



Subject: *Plan Update: Agriculture Jurisdictional Scan*
To: CAO for Planning Advisory Committee, February 14, 2023
Date Prepared: February 7, 2023
Related Motions: C22(434)
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Summary

At Council's December 21, 2022 meeting motion C22(434) was passed "that Council direct staff to do a jurisdictional scan of an abutting municipalities with regards to agricultural (AR) zoning." This report responds to Council's direction.

Financial Impact Statement

The Community Plan Update has been budgeted for in the Municipal Budget

Recommendation

There is no recommendation associated with the adoption of this report.

Recommended Motion

There is no recommendation associated with the adoption of this report.

Background

At their December 21, 2022 meeting, Council passed the following motion related to the Plan Update. Motion C22(434) was passed “that Council direct staff to do a jurisdictional scan of an abutting municipalities with regards to agricultural (AR) zoning.” Below is a chart summarizing agricultural regulations for three Nova Scotia Municipalities. Detailed policies and regulations from each of the reviewed Municipalities have been attached as Appendix B.

Municipality	Agricultural Provisions
Kings County	<p>Kings County has five different agricultural zones:</p> <ol style="list-style-type: none"> 1. Agricultural A1: Lands located in this zone are those identified as high-capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including residential development. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority. 2. Rural Mixed Use A2: Lands located in this zone are intended for a mix of agricultural, residential and resource uses to enable the agricultural industry expansion as well as to accommodate rural housing demand. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority. 3. Farm Commercial A3: Lands located in this zone contain existing farm operations along Highway 1 between New Minas and the Town of Wolfville. These lands are intended for the development of farm commercial and agritainment uses that involve, support or complement agricultural activities in the described area. Commercial uses that are not related or complementary to farming business operations will be limited 4. Country Residential A4: Lands located in this zone are intended to maintain onsite serviced low-density neighbourhoods, consisting primarily of one or two unit dwellings, while encouraging the efficient use of land and infrastructure in an agricultural setting. This zone has also been applied to isolated areas of serviced development in rural areas of the Municipality. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority. 5. Historic Hamlet of Grand Pré A5: The purpose of the Historic Hamlet of Grand Pré (A5) Zone is to retain the historic character of the Heritage Conservation District of Grand Pré, in accordance with policy 4.6.3 of the Municipal Planning Strategy. <p>For the A1 Zone, existing residential uses are permitted and new residential uses are only permitted by site plan approval in certain situations as follows:</p>

- New residential uses are permitted between two dwellings in existence on the date of adoption of this By-law that are no more than 300 feet apart or between a dwelling in existence on the date of adoption of this By-law and a public road that are no more than 300 feet apart.
- Existing dwellings are required to have been in existence on the date of adoption of this By-law and may include farm dwellings but shall exclude farm tenements.
- Lots may be either newly created or in existence on the date of adoption of this By-law.

For the A2 Zone residential uses are permitted without any special provisions.

For the A3 Zone only existing residential uses are permitted or residential uses that are associated with commercial agricultural development.

For the A4 Zone residential uses are permitted and they are located in denser residential areas.

For the A5 Zone residential development is permitted in the zone but all development has to be in compliance with the Grand Pré Heritage Conservation District By-law.

West Hants

The Municipality of West Hants has three different agricultural zones. In order to minimize the fragmentation of agricultural land no new public or private roads are permitted in any of the three agricultural zones. The only way new roads can be considered are by a decision of Council, through a development agreement or rezoning process.

The criteria of the three agricultural zones are based on a combination of soils and active agricultural lands, and are identified as follows:

1. **Prime Agriculture:** Improved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved primarily for long-term agricultural production with the most restrictions on non-agricultural development.
2. **Agricultural Priority Two:** Improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved for agricultural production with limited non-agricultural development.
3. **Agricultural Priority Three:** Agricultural land with a lower productive capability (Class 4) and active agricultural land in the Growth Centres, Village and Hamlets. Controlled non-agricultural development will be permitted.

In the Prime Agricultural (P/Ag) Zone residential uses are only permitted as-of-right as part of an ongoing agricultural operation. Residential uses as the main use of a property may only occur on existing (as of 1989) undersized lots.

	<p>In the Agricultural Priority Two (AR-2) Zone residential uses are permitted but there is a limit of two lots that may be subdivided from a parcel of land each year. There is no limit to the number of consolidations.</p> <p>In the Agricultural Priority Three (AR-3) Zone residential uses are permitted, there are no restrictions on subdivision.</p> <p>In both the AR-2 and the AR-3 Zones, the zone allows for some institutional uses.</p>
Cumberland County	<p>The intended purpose of the Agriculture Zone to prioritize agricultural activities and to reduce the non-agricultural development and fragmentation of productive agricultural lands. The zone was applied to Class 2 and 3 soils and the intention is to prevent the loss of these soils to subdivision development or commercial development. Also included in the zone is continuous blocks of farmland which may not be Class 2 or 3 soils.</p> <p>Land use regulations allow for many agricultural-related uses, similar to the East Hants Agricultural Reserve (AR) Zone. In addition, Cumberland also allows in their Agriculture Zone airports, community halls, places of worship, fishery uses, emergency services, and single unit dwellings. Only one dwelling is permitted per property and dwellings are not permitted on flag lots or hockey stick lots. Lots also have large frontage requirements of 45 m, which reduces the number of lots that can be subdivide on existing road frontage. No new private roads are permitted in the Agricultural Zone.</p>
Colchester County	<p>Colchester is still in the initial phase of its plan update and it will consider agricultural land policies as part of its planning process.</p>

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

The Community Plan Update has been budgeted for in the Municipal Budget.

Conclusion

Planning staff have responded to motion C22(434), and have provided a jurisdictional scan of agricultural regulations for East Hants Council to review. No motion is associated with the adoption of this report.

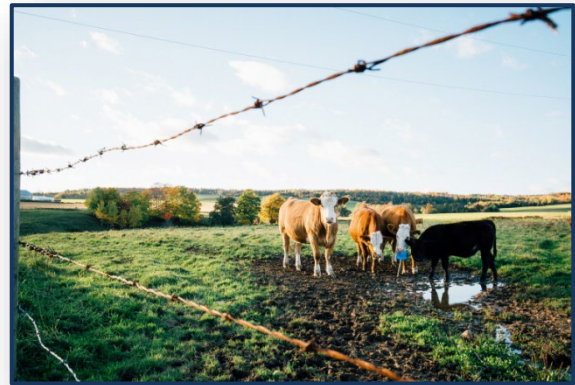
Appendix A - Detailed Agricultural Policies and Regulations

3.4 Agricultural Designation

Context

Agriculture is a dynamic and complex industry, responsible for meeting our basic human need for sustenance. Its roots are local, but global influences guide its sustainability and growth. The Municipality is steeped in the tradition of farming, which began with the first Acadian settlers in Grand Pré, Nova Scotia's most recent UNESCO World Heritage Site.

The Municipality is a centre for scientific research and advances in agricultural technology, as the industry is a key economic driver locally and throughout the province. It provides employment for those working directly on the farm, as well as those working in related and value-added industries. Agriculture is also key to the Valley's tourism industry, providing a distinct identity for the Municipality - the bucolic setting with picturesque fields, orchards and vineyards denotes a strong agricultural heritage and tradition.



Agriculture in the Municipality is stable and growing. The micro-climates, warm weather, extended growing season, fertile soils and agricultural infrastructure create excellent conditions for growing and processing grain crops, fruits, vegetables and livestock. In 2012, approximately 18 per cent of the land base in the Municipality was in agricultural production. Farms in the Municipality represent 16 per cent of the farms and 12.5 per cent of the farm land in Nova Scotia,



generating 34 per cent of all Provincial farm receipts (2016 Census of Agriculture). Although the size of farms in the Municipality is only 77 per cent of the Provincial average, they generate more than double the average farm receipts in Nova Scotia. Municipality farms produce the majority of corn, wheat, soybean, potatoes, vegetables, and tree fruit crops grown in the Province and most of

Nova Scotia’s sows, weaner pigs, turkeys, and broiler chickens. The economic importance of agriculture in the Municipality extends far beyond municipal boundaries.







There is a conscious distinction between urban areas of the Municipality that provide a range of residential options and services, and rural lands that are devoted to agricultural uses. Planning policies reinforce this distinction and the result is a balanced approach that directs the bulk of urban development into established Growth Centres while supporting agriculture in areas that enhance the industry by reducing land use conflict and by controlling the amount of land that can be used for non-farm uses. Without intervention and purposeful control, productive farmland could be lost to non-farm development on agricultural land.



Goal

To identify lands where agricultural and related land uses are encouraged, promoted and prioritized over other land uses.

Objectives

THEME	OBJECTIVE
 <p>Settlement</p>	<p>To limit and manage non-farm development that could otherwise be located in Growth Centres.</p>
 <p>Agriculture</p>	<p>To protect agricultural lands for future generations and facilitate the growth of the agricultural industry; and</p> <p>To reduce undue fragmentation of farmland that limits future agricultural expansion.</p>
 <p>Rural and Natural Areas</p>	<p>To maintain the rural character of the landscape; and</p> <p>To protect sensitive natural features.</p>
 <p>Economic Development</p>	<p>To provide a flexible regulatory environment that accommodates innovation, agri-business, value-added agriculture, and agritainment.</p>
 <p>Healthy Communities</p>	<p>To encourage access to locally-produced foods.</p>
 <p>Arts and Culture</p>	<p>To maintain the agricultural landscapes that form part of the region's cultural identity.</p>

General Agricultural Policy

Council shall:

- 3.4.1 designate as Agricultural portions of the Valley floor, North Mountain and South Mountain. The Agricultural Designation is intended to encompass the rural parts of the Municipality where agriculture is a dominant land use;
- 3.4.2 establish the following Agricultural Zones in the Land Use By-law:
- (a) Agricultural (A1): lands located in this zone are those identified as high-capability agricultural lands for future agricultural production. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including residential development. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority;
 - (b) Rural Mixed Use (A2): lands located in this zone are intended for a mix of agricultural, residential and resource uses to enable the agricultural industry expansion as well as to accommodate rural housing demand. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority;
 - (c) Farm Commercial (A3): lands located in this zone contain existing farm operations along Highway 1 between New Minas and the Town of Wolfville. These lands are intended for the development of farm commercial and agritainment uses that involve, support or complement agricultural activities in the described area. Commercial uses that are not related or complementary to farming business operations will be limited;
 - (d) Country Residential (A4): lands located in this zone are intended to maintain on-site serviced low-density neighbourhoods, consisting primarily of one or two unit dwellings, while encouraging the efficient use of land and infrastructure in an agricultural setting. This zone has also been applied to isolated areas of serviced development in rural areas of the Municipality. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority; and
 - (e) Historic Hamlet of Grand Pré (A5): lands located in this zone are intended for maintenance of existing residential areas in the Historic Hamlet of Grand Pré while allowing for residential care facilities, non-profit camps, and small-scale fixed roof accommodations, with or without a public restaurant component. Policies related to this zone can be found in section 4.6 of this Strategy, the Community Plan for Grand Pré and Area; and

3.4.3 permit within the Agricultural Designation:

- (a) all zones in policy 3.4.2 above;
- (b) Rural Commercial (C4) Zone, as provided for in policy 2.2.2;
- (c) Rural Industrial (M3) Zone, as provided for in policy 2.2.2;
- (d) all zones permitted within all designations, as listed in policy 3.0.32.

Agricultural Uses

The Agricultural Designation prioritizes agricultural uses, from crops and barns to greenhouses and processing, permitting extensive agricultural and related uses to enable farms to grow and adapt. Council will promote the protection of productive agricultural lands through policies that facilitate agricultural uses and restrict those that do not support and complement agriculture.

