

Town of Middleton Municipal Planning Strategy

Table of Contents

Introduction	
Preface	3
Community and Planning Context	4
Purpose of the Municipal Planning Strategy	5
Strategy Format and Interpretation	6
Planning Strategy Goals and Policies	
Statements of Provincial Interest	8
Land Use and Development Control Goals and Objectives	9
Residential Area Policies	13
Commercial Area Policies	16
Industry and Commercial Enterprise Area Policies	20
Institutional Area Policies	21
Recreation and Open Space Area Policies	23
Transportation Policies	24
Infrastructure Policies	26
Signage Policies	27
Environment Policies	27
Implementation	29
Maps	
GFLU	
Transportation/Street Hierarchy	

The following is the text of the Municipal Planning Strategy of the Town of Middleton as approved by the Minister of Municipal Affairs on November 15, 2018

Part 1 – Introduction

1.1 Preface

Through the Nova Scotia *Municipal Government Act*, the Town is enabled to assume primary responsibility for the general administration and delivery of municipal services and the planning and regulation of growth and development within the Town boundaries.

This document is the official Municipal Planning Strategy of the Town of Middleton. The Town adopted its first Planning Strategy (then called a Municipal Development Plan) in 1981 and updated it in 1998. This “third generation” Strategy builds on the goals, objectives, and policies that the Town has put in place, to encourage and regulate growth and development.

The Town’s previous Planning Strategies served the community well during the time they were in effect. The preparation of this Strategy was seen by Town Council and the community as an opportunity to: maintain those land use and development control provisions that remain relevant; respond to new opportunities and changes in the community’s expectations relating to development; create a regulatory environment that encourages and supports appropriate types of development; and update and simplify the structure of the Town’s land use and development regulations.

This Municipal Planning Strategy contains Council’s policies to guide future development and land use within the Town. The policies contained in the Strategy are implemented through the accompanying Town of Middleton Land Use By-law. Relative to previous planning documents, this Strategy and the accompanying Land Use By-law focus primarily on development and land use control issues.

Over the past decade, the Town has adopted a variety of documents that provide guidelines and policies for the strategic, functional, and operational management of the community's physical, social, economic, and environmental wellbeing. These documents include, but are not limited to, the Town's Strategic Plan, the Capital Investment Plan, the Integrated Community Sustainability Plan, as well as, the Municipal Climate Change Adaptation Plan, and the Wellfield Protection Plan.

On an ongoing basis Council, and the Town administration review and update these documents, to ensure that the Town is compliant with all enabling legislation requirements, that administrative and operational responsibilities are supported by recognized best practices, and that the Town is able to respond to changing opportunities and community needs. The decision to focus the Municipal Planning Strategy primarily on development control will assist in limiting duplication and repetition of various policy directions and allow each of the strategic documents to be updated and maintained independently.

While the Town's strategic documents address many common themes, the Municipal Planning Strategy and the accompanying Land Use By-law focus on land use planning and the regulation of development and subdivision activity within the Town.

1.2 Community and Planning Context

The 2016 Census identified the Town's population at 1832. While the 2011 Census data identified 1750 residents, the Town's population has remained relatively stable for the past decade. Similarly, the number of households (890 in 2016), the average household income (\$52,241), and employment rate (44%) remained stable between census periods 2006 and 2016.

Consistent with larger provincial demographics, the Town's population profile is aging. However, statistics indicate that the Annapolis Valley, and Middleton in particular, has been successful, in the regional context, in attracting population and

positive economic growth since 2011.

In carrying out the review of the 1998 Strategy, the Town's Planning Advisory Committee considered changes in the community's profile, assessed both challenges and opportunities for development, examined all existing policies and by-law provisions, and facilitated a number of "community conversations" and open-house meetings, to gather public input and comment. Adoption of the Strategy and accompanying By-law by Town Council followed a formal Public Hearing.

Through the review process, a number of key issues and opportunities relating to development and land use were identified. In response to these issues and opportunities, the successful implementation of the goals and policies of this Strategy will: support and encourage the growth and development of the Town; simplify development control provisions, while regulating new development, in a manner compatible with existing adjacent land uses; maintain the character of established residential areas; and promote new commercial opportunities that both support a vibrant downtown core and capitalize on opportunities for new, larger-scale development in appropriately planned locations.

1.3 Purpose of the Municipal Planning Strategy

In keeping with this context, and recognizing the role of the Municipal Planning Strategy within the scope of the Town's various strategic documents,

The purpose of this Strategy is to promote and achieve predictable, orderly, and economical growth within the Town, through implementation of the land use and development control policies.

The preparation and adoption of this Strategy and the accompanying Land Use By-law was undertaken pursuant to enabling provisions of the Nova Scotia Municipal Government Act. To this end:

This Strategy establishes policies that address opportunities and challenges concerning land use control and the management of growth and development within the Town, in a manner that reflects the economic, social, and environmental interests of the community.

