

**Conway Area Municipal Planning Strategy**  
Municipality of the District of Digby

February 2014

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# **1. Introduction**

## **1.1 Preface**

This document is the official Municipal Planning Strategy for the Conway Area of the Municipality of Digby. This Strategy replaces the previous Municipal Planning Strategy adopted by Municipal Council 2003. The Municipality has adopted three other Municipal Planning Strategies which address specific planning and development control issues: the Digby Wellfield Area Protection Strategy and By-law (2002); the Digby Municipal Airport Strategy and By-law (2009); and the Municipal Planning Strategy and Land Use By-law for the Regulation of Wind Turbine Development (2009). In 2008 the Municipality also adopted a Municipal Planning Strategy to Support Provisions within the Municipal Subdivision By-law relating to a prohibition on the creation of new Municipal Streets.

Since its adoption in 2003 Municipal Council approved a number of amendments to the Conway Area Municipal Planning Strategy and Land Use By-law to accommodate changes in development patterns and standards occurring in the area. The Conway Area remains the primary focus of commercial development within the Municipality and consolidation of the area as a commercial hub has been reinforced through ongoing new development, infill activity and the redevelopment of existing properties. Municipal Council initiated the process of updating the 2003 Strategy and By-law in order to facilitate ongoing growth and development within the Conway Area.

This Planning Strategy contains Council's policies to guide future development and use of land within the Conway Area. This Strategy and the accompanying Land Use By-law focus specifically on development and land use control issues.

The Strategy and the accompanying Land Use By-law attempt to promote and regulate new development through focused and appropriate development control requirements while maintain a balance with existing non-commercial development in the area.

The Conway Area is recognized as a gateway to the larger Digby residential and commercial community and the character of development within Conway plays a significant role in this broader community context.

This document is not intended to be “set in stone” and it is anticipated that like the Strategy which it replaced, changes will be identified which will be incorporated into the Strategy as growth and development occur. It anticipated that a deliberate review of this Strategy will be undertaken within 5 years of its adoption to ensure the Municipality is capable of responding to changing development pressures, needs and opportunities. The document is written to be readily understood by Council and members of the public, to be appropriate for the needs of the community with respect to directing growth through planning policies and related development control provisions contained in the accompanying Land Use By-law and to be flexible and adaptable to changing circumstances.

## **1.2 Purpose**

The Conway Area Municipal Planning Strategy establishes the general intent and the specific policy framework to manage future growth and development within the Conway area. The Strategy informs property owners, developers and the general public relating to land use, the provision of municipal services and Council's growth and development objectives within the Conway area.

This Strategy provides rationale and enabling policies for development control provisions contained in the accompanying Land Use By-law.

This Municipal Planning Strategy and the Land Use By-law have been prepared in accordance with the enabling provisions of the Municipal Government Act.

### **1.3 Review Process and Context**

A comprehensive review of the 2003 Strategy and By-law was initiated in 2012 by a motion of Municipal Council. The Municipality's Planning Advisory Committee was responsible for preparing a work plan, overseeing the collection of background documentation, the identification of current planning issues, directions for future planning and development control opportunities, updating and documentation of current land use through site surveys and a sector by sector review of the existing policies and by-law provisions. The Committee carried out its work between September 2012 and October 2013.

In (November 2013) the Planning Advisory Committee hosted an open house to present and discuss general directions for planning policy and land use control which were identified through the Committees review efforts. The input and comments from the open house served to assist the Committee in confirming the directions for policy and development control provisions which were incorporated into this document.

The public was afforded an opportunity to provide direct input to Municipal Council concerning this Strategy and the accompanying Land Use By-law through a formal public hearing which was conducted by Municipal Council prior to the adopt the planning documents.

## **1.4 Organization of the Strategy**

This Municipal Planning Strategy is organized into six 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 provide rationale for policy as well as enabling land use control provisions contained in the 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 Map**

This section contains the Generalized Future Land Use Map. The GFLUM identifies the desired land use pattern of the Conway Area, 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 which can be accommodated without the need to undertake policy review and amendment.