Policy

Council shall:

- 3.4.4 permit within all agricultural zones a broad range of agricultural and related uses, which may be tailored to the intent of the specific zone, including but not limited to farm buildings, the processing of agricultural products, and the direct sale of farm products; and
- 3.4.5 require flexible lot and building standards for agricultural uses, while also providing appropriate separation from adjacent properties and sensitive environmental features.

Livestock Operations

The raising of livestock, such as poultry, cattle and mink, is an integral part of the agricultural economy. The Municipality has one of the highest densities of commercial livestock facilities in



Eastern Canada. Although livestock buildings need not locate on optimal soils, the feed the animals consume and the manure they produce are interconnected with other agricultural systems. Livestock operations, therefore, must be permitted to locate and expand in many locations. Appropriate controls, based on the scale and potential impact on neighbours, are established to mitigate land use conflict and environmental concerns. Livestock operations are distinguished as

intensive or commercial-scale livestock operations, and household livestock which are small-scale, hobby or niche-market livestock operations.

Policy

Council shall:

- 3.4.6 permit within the Agricultural (A1), the Rural Mixed Use (A2), and the Rural Industrial (M3) Zone, livestock operations; and
- 3.4.7 establish for all livestock operations within all Agricultural Zones flexible controls to provide a variety of opportunities. These controls shall require:
 - (a) adequate separation between the livestock operation and Growth Centres, and watercourses consistent with the intent of the zone; and
 - (b) a manure disposal plan for new or expanded operations, subject to Provincial Regulations and Guidelines.

Agritainment

The Municipality's agricultural areas are important not only for producing food, but also increasingly as a major tourism attraction. From wineries to u-picks, farm stays and wagon rides, visitors are coming to the region to sample and purchase agricultural goods and products directly from producers and to experience farming practices.

Section 2.5, Economic Development of this Strategy describes the growing importance of tourism to the economic development of the region and the intention to encourage visitor-oriented businesses. Council intends to permit agritainment developments within the Agricultural Designation that do not interfere with the agricultural character that is the essential to its appeal. Additional direction for tourism and agritainment uses are contained in policies 2.5.11-2.5.13 of this Strategy.



Policy

Council shall:

- 3.4.8 permit within the Agricultural (A1) Zone, the Rural Mixed Use (A2) Zone, the Farm Commercial (A3) Zone and the Rural Commercial (C4) Zone, various agricultural-related tourism uses accessory to a farm business including, but not limited to, farm product sampling, lodging, u-picks and other uses that enable people to visit and experience farming operations; and
- 3.4.9 regulate agricultural related tourism uses to ensure that the agritainment use is accessory to a farm business and to control the scale, nature and location of the use to limit the potential impact on surrounding agricultural and residential uses.

Topsoil Removal

The removal of topsoil for commercial sale has been a long-standing concern. This practice is extremely detrimental in agricultural areas, where topsoil removal can severely limit future cultivation. In other areas, complete topsoil removal can create a multitude of problems, including erosion and sedimentation of watercourses.

Policy

Council shall:

- 3.4.10 prohibit topsoil removal in the Agricultural (A1) Zone, other than removal incidental to the development of uses permitted in the zone and ongoing use of the property.

Agricultural (A1) Zone

The Annapolis Valley is recognized as one of the most fertile agricultural areas east of Québec. The Annapolis and Gaspereau valley floors, in particular, have been cultivated for hundreds of years and support many crops, including



apples, grapes, legumes, corn and hay, as well as livestock operations.

As part of the 1979 Planning Strategy, Council used soil mapping to define and protect productive agricultural areas. Throughout the 1980s and 1990s, Council updated and refined this mapping, including the mapping of active agricultural areas, both to identify

productive agricultural areas, and to guide agricultural and non-agricultural development on a site-specific basis.

Since the protection of agricultural land in 1979, one of the most controversial topics in the Municipality has been the development of non-farm dwellings. It is broadly recognized that non-farm dwellings in agricultural areas have a negative impact on the long-term viability of agricultural areas by removing lands, permanently in some instances, from agricultural production, fragmenting farmland, and creating land use conflicts. Consequently, Council has limited or prohibited non-farm dwellings in agricultural areas. By 2018, however, Council had adopted many exceptions to this rule. Council intends to build on and improve its efforts to protect agricultural areas by zoning the Annapolis and Gaspereau Valley floors as Agricultural (A1) to ensure that the agricultural sector can thrive for generations to come. Similar to earlier zoning, the placement of this zone is based on the prevalence of Class 2, 3 and 4 soils, and the amount of agricultural activity (Schedule F - 2012 Land Cover Map). Given the generalized nature of the mapping, Council does not intend to base site-specific land use controls on the soils mapping; for example, whether a non-farm dwelling is permitted. Council intends to refine its approach by strictly restricting non-farm dwellings. Exceptions will not be based on lot age, but rather permitted only when there is demonstrably low impact on surrounding agricultural uses. In these cases, controls will be applied to reduce the impacts on agricultural lands and to protect them for current and future agricultural production

Policy

Council shall:

- 3.4.11 zone as Agricultural (A1) geographically distinct portions of the Annapolis Valley and Gaspereau Valley floors and portions of the North Mountain that correspond closely with the Agricultural Designation in place at the time of adoption of this Strategy. It is intended to include blocks of land defined by physical features such as roads with more than 60 per cent Class 2 and 3 soils, and Class 4 land, or when combined with lands in active agriculture production as shown on Schedule F - 2012 Land Cover Map;
- 3.4.12 permit within the Agricultural (A1) Zone:
- (a) a wide range of agricultural uses, farm supportive uses and uses that complement and support agricultural operations;
 - (b) accessory restaurants in association with an agritainment use;
 - (c) farm dwellings and tenements to enable owners and workers to live on the farm business property; and

- (d) a limited amount of residential development where there is a maximum distance of 300 feet along a public road between dwellings in existence on November 21, 2019 or between a dwelling in existence on the November 21, 2019 and the intersection of two public roads; and
- 3.4.13 require site plan approval for development enabled by policies 3.4.12(b) and (d), above, to minimize negative impacts on agricultural production and potential by ensuring that the non-farm dwelling is located close to the adjacent road(s); and
- 3.4.14 prohibit the issuance of development permits for non-farm dwellings on under-sized lots existing on November 21, 2019 unless the requirements for non-farm dwellings described in policy 3.4.13, above, are met.

Development Agreements

Council supports diversification of farm businesses to balance income loss caused by unfavourable seasonal weather conditions or other factors. Development of tourism uses is one such avenue. While policy direction is provided for other zones in the Agricultural Designation in section 2.5, Economic Development, Council will provide specific policy direction for tourism-oriented proposals in the Agricultural (A1) Zone. In addition to uses permitted as-of-right in the Land Use By-law, Council intends to permit additional uses by development agreement, to ensure protection of agricultural land while permitting business diversification.

It is also Council's intention to facilitate the development of new farms and new or relocated farmers. Due to the nature of farming, it is preferable for farmers to live on the land that they farm. New or relocated farmers may not be able to meet the requirements for the construction of a farm dwelling.

Council shall:

- 3.4.15 consider only by development agreement proposals for event venues or restaurants to be developed within the Agricultural (A1) Zone. In evaluating such development agreements Council shall be satisfied that the proposal:
- (a) is accessory to an operating farm business and the owner's income from the farming business for the previous year exceeds the income from all other sources;
 - (b) establishes a maximum setback from the road for any proposed structure to minimize disruption to land in production;
 - (c) includes the conversion of a building existing on the date of application or the construction of a new building. If the proposal includes a new building, Council

shall be satisfied that the location of the new building minimizes potential negative impacts on current or future farming practices;

- (d) includes, if the ability to use temporary structures is requested:
 - (i) a maximum number of times each year that temporary structures may be located on the lot;
 - (ii) a maximum duration for each time temporary structures are located on the lot; and
 - (iii) the location on the lot of any proposed temporary structure;
- (e) excludes the ability to obtain or use a cabaret licence or its equivalent;
- (f) includes sufficient parking for the proposed permanent structure and any proposed temporary structures. Council shall be satisfied that the parking areas:
 - (i) are flat, stable surfaces;
 - (ii) are in close proximity to the restaurant or event venue; and
 - (iii) are designed for easy reversion back to agricultural production; and
- (g) the proposal may include small-scale accessory fixed roof accommodation; and
- (h) the proposal meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law;

3.4.16 consider only by development agreement the development of a farm stay operation to provide guests with opportunities to learn about or participate in farming activities. In considering such proposals, Council shall be satisfied that the proposal:

- (a) is accessory to an operating farm business and the owner's income from the farming business for the previous year exceeds the income from all other sources;
- (b) establishes a maximum setback from the road for any proposed structure in order to minimize disruption to land in production;
- (c) the total number of farm stay units is limited to two;
- (d) includes the conversion of a building existing on the date of application or the construction of a new building or is located within seasonal structures that are not

Section 8 - AGRICULTURAL ZONES

8.1 Summary of Agricultural Zone Names and Symbols

Zone Name	Symbol
Agricultural	A1
Rural Mixed Use	A2
Farm Commercial	A3
Country Residential	A4
Historic Hamlet of Grand Pré	A5

8.2 Summary of Uses Permitted within Agricultural Zones

The following summarizes the main uses permitted in the Agricultural Zones subject to all the requirements set out in this By-law. Please see the specific zone section for an exact list of permitted uses and special conditions.

Land Use	A1	A2	A3	A4	A5
RESIDENTIAL					
Mobile Homes	A1	A2		A4	
Mini-home Parks - Existing		A2			
One Unit Dwellings	A1	A2		A4	A5
Recreational Cabins		A2			
Residential Units in Commercial Buildings			A3		
Residential Uses – Existing	A1		A3		
Semi-detached Dwellings		A2		A4	A5
Two Unit Dwellings	A1	A2		A4	A5
NON-RESIDENTIAL					
Abattoirs	A1	A2			
Agricultural Equipment and Parts Sales and Services	A1	A2	A3		
Agricultural Related Industries		A2	A3		
Agricultural Uses	A1	A2	A3	A4	A5
Agritainment Uses	A1	A2	A3		A5
Animal Boarding Facilities	A1	A2			
Bunkhouses	A1	A2	A3		A5

Land Use	A1	A2	A3	A4	A5
Community Facilities	A1	A2		A4	A5
Equipment Rental			A3		
Existing Uses			A3		
Farm Dwellings	A1		A3		
Farm or Vineyard Product Sampling	A1	A2	A3		A5
Farm Market Outlets	A1	A2	A3		A5
Farm Museums	A1				
Farm Supportive Uses	A1	A2	A3		
Farm Tenements	A1	A2	A3		A5
Fish Farms		A2			
Fishing Uses	A1	A2			
Fixed Roof Overnight Accommodations			A3		
Food and Drink Production			A3		
Forest Industry Uses		A2			
Forestry Uses	A1	A2		A4	
Greenhouses	A1	A2	A3	A4	A5
Indoor Recreation Uses			A3		
Livestock Operations	A1	A2	A3		A5
Places of Worship	A1	A2		A4	A5
Remote-controlled Aircraft Fields – Existing	A1				
Restaurants			A3		
Retail Stores			A3		
Storefront Recycling Uses			A3		
Tourist Commercial Uses		A2	A3		A5
Veterinary Clinics			A3		
Visitor Information Centres			A3		
Wildlife Rescue and Rehabilitation Centres	A1	A2			
Zoo – Existing		A2			

8.3 AGRICULTURAL (A1) ZONE

8.3.1 Zone Purpose

The purpose of the Agricultural (A1) Zone is to protect agricultural land for a viable and sustainable agriculture and food industry, in accordance with policy 3.4.2 (a) of the Municipal Planning Strategy. This zone will provide maximum flexibility for agricultural and complementary uses and limit non-farm development, including housing. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

8.3.2 Uses

8.3.2.1 Permitted Uses

The following uses shall be permitted in the Agricultural (A1) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

EXISTING USES	SPECIAL CONDITIONS
Animal Boarding Facilities – Existing	Section 14.3
Community Facilities – Existing	
Farm Museums – Existing	
Non-profit Camps – Existing	
Places of Worship – Existing	
Remote-controlled Aircraft Fields – Existing	
Residential Uses – Existing	
Wildlife Rescue and Rehabilitation Centres – Existing	

AGRICULTURAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Equipment and Parts Sales and Services	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.3.4.3
Farm Dwellings	Section 8.3.4.3
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Supportive Uses	
Farm Tenements	Section 8.3.4.3
Fishing Uses	
Forestry Uses	
Greenhouses	

A1

AGRICULTURAL USES	SPECIAL CONDITIONS
Livestock Operation	Section 14.3

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	Sections 8.3.4.1 and 8.3.4.2
One Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2
Two Unit Dwellings	Sections 8.3.4.1 and 8.3.4.2

8.3.3 Zone Requirements

The following requirements shall apply to all development located in the Agricultural (A1) Zone.