It is recognized that circumstances may change over time, and changes to the Municipal Planning Strategy and/or the Land Use By-law may be deemed appropriate. With respect to changes to Municipal Planning Strategy policies, Council, through its own outreach and public engagement or through the work of the Town's Planning Advisory Committee, will monitor changing development needs and opportunities. Council will endeavor to ensure that this Strategy continues to fulfill the stated purposes of enabling and supporting positive and appropriate growth and development within the Town. The Strategy also contains provisions for anticipating and enabling changes to the Land Use By-law, through rezoning. Amendments to the text of the Land Use By-law may also be considered, to the extent that they are consistent with the overall intent of the Strategy's intent, goals, and policies. The Strategy identifies criteria that Council will consider when assessing the appropriateness of any amendment to the Land Us By-law.

1.4 Strategy Format and Interpretation

This Municipal Planning Strategy is organized into four sections. They are:

Section 1.0 Introduction

This section introduces the Municipal Planning Strategy. It explains the purpose of the Strategy and the context in which it was prepared.

Section 2.0 Land Use and Development Control Strategies

This section contains the specific planning and development control objectives and policies for each of the land use "sectors" - residential development; commercial and industrial development; institutional

development; recreation and open space development and municipal infrastructure.

This section provides rationale for policy, as well as enabling land use control provisions contained in the accompanying Land Use By-law.

Section 3.0 Implementation and Administration

This section explains how the Municipal Planning Strategy is to be implemented, monitored, and revised.

Section 4.0 Generalized Future Land Use and Transportation Hierarchy Maps

This section contains the Generalized Future Land Use (GFLU) Map. The GFLU Map identifies the desired land use pattern of the Town and serves as the basis for the application of zones through the Land Use By-law, as well as establishing the nature of changes to the Strategy that can be accommodated without the need to undertake policy review and amendment.

This section also contains a Transportation and Streets Hierarchy Map to assist in the interpretation and administration of the Strategy.

In adopting this Strategy, Council has committed itself to following the intent and policies contained in the Strategy. The adoption of the Strategy does not commit the Council to any specific undertakings, but it does prohibit Council from undertaking or permitting any development activities that would be inconsistent with the intent or policies of the Strategy.

Part 2 – Planning Strategy Goals and Policies

2.1 Statements of Provincial Interest

The Province of Nova Scotia has adopted Statements of Provincial Interest relating to specific land use issues: the protection of drinking water supplies; the efficient and responsible use and extension of municipal infrastructure; the preservation of high-quality agricultural lands; development within identified flood risk areas; and the provision of adequate housing. In 2013, the Province also adopted a Statement specifically relating to support for the completion of the Nova Centre in Halifax and requirements contained in the Halifax Regional Municipality Charter. The *Municipal Government Act* requires the contents of a Municipal Planning Strategy to be generally consistent with these Statements of Provincial Interest.

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

- Policies relating to the regulation of land uses in the portion of the Town’s source water supply area located within the Town boundaries, to minimize risks of groundwater contamination;
- Policies relating to the efficient use, maintenance, and extension of the Town’s road, sanitary sewer, water, and storm sewer infrastructure, including requirements for all new development to be serviced with municipal services;
- Policies that encourage the maintenance of existing, and the development of a range of new, high-quality housing opportunities that meet the varied needs of all Town residents.

The Town does not contain any designated flood risk areas. The Annapolis River does flow through the Town, and the Strategy and Land Use By-law provide for

development control provisions that are aimed at mitigating the risk of damage due to flooding by development that occurs in proximity to the river's 100-year flood plain.

Being situated on the floor of the Annapolis Valley, the Town does have a history of a limited amount of agricultural activity within the Town limits. With the presence of municipal sewer, water, and storm sewer service, and in light of its historic role as a growth centre, the Town anticipates that existing agricultural uses will be transitioned to more urban-type development and uses, as the Town continues to grow.

2.2 Land Use and Development Control Goals and Objectives

The Planning Strategy's overall goals and purpose are supported by goals, objectives, and policies relating to various "sectors" including: residential; commercial; industry and commercial enterprise; institutional; recreation and open space; environmental; infrastructure; and implementation. The Strategy establishes specific planning and development control policies for each of these sectors that support the following high-level goals and objectives:

Residential Development

The Strategy aims to support the provision of an adequate supply of a wide variety of housing options which meet the needs of the community and which can change over time to respond to changing requirements. In addition to providing for the single unit development, which represents a majority of the traditional housing form, the Strategy encourages infill of existing vacant lands, the conversion of existing dwellings and the redevelopment of property for higher density uses.

Mixed use development will be considered on portions of Main Street, outside of established commercial districts, provided it can be undertaken in a manner consistent with the character and historically-significant role of Main Street as both a gateway and a neighbourhood. Residential development accessory to

commercial uses within the downtown will be allowed, to encourage reuse of existing structures and support general economic activities in this important area.

Undeveloped lands, generally north of the former Dominion Atlantic Railway right-of-way, will be considered for new planned residential development, as demand and infrastructure capacities allow.

Commercial Development

Maintaining existing and encouraging new business and economic activity are fundamental to ensuring the sustainable growth and prosperity of the Town.

A broad range of retail, commercial, personal and commercial service, business office, institutional, hospitality and accessory accommodations, and residential uses will be encouraged within the commercial downtown core, to support its continued vitality.

Existing general commercial uses located on east and west Main Street, outside of the downtown, will be designated for ongoing commercial use. Further development of these areas will be regulated, to ensure they are compatible with functioning of Main Street and adjacent residential neighbourhoods.

