Residential Designation (Policy 1.6.2);
- 17.4.3 When considering amendments to the Land Use By-law, Council will also take into consideration the matters identified in Policy 17.7.1 as well as criteria set out in other applicable policies of this Strategy.
- 17.4.4 When considering amendments to the Land Use By-law, Council will also, referring to 17.4.3 above:
- a) request a report from the development officer; and
  - b) refer the matter to the Planning & Heritage Advisory Committee for its report with respect to any other policies of this strategy which may affect the proposed amendment.
- 17.4.5 In considering an amendment to the Land Use By-law, Council shall also hold a public hearing in accordance with the provisions of the Municipal Government Act.

## **17.5** Development Agreements

A Development Agreement is a formal written agreement between a Council and a developer and, as such, is binding on both. Like traditional zoning, a Development Agreement is a tool for implementing a Municipal Planning Strategy. It is an approach that provides more flexibility than traditional zoning, but not at the expense of adequate controls.

As provided for under the Municipal Government Act, when 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; and
  - 3) those matters which may form a part of the Development Agreement.
- 17.5.1 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) Development of new residential dwellings containing seven or more units or the conversion of exiting dwellings to seven or more units and group dwellings located on a single lot in the Residential Designation (Policy 1.7.1);
  - b) New residential dwellings containing three or more units within the Residential Mixed Use RMU Zone (Policy 1.8.2);

- c) New residential development within the Residential Prince William (RPW) Zone (Policy 1.9.2);
  - d) Home-based businesses other than those defined in the By-law provided that they are not identified as Prohibited Home-based Businesses (Policy 1.10.4)
  - e) New Bed and Breakfasts, Inns and Historic Vacation Suites in the Residential Single Unit (RSU) Zone (Policy 1.11.1);
  - f) Redevelopment of PID 05002852 (Policy 2.5.6);
  - g) Light industrial uses, including manufacturing, fabricating, industrial assembly, warehousing and processing of goods and materials which are wholly contained within a building and which are not obnoxious by means of noise, light, odour, vibration or other emissions in the Commercial Highway (CHW) Zone and the Environmentally Sensitive (ESA) Zone (Policy 3.1.2);
  - h) Small scale light industrial uses which include a significant retail component and whose goods or products are primarily intended for direct consumption or use by the consumer in the Commercial General (CG) Zone (Policy 3.1.6);
  - i) New institutional uses on lands zoned residential or the redevelopment of existing institutional properties for residential purposes (Policy 4.1.4);
  - j) Redevelopment of PID 05000484 (Policy 4.1.5);
  - k) New service and utility uses (Policy 5.3);
  - l) All development within the Environmentally Sensitive Area 2 (ESA2) Zone and lands within the Annapolis River 1:100 year floodplain NSPI (Emergency Preparedness Plan 1999) (Policy 7.5);
  - m) Commercial Highway (CHW) uses, including multiple-retail developments in the Environmentally Sensitive Area 2 (ESA2) Zone west of Prince Albert Road (Highway No. 1) (Policy 7.7);
  - n) Development in the Heritage Waterfront Comprehensive Development District (HWCCDD) Zone, the Fortier Mills Comprehensive Development District (FMCCDD) Zone and the Causeway Comprehensive Development District (CCDD) Zone (Policy 12.1, Policy 12.2.3, 12.4.3).
- 17.5.2 When considering amendments to the Land Use By-law, Council will also take into consideration the matters identified in Policy 17.6.1 as well as criteria set out in other applicable policies of this Strategy.
- 17.5.3 Council intends that a Development Agreement made pursuant to this Strategy and enabling provisions of the Municipal Government Act contains all the terms and conditions Council feels are necessary to make sure that the Development Agreement is consistent with the policies of this Strategy. The Agreement may include, but is not limited to, some or all of the following:
- a) the architectural design or external appearance of a structure, in particular its compatibility with adjacent structures;
  - b) the specific use and size of the structure, either new or an expansion of an existing structure;

- c) the location of any structure within a development;
- d) the percentage of land that may be built upon, and the size of yards, courts or other open spaces;
- e) the maximum density of the population within the development;
- 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.