Requirement	Existing Uses	Livestock Operations & Abattoirs	Agricultural Uses	Residential Uses
(a) Minimum Lot Area:	30,000 sq ft.	200,000 sq ft.	100,000 sq ft.	30,000 sq ft.
(b) Minimum Lot Frontage:	100 ft.	20 ft.	20 ft.	200 ft.
(c) Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.	40 ft.
(d) Minimum Side Setback:				
(i) Main Buildings	20 ft.	100 ft.	40 ft.	20 ft.
(ii) Accessory Buildings	10 ft.	40 ft.	20 ft.	10 ft.
(e) Minimum Rear Setback:				
(i) Main Buildings	40 ft.	100 ft.	40 ft.	40 ft.
(ii) Accessory Buildings	20 ft.	40 ft.	20 ft.	20 ft.
(f) Maximum Building Height:				
(i) Main Buildings	35 ft.	55 ft.	55 ft.	35 ft.
(ii) Accessory Buildings	20 ft.	35 ft.	35 ft.	20 ft.

8.3.4 Additional Requirements

8.3.4.1 Residential Uses

New residential uses are permitted between two dwellings in existence on the date of adoption of this By-law that are no more than 300 feet apart or between a dwelling in existence on the date of adoption of this By-law and a public road that are no more than 300 feet apart, in accordance with policy 3.4.11 (b) of the Municipal Planning Strategy. For clarity, the distance shall be measured at the required front setback on a perpendicular line extending from the road to the nearest applicable point to the adjacent dwelling or public road. Additional requirements noted below shall also apply.

- (a) Existing dwellings are required to have been in existence on the date of adoption of this By-law and may include farm dwellings but shall exclude farm tenements.
- (b) Lots may be either newly created or in existence on the date of adoption of this By-law.
- (c) Notwithstanding (b) above, residential uses may be located on lots described in subsection 14.2.5 related to existing undersized lots, subject to the separation distance requirements of this subsection.

8.3.4.2 Site Plan Approval

Residential uses permitted under section 8.3.4.1 shall be subject to site plan approval in accordance with the criteria below and in accordance with policy 3.4.13 of the Municipal Planning Strategy.

- (a) Residential uses shall locate as close to the front lot line as possible. The dwelling and all accessory buildings shall be within 150 feet of the front lot line, measured from the rear wall of the dwelling or accessory building, unless restricted by topography or it is shown that the impact on agricultural lands is greater than if the dwelling and accessory buildings were located elsewhere.
- (b) Written acknowledgement by the property owner that the dwelling is located in an agricultural area.

8.3.4.3 Farm Dwellings, Farm Tenements and Bunkhouses

Farm dwellings, farm tenements and bunkhouses shall be permitted on a farm property subject to the criteria below.

- (a) The farm dwelling, farm tenement or bunkhouse shall be accessory to a farming business and shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm dwelling, farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm dwelling, farm tenement or bunkhouse, the gross revenue of the property owner from the farming business exceeded the income from all other sources for the preceding tax year.

8.3.4.4 Reuse of Existing Buildings

Notwithstanding 8.3.4.1, an existing community facility or place of worship may be converted to a one or two unit dwelling.

8.3.4.5 Topsoil Removal

Topsoil removal shall be prohibited except for removal that is incidental to a permitted use and excavation associated with the construction of buildings and infrastructure, in accordance with policy 3.4.10 of the Municipal Planning Strategy.

8.3.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Agricultural (A1) Zone:

- (a) Event venues and restaurants accessory to an operating farming business in accordance with policy 3.4.15 of the Municipal Planning Strategy.
- (b) Farm stays accessory to a farming business in accordance with policy 3.4.16 of the Municipal Planning Strategy.
- (c) Development of a farm dwelling by a new or relocated farmer in accordance with policy 3.4.17 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.

8.4 RURAL MIXED USE (A2)ZONE

8.4.1 Zone Purpose

The purpose of the Rural Mixed Use (A2) Zone is to provide for a mix of agricultural, residential and resource uses, in order to enable the expansion of the agricultural industry as well as accommodate demand for rural housing, in accordance with policy 3.4.19. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

8.4.2 Uses

8.4.2.1 Permitted Uses

The following uses shall be permitted in the Rural Mixed Use (A2) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
Mini-home Parks – Existing	
One Unit Dwellings	
Recreational Cabins	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Abattoirs	
Agricultural Related Industries	
Animal Boarding Facilities	Section 14.3
Community Facilities – Existing	
Fish Farms	
Forest Industry Uses	
Places of Worship	
Tourist Commercial Uses	Section 14.3
Wildlife Rescue and Rehabilitation Centres	
Zoos – Existing	

AGRICULTURAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Services	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.4.4.1

AGRICULTURAL USES	SPECIAL CONDITIONS
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Supportive Uses	
Farm Tenements	Section 8.4.4.1
Fishing Uses	
Forestry Uses	
Greenhouses	
Livestock Operations	Section 14.3

8.4.3 Zone Requirements

The following requirements shall apply to all development located in the Rural Mixed Use (A2) Zone.

Requirement	Residential Uses, Community Facilities and Places of Worship	Agricultural Uses	Abattoir; Livestock Operations, Zoo – existing	All Other Permitted Uses
(a) Minimum Lot Area:	30,000 sq ft./unit	100,000 sq ft.	200,000 sq ft.	100,000 sq ft.
(b) Minimum Lot Frontage:				
(i) General	200 ft.	20 ft.	20 ft.	200 ft.
(ii) Semi-detached Dwellings	100 ft./unit	N/A	N/A	N/A
(c) Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.	40 ft.	40 ft.
(d) Minimum Side Setback:				
(i) Main Buildings	20 ft.	40 ft.	100 ft.	40 ft.
(ii) Accessory Buildings	10 ft.	20 ft.	40 ft.	20 ft.
(iii) Common Wall	0 ft.	N/A	N/A	N/A
(e) Minimum Rear Setback:				
(i) Main Buildings	40 ft.	40 ft.	100 ft.	40 ft.
(ii) Accessory Buildings	20 ft.	20 ft.	40 ft.	20 ft.
(f) Maximum Building Height:				
(i) Main Buildings	35 ft.	55 ft.	55 ft.	55 ft.
(ii) Accessory Buildings	20 ft.	35 ft.	35 ft.	20 ft.

8.4.4 Additional Requirements

8.4.4.1 Farm Tenements and Bunkhouses

Farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

8.4.4.2 Frontage on a Private Road

A development permit may be issued for a residential use on lots without frontage on a public road subject to the criteria noted below.

- (a) If the lot has the equivalent minimum lot frontage on an existing private road.
- (b) A residential use shall be subject to the required minimum front or flankage setback measured from the extent of the right-of-way. (*Amended May 10, 2022, File 21-02*)

8.4.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Rural Mixed Use (A2) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Proposals for the expansion of an existing mobile home park in accordance with policy 3.4.22 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

8.5 FARM COMMERCIAL (A3) ZONE

8.5.1 Zone Purpose

The purpose of the Farm Commercial (A3) Zone is to provide for the development of farm commercial and agritainment uses that involve, support or complement agricultural activities in the community of Greenwich and limit commercial uses that are not related or complementary to farming business operations, in accordance with policy 3.4.24 of the Municipal Planning Strategy. In the event of conflict between or among uses, the interests of agricultural uses shall prevail.

8.5.2 Uses

8.5.2.1 Permitted Uses

The following uses shall be permitted in the Farm Commercial (A3) Zone subject to all applicable requirements of this By-law, including this in Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Residential Units in Commercial Buildings	Located above, behind or below ground floor commercial uses and subject to section 8.5.4.1
Residential Uses – Existing	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Equipment and Parts Sales and Service	
Agricultural Related Industries	
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.5.4.1
Existing Uses	
Equipment rental	
Farm Dwellings	Section 8.5.4.1
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlet	
Farm Supportive Uses	
Farm Tenements	Section 8.5.4.1
Fixed Roof Overnight Accommodations	Maximum 12 guest rooms
Food and Drink Production	
Greenhouses	
Indoor Recreation Uses	
Livestock Operation	Section 14.3
Restaurants	Maximum 2,500 sq ft. gross floor area

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Retail Stores	Maximum 2,500 sq ft. gross floor area
Storefront Recycling Uses	
Tourist Commercial Uses	Section 14.3
Veterinary Clinics	Section 14.3
Visitor Information Centres	

8.5.3 Zone Requirements

The following requirements shall apply to all development located in the Farm Commercial (A3) Zone.

	Requirement	All Permitted Uses
(a)	Minimum Lot Area: (i) Central Sewer (ii) On-site Sewer	10,000 sq ft. 100,000 sq ft.
(b)	Minimum Lot Frontage:	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	40 ft. 10 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	55 ft. 20 ft.

8.5.4 Additional Requirements

8.5.4.1 Farm Dwellings, Farm Tenements and Bunkhouses

Farm dwellings, farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm dwelling, farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm dwelling, farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm dwelling, farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

8.5.4.2 Green Space

A minimum of 25 per cent of a lot, or the portion of a lot located in the Farm Commercial (A3) Zone, shall be maintained as green space. The green space may consist of agricultural lands, amenity areas, landscaping, or natural vegetation.

8.5.4.3 Accessory Outdoor Commercial Display and Accessory Outdoor Storage

Accessory outdoor commercial display and accessory outdoor storage shall be permitted subject to the conditions noted below.

- (a) Accessory outdoor commercial display shall not be located within ten (10) feet of any front lot line or within any required side or rear main building setback.
- (b) Accessory outdoor storage shall not be located within the front yard or within any required side or rear main building setback.
- (c) The total area used for accessory outdoor commercial display or accessory outdoor storage shall not exceed 2,500 square feet or 50 per cent of the total lot area, whichever is smaller.

8.5.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Farm Commercial (A3) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.
- (d) Uses considered by Development Agreement in all zones listed in section 14.7.

8.6 COUNTRY RESIDENTIAL (A4) ZONE

8.6.1 Zone Purpose

The purpose of the Country Residential (A4) Zone is to maintain low density neighbourhoods in predominantly agricultural areas, consisting primarily of one or two unit dwellings, in accordance with policy 3.4.30 of the Municipal Planning Strategy. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority.

8.6.2 Uses

8.6.2.1 Permitted Uses

The following uses shall be permitted in the Country Residential (A4) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
Mobile Homes	
One Unit Dwellings	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Community Facilities – Existing	
Forestry Uses	
Greenhouses	
Places of Worship	

8.6.3 Zone Requirements

The following requirements shall apply to all development located in the Country Residential (A4) Zone.