Industry and Commercial Enterprise Development

With access to major highways, municipal services, and large lot areas, “traditional” industrial-type uses including manufacturing, processing, fabrication, and warehousing will be encouraged to continue to locate within the industrial designation.

A range of general commercial uses that benefit from the strategic location and services within the industrial designation are compatible with industrial-type uses, and encouraging their development can support the evolution of the industrial area into a modern business park.

Institutional Development

The Town benefits from a number of large-scale institutional uses located throughout the Town. These uses have been well integrated into their local settings and are generally compatible with adjacent land uses.

With appropriate planning and development control provisions, the development of new institutional uses can be successfully integrated into residential, commercial, and industrial areas.

The redevelopment and reuse of institutional buildings and properties will be regulated, to ensure that changes in use remain compatible with adjacent land use.

Recreation and Open Space

Public parks, open space, and recreation facilities are important public assets and vital to the quality of community life. The Strategy identifies and designates public parks and open spaces, as a means to recognize and protect their role.

The expansion and ongoing development of parks and open spaces will be in keeping with community expectations and the Town's fiscal capacities.

The provision of new recreation and open space areas will be required as part of any new, comprehensively-planned development, to ensure these facilities are enhanced as the Town grows.

The provision of private amenity space in higher density development will be encouraged.

Environmentally Sensitive Areas

Environmental conditions, particularly relating to those lands located on the Annapolis River flood plain, may make some lands unsuitable for intensive development. Several watercourses and associated wetlands throughout the Town present similar challenges to development. The roles that these features

play in the natural environment and how they contribute to the Town's character and quality of life, are also recognized as critical.

In general, development will not be encouraged in areas identified as being environmentally sensitive. Where these lands are privately owned, a limited amount of development may be appropriate, provided it can be shown that environmental functions and personal and property safety can be maintained.

Where public facilities are located on or adjacent to environmentally sensitive areas, the Town will ensure operations and management will support and, where possible, enhance the environmental functions of the land.

The protection of groundwater resources is also an important environmental objective; therefore, provisions have been made to regulate certain types of land uses within the Town's wellfield area that represent a significant potential risk to groundwater contamination.

Infrastructure

A primary goal of this Strategy is to ensure that the management and expansion of municipal infrastructure is undertaken in an efficient, cost effective, and environmentally sustainable manner.

All new development within the Town will be required to be serviced. Development which requires the extension of municipal infrastructure will take place in a planned manner and be subject to confirmation of the capacities of existing adjacent infrastructure. Upgrading of existing trunk services which may be required to service new private development will be the responsibility of the property owner.

Administration and Public Engagement

The intent of this Strategy is to provide the community with a common understanding of the Town's goals and policies which will guide land use planning and development control. The Strategy will be administered in keeping with the

enabling provisions of the Municipal Government Act.

The Strategy and the associated By-law are written to be easily understood and the process of administration and implementation will be transparent and accessible.

The Town will encourage ongoing public engagement and participation in the planning process and ensure that the Strategy and Land Use By-law remain current, to address the changing needs of the community.

2.3 Residential Area Policies

In light of the goals and objectives contained in the Strategy, the following policies are intended to regulate development within the Town's residential areas.

Generalized Future Land Use

- R1 It shall be the intention of Council to create a Residential Designation on the Generalized Future Land Use Map and encourage the development, maintenance, and enhancement of a wide variety of residential uses and related compatible uses within this Designation.
- R2 It shall be the intention of Council to apply the Residential Designation to those areas of the Town that are predominately residential in character and that are appropriate for future long-term residential development.
- R3 It shall be the intention of Council to create a Residential Mixed-Use Designation on the Generalized Future Land Use Map and encourage a mix of residential and commercial uses that are consistent with the character of existing residential structures.
- R4 It shall be the intention of Council to apply the Residential Mixed Use Designation to lands fronting on Main Street, between Queen Street and Jones Avenue.

Zones

Residential Zone

- R5.1 It shall be the intention of Council to include in the Land Use By-law a Residential (R) Zone.
- R5.2 The Residential (R) Zone shall be applied to all existing residential development and vacant lands serviced with public streets and Town sewer, water, and storm sewer infrastructure within the Residential Designation.
- R5.3 The Residential (R) Zone shall include as permitted uses all existing residential uses, the conversion of existing residential to a maximum of six (6) units and the development of new residential uses containing a maximum of six (6) units.

Residential Mixed-Use Zone

- R6.1 It shall be the intention of Council to include in the Land Use By-law a Residential Mixed Use (RMU) Zone.
- R6.2 The RMU Zone shall be applied only to lands designated Residential Mixed Use on the Generalized Future Land Use Map.
- R6.3 The RMU Zone shall include existing single unit dwellings, existing multiple unit dwellings, and existing commercial uses as permitted uses.
- R6.4 The RMU Zone shall permit the development of new residential dwellings and the conversion of existing residential structures to a maximum of six (6) units.
- R6.5 The RMU Zone shall also permit the development of new retail, personal and commercial services, and professional and business offices within existing residential structures.
- R6.6 The expansion and/or alteration of existing residential structures or the development of new structures for commercial use shall be subject to Policy R16.

Residential Holding Zone

- R7.1 It shall be the intention of Council to include in the Land Use By-law a

Residential Holding (RH) Zone.