## 17.6

### 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 the Municipal Planning Strategy. Amending the Land Use By-law or entering into a Development Agreement can have a significant impact on land use, fiscal planning 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.

- 17.6.1 In considering amendments to the zoning in the By-law or entering into Development Agreements, Council will, in addition to all other criteria as set out in various policies of this planning strategy, take into consideration 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 will be sympathetic to the existing Colonial, Georgian, Victorian and early 20th Century architectural styles in the Town and will not damage or destroy historic buildings or sites;
  - c) that the proposal may appropriately represent and be sympathetic with First Nations building form and the embodiment and expression of culture;
  - d) that development within the National Historic District be compatible with Character Defining Elements relating to the architectural design or external appearance of a proposed structure, in particular its compatibility with adjacent structures;



- e) 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, storm sewer and municipal water services 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; and
  - (vi) stored water capacity for fire protection.
- f) 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) architectural compatibility and character;
  - (ii) type of use;
  - (iii) emissions, including air and water pollutants and noise;
  - (iv) height, bulk, and lot coverage of the proposed building;
  - (v) traffic generation, access to and egress from the site, and parking;
  - (vi) open storage;
  - (vii) signs; and
  - (viii) similar matters of planning concern.
- g) that the proposed site meets suitability and development cost criteria 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;
- h) that provisions are made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic;
- i) that the development is located so as not to obstruct any natural drainage channels or watercourses;
- j) that provisions are made to mitigate the risk and impacts of sea level rise.

## **17.7** Subdivision Control

The Town of Annapolis Royal's current Subdivision By-law is being reviewed in light of updated enabling legislation and related engineering specifications. Council will, therefore, update the existing Subdivision By-law for the Town of Annapolis Royal and ensure it is kept current to meet the needs of the Town.

- 17.7.1 It shall be the policy of the Town to permit new serviced subdivisions only where the subdivision has available servicing or abuts an existing serviced area.
- 17.7.2 Council shall require all sub-dividers to install and pay the costs of public streets within any new subdivision in an area requiring these services. All new streets shall intersect with and be planned to form appropriate and efficient extensions to the Town's existing road network.
- 17.7.3 Council shall require all sub-dividers to install and pay the costs of sanitary sewer mains and laterals within any new subdivision in an area requiring these services.

- 17.7.4 Sub-dividers shall also pay all costs of installation of water mains required to connect to the existing Town mains. The Town may, however, at the discretion of Council, construct water mains under a capital contribution agreement with a developer or sub-divider.
- 17.7.5 Council shall require sub-dividers to be responsible for, and pay the costs of, upgrading any off-site existing public roads, sanitary sewers, or water and storm water trunk services as may be required to accommodate the proposed subdivision.

### **17.8 Development Officer**

- 17.8.1 In accordance with Sections 243 (1) and 243 (2) of the Municipal Government Act, Council will 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.

### **17.9 Building By-law**

- 17.9.1 Council will 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.

### **17.10 Sewer By-law**

- 17.10.1 Council will administer the Sewer By-law and update it as required in order to clearly define the responsibilities of the user and effectively regulate the type, strength and volume of effluent discharged.

### **17.11 Dangerous and Unsightly Premises**

- 17.11.1 Council will support the protection and enhancement of the Town's character through the enforcement of the Dangerous and Unsightly Premises By-law.

### **17.12 Capital Improvement**

- 17.12.1 Council will, to the greatest extent possible, align policies and provisions of this Strategy with:
- a) the Town's Annual Capital Plan;
  - b) the five-year Capital Improvement Plan integrating planning and development control; and
  - c) capital programming and budgeting.

### **17.13 Variances**

- 17.13.1 Variances shall be regulated pursuant to enabling provisions contained in Section 235 of the Municipal Government Act, including variance provisions contained in Section 235(2).

### **17.14 Nonconforming Structures or Use**

- 17.14.1 Nonconforming structures, nonconforming use of land, and nonconforming use within a structure shall be regulated pursuant to enabling provisions in s. 238 through 241 of the Municipal Government Act, as well as provisions for the relaxation of restrictions provided for in s.242.



