

2.2 GENERAL POLICIES

The policies in this part are general in that they apply either to a number of sections within the Plan or within the total scope of the Plan concept. Some of these policies will indicate the position of the Municipal jurisdiction in relation to both senior levels of government and/or the private sector. Throughout the Plan, policies relating to a specific area such as residential development within the growth centres will be covered in that particular policy section of the Plan.

1. *It shall be the policy of Council that the following shall apply in the interpretation of the Plan:*

i. *The text and accompanying maps that follow shall constitute the Municipal Planning Strategy of the Village of New Minas. The term "Plan" will hereinafter refer to the Municipal Planning Strategy. "Municipality" will hereinafter mean the Municipality of the County of Kings. "Village" will hereinafter mean the Village of New Minas.*

ii. *The component land use categories of the Future Land Use Map # 1 are intended to be consistent with the goals, objectives and policies of this Plan. The component land use categories within this Plan shall be:*

- | | |
|------------------------------|----------------------|
| <i>residential</i> | <i>industrial</i> |
| <i>commercial</i> | <i>institutional</i> |
| <i>transportation</i> | <i>services</i> |
| <i>parks and open spaces</i> | |

iii. *Map # 1 is the official Future Land Use Map for the Village of New Minas. The Land Use Map is a graphic representation of the land use districts that are to be developed in accordance with the policies of this Plan. Areas contiguous to a given district may be considered for a rezoning without an amendment to this Plan if they are interpreted as strictly adhering to the policies of this Plan.*

iv. *The individual maps contained in each policy section are graphic interpretations of the Future Land Use Map and are to be used for general reference only.*

2. *It shall be the policy of Council to require all applications for Development Agreement to be advertised and be heard at a public meeting, under Section 230 of the Municipal Government Act.*

3. *It shall be the policy of Council to guide the rate of growth of the Village of New Minas in keeping with the financial and physical resource capabilities of the Village and the Municipality.*

4. *It shall be the policy of Council to prohibit development in those areas where due to steep slopes, flooding problems, or unsatisfactory natural drainage, the cost of providing adequate water, sewer, sewage disposal and other municipal services and facilities would*

be prohibitive. This includes those areas identified on Map # 5 as open space/dykeland¹ and buffer/hazard areas.

5. *It shall be the policy of Council not to permit any further development serviced by septic tank or disposal field systems.*
6. *It shall be the policy of Council to undertake any planning studies deemed necessary, prior to the consideration of any amendment to the Land Use Bylaw, to ascertain the impact of development on the residents and the resources of the Municipality or Village. Such studies may include the impact of any development on:*
 - Municipal and social services*
 - Traffic patterns*
 - Adjacent land uses*
 - The environment*
 - The social and economic well being of the community*
7. *It shall be the policy of Council to cooperate with local and other levels of government in fulfilling objectives for resource development, environmental management, and the provision of physical and social services.*

Urban Non-Conforming Uses

Within the New Minas Growth Centre there are some commercial and industrial uses that are not permitted by the Land Use Bylaw. The *Municipal Government Act* provides a level of protection for uses that were in existence prior to a Land Use Bylaw coming into effect. The Act refers to them as Non-Conforming uses and provides legal status for their continuance subject to qualifications. Uses have become non-conforming because either they existed prior to and were not permitted by the original New Minas Sector Plan and Land Use Bylaw, or were permitted under the original Bylaw but became non-conforming as the result of subsequent amendments to the Land Use Bylaw.

In addition to the *Municipal Government Act* provisions, Council intends to allow either the expansion of non-conforming uses or changes to non-conforming uses provided no greater impact on the surrounding land uses is anticipated. Because the range of non-conforming uses and settings in which they occur are so varied, Council will require a Development Agreement prior to allowing a proposed expansion or alternative use.

¹ For further information regarding substantiation of identified dykelands see "Report on Floodplain Mapping Annapolis Valley Planning Region" prepared by the Department of Municipal Affairs, Province of Nova Scotia dated December 1976.

