



SECTION C10

Rural & Agricultural Lands

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Rural Use

The majority of lands that fall within East Hants' boundaries are rural in nature. The diversity of land uses found in these rural areas assist in establishing the economic and social structure of East Hants. As growth continues in the Municipality's urbanizing regions, it is important to protect the natural character of the rural landscape.

The Rural Use (RU) Designation and Rural Use (RU) Zone respect the changing nature of rural landscapes. The policies and regulations that establish the Rural Use (RU) Designation and Rural Use (RU) Zone enable growth to occur in rural communities within the context of the rural landscape. The following policies are designed to ensure that a variety of rural land uses continue while minimizing potential conflicts with urban land uses.

Policy Goal

To establish a designation that will protect, and at the same time enhance, the existing rural landscape by permitting manageable development that is compatible with the rural environment.

Policy Statements

AR1. Council shall establish the Rural Use (RU) Designation, which shall be generally placed on lands outside of the more urbanized regions of the Municipality. The RU Designation shall encourage the continuation of a moderately changing

and diverse rural landscape through the appropriate implementation of acceptable uses within the Rural Use (RU) Zone. This designation shall allow for a range of low density development options that are consistent with the type of development occurring in rural areas.

AR2. Council shall establish the Rural Use (RU) Zone, whose purpose and general zoning provisions shall be consistent with the specified intent of the (RU) Designation, and furthermore:

- a)** The RU Zone shall be established to provide for existing uses and also encourage the future development of mixed uses including community, institutional and residential uses, open space uses, commercial uses, and resource uses. This includes home occupational uses that are compatible with the dispersed and varied nature of rural living and settlement patterns.
- b)** The RU Zone shall consist of a minimum lot size that is compatible with the rural land use patterns, development controls related to significant alteration of land levels, and the protection of rivers, lakes.
- c)** Council shall allow more than one dwelling on a lot in the RU Zone provided that all provisions of the Land Use Bylaw are satisfied.
- d)** The RU Zone shall contain measures to prevent the development of rural lands for large lot subdivisions by preventing the creation of new roads as specifically outlined in the Subdivision Bylaw.
- e)** Council shall, in the Grand Lake/

Horne Settlement Growth Reserve Area, restrict residential development to allow future intensification of residential uses to occur if municipal services are extended to the GRA. Council shall prevent a disconnected pattern of development through the following approaches:

- i) Only permitting new residential development to occur on existing roads;
 - ii) Regulating the maximum lot size and road frontage requirements; and
 - iii) Requiring structures to be located on the lot to allow for future subdivision of the lot.
- f) Council shall permit public and private utilities within the Rural Use (RU) Zone so as to facilitate the development of essential services in East Hants as specifically outlined in the Land Use Bylaw.
- g) The RU Zone shall include a minimum setback requirement for dwellings from existing Intensive Livestock Operations so as to reduce conflicts between residential property owners and agricultural operations.

AR3. Council shall delineate the areas within the Municipality's designated Rural Use (RU) and zoned Rural Use (RU) as described by the official Generalized Future Land Use and Land Use Bylaw Zoning Maps.

AR4. Council shall ensure that appropriate zoning provisions be applied to all Rural Use (RU) Zoned lands. The criteria shall be consistent with the general intent of the designation and assist in the proper and coordinated development of the land uses within the planned areas of the Municipality's rural lands.

AR5. Council shall consider the following developments by site plan approval in the

Rural Use (RU) Zone:

- a) Campgrounds.

Rezoning & Development Agreements

Rezoning Policy Goal

Council's goal is to continue to allow the lands within this zone to be multiple use, further enhancing the diversity of this region.

Policy Statements

AR6. Council shall, within the Rural Use (RU) Designation on lands zoned Rural Use (RU), consider rezoning for AR proposals.

Development Agreements

Policy Goal

Non-traditional uses are often located within the rural landscape. Given their potential to affect the rural landscape and character, Council shall consider development agreements in dealing with these uses.