*Maps*





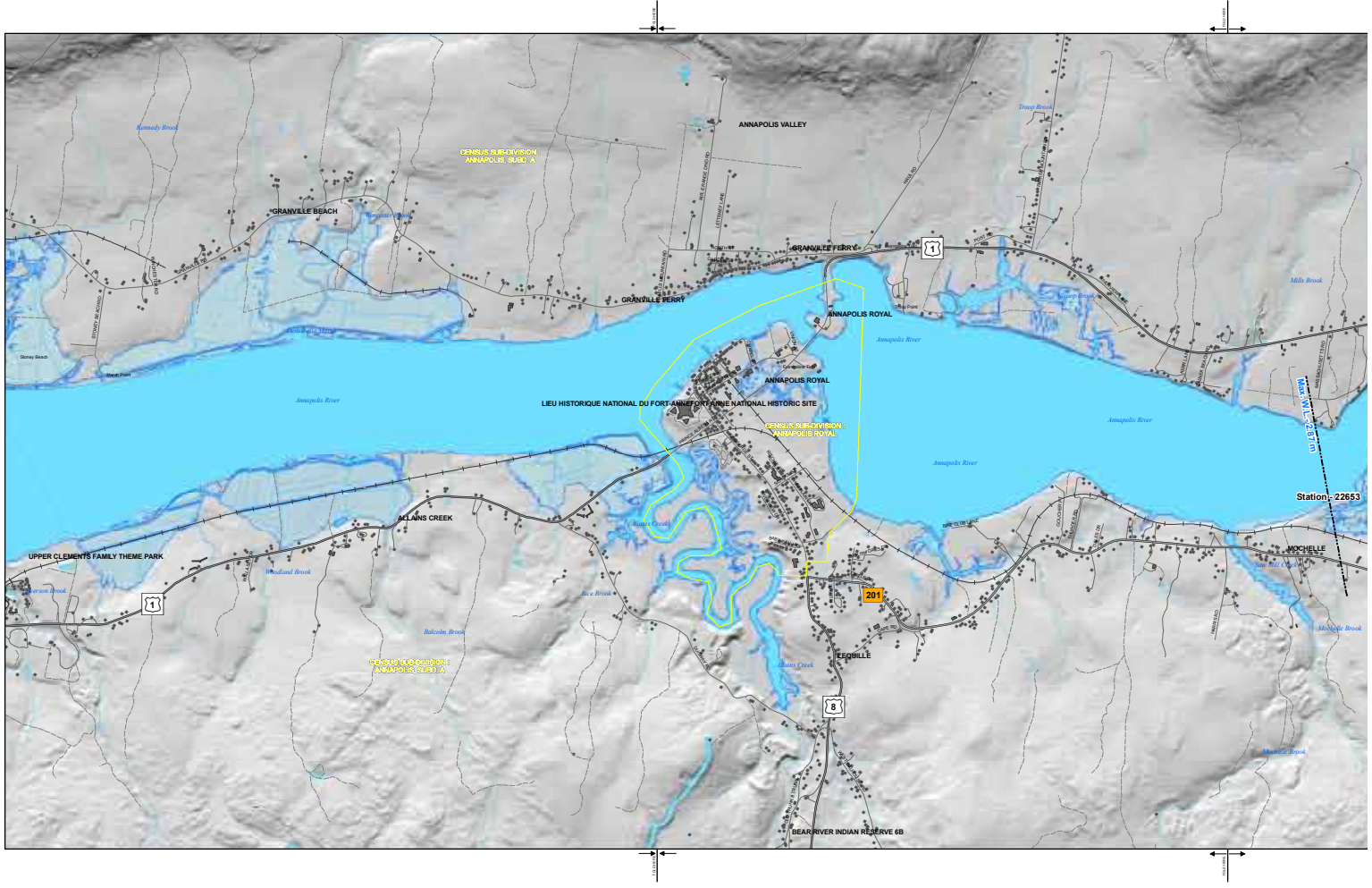












# APPENDIX 1

