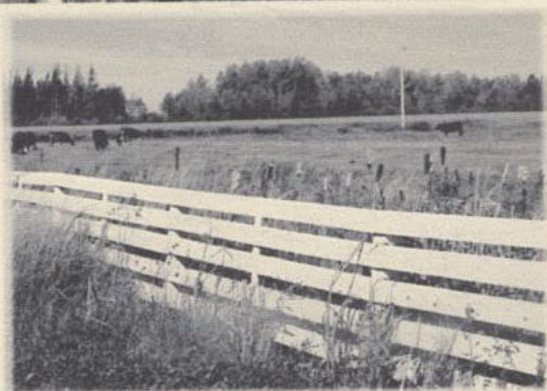


**VILLAGE OF PORT ELGIN
MUNICIPAL PLAN
BY-LAW NO. 01-42**



Village of Port Elgin Municipal Plan

By-law No. 01-42

Prepared by the Tantramar Planning District Commission

BY-LAW TO ADOPT A MUNICIPAL PLAN

BY-LAW NO. 01-42

Under the authority vested in it by Section 24 of the *Community Planning Act*, the Municipal Council of the Village of Port Elgin, enacts as follows:

1. This By-law may be cited as the "Village of Port Elgin Municipal Plan";
2. The document entitled "Village of Port Elgin Municipal Plan" attached hereto is adopted;
3. By-law No. 93-42 entitled "Port Elgin Municipal Development Plan", enacted on the 10th day of May 1993, is repealed together with all amendments.

First Reading: November 13, 2001

Second reading: November 13, 2001

Third Reading:
and enactment March 11, 2002

Robert A. Hall
Mayor

Sonia M. Wells
Clerk

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SECTION 1 - INTRODUCTION

1.1 Overview of Plan Review

This Municipal Plan has been prepared by the Tantramar Planning District Commission, at the request and under the direction of the Council for the Village of Port Elgin. This Plan replaces an earlier Plan adopted by Council in 1993. The "*Village of Port Elgin Municipal Plan*" was prepared in accordance with the provisions of Section 23 of the "*Community Planning Act*".

A number of background studies have been utilized in the development of this plan, including: The Port Elgin Background Planning Study, 1976; The Bumpy Road to Recovery, 1990; Statistics Canada Profiles, 1986, 1996; Background Study, Village of Port Elgin, 2001.

1.2 Plan Goals

The overall purpose of this Plan is to function as a community development tool and guide development within the Village over the next 5 years. The strategy taken within the Plan has been to define development in the broadest sense, to include not only physical development but socio-economic and environmental development as well. Land use development, as will be seen, is predominant within plan policy; however, other development sectors are also an important part of, and included in, the Municipal Plan.

Council, in consultation with the Community, has established two major goals for the Municipal Plan:

- a) provide a direction for future public planning, development and capital spending.
- b) provide a planning framework for managing the short and long-term growth and development of the Village of Port Elgin as a healthy community based on a realistic community vision.

1.3 Issue Areas

Throughout the planning process, including public consultation, a number of key issues were raised. These issues will be addressed as policy statements in the Plan.

The major issue areas that were identified are:

- Downtown revitalization
- Economic development and job opportunities
- Police and Emergency services
- Transportation and Communication
- Environment
- Institutional and Community services
- Heritage and Culture
- Housing and Residential development
- Commercial development
- Industrial development
- Tourism

SECTION 2 - INTERPRETATION PROVISIONS

2.1 Title

This document is to be referred to as the “*Village of Port Elgin Municipal Plan*”.

2.2 Planning Area

The provisions of this document apply to all the lands located within the Village of Port Elgin (see “*Village of Port Elgin Boundary and Service Map*”, figure 1).

2.3 Text Interpretation

The use of the verbs in the present tense include the future tense and the reverse also applies; the singular includes the plural and vice versa, unless the working clearly implies otherwise.

2.4 Use Interpretation

The “*Village of Port Elgin Future Land Use Map*”, figure 2, is a graphic representation of the Land Use Designations which are to be developed in accordance with the policies of this Plan.

SECTION 3 - LAND USE POLICIES

3.1 Land Use Designations and the Future Land Use Map

In accordance with Section 23 (3) of the New Brunswick “*Community Planning Act*”, the “Village of Port Elgin Future Land Use Map”, figure 2 will be divided into specific land use designations. These designations are generally consistent with the current land use. The Plan will contain specific policies regarding land use and development within each designation.

In accordance with Section 34 of the “*Community Planning Act*”, the “*Village of Port Elgin Zoning By-law*” will be revised, which will include dividing the Village into zones that are in agreement with the land use designations and plan policies.