## **2.0 Planning, Land Use and Development Control Strategies**

### **2.1 Community Context and Goals**

The Conway Area is located in the Municipality of the District of Digby and is largely sandwiched between Hwy. 101 and the Town of Digby, with a southerly extension south of Hwy. 101. For the most part it lies east of the former DAR rail line with some additional lands abutting the Annapolis Basin. The community has experienced considerable commercial development, almost exclusively focused on Highway 303, the main link between the Hwy. 101 and the Town of Digby. Importantly this two lane route also serves as the principal access to the Digby-Saint John ferry terminal. Residential neighbourhoods, which predate a majority of the recent commercial development, remain an important component of the area's character. Residential uses fronting directly on Hwy. 303 are however likely to continue to transition to commercial use over time, enabling opportunities for new commercial uses through infill or redevelopment.

As identified in the 2003 Strategy, the commercial development which has occurred along Hwy. 303 together with the resulting increase in traffic was the primary reason that Municipal Council felt it appropriate to have planning and development control documents adopted for the Conway Area. These factors remain relevant and continue to influence the direction of policies contained in this Strategy.

Development which has occurred since the adoption of the 2003 Strategy and By-law has conformed with various site planning, access and general development control provisions which were implemented through the adoption of the planning documents. This new development has been successfully integrated into the Conway area and the development control requirements have served to address concerns about access, traffic flow, land use and the impact of new development on the character of area.

Municipal Council recognizes that the community has benefited from ongoing growth and development in Conway and it wishes to see new development continue in orderly and regulated manner.

As a primary, high level goal this "second generation" Strategy and By-law attempts to:

Promote ongoing development within the Conway Area and to ensure new growth is subject to those development control provisions which are required to minimize the impact of development on the character of the area and enable development to be appropriately integrated into transportation and other municipal infrastructure.

## **2.2 Statements of Provincial Interest**

The Province of Nova Scotia has adopted Statements of Provincial Interest relating to specific land use issues: the protection of drinking water supplies; the efficient and responsible use and extension of municipal infrastructure; the preservation of high quality agricultural lands; development within identified flood risk areas; and the provision of adequate housing. The Municipal Government Act requires that the contents of a Municipal Planning Strategy 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 it contains policies which are consistent with the goals and objectives of these Statements.

This Strategy provides for the regulation of certain land uses which represent potential risks to groundwater contamination which have been identified in the Digby Wellfield Protection Area Municipal Planning Strategy and Land Use By-law given that all residents are responsible for their domestic water requirements in the absence of a municipal water system.

This Strategy requires that development which is located within areas serviced by municipal wastewater to connect to existing services and regulates development fronting on Hwy. 303 to ensure that efficient and safe flow of traffic can be maintained.

This Strategy provides for existing and new residential development in areas where it is appropriate and where it will not be unduly impacted by new commercial development. As a means to promote a range of housing options and support affordability this Strategy allows for a variety of housing types within the residential areas as well as providing opportunities for residential uses accessory to commercial activity.

Given the environmental character of the Conway area policies relating to flood risk areas and the preservation of agricultural lands are not relevant to this Strategy.

### **2.3 Planning, Development and Land Use Control Principles and Objectives**

The 2003 Strategy identified a number of high level planning issues which guided specific policies relating to residential, commercial and other community development sectors. Four of these concerns remain relevant and continue to influence planning principles and objectives which are implemented through specific policies contained in this Strategy.

### 2.3.1 Traffic Management and Safety

The ability to balance new development with the safe and efficient management of traffic flows on Hwy. 303 remains a priority of this Strategy. As a designated Provincial highway the Municipality must work with the Nova Scotia Department of Transportation and Infrastructure Renewal to coordinate efforts relating to maintenance and upgrading of this critical infrastructure component. Since the adoption of the 2003 Strategy a significant amount of work has been carried out to make improvements to the safety and efficiency of road network including the introduction of a centre/turning lane, upgrading of the travel surface, the construction of curb and sidewalks and the delineation of driveways and lot access.

