

**BY-LAW NO. 37**

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE  
MUNICIPAL PLAN PURSUANT TO SECTION 24 OF *THE*  
*COMMUNITY PLANNING ACT* OF NEW BRUNSWICK**

The Council of the Town of Quispamsis, pursuant to the authority vested in it by Section 24 of the *Community Planning Act*, hereby enacts as follows:

1. A municipal plan setting out policies and proposals to guide future land use and development in Quispamsis is hereby adopted. This document is entitled “The Town of Quispamsis Municipal Plan” dated January 16, 2007, and attached hereto as Schedule “A”, and includes the “Future Land Use Map” attached hereto as Schedule “B”.
2. By-law No. 013, Quispamsis Municipal Plan By-law and all amendments thereto, is hereby repealed.
3. The repeal of By-law No. 013, A By-law of the Municipality of Quispamsis Respecting the Quispamsis Municipal Plan Pursuant to Section 24 of the *Community Planning Act of New Brunswick*, shall not affect any by-law infraction, penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any Development, Zoning or Subdivision Agreement completed, existing or pending at the time of the repeal.

**READ FIRST TIME: December 19, 2006**

**READ SECOND TIME: December 19, 2006**

**READ THIRD TIME & ENACTED: January 16, 2007**

**S E A L**

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**MAYOR**

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**CLERK**

**TOWN OF QUISPAMISIS**  
**MUNICIPAL DEVELOPMENT PLAN**  
**SCHEDULE "A"**

**January 16, 2007**

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## **INTRODUCTION**

### **1.(A) Background**

The Quispamsis Municipal Plan Review has been prepared and reviewed in order to provide Council with a comprehensive policy document for the management of growth within the Town of Quispamsis. The Plan has been designed to guide development in the long term with major emphasis on development in the 2006 to 2011 time frame. The intention of the Plan is to repeal and replace the Municipal Development Plan Bylaw No. 013 for the Town of Quispamsis.

The Municipal Development Plan (hereinafter referred to as the Plan) has been prepared in accordance with Sections 23 - 27 of the *Community Planning Act* of New Brunswick. The Plan policies are based on findings of the Town of Quispamsis Municipal Plan Background Study, dated March 2006, which presented findings with respect to population, economy, land use, community facilities, transportation systems, municipal services and environment.

The objectives for this draft Plan were developed based upon feedback from the public (by means of a household survey), Town Council, representatives of the Planning Advisory Committee, municipal staff, and other stakeholders. The objectives are presented in each section of this report.

### **1.(B) Title**

The Town of Quispamsis, under the provisions set out in Sections 23 to 27 of the *Community Planning Act*, hereby adopts the Town of Quispamsis Municipal Plan By-Law 37. This by-law hereby repeals the previous Town of Quispamsis Municipal Plan By-law (By-law 013 and its amendments).

### **1.(C) Area of Coverage**

The statements of policy and proposals set up in this Municipal Plan By-law apply to the Town of Quispamsis municipal boundaries as established under the *Municipalities Act* in January 1998. In addition, the Plan considers the Town's relationship with surrounding municipalities and unincorporated areas as described in the Background Study.

### **1.(D) Purpose**

The Municipal Plan sets out the Town Council's long term policies and proposals to guide future land use and development within the municipality. The Plan is intended to be used by Council, Town staff and residents to guide day-to-day

decisions affecting development. The Plan will also guide major policy decisions with respect to capital expenditures and will form the basis of the Zoning By-law which is adopted to implement the Plan. Although the Plan is long term in outlook, the Plan should be reviewed every five years in accordance with provisions of the *Community Planning Act*. Periodic amendments to this document will be required and these must be undertaken with consultation and due process as outlined in the *Community Planning Act* for Plan amendment.

In accordance with Section 27 of the *Community Planning Act*, the adoption of a Plan shall not commit the municipality or the Province to undertake any proposal therein suggested or outlined, but shall prevent the undertaking of any development in any manner inconsistent or at variance with:

- (1) in the case of the municipality, any proposal or policy so outlined or suggested, or
- (2) in the case of the Province or a person, any proposal so outlined or suggested.

### **1.(E) Community Vision**

Based on community and stakeholder consultation, discussions with Town Council and the Planning Advisory Committee, the following draft vision for the Town is proposed.

*“The Town of Quispamsis will provide a high quality of life and ‘small-town’ character with a focus on neighbourhood integrity, while encouraging development of commerce and industry in harmony with residential areas and while protecting the natural environment.”*

## **OVERALL GROWTH STRATEGY**

### **2.(A) Objectives**

- (1) To pursue a comprehensive community growth strategy encompassing a wide spectrum of residential, commercial and industrial development;
- (2) To maintain and enhance the optimum physical environment in which existing and future residents and businesses can pursue their economic and social activities;

- (3) To maximize the benefits, and minimize the impacts associated with the continued growth of the residential, commercial and industrial components of the Town;
- (4) To continue a growth pattern that results in the orderly, efficient and equitable provision of facilities and services; and
- (5) To accommodate physical growth and economic development recognizing and respecting the principles of sustainable development and the need to minimize impacts on the natural environment.

## **2.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Continue to provide for areas of traditional rural residential development within the community and to ensure it occurs in a manner which respects the environmental setting;
  - (b) Continue to pursue the provision and maintenance of efficient and cost-effective services and amenities;
  - (c) Enhance the Town's employment and tax base by continuing to promote and expand its industrial and commercial components;
  - (d) Strive to maintain a tax rate that maintains and enhances the Town's competitive advantage;
  - (e) Enhance the Town's image as a pleasant community in which to live by improving, expanding and promoting its residential, commercial, recreational and community facilities as well as emphasizing its natural and scenic attributes;
  - (f) Strive for a compact development pattern which optimizes municipal services and the transportation network.

## **POPULATION GROWTH**

### **3.(A) Objectives**

- (1) To increase the population in order to attract new and support existing residential, commercial and industrial development and educational, medical and emergency services;
- (2) To recognize and provide for the changing demographics of the population base.