- R7.2 The RH Zone shall be applied to lands designated Residential that are not serviced with public streets, sewer, water, or storm sewer infrastructure.
- R7.3 The RH Zone shall include existing residential dwellings and existing agricultural as permitted uses. New, unserviced residential development shall be prohibited.
- R7.4 New development on lands zoned Residential Holding (RH) shall be considered only by amendment to the Municipal Planning Strategy and subject to a Secondary Planning Study which shall address the provision of municipal infrastructure, integration of the transportation network and land use and community form needs including but not limited to residential and commercial opportunities, institutional requirements, recreation and open space and environmentally sensitive areas.

Residential Future High-Density Zone

- R8.1 It shall be the intention of Council to include in the Land Use By-law a Residential Future High Density (RFH) Zone.
- R8.2 The RFH Zone shall be applied to lands designated Residential, generally located east of Commercial Street and north of North Street.
- R8.3 The RFH Zone shall include existing single unit and existing multiple unit residential dwellings as permitted uses.
- R8.4 Notwithstanding Policy R11, the RFH Zone shall permit as-of-right, in addition to new single and two unit residential dwellings, the development of new multiple unit residential dwellings and townhouse dwellings containing between three (3) and twelve (12) units, and multiple dwellings on a single lot.
- R8.5 New development within the RFH Zone shall be required to front on a public street and be serviced with Town sewer, water, and storm sewer infrastructure.

Development Control

- R9 It shall be the intention of Council to consider the development of new multiple unit dwellings, townhouses dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation by Development Agreement subject to criteria contained in Policy IM15 and IM16.
- R10 It shall be the intention of Council to amend the Land Use by-law to rezone lands zoned Residential Holding (RH) to Residential Single Unit (RSU) when they are serviced with public streets sewer, water, and storm sewer infrastructure.
- R11 It shall be the intention of Council to permit home occupations in all residential zones, and include in the Land Use By-law, provisions to ensure that they are compatible with the character of residential areas.
- R12 It shall be the intention of Council to include, in the Land Use By-law, provisions relating to minimum lot standards and general development control provisions for development within all residential zones.
- R13 It shall be the intention of Council to consider the expansion of existing commercial structures and existing commercial uses and the development of new structures for commercial use within the Residential Mixed Use (RMU) Zone only by Development Agreement. In addition to criteria contained in Policies IM15 and IM16, the design of all structures, the configuration of parking, and the provision of landscaping shall be consistent with the primary residential character of Main Street.

2.4 Commercial Area Policies

In light of the goals and objectives contained in the Strategy, the following

policies are intended to regulate development within the Town's commercial areas.

Generalized Future Land Use

- C1 It shall be the intention of Council to create a Commercial Downtown Designation on the Generalized Future Land Use Map and encourage a broad range of commercial, institutional, and community uses within a convenient, compact, and pedestrian-oriented commercial district.
- C2 It shall be the intention of Council to apply the Commercial Downtown Designation to the area recognized as the "traditional" downtown, generally including lands on and adjacent to Commercial and School Streets, between Main Street and North Street.
- C3 It shall be the intention of Council to create a Commercial General Designation on the Generalized Future Land Use Map and encourage a range of general and highway-oriented commercial and accommodation uses.
- C4 It shall be the intention of Council to apply the Commercial General Designation to lands generally located at east and west ends of Main Street and containing a variety of existing commercial uses.
- C5 It shall be the intention of Council, pursuant to Part 71 C of the Municipal Government Act, to consider adoption of a by-law for the creation of a Commercial Development District for the purposes of promoting, encouraging and supporting commercial development. The lands intended to comprise the Commercial Development District will include all properties within the Commercial Downtown (CD) Zone and the Commercial General (CG) Zone.

Zones

Commercial Downtown Zone

- C6.1 It shall be the intention of Council to include in the Land Use By-law a Commercial Downtown (CD) Zone.
- C6.2 The Commercial Downtown (CD) Zone shall include a broad range of commercial uses, including retail, commercial and personal service, commercial and professional office, commercial accommodation and hospitality, as well as institutional, community, and residential uses as permitted uses.
- C6.3 Without limiting the range of uses permitted in the Commercial Downtown (CD) Zone, commercial uses requiring permanent outdoor display and storage, including automotive dealerships, shall not be permitted.
- C6.4 Where provisions are made for residential uses within the Commercial Downtown (CD) Zone, regulations will require that commercial use at street level be prioritized.
- C6.5 The Commercial Downtown (CD) Zone shall be applied to lands designated Commercial Downtown.

Commercial General Zone

- C7.1 It shall be the intention of Council to include in the Land Use By-law a Commercial General (CG) Zone.
- C7.2 The Commercial General (CG) Zone shall include retail, commercial and personal service, commercial and professional office, commercial accommodation, commercial uses requiring permanent outdoor display and storage, as well as institutional and existing residential uses, as permitted uses.

C7.3 The Commercial General (CG) Zone shall be applied to lands designated Commercial General.

Development Control

Commercial Downtown Area

C8 The Land Use By-law will establish lot standards and zone requirements for the Commercial Downtown (CD) Zone that reflect the historic development and subdivision patterns of the area, including, but not limited to, reduced lot frontage, lot area and building setback requirements and exemptions from on-site parking requirements.