To ensure the continuing focus on the safe and efficient management of traffic flow and ensure development along Hwy. 303 is consistent with this focus Council has identified the following objectives which will inform and guide planning policies and development control requirements. Municipal Council will:

Support and cooperate with the Nova Scotia Department of Transportation and Infrastructure Renewal to continue to upgrade Hwy. 303 to ensure promote safe and efficient traffic flow;

Work with the Nova Scotia Department of Transportation and Infrastructure Renewal to implement the recommendations of the (2004) Transportation Study;

Work with the Nova Scotia Department of Transportation and Infrastructure Renewal to update priorities and implementation schedules for maintenance and upgrading for Hwy. 303;

Work with Nova Scotia Department of Transportation and Infrastructure Renewal to regulate access to Hwy. 303 from abutting properties to promote safe and efficient traffic flow.

### 2.3.2 Land Use Control

Development within the Conway area, like much of the historical development form which is found throughout Nova Scotia, has been based on lineal development along existing roadways. Traditionally it has not been uncommon for commercial activity to occur in close proximity to residential development along these roadways.

A vast majority of the current development within the Conway Area fronts directly on Hwy. 303, Flat Iron Road, Robinson Weir Road and the Acacia Valley Road. With the growth of new commercial development, specifically along Hwy. 303, it has become important to clearly identify and delineate areas which are appropriate of different types of land use, and in particular identify commercial and residential areas so that potential land use conflicts and be minimized through land use control regulations.

To ensure the appropriate organization of land use to direct growth and limit the potential for land use conflict Council has identified the following objectives which will inform and guide planning policies and development control requirements.

Municipal Council will:

Recognize and designate land adjacent to Hwy. 303 as the primary commercial district, designate existing residential neighbourhoods for residential use and designate the existing Industrial Park for future industrial use;

Provide for the future expansion of the commercial area as continuing development occurs;

Recognize designate specific areas on Robinson Weir Road and the Acacia Valley Road for future commercial use;

Provide for a variety of residential uses within designated residential areas and ensure development control provisions reflect both urban and rural characters of differing areas;

Identify appropriate development controls, including signage and site planning requirements, which will maintain the general character of the area.

#### 2.3.4 Recreation and Open Space Opportunities

Much of the Municipality's recreation facilities are spread throughout the many communities which make up the Municipality. Within the Conway area the Municipality is however fortunate to have a significant opportunity for recreation and open space development along the former Dominion Atlantic Railway (DAR) rail bed.

The integration and planning for enhancement of recreation and open space facilities into new development will serve to strengthen Conway as an both a growing and dynamic community as well as a destination for new business and visitors.

To ensure the appropriate recreation and public open space development opportunities can be realized to the benefit of all residents Council has identified the following objectives which will inform and guide planning policies and development control requirements. Municipal Council will:

Undertake a recreation and opens space study to assess existing and future development opportunities;

Designate the former DAR right-of-way as Open Space;

Cooperate with the Province, Trans Canada Trail, not-for-profit groups and other stakeholders to develop and implement plans for the enhanced recreational use of the former DAR right-of-way;

Recognize the recreation and open space potential of lands located between the DAR right-of-way and the Digby Harbour and encourage opportunities for public access and use;

Include in the Municipal Subdivision By-law a requirement for the provision of recreation and parkland space in conjunction with the creation of new large scale residential subdivisions.