Policy Statements

AR7.1 Council shall, within the Rural Use (RU) Designation on lands zoned Rural Use (RU), consider the following uses by development agreement:

- a) Any Highway Commercial (HC), General Commercial (GC), and Industrial Commercial (IC) uses;
- b) Industrial development engaged in the production, wholesale storage, or distribution of dangerous goods;
- c) Any commercial developments for the chemical treatment of timber resources;
- d) Licensed salvage yard commercial developments;

- e) Aggregate and mineral resource related industries;
- f) Structures that are related to pit operations that are proposed to be closer than 100 m to the nearest non resource related structure (not including retail and showrooms);
- g) Structures that are related to a quarry or mineral extraction operations that are proposed to be closer than 1 km to the nearest non resource related structure (not including retail and showrooms);
- h) Bioenergy facilities that are considered obnoxious that are not related to an existing agriculture operation;
- i) Accommodations, General over 12 units;
- j) Any potentially obnoxious commercial developments to include vehicle race tracks and amusement parks; and
- k) Home-based business uses that go beyond the specified maximum floor area in the Land Use Bylaw.
- l) Dwelling/s, Multiplex (Small) with a maximum of eight units for the property.

Small Multiplex Dwelling/s

Council recognizes that multiplex dwellings provide an important housing choice for rural communities in East Hants. In particular this type of housing choice enables people to age in their community rather than moving to a more urban community. To meet a demand for this type of dwelling units, while protecting other nearby land uses, Council has enabled, where identified in this strategy, small multiplex dwellings, through consideration of a development agreement.

Policy Goal

Council's goal is to enable Small Multiplex Buildings where nearby land uses are protected.

AR6.2 In addition to the other evaluation criteria of this Strategy, Council shall consider the following criteria when reviewing a development agreement application for Small Multiplex Dwelling/s:

- a) The impact of the proposed development on nearby sensitive land uses, including residential uses.
- b) Conflict with any nearby agricultural uses.
- c) The adequacy of the physical site conditions to provide sufficient quality and quantity of drinking water. Council may require the submission of a hydrogeological study.
- d) The adequacy of shared amenity space for the residents of the property.

Agricultural Reserve (AR) Designation

Historically, East Hants has been an agricultural community. Many people who move to East Hants identify with its rural nature and enjoy the rolling hills and farmland scenery. Agriculture is an important part of the social and economic fabric of East Hants. According to the 2011 Census on Agriculture, there are 192 farms operating in East Hants; of these 38 are dairy farms. Collectively, farmers own 12% of the land in East Hants and the total value of all farmland and buildings operating in East Hants is \$126 million. Farming in East Hants, as with the rest of Nova Scotia, is at a crossroads, with the average age of a farmer being 52 years, and only 25 farm operators in East Hants being under the age of 35. Younger Nova Scotians entering the agriculture industry may look to the Municipality to develop new policies to assist them in

growing their agricultural industry.

Policy Goal

Council recognizes that it is necessary to encourage investment in agriculture and ensure that portions of the rural landscape are reserved for future generations.

Policy Statements

AR7. Council shall establish a means to identify, protect, and foster the agriculture industry within the Municipality of East Hants and to minimize conflicts between agricultural operations and other land uses.

AR8. Council shall establish the Agricultural Reserve (AR) future land use designation in which agriculture and agriculture related activities shall be the predominant land uses.

AR9. Council shall designate those lands as an Agricultural Reserve (AR) Zone, with the intention of providing a stable environment in which agriculture may operate freely from urban expansion or rural non-farm development on the most productive farmland in East Hants.

AR10. Council shall apply the Agricultural Reserve (AR) Designation based on active agricultural lands. Future AR Designations may be based on the following criteria:

- a) Protecting the continuation of existing farming areas;
- b) Providing for logical boundaries around farming areas such as roads, property lines, rivers, and other natural features; and
- c) Protecting active agricultural lands and lands defined by the Canada Land Inventory Soil Capability for Agriculture (CLI) rating as showing soils with Class 3 or active Class 4 or better.

AR11. Council shall recognize the importance of good agricultural soils to the entire Municipality.

AR12. Council recognizes that agriculture needs to be sustained in all parts of the Municipality for future use.

Agricultural Reserve (AR) Zone Provisions

Policy Goal

Council recognizes the need to establish land



use regulations that will protect and preserve the agricultural land defined by the Agricultural Reserve (AR) Zone.

Policy Statements

AR13. Council shall ensure that within the Agricultural Reserve (AR) Zone, agricultural related industry and supportive issues to the farm operation will be permitted.

AR14. Council shall ensure that the purpose and general provisions of the Agricultural Reserve (AR) Zone shall be consistent with the specified intent of the Agricultural Reserve (AR) Designation which may include a broad range of agricultural uses, farm dwellings, livestock barns, feedlots, manure storage and treatment, forestry activities, production of agricultural products, and agri-tourism activities.

AR15. Council shall permit the development of park and open-space areas as well as churches, community halls, and community centres within the Agricultural Reserve (AR) Zone by development agreement only, in satisfaction of the criteria of policies within the MPS.