### **3.(B) Policies**

3.(C) It shall be a policy of Council to:

- (1) Provide municipal services and other incentives to facilitate new subdivision development;
- (2) Provide increased business opportunities and recreational and cultural amenities in order to retain and attract young families;
- (3) Encourage more diversity in housing types to respond to the needs of young families, young working couples, retirees and seniors;
- (4) Encourage and facilitate the attraction and resettlement of new members of the community.

## **ECONOMIC DEVELOPMENT**

### **4.(A) Objectives**

- (1) To attain greater community self-sufficiency and sustainability through future economic growth;
- (2) To pursue regional economic development opportunities by promoting the Town's close proximity to highway, air, marine port and rail services;
- (3) To provide appropriate infrastructure and municipal services required to support the expansion of industrial and commercial development.

#### **4.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Ensure adequate land is allocated for the continued development and expansion of light industry;
  - (b) Provide for, and support the growth and expansion of, new and existing businesses within the Town;
  - (c) Encourage and support the development of office space/ office buildings in order to attract professional and knowledge-based businesses;
  - (d) Recognize the importance of community facilities and services such as recreation, culture, education, health care and emergency services in the attraction and promotion of economic development;
  - (e) Strive to maintain a low tax rate in order to enhance the Town's competitive position;
  - (f) Adopt a pro-active and aggressive approach to promoting economic development in cooperation with other government departments and agencies.

#### **LAND USE**

##### **5.(A) Objectives**

- (1) To promote a land use pattern that ensures and accommodates orderly, efficient and economical growth and assures compatibility between different types of uses;
- (2) To provide sufficient land to accommodate future demand for various uses in a manner which optimizes movement between places of residence, work and play;
- (3) To promote and enhance compact development through the provision of municipal services and a mix of development densities;

- (4) To provide community facilities and services in recognition of a need for a balance between the needs of citizens and the financial and human resources of the Town;
- (5) To maintain the rural character and lifestyle currently prevalent in areas so designated.

## **5.(B) Policies**

### **(1) Land Use Designations**

- (a) It shall be a policy of Council to:
  - (i) Manage land use in accordance with the Future Land Use Map presented at Schedule “B”;
  - (ii) Require amendments to the Plan where a major change in land use is proposed;
  - (iii) Provide specific land use designations in the Zoning By-law;
  - (iv) Ensure the existing land use map, future land use map and zoning maps are updated as building permits are issued, land is developed or properties are rezoned.

### **(2) Non-Conforming Uses**

- (a) It shall be a policy of Council:
  - (i) That any legally zoned or legal non-conforming land uses already existing at the time this Plan is approved that do not conform to the land use designations shown on the Municipal Plan and which subsequently become non-conforming in the Zoning By-law, will be permitted to continue in compliance with Section 40 of the *Community Planning Act*;
  - (ii) To encourage the relocation of non-conforming uses to appropriately designated sites.

**(3) Reservation of Lands for Public Purposes**

(a) It shall be a policy of Council that:

- (i) Wherever private land has been designated as lands for public purposes, it is understood that such lands will be acquired through outright purchase, through public dedication or through negotiation and agreements with the landowner. Lands for public purposes shall be zoned to ensure protection of the affected land for its long term intended use (as recommended in this Plan).

**(4) Efficient, Compatible Development**

(a) It shall be a policy of Council to ensure that development is cost effective and environmentally sound by:

- (i) concentrating new growth in areas that are adequately serviced and properly planned;
- (ii) encouraging new development and infilling in areas contiguous to existing built-up areas;
- (iii) encouraging higher density and more compact forms of development in areas that can be supported by the existing servicing systems;
- (iv) requiring commercial, industrial and institutional uses to be physically separated from residential areas through the provision of adequate buffer zones;
- (v) discouraging development in physically unsuitable or environmentally sensitive areas; and
- (vi) ensuring unserviced development is compliant with all applicable municipal policies and federal and provincial legislation, regulations and guidelines.

**(5) Natural Land Capability**

(a) It shall be a policy of Council to:

- (i) Ensure that the evaluation of future development applications consider the natural capability, adequacy and suitability of the land to support the intended land use. This evaluation must also consider the potential for engineered solutions to constraints such as organic soils, rock, and high water table.

## **RESIDENTIAL**

### **6.(A) Objective**

- (1) To promote and provide adequate lands for a diversity of dwelling types that meets the needs of the present and future population.

### **6.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Encourage infilling and consolidation and growth of subdivisions in areas where investment in infrastructure and community facilities already exists;
  - (b) Encourage a mix of dwelling types and architectural styles;
  - (c) Encourage higher density residential development, including dwellings per surface area and multiple units in one building, in acceptable locations;
  - (d) Encourage appropriate subdivision design (street, lot layout and building architectural motif) and the provision of appropriate municipal services.

### **6.(C) Proposals**

#### **(1) Permitted Uses in Residential Designation**

- (a) It is a proposal of Council to permit the following uses in the area designated "Residential" on the Future Land Use Map:
  - (i) Single-family dwellings, accessory buildings and structures;

- (ii) Two family dwellings, accessory buildings and structures;
- (iii) Multiple family dwellings (3 or more units) subject to Proposal 6.(C)(2);
- (iv) Commercial/Residential uses subject to Proposal 6.(C)(3);
- (v) Daycare Facilities subject to Proposal 6.(C)(4);
- (vi) In-law Suites subject to Proposal 6.(C)(5);
- (vii) Home occupations subject to Proposal 6.(C)(6);
- (viii) Manufactured housing subject to Proposal 6.(C)(11);
- (ix) Mobile homes subject to Proposal 6.(C)(12).