	Requirement	Residential Uses	All Other Permitted Uses
(a)	Minimum Lot Area:		
	(i) Central Sewer	10,000 sq ft.	100,000 sq ft.
	(ii) On-site Sewer	30,000 sq ft.	100,000 sq ft.
(b)	Minimum Lot Frontage:		
	(i) Central Sewer	80 ft.	100 ft.
	(ii) On-site Sewer	100 ft.	100 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	25 ft.	40 ft.
(d)	Minimum Side Setback:		
	(i) Main Buildings		
	a. Central Sewer	4 ft.	40 ft.
	b. On-site Sewer	20 ft.	40 ft.
	(ii) Accessory Buildings	4 ft.	20 ft.
	(iii) Common Wall	0 ft.	N/A
(e)	Minimum Rear Setback:		
	(i) Main Buildings		
	a. Central Sewer	20 ft.	40 ft.
	b. On-site Sewer	40 ft.	40 ft.
	(ii) Accessory Buildings	10 ft.	20 ft.
(f)	Maximum Building Height:		
	(i) Main Buildings	35 ft.	55 ft.
	(ii) Accessory Buildings	20 ft.	20 ft.

8.6.4 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Country Residential (A4) Zone:

- (a) Proposals for visitor-oriented development not permitted as-of-right in accordance with policy 2.5.13 of the Municipal Planning Strategy.
- (b) Proposals for high-impact recreation uses that are not permitted as-of-right in the Commercial Recreation (P1) Zone in accordance with policy 2.7.14 of the Municipal Planning Strategy.
- (c) Proposals for recreation uses that cannot meet the zone requirements of the Commercial Recreation (P1) Zone in accordance with policy 2.7.15 of the Municipal Planning Strategy.

- (d) Clustered housing developments consisting of grouped dwellings or low-rise dwellings in accordance with policy 3.4.33 of the Municipal Planning Strategy.
- (e) Uses considered by Development Agreement in all zones listed in section 14.7.

8.7 HISTORIC HAMLET OF GRAND PRÉ (A5) ZONE

8.7.1 Zone Purpose

The purpose of the Historic Hamlet of Grand Pré (A5) Zone is to retain the historic character of the Heritage Conservation District of Grand Pré, in accordance with policy 4.6.3 of the Municipal Planning Strategy.

8.7.2 Uses

8.7.2.1 Permitted Uses

The following uses shall be permitted in the Historic Hamlet of Grand Pré (A5) Zone subject to all applicable requirements of this By-law, including Section 14 – General Regulations.

RESIDENTIAL USES	SPECIAL CONDITIONS
One Unit Dwellings	
Semi-detached Dwellings	
Two Unit Dwellings	

NON-RESIDENTIAL USES	SPECIAL CONDITIONS
Agricultural Uses	
Agritainment Uses	Section 14.3
Bunkhouses	Section 8.7.4.1
Community Facilities	
Farm or Vineyard Product Sampling	Section 14.3
Farm Market Outlets	
Farm Tenements	Section 8.7.4.1
Greenhouses	
Livestock Operation	Section 14.3
Places of Worship	
Tourist Commercial Uses	Section 14.3

8.7.3 Zone Requirements

The following requirements shall apply to all development located in the Historic Hamlet of Grand Pré (A5) Zone.

	Requirement	Residential Uses, Community Facilities and Places of Worship	Livestock Operations	All Other Permitted Uses
(a)	Minimum Lot Area: (i) General (ii) Semi-detached Dwellings	50,000 sq ft. 25,000 sq ft./unit	200,000 sq ft. N/A	50,000 sq ft. N/A
(b)	Minimum Lot Frontage: (i) General (ii) Semi-detached Dwellings	200 ft. 100 ft/unit	20 ft. N/A	20 ft. N/A
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	20 ft.	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings (iii) Common Wall	20 ft. 10 ft. 0 ft.	100 ft. 40 ft. N/A	40 ft. 20 ft. N/A
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	20 ft. 10 ft.	100 ft. 40 ft.	40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	35 ft. 20 ft.	55 ft. 35 ft.	55 ft. 20 ft.

8.7.4 Additional Requirements

8.7.4.1 Farm Tenements and Bunkhouses

Farm tenements and bunkhouses shall be permitted on a farm property subject to the conditions noted below.

- (a) The farm tenement or bunkhouse shall not be the first main farm building on the lot.
- (b) The property owner shall demonstrate that the farm tenement or bunkhouse is part of a farming business operating on the farm property where it is located.
- (c) At the time of application for a new farm tenement or bunkhouse, the gross revenue of the applicant from the farming business exceeded the income from all other sources for the preceding tax year.

8.7.4.2 Grand Pré Heritage Conservation District By-law

In addition to the requirements of this By-law, development in the Historic Hamlet of Grand Pré shall also comply with the requirements of the Grand Pré Heritage Conservation District By-law.

8.7.5 Uses Considered by Development Agreement

Pursuant to the Municipal Planning Strategy, the uses noted below may be considered by Development Agreement within the Historic Hamlet of Grand Pré (A5) Zone:

- (a) Visitor-oriented proposals not permitted as-of-right in accordance with policy 4.6.8 of the Municipal Planning Strategy.
- (b) Uses considered by Development Agreement in all zones listed in section 14.7

permanently fixed to the ground, such as yurts or caravans. Council shall be satisfied that:

- (i) if the proposal includes a repurposed farm building, dwelling, place of worship, or seasonal structures each farm stay unit shall be limited to 500 square feet;
 - (ii) if the proposal consists of new buildings, each farm stay unit is limited to a maximum building footprint of 500 square feet per farm stay unit; and
 - (iii) if the proposal consists of new buildings, Council shall be satisfied that the location of the new building minimizes potential negative impacts on current or future farming practices;
- (e) complies with all other applicable provincial legislation; and
- (f) meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law.

3.4.17 consider only by development agreement the development of a farm dwelling for new farmers or farmers that have recently relocated to the Municipality. This policy is intended to apply to full-time, active farmers. In considering such proposals, Council shall take the following into consideration:

- (a) the development agreement shall include a site plan showing the location of crops, barns, pastures, residential development accessory to the farming business, access, site servicing and landscaping;
- (b) the submission of a professional business plan for the farming business that demonstrates the intention to farm. A third party association with agricultural expertise, such as the Federation of Agriculture, or a similar organization, shall have the opportunity to review the farm business plan and to provide comments to Municipal staff as part of the development agreement process;
- (c) the demonstration of the intent to farm by showing proof of farm financing or investment in farm related infrastructure (machinery, construction of barns, purchase of livestock or plants/trees/seeds, etc) or, if moving from another jurisdiction, a demonstrated history of farming, where farming constituted the majority of income; and
- (d) in the case of a proposed livestock operation, a Manure Storage Plan shall be submitted as part of the development agreement application;

Amendments

3.4.18 prohibit any rezoning from the Agricultural (A1) Zone, with the exception of a rezoning to the Environmental Constraints (O1) Zone, without an amendment to this Strategy.

Rural Mixed Use (A2) Zone

Large areas of the North and South Mountains, as well as pockets on the Valley floor are characterized by a mix of agricultural, residential, and resource-based land uses. While the soils and climate on the North and South Mountains are not generally as productive as the Annapolis and Gaspereau Valley floors, agricultural uses are still dominant. Unlike the Valley floors there are also large stretches of forested lands with space and natural buffers for residential development. The Rural Mixed Use (A2) Zone is to permit a mix of agricultural, residential and resource uses to enable agricultural industry expansion, as well as accommodate rural housing demand.

Policy

Council shall:

3.4.19 zone as Rural Mixed Use (A2) portions of the North and South Mountains, as well as pockets on the Valley floor. It is intended to include:

- (a) areas of the North Mountain that contain large stretches of forests interspersed with agricultural uses, agricultural-related uses and limited residential development;
- (b) geographically distinct portions of the South Mountain where agriculture is a significant land use, as shown on the Schedule F - 2012 Land Cover Map;
- (c) geographically distinct portions of the Annapolis Valley and Gaspereau Valley floors containing blocks of land defined by physical features such as roads consisting of less than 60 per cent combined Class 2 and 3 agriculture capability soils and Class 4 land in active agricultural areas, as shown on the 2012 Land Cover Map; and
- (d) distinct communities on the Annapolis and Gaspereau Valley floors, formerly identified as Hamlets, characterized as rural residential clusters and often containing a community meeting place, including but not limited to a place of worship, school, or community centre;

3.4.20 permit within the Rural Mixed Use (A2) Zone:

- (a) uses permitted in the Agricultural (A1) zone;

- (b) tenements to enable workers to live on the farm business property;
- (c) residential development on public and private roads in existence on November 21, 2019 consisting of a single dwelling containing up to two (2) residential units; *(amended April 13, 2022, File 21-02)*
- (d) a range of uses that support the agricultural and forestry industries; and

3.4.21 regulate the pattern of development and limit potential conflicts with agricultural uses by controlling the frontage, lot size and lot setbacks to encourage efficient development while maintaining rural character.

Development Agreements

It is Council's intent to permit a broad range of housing within the Municipality, including affordable housing options. While it is not the intent of Council to enable the development of mobile-home parks broadly throughout the Agricultural Designation or within the Rural Area as a whole, there is a desire to recognize existing mobile-home parks and enable their expansion in recognition of the viable housing option that mobile-home parks provide.

Council shall:

- 3.4.22 consider only by development agreement the expansion of a mobile-home park existing on November 21, 2019. In considering such expansions, Council shall be satisfied that:
- (a) the proposed expansion is designed in a manner that is compact in nature;
 - (b) the proposed development agreement includes provisions to reduce land use conflict between agricultural operations and residential uses;
 - (c) the proposed expansion is compliant with the Municipality of Kings County Mobile Home Parks By-law;
 - (d) there is a demonstrated need for the expansion; and
 - (e) the proposal meets the general Development Agreement criteria set out in section 5.3 Development Agreements and Amendments to the Land Use By-law.

Amendments

3.4.23 consider re-zoning from Agricultural (A2) to Rural Industrial (M3) or Rural Commercial (C4). In considering such amendments, Council shall be satisfied that:

- (a) the application applies only to:
 - (i) land that has not been in recent agricultural production as determined through a review of diverse information sources including, but not limited to:
 - (a) Schedule F – 2012 Land Cover Map;
 - (b) Aerial photography;
 - (c) Assessment information;
 - (d) Local knowledge; and/or
 - (e) Any other relevant sources that become available
(Amended April 7, 2022, File 20-16)
- (b) the proposal would not re-zone more land than required for the specific proposal cited in the application;
- (c) will not create undue conflict with nearby agricultural uses or rural residents; and
- (d) meets the general Land Use By-law amendment criteria set out in section 5.3 Development Agreements and Amendments to the Land Use By-law.

Farm Commercial (A3) Zone

The former hamlet of Greenwich, located along Highway 1, between the eastern boundary of New Minas and the western boundary of the Town of Wolfville, is a farm market destination in Nova Scotia. Given its unique character within the Municipality, it is appropriate to provide specific policy direction to support existing uses and to facilitate the area's continued success.

Policy

Council shall:

- 3.4.24 zone as Farm Commercial (A3) those lands with existing farm operations along Highway 1 between New Minas and the Town of Wolfville, and are developed with, or are intended to be developed with, commercial uses directly related and complementary to agricultural activities;
- 3.4.25 permit in the Farm Commercial (A3) Zone:
 - (a) agricultural uses and livestock operations; and
 - (b) a variety of commercial and industrial uses that support and complement agriculture and agritainment activities, including residential uses accessory to these uses;

- 3.4.26 limit in size or prohibit uses not related to or complementary to agricultural and agritainment uses;
- 3.4.27 require lot, access and parking standards similar to the Commercial Zones; and
- 3.4.28 provide regulations to maintain the agricultural character of development;

Amendments

- 3.4.29 consider re-zoning from any zone other than the Agricultural (A1) Zone to the Farm Commercial (A3) Zone. In considering such amendments Council shall be satisfied that the proposal:
 - (a) is for lands located between the Growth Center of New Minas and the Town of Wolfville, north of Hwy 101 and south of the former rail line;
 - (b) will not negatively impact any adjacent agricultural activities; and
 - (c) meets the general Land Use By-law amendment criteria set out in section 5.3 Development Agreements and Amendments to the Land Use By-law.