C9 The Land Use By-law will include provisions to regulate temporary outdoor displays and the location of accessory outdoor storage within the Commercial Downtown (CD) Zone.

C10 The conversion of existing dwellings within the Commercial Downtown (CD) Zone to a maximum of two (2) units shall be permitted, subject to the provision of on-site parking.

C11 The construction of new one (1) and two (2) unit dwellings in the Commercial Downtown (CD) Zone shall not be permitted. The conversion of existing dwellings or the development of new multiple unit dwellings containing three (3) units or more and the development of new day nurseries, bed and breakfast facilities, group homes, residential care facilities, boarding houses, and multiple dwellings on a single lot within the Commercial Downtown (CD) Zone shall be considered only by Development Agreement.

C12 Within the Commercial Downtown (CD) Zone, where enabled as-of-right or by Development Agreement, the construction of new residential dwellings or the conversion of existing commercial structures for residential use, residential units shall be prohibited from locating on the ground level at the street frontage on Main Street, Commercial Street, or School Street.

Residential uses on these streets shall be required to be located behind or above commercial use on the ground level at the street frontage.

Commercial General Area

C13 The Land Use By-law will establish lot standards and zone requirements for the Commercial General (CG) Zone that will ensure development is integrated appropriately with Main Street and that limit potential land use conflicts with adjacent non-commercial uses. Zone requirements shall include, but not be limited to, requirements for on-site parking, on-site loading space, outdoor storage, setbacks and fencing.

C14 The conversion of existing dwellings, or the development of new multiple unit dwellings containing three (3) units or more and the development of new day nurseries, bed and breakfast uses, group homes, residential care facilities, boarding houses, and multiple dwellings on a single lot within the Commercial General (CG) Zone shall be considered only by Development Agreement.

2.5 Industry and Commercial Enterprise Area Policies

In light of the goals and objectives contained in the Strategy, the following policies are intended to regulate development within the Town's Industry and Business Enterprise Park area.

Generalized Future Land Use

ICE1 It shall be the intention of Council to create an Industry and Commercial Enterprise Designation on the Generalized Future Land Use Map and encourage a range of industrial, commercial, institutional, and community uses within an area that has been specifically developed for commercial and industrial enterprises requiring larger lot area and related infrastructure.

ICE2 It shall be the intention of Council to apply the Industry and Commercial

Enterprise (ICE) Zone to the lands of the Middleton Industrial Park, generally located east of Brooklyn Road and including lands fronting on Freeman Street, Shaffner Drive, Marshall Street, west of Victoria Street, and Marshall Drive.

Zones

Industry and Enterprise Zone

ICE3.1 It shall be the intention of Council to include in the Land Use By-law an Industry and Commercial Enterprise (ICE) Zone.

ICE3.2 The Industry and Commercial Enterprise (ICE) Zone shall include a range of industrial, manufacturing, processing, industrial service, warehouse, and transportation and distribution uses, as well as a range of general commercial, commercial display, wholesale, and institutional uses.

Development Control

ICE4 The Land Use By-law will establish lot standards and zone requirements for the Industrial and Commercial Enterprise (ICE) Zone that will encourage development within the zone and limit potential land use conflict with adjacent non-industrial areas.

ICE5 The Land Use By-law will establish development requirements within the Industry and Commercial Enterprise (ICE) Zone and will include, but not be limited to, on-site parking, on-site loading, and the fencing and screening for outdoor storage.

2.6 Institutional Area Policies

In light of the goals and objectives contained in the Strategy, the following policies are intended to regulate development within the Town's institutional area.

Generalized Future Land Use

INS1 It shall be the intention of Council to create an Institutional Designation on the Generalized Future Land Use Map, to recognize those areas that contain existing public and private institutional uses.

INS2 The Institutional Designation will be applied to existing institutional properties that are generally located within or adjacent to established residential areas. Existing institutional properties located within the Commercial Downtown, the Commercial General and the Industry and Business Enterprise Designations shall be designated Commercial Downtown, Commercial General and Industry and Business Enterprise, respectively.

Zones

INS3.1 It shall be the intention of Council to include in the Land Use By-law an Institutional (INS) Zone.

INS3.2 It shall be the intention of Council to include in the Institutional (INS) Zone public and private institutional uses, including churches, cemeteries, public schools and colleges, hospitals, and municipal wastewater treatment facilities.

INS3.3 The Institutional (INS) Zone shall be applied to all lands Designated Institutional.

INS3.4 Existing institutional uses located within the Commercial Downtown, the Commercial General, and the Industry and Business Enterprise Designations shall be zoned Institutional (INS).

Development Control

INS4 The development of new institutional uses within areas designated

Residential may be considered only by amendment to the Municipal Planning Strategy and shall be subject to criteria contained in Policy IM16.

INS5 The reuse of any existing institutional use within the Institutional Designation for residential, commercial or mixed use purposes may be considered only by Development Agreement, subject to Policies IM15 and IM16.

INS6 Properties zoned Institutional (INS) and located within the Commercial Downtown, the Commercial General, and the Industry and Business Enterprise Designation may be rezoned to Commercial Downtown, the Commercial General, and the Industry and Business Enterprise Zones respectively, subject to Policy IM16.