**(2) Multiple Dwellings**

- (a) It is a proposal of Council, in the areas designated "Residential" on the Future Land Use Map, that higher density uses (3 or more units), whether new units or conversion of existing single or two family dwellings, would only be permitted as an amendment (through Section 39 of the *Community Planning Act*) to the Zoning By-law and subject to the following conditions:
  - (i) The development be located on, or adjacent to, a designated arterial or collector street, so that higher traffic generated will not pass through lower density residential streets;
  - (ii) The lot size, yard requirements, building height, number of units and parking requirements be subject to the conditions as outlined in the zoning by-law;
  - (iii) The development will not exceed capacities of existing municipal services;
  - (iv) If the proposed site is not serviced by a municipal water system, then the proponent must undertake a

hydrogeological study to demonstrate that the local well yield is of sufficient quality and quantity to support the density of development proposed and the existing wells will not be adversely affected by the proposed development; and

- (v) There are adequate landscaped buffer areas on the lot periphery to screen the buildings and parking areas from adjacent low density residential development.

### **(3) Commercial/Residential Uses**

- (a) It is a proposal of Council that commercial/residential uses (boarding houses, rooming houses, group homes, and nursing homes) will be permitted as a discretionary use in areas designated “Residential” or “Rural”, only as amendments (through Section 39 of the *Community Planning Act*) to the zoning by-law and subject to such additional terms and conditions as may be prescribed by Council. In setting terms and conditions, Council shall consider:
  - (i) Adequate provision of on-site parking;
  - (ii) Provision of acceptable signage and landscaped buffers and open space where compatibility with adjacent resident use is a concern; and
  - (iii) Similar conditions with respect to municipal services as outlined in proposals 6.(C)(2);

### **(4) Day Care Facilities**

- (a) It is a proposal of Council to permit day care facilities with less than 5 children in areas designated as Residential. Day care facilities with 5 to 15 children will be permitted in areas designated as Residential only as a discretionary use (as outlined in Section 34(4)C of the *Community Planning Act*) in the zoning by-law and subject to such terms and conditions as may be prescribed by the Planning Advisory Committee. Day care facilities with greater than 15 children must be located in an Institutional area. In setting terms

and conditions, the Planning Advisory Committee shall ensure:

- (i) Provision of safe access and egress;
- (ii) Provision of adequate on-site parking;
- (iii) Provision of landscaped buffers and open spaces where compatibility with adjacent residential uses is a concern; and
- (iv) That the activities and facilities are in compliance with any applicable federal and provincial legislation and regulations.

**(5) In-law Suites**

- (a) It is a proposal of Council to permit in-law suites (suite contained either in-house or attached to the main dwelling) within areas designated as “Residential” as a secondary use provided it meets all the zoning provisions for the particular residential zone. The use is intended to be temporary until such time as it is no longer required by the tenant. The Suite cannot be converted to an apartment or second unit unless it is properly zoned and meets all the zone provisions.

**(6) Home Occupations**

- (a) It is a proposal of Council that home occupations will be permitted as a discretionary use within residential areas subject to the conditions as determined by the Planning Advisory Committee covering the types of occupations, number of employees, floor areas, signage and parking requirements.
- (b) It is a proposal of Council to monitor the number and clustering of home occupations in residential areas. When the situation warrants, criteria (based on the number of units per length or residential street, or within a clearly define neighbourhood) will be developed to limit the development of new, or expansion of existing home-based occupations.

**(7) Land for Public Purposes**

- (a) It is a proposal of Council to ensure that, in accordance with its subdivision by-law and with Section 42(3)(f) of the *Community Planning Act*, all subdivision of land will be accompanied by public dedication of ten percent of the area subdivided (exclusive of public streets), or cash in lieu of land in accordance with the Town's applicable policies.
- (b) It is a proposal of Council to undertake an annual review of the disposition and retention of lands for public purposes held by the Town.

**(8) Public Utilities**

- (a) It is a proposal of Council that public utilities will be permitted in the areas designated "Residential" as a conditional use. The conditions relate to ensuring that the utility is compatible with any adjacent residential use. This would involve consideration of provision of increased setbacks, of landscaped buffering, off-street parking and of harmonious architectural design.

**(9) Subdivision Design Standards**

- (a) It is a proposal of Council that any application received for subdivision shall be reviewed to ensure that it not only meets the requirements of the Subdivision By-law, but also that good principles of subdivision layout and design are incorporated including:
  - (i) Provision of a network of collector and local streets so that adjacent subdivisions can be integrated over time;
  - (ii) Provision of pedestrian walkways between streets so that safe movement of pedestrians and bicycles can be encouraged along an integrated network of sidewalks and pathways between subdivisions and especially to community facilities such as schools, parks and playgrounds. This will also reduce trespassing across private properties to gain access to adjacent streets and community facilities;

- (iii) Provision that lot sizes meet the minimum standards as required by the zoning by-law based on the particular zone and the extent of water and sewer servicing available; and
  - (iv) Provision that when a mix of housing densities is incorporated within the subdivision, there is a reasonable transition between different densities within the subdivision as well as between the subdivision and the existing adjacent uses.
- (b) It is a proposal of Council, when applications are received for new subdivisions, to give priority and encouragement to connecting to adjacent development, especially where the adjacent development contains cul-de-sacs exceeding the subdivision by-law requirement that cul-de-sacs not exceed 183 metres.

#### **(10) Maintenance and Appearance**

- (a) It is a proposal of Council to encourage the maintenance of a high standard of housing. The physical deterioration of property, the over-crowding of dwellings and the accumulation of rubbish, lumber, derelict automobiles and other unsightly objects in the yards shall be discouraged. Where any individual property is found to be in substandard condition, the Town shall endeavour to persuade the owner to upgrade the property. If negotiations fail then Council may pursue the issue in accordance with Section 190 of the *Municipalities Act* relating to dangerous and unsightly premises.

#### **(11) Manufactured Housing Development**

- (a) It is a proposal of Council to define manufactured housing as a dwelling prefabricated in a remote location and assembled on site on a foundation.
- (b) It is a proposal of Council that manufactured housing be permitted as a discretionary use within residential areas subject to the conditions as determined by the Planning Advisory Committee regarding efficient use of land, street

and lot layout, vehicles and pedestrian movement, open space, and municipal servicing.