Country Residential (A4) Zone

The 1979 Planning Strategy established a zone for rural residential development while also accommodating resource developments such as agriculture. It enabled on-site serviced subdivisions developed outside Coldbrook, Kentville and other Growth Centres. Several areas, as yet undeveloped, on the North and South Mountains were zoned Country Residential (A4).

Prior to the 1979 Planning Strategy, a number of rural residential subdivisions were developed throughout the Municipality, which received sewer servicing in the intervening period, and Council intends to zone these areas Country Residential (A4) to recognize the more residential character of these small subdivisions.

In 1995, the Municipality became responsible for maintaining all new roads developed in the Municipality, including any in new rural subdivisions. Ensuing significant maintenance costs

caused concerns with the Country Residential (A4) Zone because it enabled the development of



new roads in areas that would be inefficient to maintain and service. Accordingly, Council will limit new public road construction in rural areas, especially those far from Growth Centres.

Policy

Council shall:

- 3.4.30 zone as Country Residential (A4) developed rural subdivisions located on a public road. This zone is intended to maintain both on-site serviced and existing municipally serviced low-density neighbourhoods located outside of Growth Centres, consisting primarily of one or two unit dwellings. In the event of a conflict between an agricultural use and a non-agricultural use, the agricultural use shall take priority;
- 3.4.31 permit within the Country Residential (A4) Zone:
 - (a) agricultural uses excluding livestock operations;
 - (b) residential development on public roads; and
 - (c) dwellings containing up to two (2) residential units; and
- 3.4.32 regulate the pattern of development and limit potential conflicts with agricultural uses by controlling the frontage, lot size and lot setbacks to encourage efficient development while also maintaining a rural character.

Development Agreements and Amendments

The Country Residential (A4) Zone accommodates residents who share the common bond of preferred housing is intended to meet the needs of individuals that prefer to live in a country setting where the growth of strong community bonds between neighbours is a common occurrence. Since housing needs change throughout life, as young children grow and leave their childhood homes and/or low maintenance housing options are preferred, Council supports a variety of housing types within the Country Residential (A4) Zone to enable people to stay in their communities at all life stages.

Council does not intend to expand the Country Residential (A4) Zone due to public road maintenance cost in low density areas.

Council shall:

- 3.4.33 consider only by development agreement within the Country Residential (A4) Zone clustered housing developments. In evaluating such development agreements, Council shall be satisfied that the proposal:

- (a) is on a lot with a minimum area for each proposed dwelling unit that is equal to or greater than the minimum lot size for a one-unit dwelling in the Country Residential (A4) Zone;
- (b) consists of a maximum of eight (8) residential units contained in either grouped dwellings or low rise structure(s);
- (c) clusters the residential buildings, lawns, on-site services and accessory structures to:
 - (i) reduce the potential for conflict between residential and agricultural uses by providing a natural buffer with any adjacent agricultural or resource uses;
 - (ii) minimize loss of productive agricultural lands; and
 - (iii) protect sensitive natural features; and
- (d) meets the general development agreement criteria set out in section 5.3 Development Agreements and Amending the Land Use By-law; and

Amendments

- 3.4.34 prohibit any rezoning to the Country Residential (A4) Zone without an amendment to this Strategy.

8.0 AGRICULTURE

8.1 Introduction

Agriculture is an important industry in West Hants, representing the fourth largest employment sector. According to the 1996 Census, 565 people in West Hants were employed in the agricultural industry. Of the 130 farms in West Hants with more than \$2,500 of gross annual receipts, the most common type was beef (49 farms), followed by miscellaneous specialty such as mink or sheep farms (27), and dairy (15).

Across Canada, the face of agriculture is changing as fewer, larger farms are producing more agricultural products. In Windsor-West Hants¹, the total number of farms has decreased by 75 percent since 1956. Between 1996 and 2001 alone, the number of farms dropped by 19 percent, from 189 to 153. At the same time, however, the size of farms grew. In 2001, the average farm in Windsor-West Hants was 229 acres, an increase of 46 percent over the average size in 1956 (157 acres). But although individual farms are getting larger, as a whole, Windsor-West Hants is losing agricultural land. The total amount of farmland has decreased by 64 percent since 1956 and by 13 percent, from 40,435 acres to 35,084 acres, between 1996 and 2001. The majority of lost farmland between 1996 and 2001 was unimproved (4,083 acres), but 1,268 acres of improved land was also taken out of production.

Although the agricultural industry is facing many challenges, West Hants Council feels it is important that active farmland and land with high potential for agricultural use be preserved for food production for future generations.

Land with high potential for agricultural use has been identified using the Canada Land Inventory (C.L.I.) Land Capability for Agriculture classification system. Under this system, Class 1 applies to the best agricultural land, while Class 7 refers to land with no agricultural value. There is no Class 1 land anywhere in Nova Scotia, but there are significant areas of Class 2 and 3 land in the central and northern parts of West Hants particularly around the Avon, Kennetcook, Cogmagun and St. Croix rivers. In all, approximately 91,000 acres in West Hants is rated as C.L.I. Class 2 and 3. Because less than 50 percent of this land is cleared, there is considerable potential for future expansion of agricultural activities.

To a large extent, the location of active farms in West Hants mirrors the location of C.L.I. Class 2 and 3 land. Small pockets of active agricultural land can be found along Highway 215 north of the Cogmagun River; however, most of the active farmland in West Hants is located near the centre of the Municipality from the Kennetcook River to the Highway 101 corridor, as well as along the Avon River. This is the same area where a substantial proportion of the new residential development in West Hants has occurred over the past ten years.

¹Statistics Canada's Agricultural Census uses combined data for the Town of Windsor and the Municipality of the District of West Hants.

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Non-farm development in agricultural areas can result in land use conflicts that make it difficult or impossible to carry on farm operations. Complaints about farm activities commonly relate to odour, drift of dust and pesticides, noise from livestock or farm machinery, rodents, flies and escaped livestock. To counteract this, Council feels it is important that agricultural zoning not be applied in a scattered fashion only to individual farms. Instead, the zoning should take in entire districts where there is a concentration of active farms and land with high potential for agricultural production. This means that agricultural zoning districts will include small residential lots as well as large farm parcels. Often conflicts between residential and farm uses arise, not with the first owner of a residential property in a farming area, but with subsequent owners who may not be fully aware of the consequences of living near an active farm. Creating agricultural districts which include these residential properties will help to put new residential land owners on notice that they will be living in a farming area and must accept the consequences of doing so.

In previous Municipal Planning Strategies and Land Use By-laws, most of the agricultural land in the former Area One and Upper Falmouth planning areas was protected by a variety of land use, subdivision and lot size controls. Farmland in Areas Two and Three had no agricultural protection. In this Strategy, the agricultural designation will apply to land with the highest capability for agriculture (C.L.I. Class 2, 3 and 4) and areas with active farms, including the previously unzoned areas.

8.2 General Policies

Policy 8.2.1 *It shall be the policy of Council to establish an Agriculture designation which shall apply to the majority of active farmland and Canada Land Inventory Class 2, 3 and 4 agricultural land in West Hants outside the Growth Centre, Village and Hamlet designations as shown on the Generalized Future Land Use Map (Map 1).*

Policy 8.2.2 *It shall be the policy of Council that the primary purpose of the Agriculture designation is to preserve active farmland and land with high potential for agriculture in West Hants. Within the Agriculture designation, agricultural activity shall be considered the dominant use, having priority over all other uses. Non-agricultural development shall be encouraged to locate in areas less suitable for agricultural purposes.*

Policy 8.2.3 *It shall be the policy of Council to encourage and support, through provisions of the Land Use By-law, the continued operation of existing farms and agricultural activities in West Hants.*

Policy 8.2.4 *It shall be the policy of Council that uses in the Agriculture designation shall primarily be restricted to agricultural operations devoted to the production for sale of farm products which may include but are not necessarily limited to:*

- (a) *the growing and harvesting of crops such as vegetables, fruits, field crops, berries, trees, maple syrup, mushrooms, flowers and landscaping materials, and may include:*
 - (i) *the erection and use of greenhouses, nurseries and wineries;*
 - (ii) *woodlots and forestry uses;*

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- (b) *the raising of livestock such as cattle, horses, poultry, swine, sheep, rabbits, goats, emus, llamas, fur-bearing animals, game animals, game birds and honey bees, and may include:*
 - (i) *the production of eggs, cream and milk;*
 - (ii) *breeding and boarding kennels for dogs, cats or other domestic pets;*
 - (iii) *riding stables;*
- (c) *the marketing of agricultural products produced on the farm property at an accessory farm sales outlet;*
- (d) *the process at a farm necessary to prepare a farm product for distribution including cleaning, grading, storage and packaging;*
- (e) *the clearing, draining, levelling, irrigating or cultivating of land;*
- (f) *the application of fertilizers, soil conditioners, pest control products or other agricultural inputs;*
- (g) *the storage, disposal or use of compost and livestock-generated waste for farm purposes (but does not include biosolid waste); and*
- (h) *the operation of agricultural machinery and equipment.*

Policy 8.2.5 *It shall be the policy of Council to adopt standards in the Land Use By-law regarding:*

- (a) *separation distances between agricultural and non-agricultural uses;*
- (b) *livestock operations; and*
- (c) *manure storage facilities.*

Policy 8.2.6 *It shall be the policy of Council to adopt standards in the Subdivision By-law regarding the subdivision of agricultural land.*

Policy 8.2.7 *It shall be the policy of Council to allow more than one main building on a lot in an agricultural zone where the main building is not a residential dwelling.*

8.3 New Roads

The development of new roads in agricultural areas leads to the fragmentation of agricultural land, making it less viable for farming. Since it is the intention of Council to preserve agricultural land for present and future agricultural use, Council will not permit the creation of new roads for development purposes in areas zoned for agriculture. Where a development involving new roads is proposed, Council may consider a rezoning or development agreement application pursuant to the relevant policies of this Strategy.

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Policy 8.3.1 *It shall be the policy of Council that no new public streets or private roads shall be permitted in any agricultural zone.*

8.4 Removal of Topsoil

Agricultural operations involving crop production, including pasture for livestock, are dependent upon the presence of fertile, productive topsoil. The removal of topsoil from farmland changes the land's capability to support agricultural operations. Drainage patterns may also be affected, further limiting agricultural use. Prohibiting the removal of soils is necessary to preserve the agricultural resource of West Hants.

Policy 8.4.1 *It shall be the policy of Council to prohibit the removal of topsoil from land in any agricultural zone except as necessary to allow for the development of uses permitted in the zone or where the topsoil removal is incidental to an agricultural operation.*

8.5 Livestock Operations

The type and number of livestock involved in a farm operation can affect the intensity of odour, noise or potential pollution through runoff from manure storage or livestock buildings. Establishing separation distances between livestock operations and non-farm development, wells and watercourses can help to mitigate or avoid problems. Separation distances can work in two ways. First, they can help ensure new livestock operations are located a sufficient distance away from existing residential or other non-farm uses to avoid causing problems for those uses. Second, they can ensure new non-farm development is not located so close as to affect the ability of an existing farm to carry on necessary activities.