2.7 Recreation and Open Space Area Policies

In light of the goals and objectives contained in the Strategy, the following policies are intended to regulate development within the Town's recreation and open space areas.

Generalized Future Land Use

O1 It shall be the intention of Council to create a Recreation and Open Space Designation on the Generalized Future Land Use Map, to recognize existing public recreation and open space uses and areas.

Zones

O2.1 It shall be the intention of Council to include in the Land Use By-law a Recreation and Open Space (OS) Zone.

O2.2 It shall be the intention of Council to include in the Recreation and Open Space (OS) Zone public parks and recreation facilities as permitted uses.

O2.3 It shall be the intention of Council to apply the Recreation and Open Space (OS) Zone to lands Designated Recreation and Open Space

Development Control

O3 It shall be the intention of Council to include in the Land Use By-law minimum lot and development control requirements that enable the development of recreation and open space facilities, while minimizing the potential conflict with adjacent residential uses.

O4 The development of new recreation and open space uses within the Residential, Residential Mixed Use, Commercial Downtown, Commercial General, and Industry and Business Enterprise Designations may be considered only by amendment to the Municipal Planning Strategy.

2.8 Transportation Policy

The Town of Middleton has a clear hierarchy of highways, streets, and roads. The Town is interested in traffic flows that efficiently serve land uses throughout the community, without excessively burdening any particular area with non-local vehicular movements.

The classification of existing streets and the provision for continuity and good distribution of new streets is important. Future road patterns are of planning concern to Council, recognizing that short-term, new development should not interfere with long-term development needs.

Parking is required on-site for most new developments, to allow for convenience, efficiency, and effective traffic flow. The parking of cars and the encouragement of pedestrian traffic is of prime concern, especially in the downtown. Bicycle traffic is being encouraged, through a new policy on bicycle paths and racks.

Development Control

- T1 Existing streets shall be classified as shown on the Transportation and Street Hierarchy Map (Map 2).
- T2 When land is being subdivided within the Town, the rights-of-way as shown on Map 2 shall be generally considered for collector and arterial roads. The precise location and width of roads shall be determined at the time of subdivision.
- T3. All new local streets and extensions of existing streets shall be laid out in a manner that improves the general traffic flow of the area. The right-of-way width of an extension to an existing street shall be based on the classification of the existing street and consideration of the width of the existing right-of-way.
- T4 All new streets or extensions to existing streets shall be constructed in accordance with the standards set out in the Town's Subdivision By-law.

Parking

- P1 All new developments in the Town shall be required to provide suitable parking.
- P2 The Land Use By-law shall include provision establishing minimum on-site parking requirements for various land uses.
- P3 Notwithstanding Policy P1, new commercial uses establishing in the Commercial Downtown Designation between Main Street and George Street and fronting on Commercial Street and between Main Street and Church Street and fronting on School Street shall be exempt from on-site parking requirements.
- P4 Council shall investigate the possibility of purchasing and/or leasing any

lands for use as public parking lots.

P5 Council shall require new businesses and industries within the Town to provide off-street loading and unloading facilities. New commercial uses establishing in the Commercial Downtown Designation between Main Street and George Street and fronting on Commercial Street and between Main Street and Church Street and fronting on School Street shall be exempt from on-site loading requirements.

2.9 Infrastructure Policy

IP1 Council shall require all subdividers to install and bear the costs of sanitary sewer mains, water, and storm sewer infrastructure, and all related laterals, connections, and appurtenances within any new comprehensively-planned subdivision of private property.

IP2 Subdividers shall also bear all costs of installation of sanitary sewer mains, water, and storm sewer mains required to connect to the existing Town mains.

IP3 All sanitary sewer, water, and storm sewer lines shall be constructed in accordance to the standards set out in the Subdivision By-law.

IP4 While the allocation and use of the Town's sewage treatment capacities and potable water resources shall be prioritized for support of existing and new development within the Town boundaries, the Town may consider extensions of existing Town services located outside of the Town boundaries and the extension of new services outside of the Town boundaries, provided that appropriate cost-sharing and revenue-recovery arrangements are established.

2.10 Sign Policy

The Town of Middleton is interested in the regulation of signs, in order to present an attractive and orderly environment in which messages can be effectively conveyed for safety, direction, public information, and commercial purposes. Council will allow commercial messages onsite and limited directional and other messages throughout the community.

Development Control

SN1 Sign requirements shall be included in the sign section of the Land Use By-law which, for public safety and visual appearance reasons, shall include provisions dealing with size, location, lumination, type, and number of signs. In addition, certain types of signs, as specified, shall be prohibited completely or prohibited from specific zones, and other types of signs shall be permitted in all zones.

2.11 Environment Policy

The Town of Middleton takes prides in its recognition and understanding of its environment. Both the natural and built environments must be sustained and be mutually compatible, change to either will create impacts on the other. Through sensitive planning, impacts associated with change can be beneficial to the Town and its environment.

A fundamental background study was commissioned in 1978. Still relevant today, the Town of Middleton - Environmental Survey is a document of biophysical maps and evaluative text that should be referred to when implementing environmental policy within this Plan.

Generalized Future Land Use

E1 It shall be the intention of Council to create an Environmentally Sensitive

Area Designation on the Generalized Future Land Use Map and apply it to lands that are not suitable for development due to their environmental character.