**(12) Mobile Home Development**

- (a) It is a proposal of Council to define a mobile home as a dwelling prefabricated in a remote location, easily moved with integral wheels and axles and assembled on site on a leased or owned asphalt or concrete slab.
- (b) It is a proposal of Council that only the expansion of existing mobile home developments shall be permitted subject to the conditions as determined by the Planning Advisory Committee regarding efficient use of land, street and lot layout, vehicles and pedestrian movement, open space and municipal servicing.

**COMMERCIAL DEVELOPMENT**

**7.(A) Objective**

- (1) To provide suitable land in acceptable locations to meet the commercial and business needs of the Town's residents and entrepreneurs.

**7.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Encourage the consolidation and enhancement of the commercial development along Hampton Road;
  - (b) Consider compatible neighbourhood commercial development in other areas of the Town to adequately serve the needs of local residents;
  - (c) Provide safe and suitable areas for highway commercial development catering to highway and tourist-related needs of residents and visitors;

- (d) Provide the opportunity for residents to pursue home occupations that are compatible with the residential environment.

## **7.(C) Proposals**

### **(1) Commercial Designation**

- (a) It is a proposal of Council to permit, within the area designated "Commercial" on the Future Land Use Map, uses of a central commercial, highway commercial or neighbourhood commercial nature in accordance with other policies and proposals of this Plan, and in locations as designated on the zoning map.
- (b) It is a proposal of Council to recognize all legally zoned commercial uses existing at the time of approval of this Plan as permitted uses on the zoning map. Existing legal non-conforming uses will retain that status.

### **(2) Central Commercial**

- (a) It is a proposal of Council to foster the continued growth and expansion of a central commercial core in the Town along Hampton Road. To date this portion of the Town is generally bounded by the intersection of Campbell Drive and Pettingill Road to the west and Landing Court to the east. It is conceivable that in the future market forces will push commercial and business development potentially as far as Autumn Avenue, in the longer term. In the near term, development should be focused within a reasonable radius of the new Town Hall, approximately as far as Lake Road to the east. In pursuing this proposal Council shall adopt measures to address the following issues:
  - (i) Enhancement of the safety of pedestrians and cyclists;
  - (ii) Expansion of commercial or civic uses through conversion of existing residential uses or assembling of residentially zoned lands;

- (iii) Enhancement of building facades and materials, general appearance, landscaping, parking areas, and identification of access and egress in the front portion of the building lot;
- (iv) Strengthening of a community focus at the Town Hall and Arts and Culture Park.

**(3) Millennium Drive/Market Street Area**

The area along the northern frontage of Millennium Drive to the Market Street intersection, and including the southern portion of Market Street, has experienced a mix of highway commercial, civic and light industry uses. This trend will likely continue as this area of the Town will attract the type of development that attaches a premium to a location with simple and convenient access to the Mckay Highway offered by the nearby interchange.

- (a) It is a proposal of Council to develop the Millenuium Drive area as a business park that accommodates a mix of commercial, civic, tourism and light industrial development, that involves compatible activities and offer opportunities for synergistic innovation.

**(4) Highway Commercial**

Highway commercial uses refer to those which cater to the motoring public such as auto sales and service, motels, restaurants, fast food and other drive-in uses. Uncontrolled highway commercial uses tend to create land use and traffic conflicts as well as safety problems.

- (a) It is a proposal of Council that any applications for highway commercial development outside the designated areas be permitted only by amendment to the zoning by-law and subject to consideration of the following conditions:
  - (i) That the site has adequate access to arterial or collector streets;
  - (ii) That the site can be adequately serviced by water and sewer services in accordance with applicable regulations;

- (iii) That the site is of sufficient size to meet all parking, loading, setback, lot coverage, landscaping and other requirements set out in the zoning by-law; and
- (iv) That consideration be given to protection of adjacent residential development by requiring an acceptable vegetated buffer strip, specifying the size, type and location of signing and lighting to be used, and any other criteria deemed appropriate by Council.

**(5) Neighbourhood Commercial**

Neighbourhood commercial uses refer to retail and service uses such as convenience stores, grocery stores and repair shops that offer a convenience service to adjacent residential areas.

- (a) It is a proposal of Council to permit neighbourhood commercial uses, as defined by the zoning by-law, in all areas designated as "Commercial" on the Municipal Plan as well as in areas previously designated for neighbourhood commercial on the zoning map. These areas are to be considered mixed use areas in that the zoning by-law will consider residential uses as permitted uses. This provides the flexibility for the continuation of residential uses as well as for the development of neighbourhood commercial.
- (b) It is a proposal of Council that neighbourhood commercial uses which serve local neighbourhood needs only, will be permitted within residential areas only as an amendment (under Section 39 of the *Community Planning Act*) to the zoning by-law and provided that the commercial uses are clearly subsidiary to the residential uses.

**(6) Adult Entertainment**

- (a) It is a proposal of Council to define adult entertainment uses as any premises or part thereof in which the principle feature or characteristic of provided services is the nudity of any person and shall include such uses as or involving: cabarets, peep shows, exotic dancers, massage parlors, escort services, adult arcades, adult retail stores and adult movie theatres.

- (b) It is a proposal of Council to permit adult entertainment uses only within designated commercial areas and only through a rezoning process. Adult entertainment uses shall avoid areas designated residential, neighbourhood commercial and institutional.
- (c) It is a proposal of Council to apply the following criteria when considering adult entertainment development:
  - (i) The proposed use shall be compatible with the existing and intended pattern of surrounding land uses;
  - (ii) The proposed use shall be separated from schools, churches, public parks and residential zones and property used for residential purposes or area's intended for any of the aforementioned uses; and
  - (iii) Other criteria as deemed appropriate by Council.

**(7) Liquor Licensed Establishments and Gaming Establishments**

- (a) It is a proposal of Council to evaluate liquor licensed establishments and gaming establishments on a case-by-case basis. These uses will only be permitted in accordance with applicable provincial regulations and only as an amendment to the Zoning By-law and subject to such terms and conditions as may be set by Council and the Planning Advisory Committee pursuant to Section 39 of the *Community Planning Act*.