Policy 8.5.1 *It shall be the intention of Council to establish definitions and regulations in the Land Use By-law distinguishing between intensive and non-intensive livestock operations based on the number of livestock (animal units) involved.*

Policy 8.5.2 *To reduce land use conflicts and minimize risk of pollution from agricultural activities, it shall be the policy of Council to regulate the location of livestock operations, including separation distances from watercourses, wells and adjacent non-farm buildings, zones or uses. Conversely, new non-farm development shall be required to maintain sufficient distance from existing intensive livestock operations.*

Policy 8.5.3 *It shall be the policy of Council to allow existing intensive livestock operations which do not meet setback or separation distance requirements to expand, provided the expansion does not further encroach on the setbacks or separation distances that do not conform.*

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Policy 8.5.4 *It shall be the intention of Council to include provisions in the Land Use By-law allowing the Development Officer to reduce certain separation distances for new and existing intensive livestock operations with fewer than 300 animal units, provided the applicant submits an environmental site assessment and plans prepared by a qualified agricultural engineer who certifies that manure management and storage capacity will be adequate, contaminated runoff will be eliminated or contained and there will be no increased pollution risk associated with the project.*

Policy 8.5.5 *It shall be the intention of Council to require intensive livestock operations with more than 300 animal units to meet the standard setbacks and separation distance requirements of the Land Use By-law.*

8.6 Determination of Agricultural Capability

Because of the scale at which it was prepared, the C.L.I. mapping, upon which the Agricultural designation is based, is generalized and there may be pockets of land with higher or lower capability ratings. Council feels it is important to provide an opportunity, through a Land Use By-law amendment or development agreement process, for owners of land with little or no agricultural capability to use their property for certain non-farm development, provided the development will not interfere with adjacent farm activities or negatively affect the viability of the farming area. Property owners will be required to show that the majority of the development site is unsuitable for agriculture and the development will not adversely affect other farms in the area.

Policy 8.6.1 *It shall be the policy of Council to consider certain non-farm development, pursuant to the relevant specific policies of this Part, on land within the Agricultural designation that has been determined to have little or no agricultural capability. A determination of agricultural capability shall be based on the following:*

- (a) *90 percent or more of the development site is an existing or abandoned resource extraction site such as a sand pit, gravel pit or quarry for which a permit for extraction has been issued by the Province of Nova Scotia. The resource extraction must have been existing or abandoned prior to the effective date of this Strategy; or*
- (b) *if not a resource extraction site, a study has been prepared by a professional agrologist, at the expense of the applicant, which concludes that the proposed development will not adversely affect the viability of surrounding agricultural operations and:*
 - (i) *90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture; or*
 - (ii) *the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings;*

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- (c) *the study shall:*
- (i) *be prepared by a registered full member of the Nova Scotia Institute of Agrologists;*
 - (ii) *require a site inspection by the agrologist;*
 - (iii) *specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;*
 - (iv) *identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;*
 - (v) *include a site plan illustrating the area studied and any relevant site features;*
 - (vi) *identify reasons why the use would be compatible with, or not adversely affect, area farms. Reference should be made to the following where applicable: site and locational constraints; infilling between existing non-farm development; logical extension of existing non-farm development; special use with special locational requirements; current pattern of development; parcel size and shape; surrounding land uses; context within which the parcel fits into the farming area; viability of the parcel and remnant for farming; and existing, past and future use of the parcel and remnant;*
 - (vii) *indicate the implications of letting the parcel go out of agricultural production; and*
 - (viii) *indicate the implications of fragmenting the land.*

8.7 Agriculture Zones

Three agriculture zones will apply to all agriculturally designated land in West Hants, as well as to active farmland in the Growth Centres, Village and Hamlets. It is intended that the Prime Agriculture (P/Ag) zone have the most stringent control on non-agricultural development, with the level of control gradually decreasing for Agricultural Priorities 2 to 3. The main criteria for the zones are outlined below:

Prime Agriculture	Improved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved primarily for long-term agricultural production with the most restrictions on non-agricultural development.
Agricultural Priority Two	Improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops. This land will be reserved for agricultural production with limited non-agricultural development.
Agricultural Priority Three	Agricultural land with a lower productive capability (Class 4) and active agricultural land in the Growth Centres, Village and Hamlets. Controlled non-agricultural development will be permitted.

8.8 Prime Agriculture Zone

At the request of the Upper Falmouth farming community, the West Hants Council adopted the Upper Falmouth Municipal Planning Strategy and Land Use By-law in 1989. This Strategy focused almost entirely on the preservation of the agricultural resources of Upper Falmouth, an area with a concentration of active farms, soils of the highest agricultural capability (Class 2 and 3) and dykeland. It established a Prime Agriculture zone which allowed few non-farm uses and placed strict controls on the subdivision of agricultural land. The farmers in Upper Falmouth wish to see these stringent restrictions continue in this Strategy. For this reason, a Prime Agriculture (P/Ag) zone will apply to the area previously zoned Prime Agriculture under the Upper Falmouth Land Use By-law. The zone may also be applied to other areas of West Hants where land owners desire a similar level of protection for their farmland.

Policy 8.8.1 *It shall be the policy of Council to establish a Prime Agriculture (P/Ag) zone which is intended to include land with the highest capability for agriculture (Canada Land Inventory Class 2 and 3) and active farms.*

Policy 8.8.2 *It shall be the intention of Council to apply the Prime Agriculture (P/Ag) zone to agricultural land in Upper Falmouth which was zoned Prime Agriculture under the former Upper Falmouth Land Use By-law. The zone may also be applied to other agricultural areas of West Hants where the land owners desire a strong level of protection for their farmland.*

Policy 8.8.3 *It shall be the policy of Council to permit agricultural uses, forestry and forestry-related uses, single unit dwellings accessory to an ongoing agricultural operation, existing dwellings, and existing churches and community centres in the Prime Agriculture (P/Ag) zone.*

Non-Farm Development

Non-farm development in the Prime Agriculture (P/Ag) zone will be strictly controlled. An important aspect of this control is the requirement that new residential uses will be permitted only as part of an ongoing agricultural operation and not as the main use on a property. The one exception is existing undersized lots where a single unit dwelling may be permitted as the main use. Subdivision of land is discouraged through a large minimum lot size requirement. Council may consider rezoning to allow residential development or open space uses provided the land is proven to be of little capability for agriculture and agricultural operations in the entire district will not be adversely affected. Limited commercial uses that supply a service to the farm community, such as small convenience stores, vehicle or machinery repair shops, personal service shops, sales of farm equipment and supplies and similar uses, may be considered by development agreement on existing undersized lots where the land is proven to be unsuitable for agricultural use.

Policy 8.8.4 *Notwithstanding Policy 8.8.3, it shall be the policy of Council that in the Prime Agriculture (P/Ag) zone, a single unit dwelling may be permitted as a main use (i.e., other than accessory to an agricultural operation) where the lot existed on or before April 11, 1989 (the effective date of the former Upper Falmouth Municipal Planning Strategy and Land Use By-law) and the lot is 6 acres (2.43 ha) or less in size.*

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Policy 8.8.5 *It shall be the policy of Council to consider rezoning land zoned Prime Agriculture (P/Ag) to allow new Rural Residential (R-4) or Open Space (OS) uses subject to the following:*

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) adequate separation distances are provided to minimize potential land use conflicts;*
- (c) the proposed use is compatible with adjacent land uses;*
- (d) the proposed use will not adversely affect other farms in the area; and*
- (e) Policy 16.3.1.*

Policy 8.8.6 *It shall be the policy of Council to consider permitting small-scale commercial uses that provide a service to the local community in the Prime Agriculture (P/Ag) zone by development agreement subject to the following:*

- (a) the proposed use is a community service use such as a convenience store, a personal service shop, a vehicle or machinery repair shop, retail sale of farm equipment and supplies, an agricultural support use, or similar use;*
- (b) the lot is 6 acres (2.43 ha) or less in size and existed on or before April 11, 1989;*
- (c) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (d) adequate separation distances are provided to minimize potential land use conflicts and, in particular, the proposed building or structure is located a minimum of 500 feet (152.40 meters) from a structure housing an existing intensive livestock operation;*
- (e) safe and efficient roadway access is provided;*
- (f) adequate on-site parking is provided;*
- (g) the use is compatible with adjacent land uses with respect to:*
 - (i) traffic generation and traffic safety;*
 - (ii) hours of operation;*
 - (iii) storage and advertising; and*
 - (iv) commercial floor area or size of building(s).*

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- (h) *the proposed use will not adversely affect other farms in the area; and*
- (i) *Policy 16.3.1.*

(Amendment WHMPS 14-01 Effective January 22, 2015)

Policy 8.8.7 *Notwithstanding Policies 8.8.5 and 8.8.6, in the Prime Agriculture (P/Ag) zone, no development agreement shall be approved and no property shall be rezoned where the proposed development may compromise or adversely affect the operation or integrity of existing agricultural operations.*

Subdivision

The creation of small lots encourages non-farm development and reduces the viability of the land for agricultural purposes. Subdivision in the Prime Agriculture (P/Ag) zone will be controlled by the following policies in addition to the West Hants Subdivision By-law.

Policy 8.8.8 *It shall be the policy of Council that, except as otherwise provided in Policies 8.8.4 and 8.8.9, the minimum lot area in the Prime Agriculture (P/Ag) zone shall be 25 acres (10.12 ha).*

Policy 8.8.9 *It shall be the policy of Council to permit the creation of a lot having a minimum of 5 acres (2.02 ha) in area in the Prime Agriculture (P/Ag) zone where the only permitted use shall be agricultural operations, not to include residential dwellings. The remainder must be a minimum of 25 acres (10.12 ha) in area.*

8.9 Agricultural Priority Two Zone

The Agricultural Priority Two (AR-2) zone is intended to apply to areas with high capability for agriculture, but where land owners do not want the strict development controls of the Prime Agriculture (P/Ag) zone. The AR-2 zone allows for more flexibility than the P/Ag zone including a wider scope of on-farm businesses by development agreement. Unlike the P/Ag zone, new dwellings are permitted as a main use, although subdivision is limited to two lots per area of land in a calendar year.

Policy 8.9.1 *It shall be the policy of Council to establish an Agricultural Priority Two (AR-2) zone which is intended to apply to land with the highest capability for agriculture (Class 2 and 3 soils as defined in the C.L.I.). The zone may include non-active and unimproved land as well as active farms. Land of lower capability rating for agriculture also may be included where it is actively farmed or adjacent to active farmland. The zone will be used in areas where the strictest controls of the Prime Agriculture zone are not acceptable to the land owners.*

Policy 8.9.2 *It shall be the policy of Council to permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls in the AR-2 zone.*

Non-Farm Development

More extensive residential development beyond the two lots per calendar year permitted as-of-right may be considered by rezoning, provided the land is proven to be unsuitable for agriculture. Council may also consider non-resource commercial or industrial development in the AR-2 zone by development agreement, subject to a study showing the land is of low agricultural capability.

Policy 8.9.3 *It shall be the policy of Council to consider rezoning land zoned AR-2 to Rural Residential (R-4) subject to the following:*

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) the proposed development will not compromise or adversely affect the operation or integrity of existing agricultural operations;*
- (c) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;*
- (d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

Policy 8.9.4 *It shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in the AR-2 zone by development agreement subject to the following:*

- (a) the development site has been determined to have little or no agricultural capability in accordance with Policy 8.6.1;*
- (b) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;*
- (c) the predominant agricultural character of the area will not be adversely affected;*
- (d) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (e) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;*
- (f) safe and efficient roadway access is provided;*

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- (g) *adequate on-site parking is provided;*
- (h) *the development is compatible with adjacent land uses with respect to:*
 - (i) *traffic generation and traffic safety;*
 - (ii) *hours of operation;*
 - (iii) *size and design of building(s);*
 - (iv) *signage; and*
 - (v) *pedestrian circulation and safety;*
- (i) *any other matter which may be addressed in a development agreement;*
- (j) *Policy 16.3.1.*

Subdivision

To discourage subdivision and residential development of farmland, subdivision will be limited to two lots out of a parcel of land per calendar year.