### 2.3.5 Environmental Protection

While existing and new development has influenced much of the lands within the Conway Area the protection of environmentally sensitive areas remains an important issue. Lands abutting the Digby Harbour/Annapolis Basin are perhaps the most significant environmental areas. Regulation of development above the high water mark is the responsibility of the Municipality, regulation of all activities below the high water mark is the responsibility of the Federal government. Development within the Conway area should also comply with all relevant Provincial regulations as it relates to wetlands. Consideration must be given during development planning to other areas of environmental sensitivity such as steep slopes, water courses and areas of unique habitat.

In 2002 the Digby Wellfield Protection area was delineated as part of the preparation of a Municipal Planning Strategy and Land Use By-law which focused on regulating land use to protect ground water quality. A portion of the Wellfield recharge area is located with the Conway Area. This Strategy adopts land use control provisions which were identified as part of the Wellfield Strategy adoption process. The accompanying Land Use By-law contains an overlay which delineates the location of the recharge area and specifies a range of land uses which, due to their nature, are prohibited due to the risk of groundwater contamination they represent.

To ensure that development within the Conway Area is responsive to environmentally sensitive areas and to ensure development within the area does not represent undue risk to groundwater resources within the Digby Wellfield Area Council has identified the following objectives which will inform and guide planning policies and development control requirements. Municipal Council will:

Work with Provincial and Federal government departments and agencies to identify environmentally sensitive areas including wetlands, the tidal littoral and potential unique habitats, and establish appropriate criteria to evaluate development on or adjacent to these lands;

Designate lands within the Conway Area which have been identified as part of the Digby Wellfield Protection Area and include in the Land Use By-law provisions regulating land uses which present undue risk to the protection of groundwater quality.

## 2.4 Residential Development Policies

Recent development has seen the character of the Conway area transition from a predominantly residential area to a commercial corridor with surrounding residential lands.

While this Strategy is supportive of ongoing commercial development along Hwy. 303, the Council recognizes that residential development is an important component of the Conway area. The delineation of residential and commercial areas will assist in limiting potential land use conflict. Increased residential development provides new housing option, utilizes existing municipal services and supports continued commercial growth.

Over time existing residential uses located directly on Hwy. 303 are envisioned to change to commercial as redevelopment continues however new residential development will be encouraged in other areas.

The objective of this section of the Strategy is to identify locations for residential development, ensure opportunities are provided for a variety of new residential uses and minimize the potential for land use conflict between residential and non-residential uses.

#### Policy R-1

It shall be the intention of Council to create a Residential Designation on the Generalized Future and Use Map and apply this designation to existing residential areas which generally do not abut Hwy. 303. These lands will include existing residential areas on Hwy. 217, Bel Air Drive, Pleasant Street, Hillcrest Drive, Flat Iron Road, northern and western portions of Robinson Weir Road, portions of the Acacia Valley road, Beechwood Lane and the Jordantown Cross Road located with the Conway Area.

#### Policy R-2

It shall be the intention of Council to include in the Land Use By-law a Residential Rural (RR) Zone. This zone shall be applied to those lands designated Residential and located south of Hwy. 101.

This zone will permit a wide range of residential uses as well as Institutional and Open Space uses as-of-right. Zone standards will reflect the primary rural nature of the area and development will be required to comply with minimum lot requirements for on-site septic approval as established by the Nova Scotia Department of Environment regulations.

#### Policy R-3

It shall be the intention of Council to include in the Land Use By-law a Residential Urban (RU) Zone. This zone shall be applied to those lands designated Residential and located north of Hwy. 101. This zone will permit residential uses to a maximum of four (4) units as well as Institutional and Open Space uses as-of-right. Zone standards will provide varying requirements for specific types of development and the availability of services.

#### Policy R-4

It shall be the intention of Council to consider the following development by Development Agreement: residential apartment buildings, converted dwelling, town house dwellings and boarding and rooming homes containing five (5) or more unit within the Residential Rural (RR) and Residential Urban (RU) Zone; and the development of grouped dwellings on a single lot within the Residential Urban (RU) Zone. In addition to criteria contained in Policy IM-9 all residential development within the Residential Urban (RU) Zone containing five or more units shall be required to be serviced with municipal sewer and water services.