8. *It shall be the policy of Council, by Development Agreement under the Municipal Government Act provisions, to consider within New Minas the expansion of non-conforming uses, including a change in use to one expected to have no greater impact on the adjacent land uses than the existing legal use.*

In considering a Development Agreement Council shall ensure:

- i. the use does not extend beyond the boundaries of the lot in existence on November 30, 1982, containing that use*
 - ii. the use will not adversely affect adjacent land uses*
 - iii. that adequate buffering and setback distances are maintained from low density residential uses and that landscaping treatments are included to reduce the visual impact*
 - iv. the expanded or converted use is not obnoxious by virtue of noise, odour, dust, vibration, smoke, or other emission*
 - v. that adequate provision is made for the acceptable maintenance and appearance of the expansion or conversion*
 - vi. the expansion or conversion shall not affect the hours of operation where the use would interfere with or create undue problems for the residents of the surrounding area*
 - vii. the proposal meets all the pertinent policies of this Plan, including policies for amending the Land Use Bylaw contained in Section 3.3*
 - viii. where such a non-conforming use lies within Wellfield Protection Zones A, B, C, or D, a favourable review by the New Minas Water Commission which may stipulate that the applicant undertake appropriate studies by a qualified independent groundwater expert to assess the risk of impacts on the quality and quantity of groundwater, and when appropriate, prescribe performance standards for both the site design and ongoing operational aspects of the development and an independent monitoring regime with regular reporting to the New Minas Water Commission to determine compliance with the terms of the agreement*
 - ix. where such a non-conforming use lies within Wellfield Protection Zones A, B, C, or D, conformance with Provincial guidelines and conditions attached as individual licenses required under the Provincial Environment Act and other applicable Provincial and Federal regulations.*
9. *In addition to the above, Council shall have regard to the following in considering entering a Development Agreement as provided in Policy 8:*

- i. *the bulk and scale of any building and its exterior finish is compatible with adjacent uses*
 - ii. *total area used for outdoor storage, and adequate provisions for year-round, artificial or natural, screening devices*
 - iii. *the impact of the proposed expanded use on traffic volumes and the local road network, as well as traffic circulation, sighting distances and entrance and exit to and from the site*
10. *The Development Agreement may specify that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:*
- i. *the type of use*
 - ii. *the location and positioning of outlets of air, water and noise within the context of the Land Use Bylaw*
 - iii. *the height, bulk and lot coverage of any proposed buildings or structures*
 - iv. *traffic generation*
 - v. *access to and egress from the site and the distance of these from street intersections*
 - vi. *availability, accessibility of on-site parking*
 - vii. *outdoor storage and/or display*
 - viii. *signs and lighting*
 - ix. *the hours of operation*
 - x. *maintenance of the development*
 - xi. *buffering, landscaping, screening and access control*
 - xii. *the suitability of the proposed site in terms of steepness of grades, soil and/or geological conditions, and the relative location of watercourses, marshes, swamps, or bogs*
 - xiii. *the terms of the agreement provide for the discharge of the agreement or parts thereof upon the successful fulfilment of its terms*
 - xiv. *appropriate phasing and stage by stage control*

11. Council may require that any or all of the following information be submitted to the Municipality by the Developer with respect to any proposed development which is to be the subject of a Development Agreement under the Municipal Government Act namely:
- i. information as to the physical and environmental characteristics of the proposed site including information regarding topography, contours, elevations, dimensions, natural drainage, soils, existing watercourses, vegetative cover, size and location of the lands
 - ii. information as to the proposed location, height, dimensions and use of all buildings or structures proposed to be built or erected on the lands
 - iii. information on the type and amount of site clearing required, if any
 - iv. information regarding proposed site drainage and servicing with water supply and sewage disposal
 - v. information on proposed access and egress to and from the lands and estimated traffic flows to be generated
 - vi. information on the intended hours of operation
 - vii. information on the architectural design, including renderings, scaled site plans, profiles, grade elevations and cross sections
 - viii. information regarding the provision and maintenance of appropriate natural screens and landscaping

PART 2	AMENDED DATE	SECTION
	November 30, 1982	2.2 Urban Non-Conforming Uses – 4 / Footnote ¹
	August 30, 1996	2.2 Urban Non-Conforming Uses / 8, 9, 10, 11
	April 26, 2005	2.2 - 8 viii, ix
	May 10, 2005	2.2 Urban Non-Conforming Uses / 2, 8, 11