Policy 8.9.5 *It shall be the policy of Council that subdivision of land in the AR-2 zone shall be limited to the creation of two lots per area of land in a calendar year, with frontage on an existing public street. This policy shall not prevent the consolidation of two or more parcels.*

8.10 Agricultural Priority Three Zone

The Agricultural Priority Three (AR-3) zone includes agricultural land with a lower productive capability (Class 4), as well as active agricultural land in the Growth Centres, Village and Hamlets. The least stringent of the agricultural zones, the AR-3 zone has no limit on the number of lots that can be subdivided on existing public streets. Land zoned AR-3 within the Growth Centres, Village or Hamlets may be considered for non-farm residential, commercial or industrial use subject to the relevant Growth Centre, Village and Hamlet policies. Outside the Growth Centre, Village and Hamlet designations, land zoned AR-3 may be considered for residential development by rezoning, while non-resource commercial and industrial development and on-farm businesses may be considered by development agreement. Unlike the other agricultural zones, there is no requirement for a study proving the land is unsuitable for agriculture, although Council must consider the potential impact of the proposed development on any adjacent agricultural operations.

Policy 8.10.1 *It shall be the policy of Council to establish an Agricultural Priority Three (AR-3) zone which is intended to include land with a lower productive capability for agriculture (Class 4), although pockets of land with a higher C.L.I. rating may also be included. The zone will also apply to active agricultural operations in the Growth Centres, Village and Hamlets.*

Policy 8.10.2 *It shall be the policy of Council to permit agricultural uses, agricultural support uses, single and two unit dwellings, manufactured homes, forestry and forestry-related uses, churches, community centres and fire halls in the AR-3 zone.*

Non-Farm Development in Growth Centres, Village and Hamlets

Policy 8.10.3 *Land zoned AR-3 in the Growth Centre, Village and Hamlet designations may be considered for non-agricultural development subject to the relevant Growth Centre, Village or Hamlet policies, provided that no development agreement or rezoning shall be approved where the development will adversely affect adjacent existing agricultural operations.*

Non-Farm Development in Agriculture Designation

Policy 8.10.4 *It shall be the intention of Council to consider rezoning AR-3 lands in the Agriculture designation outside the Growth Centres, Village and Hamlets to Rural Residential (R-4) subject to the following:*

- (a) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations;*
- (b) the predominant agricultural character of the area will not be adversely affected and the proposed development is compatible with the area in terms of such matters as density, scale and traffic generation;*
- (c) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (d) not more than 25 acres (10.12 ha) shall be rezoned;*
- (e) any other matter which may be addressed in a Land Use By-law; and*
- (f) Policy 16.3.1.*

Policy 8.10.5 *It shall be the intention of Council to consider new non resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in AR 3 zones outside the Growth Centre, Village and Hamlet designations by development agreement subject to the following:*

- (a) the proposed use will not compromise or adversely affect the operation or integrity of existing agricultural operations*
- (b) the predominant agricultural character of the area will not be adversely affected;*
- (c) adequate separation distances and buffering between agricultural and non-agricultural uses can be provided;*
- (d) the use is not one which, because of its size or nature, would be more appropriately located in a Growth Centre, Village or Hamlet;*

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- (e) *safe and efficient roadway access is provided;*
- (f) *adequate on-site parking is provided;*
- (g) *the development is compatible with adjacent land uses with respect to:*
 - (i) *traffic generation and traffic safety;*
 - (ii) *hours of operation;*
 - (iii) *size and design of building(s);*
 - (iv) *signage; and*
 - (v) *pedestrian circulation and safety*
- (h) *any other matter that may be addressed in a development agreement;
and*
- (i) *Policy 16.3.1.*

(Amendment WHMPS 14-01 Effective January 22, 2015)

8.11 On-Farm Businesses

Council recognizes that a sustainable agriculture industry today requires a diversified economic approach. Smaller farms, in particular, are facing the need to diversify their operations. For some, this may be something as simple as a roadside stand or farm market from which to sell vegetables or other produce grown on the farm, but for others, it may mean supplementing the sale of produce with value-added products, craft items, or other products brought in from off the farm. Some type of food service ranging from snacks to complete meals is often part of these businesses. Other farmers provide farm vacations, with bed and breakfast accommodation in the farmhouse, or cabins on the farm property. Wineries typically offer wine sampling, but in addition, many have restaurants. These types of businesses, which attract visitors to farming areas, are sometimes referred to as "agri-tourism".

Council wishes to allow for on-farm businesses in conjunction with farm operations in the Agricultural Priority Two and Three zones, provided those businesses remain subordinate to the main agricultural use of the property, will not adversely affect adjacent farm operations, and will not consume large areas of high capability agricultural land. On-farm businesses may include agri-tourism uses, as well as home-based businesses that wish to expand beyond the size limitations set by the Land Use By-law, or other businesses such as service shops that may not fit within the definition of home-based business. In all cases, however, these uses should be subordinate to the main agricultural use of the property.

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Motocross tracks or other off-highway vehicle courses are not commonly thought of as businesses associated with farm operations; however, the Municipality has been approached by at least one farm operator who is interested in establishing this type of business. Council wishes to provide as much flexibility as possible for farms which are struggling to survive and feels that this type of use, if it is to locate anywhere in West Hants, is probably best suited to resource or agricultural properties which have the large land base needed to provide buffering from noise and other impacts. Development agreements for these uses will contain conditions regulating hours of operation, landscaping and buffering, parking and access, and separation distances from adjacent residential development.

Policy 8.11.1 *It shall be the policy of Council to consider permitting the following on-farm businesses as part of an ongoing farm operation in the Agricultural Priority Two (AR-2) and Agricultural Priority Three (AR-3) zones by development agreement:*

- (a) *agri-tourism uses such as:*
 - (i) *lodging, consisting of not more than six cabins or rental units;*
 - (ii) *restaurants;*
 - (iii) *interpretive centres or museums; and*
 - (iv) *meeting or reception rooms accessory to (i), (ii) or (iii);*
- (b) *farm markets that do not meet the as-of-right requirements for agricultural uses because of the amount of produce, crafts or other products that have been brought in for sale from off the farm property; and*
- (c) *small-scale businesses similar to home-based businesses, but which may not meet the as-of-right requirements for a home-based business because of the size or nature of the business.*

Policy 8.11.2 *In considering a development agreement for an on-farm business listed in Policy 8.11.1, Council shall take into account the following:*

- (a) *the use is clearly subordinate to the principal agricultural use of the property;*
- (b) *the use will be located:*
 - (i) *within, or in close proximity to, the existing farm building cluster; or*
 - (ii) *in an area that could not reasonably be used for the cultivation of crops;*
- (c) *a location that does not meet clause (b) may be considered only where the use has site-specific locational requirements;*
- (d) *where the use involves the construction of a new building or buildings, the size and design of the building(s) are compatible with adjacent buildings and the agricultural character of the area;*

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- (e) *the proposed use will not adversely affect adjacent agricultural or residential uses;*
- (f) *safe access can be provided;*
- (g) *adequate on-site parking can be provided;*
- (h) *any other matter which may be addressed in a development agreement; and*
- (i) *Policy 16.3.1.*

Policy 8.11.3 *Notwithstanding the uses listed in Policy 8.11.1, Council may consider permitting off-highway vehicle courses as on-farm businesses in the AR-2 and AR-3 zones by development agreement subject to the criteria of Policy 8.11.2 and the following:*

- (a) *no part of any off-highway vehicle course, including bleachers and spectator viewing stands, shall be located within 1,000 meters of an existing dwelling, other than a dwelling that is part of the property under consideration;*
- (b) *neighbouring uses will not be adversely affected as a result of traffic generation, visual intrusion, hours of operation, noise, lighting, littering, dust or other impacts;*
- (c) *adequate landscaping, buffering and separation distances will be provided;*
- (d) *the course design focuses on minimizing noise impacts to adjacent properties by taking into account the natural terrain and existing vegetation, as well as providing for the installation of earth berms and planting of shrubs, trees and other vegetation; and*
- (e) *the potential for soil erosion and other environmental impacts will be minimized through proper course design and construction measures.*

Policy 8.11.4 *A development agreement considered under Policy 8.11.3 shall include conditions to address the following:*

- (a) *requirements for all off-highway vehicles used on the course to be equipped with tailpipe inserts or other noise attenuation devices and for the course owner or operator to monitor sound levels;*
- (b) *a limit on the number of major events, such as races or competitions, that can be held on the property in any 12-month period; and*

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- (c) *where events are to be held, that provision is made to ensure temporary camping areas, concession stands, parking areas, washrooms and other facilities are adequately separated from neighbouring properties and are removed at the conclusion of the event.*

18.0 GENERAL PROVISIONS FOR AGRICULTURAL AND RESOURCE USES

Dwellings Accessory to an Agricultural Operation

- 18.1 More than one dwelling shall be permitted on a lot in an agricultural zone where such dwellings are accessory to an ongoing agricultural operation. Such dwellings shall be permitted only for the use of a farm employee, an owner of the farm property or a family member directly involved in the farm operation.

Dwellings – Separation from Intensive Livestock Operation

- 18.2 No new dwelling shall be constructed within 1,000 ft (304.80 m) of an existing intensive livestock operation. This provision shall not apply to accessory farm dwellings.

Intensive Livestock Operations

- 18.3 No building or structure housing an intensive livestock operation, manure storage facility for an intensive livestock operation, burial site or incinerator for the disposal of dead animals shall be located within:
- (a) 1,000 ft (304.80 m) of a non-farm residential, commercial or institutional building;
 - (b) 200 ft (60.96 m) of an adjacent property, other than another livestock farm or another property that is part of the farm under consideration in which case the distance shall be 40 ft (12.19 m);
 - (c) 150 ft (45.72 m) of a public street or private road; or
 - (d) 300 ft (91.44 m) of a water well or watercourse.
- 18.4 Nothing in this By-law shall prevent the expansion of an existing intensive livestock operation, including the construction of new barns or manure storage facilities, provided the yard and separation distance requirements of this By-law are met or such expansion does not further reduce any yards or separation distances that do not conform.
- 18.5 The separation distances set out in Section 18.3 may be reduced to allow for the expansion or upgrade of an existing intensive livestock operation or the establishment of a new intensive livestock operation, including the construction of new barns or manure storage facilities, provided that:
- (a) the total number of livestock involved in the operation does not exceed the equivalent of 300 animal units;
 - (b) the applicant has submitted an environmental site assessment and plans, signed and sealed by a qualified professional specializing in agricultural engineering in accordance with the *Engineering Profession Act*, which show there is no pollution risk associated with the project, manure management and storage capacity are

adequate for the current and proposed size and type of operation, and contaminated runoff is eliminated or properly contained; and

- (c) following construction, the applicant provides a certificate from a professional engineer which shows that construction has been completed in accordance with the plans submitted under subsection (b).

Non-Intensive Livestock Operations

18.6 No building or structure housing a non-intensive livestock operation on a lot greater than one (1) acre shall be located within:

- (a) 50 ft (15.24 m) of an adjoining property in the Growth Centre, Village or Hamlet designations;
- (b) 40 ft (12.19 m) of an adjoining property in a resource designation;
- (c) 40 ft (12.19 m) of a public street or private road; and
- (d) 100 ft (30.48 m) of a water well or watercourse

(Amendment 17-01 WHLUB Effective April 3, 2019)

18.7 Manure storage for a non-intensive livestock operation on a lot greater than one (1) acre shall not be located within:

- (a) 100 ft (30.48 m) of an adjoining residential, commercial or institutional property unless contained in a concrete or wooden enclosure a minimum of 5 ft (1.52 m) in height and built on a concrete pad, in which case the separation distance may be reduced to 50 ft (15.24 m);
- (b) 40 ft (12.19 m) of an adjoining resource property; and
- (c) 100 ft (30.48 m) of a water well or watercourse.