#### Policy R-5

It shall be the intention of Council to allow existing agricultural uses located with the Residential Rural (RR) and Residential Urban (RU) Zones to continue to operate and expand with the exception of specific agricultural uses which shall be identified as being prohibited in both

zones. Existing prohibited agricultural uses shall be considered as non-conforming uses and shall be subject to the provisions of the Municipal Government Act.

#### Policy R-6

It shall be the intention of Council to allow the development of home occupations, home-based commercial and personal service businesses and home-based professional offices within the Residential Rural (RR) and Residential Urban (RU) Zones. The Land Use B-law will contain provisions to ensure that such uses do not negatively impact on the residential character of the area.

#### Policy R-7

It shall be the intention of Council to include as permitted uses within the Residential Rural (RR) and the Residential Urban (RU) Zone those commercial uses existing as of the effective date of the Strategy. The expansion or redevelopment of these uses, including the use of accessory structures, or a change of use other than to a permitted residential uses shall be considered only by Development Agreement and be subject to criteria contained in Policy IM-9.

#### Policy R-8

It shall be the intention of Council to include manufactured and modular dwelling as permitted uses in the Residential Rural (RR) and Residential Urban (RU) Zones.

#### Policy R-9

It shall be the intention of Council to consider the development of manufactured Home Parks within the Residential Urban (RU) Zone only by Development Agreement. In addition to criteria contained in Policy

IM-9 the development of a Manufactured Home Park will required to be serviced by municipal sewer and water services.

#### Policy R-10

It shall be the intention of Council to limit development within the Residential Rural (RU) and Residential Urban (RU) to one main building per lot unless otherwise approved by Development Agreement pursuant to Policy R-4. Lots containing more than one main building as of the effective date of this Strategy may be eligible for subdivision where the minimum lot standards cannot be met provided that Nova Scotia Department of Environment requirement for onsite septic approval are satisfied where municipal services are not present.

### 2.5 Commercial Development Polices

A primary reason for the adoption of the 2003 Conway Area Strategy was to provide a planning and development control framework for the commercial growth occurring along Hwy. 303. This Strategy maintains this focus. Municipal Council supports ongoing commercial development in Conway. This Strategy will continue to ensure that appropriate development control provisions are in place to regulate commercial land use and site development. The continued growth in commercial development supports increased levels of economic activity in the area and contributes positively to the Municipality's financial base.

The objective of this section of the Strategy is to encourage new commercial development which is compatible with proper traffic flow safety and efficiency, which is serviced with appropriate municipal sewer and water services and which is regulated so as to minimize potential negative impacts on adjacent non-commercial areas.

#### Policy C-1

It shall be the intention of Council to create a Commercial Designation on the Generalized Future and Use Map and apply this designation to lands fronting on Hwy. 303, lands generally south of the Hwy. 101 intersection as well as lands on the south side of Robinson Weir Road in the vicinity of the Nova Scotia Department of Transportation and Infrastructure Renewal depot.

#### Policy C-2

It shall be the intention of Council to include in the Land Use By-law a Commercial General (CG) Zone. This zone shall be applied to those lands designated Commercial on the Generalized Future Land Use Map. This Zone shall permit a broad range of commercial uses including but not limited to retail, commercial service, personal service and business office uses as well as Institutional and Open Space uses as-of-right.

#### Policy C-3

It shall be the intention of Council to included existing residential uses fronting on Hwy. 303 and the commercially designated portion of Robinson Weir Road as permitted uses within the Commercial General (CG) Zone. The expansion of non-commercial activities within the limits of their existing lots shall be permitted. Any change in use of these properties shall be consistent with the provisions of the Commercial General (CG) Zone.