**INDUSTRIAL DEVELOPMENT**

**8.(A) Objective**

- (1) To attract new industries in locations where there would be minimal impact on residential areas and the environment.

**8.(B) Policies**

- (1) It shall be a policy of Council to:

- (a) Work cooperatively with landowners and other government departments and agencies to promote appropriate expansion of the industrial base;
- (b) Encourage the relocation of industrial uses which are incompatible with surrounding land uses;
- (c) Discourage the development of industries considered to discharge noxious substances into the receiving environment.

## **RECREATION AND TOURISM**

### **9.(A) Objectives**

- (1) To provide recreation opportunities to serve all residents.
- (2) To protect, enhance and expand tourist sites and attractions (natural and man-made) to serve residents and visitors.

### **9.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Provide a variety of recreation facilities, activities and programs to serve all citizens;
  - (b) Maintain, improve and upgrade existing recreation facilities;
  - (c) Provide and protect open spaces and natural areas for the enjoyment of residents and visitors;
  - (d) Consult with the Community Services department with regard to the potential recreational use of lands for public purposes;
  - (e) Support the development, expansion and promotion of community assets which have potential for recreation and tourism use, including schools, parks and playgrounds, beaches, rivers, lakes, wharfs, trail systems and environmentally sensitive areas;

- (f) Support the development and promotion of tourist attractions in the town and the region.

## **9.(C) Recreation Proposals**

### **(1) Designation of Recreation Land**

- (a) It is a proposal of Council to provide for the development of a variety of recreation facilities such as playgrounds, green spaces and sports fields, in accordance with other policies of this plan and within the provisions included in the zoning by-law.

### **(2) Community Recreation Facilities**

- (a) It is a proposal of Council, to encourage the enhancement and expansion of recreation facilities, based on consultation with the Recreation Department and the Town's citizens.
- (b) It is a proposal of council to protect investment and ensure user safety through an upgrading and maintenance program for recreation facilities.
- (c) It is a proposal of Council to encourage and support applications for the development of recreation facilities from the private sector as appropriate.

### **(3) Trails**

- (a) It is a proposal of Council to encourage and promote the establishment of trails that provide useful means of movement throughout the town.

### **(4) Recreation Activities**

- (a) It is a proposal of Council to give priority consideration and support to the planning, organizing and staging of specific events, rather than on-going programs.

**(5) Open Space**

- (a) It is a proposal of Council that all areas designated as "Open Space" on the Plan shall be reserved and protected by:
- (i) Zoning the areas as "Open Space," or "Conservation Area" as appropriate;
  - (ii) Using Section 34(3)(g) of the *Community Planning Act* to prohibit development when the site is marshy, subject to flooding, excessively steep or unsuitable for development because of soil conditions or topography;
  - (iii) Purchasing the property or negotiating an agreement with the owner; and
  - (iv) Obtaining the property as part of the public land dedication requirement under the subdivision by-law.

**(6) Recreation Master Plan**

- (a) It is a proposal of Council to prepare a recreation strategy that considers the development of facilities and delivery of programs at both the community and regional level.

**9.(D) Tourism Proposals**

**(1) Development of Local Attractions**

- (a) It is a proposal of Council to encourage, support and promote the development of the following attractions to enhance tourist visitation:
- (i) Existing parks such as Meenan's Cove Park, Hammond River Park, Ritchie Lake Park and Gondola Point Beach;
  - (ii) Marina facilities including docks, boat launching facilities and related service facilities;
  - (iii) Commercial roofed accommodations, and seasonal campgrounds in appropriate locations near major water courses or surface water bodies;

- (iv) Food and beverage service facilities;
- (v) Trail networks linking recreation and tourist facilities, and the NB Trail and Trans Canada Trail;
- (vi) Summer and winter festivals and special events which have the potential to attract more tourists as well as residents, including events that can be held at the new Arts and Culture Park.

**(2) Local and Regional Tourism Promotion**

- (a) It is a proposal of Council to work in collaboration with other municipalities and tourism agencies and operators in the development and promotion of regional tourism initiatives.

**INSTITUTIONAL**

**10.(A) Institutional Designation**

- (1) The Future Land Use Map designates the schools, medical facilities, special care homes, churches, government and civic buildings, as well as buildings intended for public assembly for social, cultural or recreation activities in the "Institutional" category. No specific areas have been designated for future institutional uses since various municipal and government departments and private interest groups have their own specific criteria for locating their facilities within the community. New institutional uses will be permitted only as an amendment to the zoning by-law.

**10.(B) Education**

**(1) Objective**

- (a) To provide all residents with the opportunity to achieve the highest level of education and training possible.

**(2) Policies**

- (a) 1) It shall be a policy of Council:
  - (i) To continue to support the retention and expansion of the school system within the Town;
  - (ii) To encourage the provision of adult education as well as general training and retraining programs in order to maximize employment opportunities for all residents.

**(3) Proposals**

- (a) It is a proposal of Council to cooperate with local, district and provincial education officials to ensure the provision of the highest possible quality of school facilities and programs for its residents.
- (b) It is a proposal of Council to encourage and support adult education and training classes and courses through use of existing school facilities, through Community College extension courses or through distance education courses offered by colleges and universities.
- (c) It is a proposal of Council to encourage the use of school facilities such as gymnasiums, sports fields and possibly classroom or meeting facilities for community activities and adult education and training courses.

**10.(C) Health Care**

**(1) Objective**

- (a) To encourage and support the provision of quality health care services to the residents of the Town.

**(2) Policies**

- (a) It shall be a policy of Council to:
  - (i) Encourage and support the highest possible level of health care facilities and services;

- (ii) Encourage and support the provision of quality ambulance services.

#### **10.(D) Fire Protection Services**

##### **(1) Objective**

- (a) To provide fire protection services, through a regional fire service, in accordance with applicable guidelines and standards.

##### **(2) Policies**

- (a) It shall be a policy of Council to:
  - (i) Collaborate with the regional fire service in the development and implementation, within the financial capacity of the Town, of a 5-Year Strategic Plan which would outline the facilities, equipment, human and financial resources required to provide adequate fire protection services in the Town.