AR16. Council shall, in complying with the Provincial Statement of Interest on Agricultural Preservation, as per the *Municipal Government Act*, and to respect where reasonably possible the rights of individual property owners to realize the maximum benefit from their land, limit the subdivision of land to the creation of 2 lots per existing area of land during the calendar year. This policy shall not prevent the consolidation of parcels.

AR17. Council shall consider non-agricultural uses in the Agricultural Reserve (AR) Zone by development agreement only. In considering a proposal for such development, Council shall have regard for the following matters:

a) That the use is permitted in the Rural

Use (RU) Zone;

b) That the property is not classified as active farmland; or

c) an Agricultural Impact Study has been prepared as outlined in the format shown in the Appendix, by a qualified professional at the expense of the applicant which concludes:

i) That the proposed development does not jeopardize the long-term viability of the farms and agricultural lands;

ii) That there is no longer viability in maintaining the agricultural operation; or

iii) That 90% or more of the property has soils defined as Class 4 or lower capability for agriculture.

AR18. Council shall permit commercial and industrial uses within the Agricultural Reserve (AR) where at least 75% of their operation is related to agriculture by way of processing, sorting, grading, packaging, inspection, storage, retailing, or servicing.

AR19. Council shall permit biogas facilities in the AR Zone where 50% or more of the biogas substrates comes from on farm sources.

AR20. Council shall consider biogas facilities in the AR Zone by development agreement where more than 50% of the biogas substrate comes from off farm sources.

AR21. Council shall not permit the removal of topsoil in the Agricultural Reserve (AR) Zone, except for:

a) topsoil removed as part of sod farming or peat production

b) topsoil removed from lots approved for non-farm development.

AR22. Council shall ensure that buildings or structures housing an intensive livestock

operation not be established within 46 m of boundaries of properties within any designation other than Rural Use (RU) or Agricultural Reserve (AR), to reduce possible negative impacts and potential conflicts with rural residential development in areas designated for such use.

AR23. Council shall ensure that buildings, structures, manure storage, or housing related to an intensive livestock operation, not be established within a minimum separation distance from a watercourse or well, so as to reduce conflicts between residential property owners and agricultural operations.

- a) Council shall permit an intensive livestock operation which does not meet the minimum separation distance from a watercourse or well, to have a reduced setback through site plan approval. Approval is dependent on meeting the regulations of the Land Use Bylaw and associated requirements.

Agricultural Reserve (AR) Dwellings Policy Goal

Council recognizes the need to provide for and regulate specific types of residential development within the Agricultural Reserve (AR) Zone.

Policy Statements

AR24. Council shall permit new farm dwellings directly related to a bona fide farm operation. Farm dwellings may consist of:

- a) The principal residence of the owner(s);
- b) Additional farm labour; or
- c) Family employed on the farm.

AR25. Council shall permit the conversion or utilization of existing dwellings, within the

Agricultural Reserve (AR) Zone for home-based businesses, home-based daycare, or bed and breakfast operations, subject to all relevant zoning requirements.

AR26. Council shall ensure that multiple unit dwellings not be permitted in the Agricultural Reserve (AR) Zone. Existing farm dwellings may be converted to a maximum of two units.

Agricultural Reserve (AR) Agri-tourism Policy Goal

Council recognizes that agri-tourism activities provide farm operators with the ability to supplement and diversify their agricultural income while creating economic opportunities for East Hants.

Policy Statements

AR27. Council shall permit agri-tourism activities within the Agricultural Reserve (AR) Zone.

AR28. Council shall ensure that, within the Agricultural Reserve (AR) Zone, all agri-tourism activities are accessory and clearly related to an agricultural use.

AR29. Council shall permit the development of restaurants, breweries, distilleries & wineries (including sales and tours), and retail shops related to and accessory to the agricultural use of the farm beyond 100 m² to 200 m².

AR30. Council shall, within the Agricultural Reserve (AR) Designation, consider by development agreement the following agri-tourism activities, subject to the implementing policies:

- a) Restaurants, breweries, distilleries & wineries (including sales and tours), and retail shops related to, and accessory to, the agriculture use of the farm beyond 200 m².