#### C-4

It shall be the intention of Council to include in the Land Use By-law provisions in the Commercial General (CG) Zone to regulate the placement of structures and the provision of site services, including but not limited to minimum lot frontage and area, on-site parking and loading facilities, building setback and signage controls

#### C-5

It shall be the intention of Council to require all commercial development in excess of 455 square meters (5,000 square feet) and new commercial uses located on Robinson Weir Road within the Commercial General (CG) Zone to be considered by Development Agreement. In addition to criteria contained in Policy IM-9 commercial development in excess of 456 square meters (5,000 sq. ft.) shall be required to be serviced with municipal sewer and water services.

#### Policy C-6

It shall be the intention of Council to consider the extension of the commercial development to lands west of Hwy. 303 south of the intersection of Flat Iron Road by amendment to the Land Use By-law (rezoning). In addition to criteria contained in Policy IM-9 any proposed amendment will require new development to be accessed from Hwy. 303 and no access shall be permitted from Flat Iron Road.

### 2.6 Industrial Development Policies

The Municipality and the Town of Digby jointly own and administer the Digby Industrial Park located on Highway 217 with the objective of providing serviced industrial land in the Digby area. Council sees this area as the principal location for industrial development in the Conway area. With the adoption of this Municipal Planning Strategy and Land Use By-law, it is likely that there will be more emphasis on the industrial park as a place to locate. In order to maintain the industrial opportunity, it is seen as being important to ensure that the primary emphasis is given to industrial rather than commercial uses within the Park, recognizing that ancillary commercial activity can be compatible with maintaining a general industrial focus for this area. While there are undeveloped lands within

the Industrial Park provisions have also been made in this Strategy for its expansion as may be needed over time.

The objective of this section of the Strategy is to identify and encourage the growth of industrial uses on lands which have been developed specifically for industrial activities. The designation of these lands will ensure that industrial uses do not compromise commercial and residential areas. The Municipality will continue to work with the Town of Digby in promoting the development of the Industrial Park as an important economic opportunity.

#### Policy M-1

It shall be the intention of Council to create an Industrial (M) designation on the Generalized Future Land Use Map and apply this designation to the Joint Municipal/Town Industrial Park located on Hwy. 217.

#### Policy M-2

It shall be the intention of Council to include in the Land Use By-law an Industrial (M) Zone and to apply this zone to lands designated Industrial on the Generalized Future Land Use Map. The Industrial (M) Zone shall include a broad range of industrial activities, including but not limited to manufacturing, storage, warehousing and commercial and industrial service uses as-of-right. Government and Institutional uses will also be permitted within the Industrial (M) Zones. Provisions shall be included in the Land Use By-law to regulate development within the Industrial (M) Zone to ensure appropriate site development requirements.

#### Policy M-3

It shall be the intention of Council to identify specific industrial activities which shall not be permitted within the Industrial (M) Zone including scrap and salvage yards and fish processing facilities.

#### Policy M-4

It shall be the intention of Council to consider the extension of the Industrial Park onto lands located to the south and west of the existing Park by amendment to the Land Use By-law (rezoning).

### 2.7 Recreation and Open Space Development Policies

The Municipality does not presently own or operate any recreational facilities in the Conway area. The only open space/recreation facility in the Conway area is the ball field located south of Hwy. 101, owned by the Conway and Acaciaville Betterment Association. There are however opportunities to develop significant recreation resources. The Conway area is crossed and bounded in part by the former Dominion Atlantic Railway right-of-way. The former rail bed has been made available for recreational use in the form of trails. It is uncertain how all of the right-of-way will be developed, however it does seem appropriate to consider the right-of-way a major trail route and a focal point for recreation and open space opportunities within the area.

The objective of this section of the Strategy is to promote the development of the former DAR rail bed for open space and recreation use and to require parkland and open space dedication through the subdivision approval process.

#### Policy OS-1

It shall be the intention of Council to create an Open Space Designation on the Generalized Future Land Use Map and to apply this designation to the lands of the former Dominion Atlantic Railway right-of-way.