(Amendment 17-01 WHLUB Effective April 3, 2019)

18.8 Any structure containing livestock on a lot less than one (1) acre shall be considered an accessory building and shall meet the requirements of Section 5.1 of this By-law.

(Amendment 17-01 WHLUB Effective April 3, 2019)

Main Buildings

18.9 More than one building may be permitted on a lot in an agricultural zone except where the main building is a residential dwelling.

Separation Distance for Agricultural Support and Forestry Uses

- 18.10 Notwithstanding any other provisions of this By-law:
- (a) with the exception of licensed cannabis land uses, the main building(s) of agricultural support uses or forestry and forestry related uses shall be located at least 500 ft (152.40 m) from any adjacent non-farm residential, commercial or institutional building; and
 - (b) the main building(s) of any licensed cannabis land uses shall be located at least 250 ft (76.2 m) from an existing residential dwelling, a home for special care and senior citizen housing building unless the building or dwelling is on the same lot as the licensed cannabis land use.

(Amendment 18-08 effective November 26, 2019)

Special Requirements – Farm Sales Outlets, Riding Stables

- 18.11 Accessory agricultural uses of a commercial nature such as farm sales outlets, riding stables, maple syrup camps or other similar uses that are open to the public and generate customer traffic shall provide:
- (a) a driveway meeting Nova Scotia Department of Transportation and Public Works' requirements for commercial access; and
 - (b) adequate on-site parking in accordance with the requirements of Section 5.31.

Topsoil Removal Prohibited

- 18.12 The removal of topsoil shall be prohibited from lots in an agricultural zone except where incidental to an agricultural use or to excavation associated with the construction of permitted buildings or infrastructure.

Uses Not Requiring a Permit

- 18.13 Agricultural, forestry or mineral uses without buildings are permitted without a development permit; however, the erection of any structure requires a development permit.

19.0 PRIME AGRICULTURE (P/Ag) ZONE

Permitted Uses

19.1 The following uses shall be permitted in the P/Ag zone:

- Agricultural uses
- Existing churches and community halls
- Existing dwellings
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
- Single unit dwellings accessory to an ongoing agricultural operation

P/Ag Zone General Requirements

19.2 In the P/Ag zone, no development permit shall be issued except in conformity with the following:

Minimum lot area	25 acres (10.12 ha)
Minimum lot frontage	200 ft (60.96 m)
Minimum front yard	40 ft (12.19 m)
Minimum rear yard	40 ft (12.19 m)
Minimum side yard	40 ft (12.19 m)

	Agricultural and Forestry uses	Dwellings, Other uses
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)
Maximum height of accessory building	55 ft (16.76 m)	-

Agricultural Operations

19.3 Notwithstanding Section 19.2, the minimum lot area for an agricultural operation, excluding an accessory residential dwelling, shall be 5 acres (2.02 ha); the remainder lot shall be a minimum of 25 acres (10.12 ha) in area.

Development on Existing Undersized Lots

19.4 Notwithstanding Sections 19.1 and 19.2, one single unit dwelling as a main use may be permitted on a lot existing as of April 11, 1989 which is 6 acres (2.43 ha) or less in size provided all other requirements are met.

Limitation on Subdivision

- 19.5 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the P/Ag zone shall abut an existing public street or meet the requirements for lots with less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

20.0 AGRICULTURAL PRIORITY TWO (AR-2) ZONE

Permitted Uses

20.1 The following uses shall be permitted in the Agricultural Priority Two (AR-2) zone:

- Agricultural support uses
- Agricultural uses
- Churches, community centres and fire halls
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
- Manufactured homes
- One and two unit dwellings

AR-2 Zone General Requirements

20.2 In the AR-2 zone, no development permit shall be issued except in conformity with the following:

	Agricultural uses & support uses, Forestry uses	Dwellings	Churches, Community Centres, Fire Halls
Minimum lot area	3 acres (1.21 ha)	40,000 ft ² (3,716.00 m ²)	1 acre (0.40 ha)
Minimum lot frontage	300 ft (91.44 m)	150 ft (45.72 m)	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other	10 ft (3.05 m)

	Agricultural uses & support uses, Forestry uses	Dwellings, Churches, Community Centres, Fire Halls
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)
Maximum height of accessory building	55 ft (16.76 m)	-

Limitation of Subdivision

20.3 Pursuant to Section 29 of the West Hants Subdivision By-law, subdivision of land within the AR-2 zone shall be limited to the approval of two lots per area of land during a calendar year. This requirement shall not prevent the consolidation of two or more parcels.

- 20.4 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the AR-2 zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

21.0 AGRICULTURAL PRIORITY THREE (AR-3) ZONE

Permitted Uses

21.1 The following uses shall be permitted in the Agricultural Priority Three (AR-3) zone:

- Agricultural support uses
- Agricultural uses
- Churches, community centres and fire halls
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use subject to Section 5.19 (Amendment 18-03 Effective December 25, 2018)
- Manufactured homes
- One and two unit dwellings
- Existing indoor recreation uses

AR-3 Zone General Requirements

21.2 In the AR-3 zone, no development permit shall be issued except in conformity with the following:

	Agricultural uses & support uses, Forestry uses	Dwellings	Churches, Community Centres, Fire Halls
Minimum lot area	3 acres (1.21 ha)	40,000 ft ² (3,716.00 m ²)	1 acre (0.40 ha)
Minimum lot frontage	300 ft (91.44 m)	150 ft (45.72 m)	100 ft (30.48 m)
Minimum front yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum rear yard	40 ft (12.19 m)	25 ft (7.62 m)	25 ft (7.62 m)
Minimum side yard	40 ft (12.19 m)	6 ft (1.83 m) on one side; 10 ft (3.05 m) on other	10 ft (3.05 m)

	Agricultural uses & support uses, Forestry uses	Dwellings, Churches, Community Centres, Fire Halls
Maximum height of main building	55 ft (16.76 m)	35 ft (10.67 m)
Maximum height of accessory building	55 ft (16.76 m)	-

Special Provisions for Growth Centres, Village and Hamlets

21.3 Notwithstanding the permitted uses listed in Section 21.1:

- (a) new intensive livestock operations and agricultural support uses shall not be permitted on properties zoned AR-3 in a Growth Centre, Village or Hamlet designation;
- (b) mobile homes shall not be permitted on properties zoned AR-3 in a Growth Centre or Village designation.

Limitation on Subdivision

21.4 Pursuant to Section 17(d) of the West Hants Subdivision By-law, all lots to be approved in the AR-3 zone shall abut an existing public street or meet the requirements for lots less than the required frontage (s. 279 Municipal Government Act variance, water frontage, right-of-way, encroachments, main buildings prior to August 6, 1984) as specified in Sections 20, 21, 23, 24 and 25 of the West Hants Subdivision By-law.

Secondary Planning Strategy for the Central Planning Area. This is to ensure that alternative land uses do not take place which detract from this commercial potential. Council intends to encourage development in these areas as a strategy to provide municipal services to all County residents at a reasonable cost.

Route 2 between the Nova Scotia Tourist Bureau and the Town of Amherst is the main entry point into Cumberland County and Nova Scotia from all points west. The area is currently populated by a number of businesses of varying types. An object of this plan is to promote tourist related business to locate in the area as well as the aesthetic improvement of existing properties.

2.6.3 **Agricultural**

Agricultural activity is recognized as an integral part the County's economy. Many County residents are employed either directly or indirectly by the agricultural industry.

The agricultural objectives of this plan are to preserve and promote a vibrant and sustainable agricultural industry in the County, while at the same time avoiding land use conflicts with non-agricultural development.

These areas will be designated Rural Resource on the Future Land Use Map of the Secondary Planning Strategy for the Central Planning Area.

2.7 **Joggins Planning Area**

Joggins is recognized as a special place, by local residents and by the Province of Nova Scotia under the Special Places Protection Act. It is deserving of land use planning efforts that will contribute to the revitalization of the community and support the potential designation of the Joggins Fossil Cliffs as a World Heritage Site.

The Secondary Municipal Planning Strategy for the Joggins Planning Area and accompanying Land Use Bylaw are intended to provide local people with opportunities to benefit from the investments being made to attract visitors to the Fossil Cliffs Site. The policies of the planning strategy and development controls in the land use bylaw will ensure that there will be sufficient land designated and regulated to meet local economic development, housing and quality of life needs and will support the stewardship and management of the fossil resources of the Fossil Cliffs Site.

A significant part of the preparation of these planning documents was to identify what was important to the people who live in the area so that their goals and priorities could be covered by the land use policies of the planning strategy and development controls of the land use bylaw.

11.1 Agriculture Zone

Purpose

- 11.1.1 The Agriculture Zone is intended to prioritize agricultural activities and to reduce the non-agricultural development and fragmentation of productive agricultural lands.

Uses Permitted As-of-Right

- 11.1.2 The following uses shall be permitted in the Agriculture Zone, subject to all applicable requirements of this By-law:

(a) Abattoir

(a.1) Accessory Dwelling [CHG-1101]

(b) Agricultural Uses

(c) Agriculture Related Industries

(d) Agritourism Uses

(e) Airport

(f) Animal Boarding Facility

(g) Butcher Shop

(h) Commercial Livestock Operation

(i) Community Hall

(j) Emergency Services

(k) Farm and Forestry Supply Sales

(k.1) Farm Stay Accommodation [CHG-1105]

(l) Fishery Related Industries

(m) Forestry Related Industries

(n) Forestry Uses

(o) Heavy Equipment Repair

(p) Home-based Business – Level 1

(q) Home-based Business – Level 2

(r) Place of Worship

(r.1) Recreational Vehicle Parking Site [CHG-1102]

(s) Recycling Depot

(t) Short-term Rental

(u) Single-unit Dwelling

(v) Veterinary Clinic

Uses Permitted by Site Plan Agreement

- 11.1.3 The following uses shall be permitted in the Agriculture Zone, subject to Part 13 and all applicable requirements of this By-law:

(a) Expansion of a non-conforming use

Uses Permitted by Development Agreement

- 11.1.4 The following uses shall be permitted in the Agriculture Zone, subject to the applicable policy of the Municipal Planning Strategy:



Agriculture Zone

Zone Requirements

11.1.5 Except as otherwise permitted by this By-law, the Development Officer shall not issue a development permit for a use on a lot in the Agriculture Zone unless the following requirements are met:

Requirement	Community Hall, Home-based Business, Place of Worship, Single-unit Dwelling, Short-term Rental	All Other Permitted Uses
(a) Minimum Lot Area	4,000 m ²	4,000 m ²
(b) Minimum Lot Frontage	45 m	45 m
(c) Minimum Front/Flankage Setback	6 m	6 m
(d) Minimum Rear Setback	6 m	12 m
(e) Minimum Side Setback	6 m	12 m

Special Requirements

11.1.6 A total of only one dwelling **and** one short-term rental shall be permitted on a lot in the Agriculture Zone. **[CHG-1106]**

11.1.7 No development permit shall be granted for a dwelling on a flag lot in the Agriculture Zone.

11.1.8 All buildings and manure storage facilities for commercial livestock operations in the Agriculture Zone:

- (a) shall be set back a minimum of 50 metres from any watercourse or off-site well; and,
- (b) notwithstanding zone requirements, shall have a setback of at least 30 metres from all lot lines. Where the commercial livestock operation is part of a farm located across multiple lots, the 30-metre setback shall only apply to lot lines external to the farm. Zone requirements for minimum setbacks shall apply to lot lines internal to the farm.

11.1.9 All buildings, receiving pens, and effluent storage ponds for abattoirs in the Agriculture Zone shall:

- (a) be set back a minimum of 50 metres from any watercourse or off-site well; and
- (b) have a setback of at least 30 metres from all lot lines.