- E2 Boundaries of the Environmentally Sensitive Area shall generally: follow the 13.7 metre (45 ft) contour, as shown on the L.R.I.S. topographic series (Middleton, 198) adjacent to the Annapolis River and tributary boundary; and be 8 metres (26 ft) from the edge of all other streams, watercourses, and designated wetlands.

Zones

Environmentally Sensitive Areas Zone

- E3.1 It shall be the intention of Council to include in the Land Use By-law an Environmentally Sensitive Areas (ESA) Zone.
- E3.2 The ESA Zone shall be applied to all lands designated Environmentally Sensitive Area.
- E3.3 The ESA Zone shall include all existing residential uses as permitted uses, to ensure that such uses are conforming. New development shall be restricted to passive recreation and existing agricultural uses.

Development Control

- E4 Notwithstanding that the construction of new permanent structures shall not be permitted within the ESA Zone, Council may consider the change of use and/or the construction of structures within the EAS Zone by Development Agreement. In addition to criteria contained in Policy IM15 and IM16, Council shall require that any application shall be supported by study and evaluation and be prepared by a qualified person, which identifies engineering, design and construction provisions that will mitigate the risk of impacts from the environmental conditions present.

E5 It shall be the intention of Council to include in the Land Use By-law a Wellfield Overlay that shall be applied to those lands within the Town boundaries that have been identified as being part of the Middleton Wellfield Area (Town of Middleton Wellfield Protection Management Plan, CBCL 2009) and to identify specific uses that shall be prohibited due to the potential risk for groundwater contamination which they may pose.

Part 3 - Implementation

3.1 General

Middleton's Municipal Planning Strategy is the primary policy document providing the framework by which the future growth and development of the Town shall be encouraged, controlled, and coordinated. The policies contained in this Strategy have been considered and prepared, in light of the enabling provisions contained in the Nova Scotia Municipal Government Act.

The goals, objectives and policies of the Municipal Planning Strategy are primarily implemented through the accompanying Land Use By-law and the Town's Subdivision By-law. To a lesser extent, various other Town By-laws, as well as capital expenditure plans, also impact development and growth within the Town.

In addition to ensuring development can be undertaken in a managed fashion, the Strategy and accompanying Land Use By-law attempt to streamline the development approvals' process and enable public awareness and engagement in the planning and development process.

In light of the goals and objectives contained in the Strategy, the following policies are intended to administer and implement the Town's planning and development control policies.

General Implementation and Administration

- IM1 It shall be the intention of Council that this Municipal Planning Strategy shall be the primary policy document to direct growth and development of the Town in a well-planned and fiscally and environmentally sustainable manner.
- IM2 It shall be the intention of Council that the preparation, scope and content, administration, and amendment of the Municipal Planning Strategy be consistent with enabling provisions contained in the Nova Scotia *Municipal Government Act*.
- IM3 It shall be the intention of Council to review and update the Municipal Planning Strategy as necessary, in response to changing needs and demands of the community, and to ensure that it remains consistent with all relevant enabling legislation requirements.
- IM4 It shall be the intention of Council to maintain an ongoing monitoring of planning and development control needs of the community, through its Planning Advisory Committee, and that the Planning Advisory Committee provide Council with advice on matters of general planning concern.
- IM5 It shall be the intention of Council, where deemed appropriate, to amend this Strategy, pursuant to the requirements and processes of the Municipal Government Act and requirements for public participation, as set forth in Council's Public Participation Program Policy.
- IM6 It shall be the intention of Council to appoint a Municipal Development Officer to administer the Land Use By-law and the Subdivision By-law, to grant development permits and any other regulatory approvals enabled through the policies of this Strategy

and the accompanying Land Use By-law, and to provide support to the Planning Advisory Committee in its role of providing Council with advice on matters of general planning concern.

Development Control

- IM7 It shall be the intention of Council to include in this Strategy a Generalized Future Land Use Map (Map 1), that shall designate all lands within the Town according to land use designation and identifying general land use patterns. The Generalized Future Land Use Map shall reflect both land use at the time of the adoption of this Strategy, as well as preferred future land use for lands within the Town.
- IM8 It shall be the intention of Council that the boundaries for land use designations on the Generalized Future Land Use Map be considered “hard” and that an amendment to the Strategy be required, if land use designation boundaries are required, by application or by direction of Council, to be changed.
- IM9 It shall be the intention of Council that no proposal shall be considered that is inconsistent with the intents of this Strategy as set forth through its policies.
- IM10 It shall be the intention of Council to adopt a Land Use By-law to implement the policies of this Planning Strategy. The Land Use By-law will apply zones as established in various policies contained in this Strategy, and it shall establish appropriate development control regulations for all land within the Town, to carry out the goals, objectives, and policies of this Strategy.
- IM11 It shall be the policy of Council to include in the Land Use By-law a broad range of development control provisions to promote land use compatibility, maintain the character of the community, encourage accessibility and

ensure a high-quality environment throughout the Town. General development control provisions which shall apply to development within all zones shall include, but not be limited to, regulations, concerning lot standards, building heights, property line setbacks, signage, landscaping and buffering, accessory buildings, parking, and obnoxious uses.