AR31. In considering a development agreement

enabled under AR30, Council shall be satisfied that the development, its uses and any associated structures:

- a) Shall be both clearly related to and subordinate to an agricultural use, no stand alone agri-tourism uses will be permitted;
- b) The majority of retail sales occurring must be from the sale of products grown as part of the farm activities.
- c) The agri-tourism activity will not negatively impact neighbouring agricultural land uses;
- d) Shall be designed and located to minimize its impact on the principal agricultural use, nearby uses and/or rural open space;
- e) Public parking shall be located in such a manner that it does not impact or detract from the rural character of the land; and
- f) Shall involve the conversion of existing buildings, building additions, or new buildings in yards that are not used, or could not be reasonably used for cultivation of crops.

Agricultural Land Preservation

In order to preserve agricultural land the Municipality has to encourage investment in agriculture and ensure that portions of the rural landscape are reserved for future generations. As well, East Hants has to promote healthy rural communities that contain living, working, and recreation activities that respect agricultural resources. An agricultural advisory committee would address issues and concerns and provide a forum for the exchange of information regarding the East Hants agricultural industry.

Establishment of an Agricultural Advisory Committee Policy Goal

Council recognizes the need to create a partnership between the agricultural community and other necessary groups with the purpose of developing a long-term protection and preservation strategy for agricultural land and minimizing land use conflicts. This group would work together in recommending ways to reduce agricultural land use conflicts and provide recommendations on agricultural related issues that are best suited to East Hants.

Policy Statements

AR32. Council shall establish an Agricultural Advisory Committee consisting of members of the agricultural community, Councillors, Municipal Staff, as well as members from the Federation of Agriculture and other agriculturally related organizations. The mandate of the Agricultural Advisory Committee shall be to make recommendations to Planning Advisory Committee on agricultural matters.

Rural Use North (RU-2) Designation

The Rural Use North Designation refers to the northern and central areas of East Hants. New land uses should continue to allow residents to enjoy the natural beauty of rural and Fundy shore, while embracing land uses that promote rural industries such as farming and forestry, while creating opportunities for tourism activities. New land use policies are intended to protect the existing rural landscape while minimizing potential conflicts between different types of land uses.

Policy Goal

Council's goal is to establish a designation that protects rural land use activities and supports tourism pursuits.

Policy Statements

AR33. Council shall establish the Rural Use North (RU-2) Designation, which shall be generally placed on lands along the Fundy shore and central East Hants. The RU-2 Designation shall encourage the continuation of a moderately changing and diverse rural landscape through the appropriate implementation of a wide variety of uses within the Rural Use North (RU-2) Zone.

AR34. Council shall establish the Rural Use North (RU-2) Zone, whose purpose and general zoning provisions shall be consistent with the specified intent of the (RU-2) Designation, and furthermore:

- a) The RU-2 Zone shall be established to provide for existing uses and also encourage the future development of mixed uses including community, institutional and residential uses, open space uses, commercial uses, agricultural, and resource uses.
- b) The RU-2 Zone shall consist of a minimum lot size that is compatible with the rural land use patterns, development controls related to significant alteration of land levels, and the protection of rivers, lakes.
- c) Council shall allow more than one dwelling on a lot in the RU-2 Zone provided that all provisions of the Land Use Bylaw are satisfied.
- d) Council shall permit public and private utilities within the Rural Use North (RU-2) Zone so as to facilitate the development of essential services in East Hants as specifically outlined in the Land Use Bylaw.
- e) The RU-2 Zone shall include a minimum setback requirement for dwellings from existing Intensive Livestock Operations so as to reduce conflicts between residential property owners and agricultural operations

f) Council shall permit the use of recreational vehicles in the RU-2 Zone on appropriate sized lots.

AR35. Council shall delineate the areas within the Municipality's designated and zoned Rural Use North (RU-2) as described by the official Generalized Future Land Use and Land Use Bylaw Zoning Maps.

AR36. Council shall ensure that appropriate zoning provisions be applied to all Rural Use North (RU-2) Zoned lands. The criteria shall be consistent with the general intent of the designation and assist in the proper and coordinated development of the land uses within the planned areas of the Municipality's rural lands.

AR37. Council shall consider the following developments by site plan approval in the Rural Use North (RU-2) Zone:

- a) Campgrounds.

Rezoning & Development Agreements

Rezoning

Policy Goal

Council's goal is to continue to allow the lands within the RU-2 zone to be multiple use, further enhancing the diversity of this region.

Policy Statements

AR38. Council shall, within the Rural Use North (RU-2) Designation on lands zoned Rural Use North (RU-2), consider rezoning for AR proposals.

Development Agreements

Policy Goal

Non-traditional uses are often located within the rural landscape. Given their potential

to affect the rural landscape and character, Council shall consider development agreements in dealing with these uses.