##### **(3) Proposals**

- (a) It is a proposal of Council to provide and maintain a system of fire hydrants with adequate pressure for fire fighting services. Priority will be allocated to areas with industrial, commercial and institutional development;
- (b) It is a proposal of Council to ensure water quantity to meet firefighting needs, within the financial capacity of the Town.

#### **10.(E) Police Protection Services**

##### **(1) Objective**

- (a) To provide police protection services, through a regional police force, in accordance with all applicable standards and guidelines.

**(2) Policy**

- (a) It shall be a policy of Council to: Collaborate with the regional police service in the development and implementation, within the financial capacity of the Town, of a 5-Year Strategic Plan which would outline the facilities, equipment, human and financial resources required to provide adequate police protection services in the Town.

**10.(F) Municipal Services, Facilities and Public Utilities**

**(1) Objectives**

- (a) To provide adequate municipal services and public utilities to meet existing and future needs; and
- (b) To maintain acceptable health, public safety and environmental standards.

**(2) Policies**

- (a) It shall be a policy of Council to:
- (i) Provide and maintain municipal services, facilities and public utilities in accordance with applicable guidelines, standards and regulations;
- (ii) Update and implement its five-year capital program regarding the ongoing maintenance and improvement of the transportation network and all municipal services and facilities;
- (iii) Ensure, in cooperation with NB Department of Transportation and the Provincially Designated Highways Program, adequate maintenance of provincially designated transportation infrastructure;
- (iv) Ensure, in collaboration with the Fundy Region Solid Waste Commission, the provision of solid waste collection and encourage efforts to reduce, reuse or recycle appropriate components of the waste stream in accordance with existing programs.

## **10.(G) Emergency Preparedness**

- (1) It shall be a policy of Council to:
  - (a) Provide and maintain, in collaboration with the NB Emergency Measures Organization, an Emergency Measures Plan in accordance with the *NB Emergency Measures Act*.

## **RURAL**

### **11.(A) Objective**

- (1) To provide for residential, sustainable recreation and natural resource-related activities in a manner compatible with existing Town policies and with the natural environment.

### **11.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Protect undeveloped land within the Town which is currently used, or has potential to be used, for rural uses such as agriculture, forestry, fishing and mineral/aggregate resource extraction;
  - (b) Minimize land use conflicts; and
  - (c) Permit rural land owners to have the flexibility to pursue residential and business activities and to have input into the location of larger industrial and commercial uses in rural areas.

### **11.(C) Proposals**

- (1) It is a proposal of Council to permit residential development in accordance with the policies and proposals for residential development contained in this Plan, provided the development is either connected to municipal water and sewer services or comprises a minimum size of one acre per building lot.
- (2) It is a proposal of Council to permit agricultural uses, with the exception of piggeries and poultry farms, on lots at least one

hectare in size, provided the activities and facilities comply with all applicable federal and provincial legislation and regulations.

- (3) It is a proposal of Council to permit forestry uses, on lots at least one hectare in size, provided the activities and facilities comply with all applicable federal and provincial legislation and regulations.
- (4) It is a proposal of Council to permit fishery uses, on lots at least one hectare in size, provided the activities and facilities comply with all applicable federal and provincial legislation and regulations.
- (5) It is a proposal of Council to prohibit the development of new pits and quarries, and to limit the expansion of existing pits and quarries to the confines of the property boundaries existing at the time of the initial development of the operation.
- (6) It is a proposal of Council that all other land uses in the Rural zone will be subject to the policies and proposals for the relevant type of development contained in this Plan. The proposed development will be permitted only as an amendment to the Plan and Zoning By-law, and may be subject to such terms and conditions as may be required by the Planning Advisory Committee.

## **TRANSPORTATION NETWORK**

### **12.(A) Objectives**

- (1) Provide and maintain a safe and efficient transportation network for vehicles, bicycles and pedestrians.
- (2) Provide and maintain the existing transportation infrastructure to acceptable standards for right-of-way, surface condition, drainage, traffic flow and safety considerations.
- (3) Support the provision of air, water, bus and rail transport systems to serve residents and businesses.

### **12.(B) Policies**

- (1) It shall be a policy of Council to:

- (a) Ensure that future streets are designed and constructed in accordance with the Transportation Association of Canada design standards;
- (b) Provide for the safe movement of pedestrians and bicycles.;
- (c) Provide and maintain acceptable parking and loading areas; and
- (d) Limit all truck transportation of dangerous or hazardous goods to designated truck routes.

## **12.(C) Proposals**

### **(1) Transportation Network Improvements**

- (a) It is a proposal of Council to prepare a 25-year plan for upgrading of the transportation network, including sidewalks, cul-de-sacs, pedestrian walkways, crosswalks and traffic calming requirements.

### **(2) Rail Services**

- (a) It is a proposal of Council to support the potential development of a future spur service for existing and proposed light industrial areas.

### **(3) Air and Port Services**

- (a) It is a proposal of Council to encourage, support and promote continued air and marine port service improvements in the region.

### **(4) Bus Services**

- (a) It is a proposal of Council to support the development of regional transit systems.

## **MUNICIPAL SERVICES**

### **13.(A) Objective**

- (1) To provide safe, efficient and economical water, wastewater and storm water management services.

### **13.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Provide potable water that meets the Guidelines for Canadian Drinking Water Quality;
  - (b) Provide acceptable wastewater collection and treatment systems in accordance with applicable provincial standards and guidelines;
  - (c) Ensure that sewage disposal system in unserved areas is in compliance with applicable legislation and regulations;
  - (d) Provide storm water management services in accordance with applicable standards and guidelines; and
  - (e) Encourage the provision of natural gas to the community.

### **13.(C) Proposals**

#### **(1) Municipal Wastewater Systems**

- (a) It is a proposal of Council that wastewater collection and treatment systems be maintained and improved in accordance with the Town's financial capacity.