#### Policy OS-2

It shall be the intention of Council to include in the Land Use By-law an Open Space (OS) Zone. This zone will permit the development of public recreation and open space uses as-of-right. The Open Space (OS) Zone shall be applied to lands designated as Open Space on the Generalized Future Land Use Map.

#### Policy OS-3

It shall be the intention of Council to include in the Subdivision By-law requirements for the dedication of land for the purposes of public parkland, recreation and open space or the provision of cash-in-lieu in conjunction with the creation of residential subdivisions containing 4 lots or more.

### 2.8 Infrastructure and Municipal Services Policies

The Conway area is only partially served with municipal services, all of which are supplied by the Town of Digby. Trunk sewer and water services are present along the portion of Hwy. 217 located within the planning area, including the Joint Municipal/Town of Digby Industrial Park.

Trunk sewer is present along Hwy. 303 with water services being limited to the northern portion of the area in the vicinity of Bel Air Drive and Pleasant Street. Given the commercial nature of development along Hwy. 303, the density, type of development and concerns relating to fire protection contribute to the importance of planning for the logical and efficient extension of services to the area.

The construction of a sewage treatment plant in Smiths Cove has enabled the Municipality and the Town of Digby to cooperate in planning for the extension of sewage transmission mains along the Dominion Atlantic Railway right-of-way and the conversion of the Town's aging sewage treatment facility into a pumping

station. Cooperation with the Town affords the Municipality with the opportunity to plan for the extension of services within the Conway area which supports continued growth and development.

The objective of this section of the Strategy is to encourage, in cooperation with the Town of Digby, the efficient extension and upgrading of municipal services within the Conway area.

#### Policy IMS-1

It shall be the intention of Council, in consultation with the Town of Digby, to examine the requirements and costs relating to the extension of municipal water services within Conway and in particular for commercial development fronting on Hwy. 303.

#### Policy IMS-2

It shall be the intention of Council to consider the adoption of by-laws and regulation relating to the recovery of capital expenditure costs for the extension of sewer and or water services that are deemed to be required to support ongoing growth and development within the Conway Area.

#### Policy IMS-3

It shall be the intention of Council to require all new commercial development and new residential subdivision to connect to municipal sewer and/or water services where they are located within 100 meter (300 ft.) of existing services.

#### Policy IMS-4

It shall be the intention of Council, through the Municipal Subdivision By-law, to prohibit the development of new municipal streets within residential or commercial subdivision. Notwithstanding this policy, the extension of existing municipal streets within the Joint Municipality/Town of Digby Industrial Park shall be permitted.

#### IMS-5

It shall be the intention of Council to include in the Land Use By-law an overlay identifying the extents of the Digby Wellfield Recharge Area located within the confines of the Conway Area and to prohibit development of uses which have been deemed to present undue risk to potential groundwater contamination as identified in the Digby Wellfield Protection Area Municipal Planning Strategy and Land Use By-law.

### **3.0 Administration and Implementation**

This section of the Strategy contain various provisions relating to the administration of the Municipality's planning policies and development control regulations.

#### Policy IM-1

It shall be the intention of Council to provide for the overall development of the Conway Area in accordance with the Generalized Future Land Use Map (Map 1) which shall constitute a part of this document. Any change to the boundaries of a Generalized Future Land Use designation, other than provisions contained in Policies C-6 and M-4, shall require an amendment to this Strategy.

#### Policy IM-2

It shall be the intention of Council to adopt a Land Use By-law to implement the policies of this Municipal Planning Strategy. The Land Use By-law will apply zones and appropriate regulations to all land within the Conway Area to carry out the goals, objectives and policies of this Strategy.

#### Policy IM-3

It shall be the intention of Council to include in the Land Use By-law a broad range of development control provisions to ensure a high quality environment in all land use designations. General 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 and uses, access to a street, parking, obnoxious uses and temporary uses.