IM12 It shall be the intention of Council to consider the following development only by Development Agreement, pursuant to enabling policies contained in this Strategy and subject to criteria contained in Policies IM15 and IM16:

- (a) new multiple unit dwellings, townhouse dwellings, the conversion of an existing residential structure containing seven (7) or more units and the development of new day nurseries, bed and breakfast uses and boarding and rooming houses in the Residential Designation pursuant to Policy R10;
- (b) the expansion of existing commercial structures and existing commercial uses and the development of new structures for commercial purposes within the Residential Mixed Use (RMU) pursuant to Policy R14;
- (c) The conversion of existing dwellings or the development of new multiple unit dwellings containing three (3) units or more, and the development of new day nurseries, bed and breakfast facilities, group homes, residential care facilities, boarding houses, and multiple dwellings on a single lot within the Commercial Downtown (CD) Zone, pursuant to Policy C10, and in the Commercial General (CG) Zone, pursuant to Policy C13;
- (d) The reuse of any existing institutional use within the Institutional Designation for residential purposes, pursuant to

Policy INS4;

- (e) The construction of new permanent structures shall not be permitted within the ESA Zone, pursuant to Policy E4.

IM13 It shall be the intention of Council to consider amendments to the Land Use By-law, pursuant to enabling policies contained in this Strategy, provided they are consistent with: the intent of this Strategy; specific policies and provision of this Strategy; and the criteria contained in Policy IM16.

IM14 It shall be the intention of Council, in considering amendments to the Land Use By-law to: request a report from the Development Officer, with respect to provisions contained in the Strategy; and refer the matter to the Planning Advisory Committee for their evaluation and recommendation.

IM15. In considering entering into a Development Agreement, the Council shall have regard for those matters identified in Policies IM15 and IM16, as well as any criteria set out in other applicable policies of the Strategy.

IM16. It shall be the intention of Council that a Development Agreement, made pursuant to the Municipal Government Act, may contain such terms and conditions that Council feels necessary, to ensure that the Development Agreement is consistent with the policies of this Strategy. To this end, the agreement may include, but is not limited to, some or all of the following:

- (a) The specific use and size of the structure, either new, or an expansion of an existing structure;
- (b) The location of any structure within a development;
- (c) The percentage of land that may be built upon and the size of yards, courts or other open spaces;

- (d) The maximum density of the population within the development;
- (e) The architectural design or external appearance of structure, in particular, its compatibility with adjacent structures;
- (f) The provision of services and utilities;
- (g) Traffic generation, ingress to and egress from the site to abutting streets and parking;
- (h) The landscaping or buffering of developments that may include fencing, walkways, and outdoor lighting;
- (i) Alteration of land levels;
- (j) Open storage;
- (k) Public display of advertising;
- (l) Integration of universal accessible design considerations for structure and site design and the provision of accessible parking spaces.
- (m) Any other similar matter that may be addressed in a Land-Use By-law that Council feels is necessary, to ensure general compatibility of the use and structure with adjacent areas.

IM17. In considering amendments to the zoning in the By-law or, entering into Development Agreements, in addition to all other criteria as set out in various policies of this planning strategy, Council shall have regard for the following matters:

- (a) That the proposal is in conformance with the intents of this Strategy and with the requirements of all other Town By-laws and regulations;

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

- (c) That controls are contained in a Land Use By-Law or a Development Agreement so as to reduce conflict between the development and any other adjacent or nearby land use by reason of:
 - (i) type of use;
 - (ii) emissions, including air and water pollutants and noise;
 - (iii) height, bulk, and lot coverage of the proposed

building;

(iv) traffic generation, access to and egress from the site, and parking;

(v) open storage;

(vi) signs;

(vii) similar matters of planning concern.

(d) Suitability and development costs of the proposed site in terms of steepness of grades, soil and geological conditions, marshes, swamps or bogs , and proximity of highway ramps, railway rights-of-way, and other nuisance factors.

(e) Provision is made for buffering, landscaping, screening, and access control, to reduce potential incompatibility with adjacent land uses and traffic.

IM18 It shall be the intention of Council to appoint a Development Officer(s) to administer this Planning Strategy, the Land Use By-law, the Subdivision By-law and the granting of development permits, variances and any other such regulatory tool permitted by the MGA and enabled through policies contained in this Strategy.

IM19 It shall be the intention of Council to regulate the granting of a variance, pursuant to Section 235(1) of the Municipal Government Act. Pursuant to Section 235(2), it shall also be the intention of Council that the Development Officer be enabled to grant a variance in one or more of the requirements of the Land Use By-law:

(a) the number of parking spaces and loading spaces;

(b) ground area and height of a structure;

(c) floor area occupied by a home-based business;

(d) height and area of a sign.

IM20 It shall be the intention of Council to adopt a Subdivision By-law that reflects the intent and policies of this Strategy. The By-law shall include:

- (a) standards for the construction of public roads;
- (b) standards for municipal wastewater and storm water services;
- (c) standards for electrical distribution services;
- (d) other requirements as permitted through the Municipal Government Act.

IM21 It shall be the policy of Council to levy fees relating to the processing of planning and development related applications and applications for Subdivision Approval, including, but not restricted to, administrative and professional services' costs and requirements for public notices and advertising.