#### **(2) Municipal Water System**

- (a) It is a proposal of Council that potable water sourcing, treatment and distribution systems be maintained and improved in accordance with the Town's financial capacity.
- (b) It is a proposal of Council to continue to evaluate options for provision of a municipal water system on a phased basis and in accordance with the Five-Year Capital program and

funding available from other levels of government. Council should aggressively pursue funding from other levels of government to expand current water systems.

- (c) It is a proposal of Council to encourage restraint regarding the use of water during dry seasons or periods when monitoring indicates wells are low. This would include activities such as watering lawns, washing cars, and filling pools.
- (d) It is a proposal of Council that requests for new activities/land uses which would utilize large quantities of water, should only be approved through consultation with the Town Engineer.
- (e) It is a proposal of Council to develop a database of well water sample results from Town owned properties, and from private land owners on a voluntary basis. This would provide baseline data for the ongoing monitoring of water quality and remedial action to address any problems that might be evident.

**(3) Storm Water Management System**

- (a) It is a proposal of Council that storm water management systems be maintained and improved in accordance with the Town's financial capacity.
- (b) It is a proposal of Council that, for new subdivisions, decisions related to the provision of storm water management systems will be made in consideration of: the recommendations of the Town Engineer and Planning Advisory Committee; physical characteristics (topography, soils, etc.) of the site, location of receiving streams or ditches; impacts on adjacent properties; impacts on the environment; and any financial considerations affecting the municipality.

**(4) Unserviced Development**

- (a) It is a proposal of Council, for all unserviced development in those areas that might eventually be serviced with municipal water and sewer systems, to encourage the

proponent to locate the dwelling or building on the lot in such a manner as to facilitate re-subdivision into smaller lots, if and when municipal services are extended.

- (b) It is a proposal of Council to consider the concept of "cluster" development for unserved areas. This concept, based on a grouping of less than nine dwellings on smaller lots serviced by municipal sewer and a communal well, would permit higher densities in the unserved areas while preserving open spaces adjacent to these clusters. This could also facilitate the eventual provision of municipal water services to the development at a reasonable cost, should these services be extended to the area in the future. Cluster developments would be subject to well yield and hydrogeological analyses.

**(5) Telecommunications Facilities**

- (a) It is a proposal of Council that the installation and location of telecommunication towers be evaluated on a case-by-case basis. Proponents wishing to erect such a tower will be required to make application to rezone the property to "T" Telecommunication Zone. Council may impose terms and conditions on the rezoning pursuant to Section 39 of the *Community Planning Act*.

**ENVIRONMENTAL QUALITY**

**14.(A) Objective**

- (1) To provide a pleasant and safe living and working environment while protecting and enhancing the natural and socio-economic environment in accordance with sustainable development principles.

**14.(B) Policies**

- (1) It shall be a policy of Council to:
  - (a) Preserve and enhance the natural and built environment;

- (b) Adopt Watershed and Well Field Protection Plans in accordance with provincial regulations to ensure protection of the Town's groundwater and surface water resources;
- (c) Ensure adequate waste (solid, liquid, hazardous) management procedures (storage, collection, transportation and disposal), in concert with the Fundy Solid Waste Commission;
- (d) Preserve and enhance river banks, beaches, watercourses, wetlands and important habitat for flora and fauna;
- (e) Protect and enhance the visual appearance of the Town;
- (f) Protect and preserve areas of heritage or cultural significance;
- (g) Support and encourage the provision of recycling programs, facilities and amenities;
- (h) Maintain the salt management plan in accordance with the requirements of Environment Canada.;
- (i) Require that all hazardous materials be used, transported and stored in accordance with applicable provincial and federal legislation and regulations;
- (j) Develop and implement a public education program encouraging residents to conserve water, especially during dry periods when wells are likely to be lowered;
- (k) Require that activity in Environmentally Sensitive Areas be subject to the requirements of the applicable provincial legislation and regulations; and
- (l) Require that activity in or near wetlands and watercourses will be subject to the provisions of the Wetland and Watercourse Alteration Program.

## **14.(C) Proposals**

### **(1) Groundwater Protection**

- (a) It is a proposal of Council to initiate an aquifer protection study, as potential groundwater sources have been identified in the two production wells.
- (b) It is a proposal of Council, in the interests of water conservation, to undertake a public education program encouraging residents to conserve water and to limit its use, especially during dry periods when wells are likely to be lowered.

### **(2) Environmentally Significant Areas**

- (a) It is a proposal of Council to refer all proposed development activity or land use in Environmentally Significant Areas to the appropriate provincial authorities for comment. The Nature Trust of New Brunswick has designated two sites within the Town as “Environmentally Significant”. The two sites are described in the provincial database and are in the vicinity of the covered bridge on the Hammond River as well as the Palmer Brook Road along old Highway #1 in the vicinity of Stock Farm Road. Both sites contain examples of rare plants.

### **(3) Protection of Visual Appearance**

- (a) It is a proposal of Council to protect and enhance the natural and built environment of the Town by means of the following measures:
  - (i) Protecting and preserving existing trees and shrubs and promoting a tree planting program along public roads and streets;
  - (ii) Encouraging developers to maintain as many of the existing large trees on a building lot as possible;
  - (iii) Maintaining and landscaping public buildings and lands;

- (iv) Encouraging the maintenance and enhancement of the commercial areas through maintenance and paint-up campaigns, the control of the location, size and type of signs, as well as the provision of landscaping and street furniture; and
- (v) Requiring the provision of buffer areas (green belt areas, strips of trees or shrubs and architectural screening such as walls or fences) around commercial or industrial uses, public parking lots or other visually unpleasant grounds or buildings as required in other policies and proposals of this Plan and by the implementing Zoning By-law.

**(4) Energy Conservation**

- (a) It is a proposal of Council to encourage energy conservation through implementation of policies and proposals in other sections of this Plan which encourage more compact and efficient development as well as working with suppliers of electric power and natural gas.

**(5) Heritage Preservation**

- (a) It is a proposal of Council to encourage the preservation and protection of Stoneycroft House and St. Luke's Church (both national historic sites), as well as other buildings or sites which may be designated in the future as having heritage or cultural significance.