#### Policy IM-4

It shall be the intention of Council to consider amendments to the Land Use By-law or the entering into of a Development Agreement, pursuant to policies contained in this Strategy, provided that they are generally consistent with the intent of this Strategy and the specific policies and provision of this Strategy.

#### Policy IM-5

It shall be the intention of Council, when considering amendments to the Land Use By-law or the entering into of a Development Agreement, to:

- (a) request a report from the development officer or other relevant personnel;
- (b) refer the matter to the Planning Advisory Committee for their recommendation;

- (c) refer the matter to the appropriate provincial government Departments where advice is required; and
- (d) comply with all legal requirements concerning amendment to the Land Use By-law and/or the approval of a Development Agreement as set out in the Municipal Government Act.

#### Policy IM-6

It shall be the intention of Council, in accordance with provisions of the Municipal Government Act, to appoint a development officer to administer the Land Use By-law, the Subdivision By-law and any other such regulatory tool permitted by the MGA and enabled through policies contained in this Strategy.

#### Policy IM-7

It shall be the intention of Council to regulate non-conforming structures, non-conforming uses of land and non-conforming uses in accordance with provisions contained in the Municipal Government Act.

#### Policy IM-8

It shall be the intention of Council to review the Municipal Planning Strategy and Land Use By-law as deemed necessary by Council due to changing conditions but not later than every five years.

#### Policy IM-9

In considering amendments to the Land Use By-law and/or the entering into of a Development Agreement, in addition to the criteria set out in various policies of this Strategy, Council shall consider:

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

- (b) That the proposal is not premature or inappropriate by reason of:
  - (1) the financial capability of the Municipality to absorb any costs relating to the development;
  - (2) the adequacy of sewer, water and/or groundwater to support the proposed nature and density of development;
  - (3) the adequacy and proximity of school, recreation and other community facilities;
  - (4) the adequacy of road networks adjacent to, or leading to the development;
  - (5) the potential for the contamination of watercourses or the creation of erosion or sedimentation;
  - (6) 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:
  - (1) type of use;
  - (2) emissions including air and water pollutants and noise;
  - (3) height, bulk, and lot coverage of the proposed building;
  - (4) traffic generation, access to and egress from the site, and parking;
  - (5) open storage;
  - (6) signs;
  - (7) similar matters of planning concern;
- (d) The 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) That provision is made for buffering, landscaping, screening and access control to reduce potential incompatibility with adjacent land uses and traffic; and
- (f) That the development is located so as not to obstruct any natural drainage channels or watercourses.

#### Policy IM-10

It shall be the intention of Council that a Development Agreement made pursuant to the provisions and policies contained in this Strategy may contain such terms and conditions that are deemed necessary to ensure that the Development Agreement is consistent with the intent and policies of this Strategy. To this end, the agreement may include, but it 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, design and exterior appearance 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 and integration of site services with adjacent municipal infrastructure;
- (g) Traffic generation, ingress to and egress from the site to abutting streets and parking;
- (h) The landscaping or buffering of developments which may include but not be restricted to plantings, gardens, lawns, fencing, walkways and outdoor lighting;

- (i) Alteration of land levels;
- (j) Open storage;
- (k) Public sign, display and advertising;
- (l) Identification of matters considered Substantial;
- (m) Penalties for noncompliance and/or violation of terms and conditions; and
- (n) Any other similar matter that may be addressed in a Land Use By-law which Council feels is necessary to ensure the general compatibility of the use and structure with adjacent areas.

#### Policy IM-11

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.

#### Policy IM-12

It shall be the intention of Council to maintain a Subdivision By-law which reflects the intent and policies of this Strategy.

### Policy IM-13

It shall be the policy of Council to levy fees relating 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.

### Repeal of Strategy

The Conway Area Municipal Planning Strategy Town, as adopted by Municipal Council on (Date ?,2013) and all amendments thereto, are hereby repealed.