Policy Statements

- AR39** Council shall, within the Rural Use North (RU-2) Designation on lands zoned Rural Use North (RU-2), consider the following uses by development agreement:
- a) Any Highway Commercial (HC), General Commercial (GC), and Industrial Commercial (IC) uses;
 - b) Industrial development engaged in the production, wholesale storage, or distribution of dangerous goods;
 - c) Any commercial developments for the chemical treatment of timber resources;
 - d) Licensed salvage yard commercial developments;
 - e) Aggregate and mineral resource related industries;
 - f) Structures that are related to pit operations that are proposed to be closer than 100 m to the nearest non resource related structure (not including retail and showrooms);
 - g) Structures that are related to a quarry or mineral extraction operations that are proposed to be closer than 1 km to the nearest non resource related structure (not including retail and showrooms);
 - h) Bioenergy facilities that are considered obnoxious that are not related to an existing agriculture operation;
 - i) Accommodations, General over 12 units;
 - j) Multiplexes over 12 dwelling units and up to a maximum of 24 dwelling units and cluster townhouse developments over 12 dwelling units and up to a maximum of 24

dwelling units;

- k) Any potentially obnoxious commercial developments to include vehicle race tracks and amusement parks; and
- l) Home-based business uses that go beyond the specified maximum floor area in the Land Use Bylaw.

Multiplex and Cluster Townhouse Development

Council recognizes the need for housing in rural areas of East Hants and has enabled the development of multiple unit development in the Rural Use North (RU-2) Zone.

Policy Goal

Council's goal is to enable multiplexes and cluster townhouses in rural communities.

AR40 In addition to the other evaluation criteria of this Strategy, Council shall consider the following criteria when reviewing a development agreement application for a multiplex or cluster townhouse up to a maximum of 24 dwelling units:

- a) The impact of the proposed development on nearby sensitive land uses, including residential uses.
- b) The impact of neighbouring land uses on the proposed development.
- c) Conflict with any nearby agricultural uses.
- d) The adequacy of the physical site conditions to provide sufficient quality and quantity of drinking water. Council shall require the submission of a hydrogeological study.
- e) The adequacy of shared amenity space for the residents of the property. Common and private amenity space shall comply with the Part 7 of the Land Use Bylaw.

- f) The height of all buildings, no building shall exceed four storeys.
- g) Stormwater Management Plan showing no negative impacts on surrounding properties.

Wind Energy Development

The Municipality of East Hants recognizes the development of green energy resources is important to the health and environment of our community and encourages the integration of renewable wind energy developments within the Municipality. The reality of increased demand and soaring costs of fossil fuels make wind energy a viable and attractive energy resource option and provides economic benefits to the community in the form of local tax benefits, construction costs and a stable power grid.

Council realizes that the wind energy industry in Nova Scotia is growing and that they will need to be flexible to accommodate changes and advancements in technology. For this reason, Council will re-evaluate the wind energy development policies periodically. This review will evaluate how the wind energy industry has evolved and progressed to ensure the policy is meeting the needs of the wind energy developers and the community.

Policy Goal

Council's goal is to support the future development of the wind energy industry by working with wind developers and communities to encourage the development of wind energy projects while ensuring the continued enjoyment of community life.

Policy Statements

- AR41.** Council shall encourage wind energy projects to allow for the production of renewable energy resources that will provide the Municipality with an environmentally sustainable and economical electricity source.
- AR42.** Council shall establish a definition and categorize wind turbines into three different types; micro wind turbine (MWT), small-scale wind turbine (SWT), and large-scale wind turbine (LWT).
- AR43.** Council shall regulate MWT, SWT and LWT through the General Provisions section of the Land Use Bylaw.
- AR44.** Council shall permit the development of micro wind turbines (MWT) and small-scale wind turbines (SWT) as-of-right.
- AR45.** Council shall regulate setbacks, height requirements, noise, sight lines, and fencing,
- AR46.** Council shall permit the development of large scale wind turbines (LWT) through site plan approval. Approval is dependent on meeting the regulations of the Land Use Bylaw and associated requirements.
- AR47.** Council shall periodically review the policies regulating the use of micro, small-scale, and large-scale wind turbines.

Large-Scale Special Events

Policy Goal

Council's goal is to encourage large-scale special events while protecting the health and safety of East Hants residents and event attendees and participants, and protecting private property.

Policy Statements

- AR48.** Council shall establish a definition for

large-scale special events.

the Land Use Bylaw to regulate large-scale special events.

AR49. Council shall establish requirements in

Policy	Amendment Date	Description