**MUNICIPAL ADMINISTRATION**

**15.(A) Objective**

- (1) To ensure that all future development is carried out within the general intent of the policies of the Municipal Plan.

**15.(B) Policies**

- (1) It shall be a policy of Council:

- (a) To adopt, amend and enforce appropriate by-laws to implement the Municipal Plan;
- (b) To amend and enforce zoning, subdivision and building regulations and other regulations, as required;
- (c) To provide staff to administer the Plan and its implementing by-laws;
- (d) To encourage private development within the scope of the Plan; and
- (e) To encourage the participation of the public in the implementation of the Plan.

### **15.(C) Proposals**

- (1) It is a proposal of Council to take advantage of all opportunities to further educate and involve the public in matters related to the planning of their community. This is especially relevant to the approval and amendment of this Plan and to the enactment and amendments to the zoning and subdivision regulations designed to implement the Plan.

## **IMPLEMENTATION**

### **16.(A) By-laws**

#### **(1) Zoning By-law**

- (a) It is a proposal of Council to ensure that the Zoning By-law is updated, in order to be compatible with, and to implement, the Municipal Plan.
- (b) Council will update the Zoning By-law to be compatible with the Municipal Plan policies and Future Land Use Map. The two main purposes of zoning are to protect existing uses from infringement by incompatible development (i.e., maintain and protect property values) and, more importantly, to use zoning as a short-term tool to steer growth in the directions indicated in the Municipal Plan.

- (c) In considering amendments to the Zoning By-law, in addition to all other criteria as set out in various policies of this Plan, Council will have regard to the following matters:
  - (i) that the proposal is in conformance with the intent of this Plan and with the requirements of the other Town by-laws;
  - (ii) that the proposal is not premature or inappropriate by reason of:
    - (a) the financial capability of the Town to absorb any costs relating to the development;
    - (b) the adequacy of water and sewer services to accommodate the proposed development or, if in an unserviced area, the adequacy of the physical site conditions for private on-site water and sewer systems;
    - (c) the adequacy and proximity of school, recreation and other community facilities;
    - (d) the adequacy of street networks in or adjacent to the development;
    - (e) the potential for the contamination of water courses or the creation of erosion or sedimentation; or
    - (f) creating a leap-frog, scattered or ribbon development pattern as opposed to compact development.
  - (d) that controls are placed on the proposed development so as to reduce the conflict with any other adjacent use;
  - (e) suitability of the proposed site in terms of soils, topography, geology, location of water courses and swamps, as well as proximity to other nuisance factors; and

- (f) provision for buffering, landscaping, screening, signing and access control to reduce potential incompatibility with adjacent land uses or traffic arteries.

**(2) Non-conforming Uses**

- (a) It shall be a proposal of Council to minimize the number of non-conforming uses. Those legal uses which currently exist, and which upon adoption of this Plan do not conform to the designated uses on the zoning maps, shall be permitted to continue as non-conforming uses (under Section 40 of the *Community Planning Act*).

**(3) Subdivision By-law**

- (a) The Council will update its Subdivision By-law, based on policies of this Plan, in order to regulate the form and type of subdivision within the Town. It shall include policies with respect to the subdivider's responsibilities with respect to the construction of streets, lots, services, utilities and for the dedication of land for public purposes.

**(4) Deferred Widening By-law**

- (a) It is a proposal of council to investigate, in accordance with 25 year infrastructure plan, the requirements for street widening.

**(5) Building By-law**

- (a) Council shall update the Building By-law which will prescribe standards for the building, locating or relocating, demolishing, altering, structurally altering, repairing, or replacing of a building or structure.

**16.(B) Administration**

- (1) It is a proposal of Council to ensure the following measures are considered in the administration of the Municipal Plan.
  - (a) Plan Review and Amendment

- (i) It is a proposal of Council to conduct a thorough review of the Plan at least every five years (as required under Section 72 of the *Community Planning Act*) to ascertain the need for Plan amendments. Also, since the Plan is an expression of the goals of the people, periodic Plan review provides an opportunity for participation and involvement on the part of the public.
  - (ii) Amendments to the Plan may be made at any time and amendments are required:
    - (a) where any major policy intent is to be changed;
    - (b) where a zoning amendment will violate the future land use as shown on the Municipal Plan; or
    - (c) where detailed secondary or functional plans are desired to be incorporated into this Plan.
  - (iii) Under Section 74 of the *Community Planning Act*, amendments require the same public participation and ministerial approval as does the adoption of the Plan itself.
- (b) Updating Land Use Plan
- (i) It is a proposal of Council to ensure the existing Land Use Plan is continually updated by adding new uses as building permits are issued and revising uses as changes result from rezoning approvals.
- (c) Public Involvement
- (i) It is a proposal of Council to take advantage of every opportunity to involve the public in the planning or decision-making process with respect to the future development of the community. The participation of citizens in Plan implementation is invaluable and can result in the following:

- (a) give residents a real sense of effective participation in planning for their own future and the future of their community;
- (b) relieve apprehension by assisting to convert the unknown into the known, or at least reducing the alternatives; and
- (c) create a forum for mutual education so that citizens and the Council can learn from listening to each other.

### **16.(C) Capital Works Program**

- (1) It is a proposal of Council to continue to have a five year capital works program prepared in order to set relative priorities for development in a phased sequence that is financially feasible for the Town to undertake. This program can then be used by Council to assist in the preparation of its annual budget. Each year the five year program should be updated.
- (2) It is a proposal of Council to consider the following guidelines in its financial management program:
  - (a) Seek assistance for all capital works projects which qualify under federal or provincial government funding assistance programs;
  - (b) Allocate funds required by the municipality to undertake capital works from local revenue where possible. The remainder shall be borrowed under the direction and guidance of the Municipal Capital Borrowing Board;
  - (c) Set tax rates and user fees as appropriate to maintain an acceptable level of service to the Town and to maintain and enhance the Town's competitive advantage; and
  - (d) Manage the Town debt to adhere to the suggested guideline that annual debt charges not exceed 20 percent of total municipal expenditures.