3.2 Objectives

- 3.2.1 Develop an urban form which reduces land use conflicts, provides a variety of new development options, and optimizes the use of existing municipal services.
- 3.2.2 Ensure sufficient land is available for future development of residential, institutional, industrial and commercial uses.
- 3.2.3 Provide opportunities for redevelopment of existing residential and commercial structures.
- 3.2.4 Provide a high quality of life for Village residents through the conservation and protection of Port Elgin's unique physical environment.

3.3 Policy

- 3.3.1 The Village of Port Elgin will be divided into five land use designations as shown on the “Village of Port Elgin Future Land Use Map”, figure 2.

- Mixed designation
- Residential designation
- Institutional designation
- Rural Residential designation
- Conservation designation

SECTION 4 - MIXED DESIGNATION

4.1 Objectives

- 4.1.1 The Mixed designation is intended to be the focal point for a number of uses which will serve to promote future development within the Village core.
- 4.1.2 To encourage commercial development and create a vitality within the Village core.
- 4.1.3 To allow light industrial uses to mix with Village centre commercial activities.
- 4.1.4 To allow for the potential growth and rehabilitation of the existing commercial base in the Village centre, including expansion and industrial development, while protecting the environment.

4.2 Policy

- 4.2.1 The area as indicated on the “Village of Port Elgin Future Land Use Map”, figure 2, which is part of this Plan, is designated “Mixed”.
- 4.2.2 It shall be the intention of Council that areas designated “Mixed” on the “Village of Port Elgin Future Land Use Map”, figure 2, be predominantly used for commercial purposes; a number of uses will be permitted in this designation including residential, institutional, light industrial and agriculture.
- 4.2.3 In order to alleviate inherent conflicts in the community caused by the varied nature of the permitted uses in the “Mixed” designation, performance standards conforming with established pollution abatement practices related to odors, gas emissions and others standards as found in the “Village of Port Elgin Zoning By-Law” will be applicable to light industrial uses.
- 4.2.4 All major retail, administrative, cultural and governmental uses shall be encouraged to locate within the Mixed designation.
- 4.2.5 Major retail development will be reviewed by the Tantrammar Planning District Commission and subject to terms and conditions to ensure that the proposal is architecturally compatible with the existing neighbourhood and has sufficient parking and landscaping.

- 4.2.6 The “*Village of Port Elgin Zoning By-law*” will include provisions to ensure a functional and aesthetically acceptable area, particularly in regards to parking, ingress and egress and landscaping.

SECTION 5 - RESIDENTIAL DESIGNATION

5.1 Objectives

- 5.1.1 To protect the character of established residential neighbourhoods.
- 5.1.2 To provide for various types of housing.
- 5.1.3 To promote and facilitate for increased opportunities for new and existing home based businesses while attempting to maintain the residential character of neighbourhoods.

5.2 Policy

- 5.2.1 The area as indicated on the “Village of Port Elgin Future Land Use Map”, figure 2, which is part of this Plan, is designated "Residential".
- 5.2.2 The primary uses permitted in the Residential designation are one and two dwelling unit development. Other uses will only be permitted subject to the Residential Designation Policies.
- 5.2.3 While the area designated “Residential” on the “Village of Port Elgin Future Land Use Map”, figure 2, is predominantly for residential purposes; some institutional uses such as churches, community centres, rectories and parks, by the nature of their compatibility, will be permitted.
- 5.2.4 Building conversions or partial conversions will be permitted in the Residential designation for bed and breakfast businesses, antique shops, craft stores, boarding houses and other uses as listed in the Zoning By-law. Development will be subject to the terms and conditions prescribed by the Planning Commission. The Planning Commission may have regards for parking, signage, buffering and architectural character.
- 5.2.5 Home occupations will be permitted in the “Residential” designation. The home occupation can be operated in a residential building and / or in an accessory building subject to the provisions of the “Village of Port Elgin Zoning By-law”.

- 5.2.6 The area immediately south of the bridge, on Route 970, as shown on Figure 2 of the *“Village of Port Elgin Zoning By-law”*, has experienced some commercial development in the past. However, if this area is developed intensively it could change the character of the neighbourhood and the Village’s most strategic area for future touristic development. The Village Council recognizes the potential for development and it is the intention of Council to allow for some commercial development while encouraging physical beautification for this area. A Residential Mixed zone RM will be created (see *“Village of Port Elgin Zoning By-law”*) to encourage mixed residential/soft commercial development.
- 5.2.7 Council may consider permitting the development of new mini/mobile home parks in the *“Residential”* designation by amending the *“Village of Port Elgin Zoning By-law”*, subject to terms and conditions under the provision of Section 39 of the *“Community Planning Act”*.

SECTION 6 - INSTITUTIONAL DESIGNATION

6.1 Objectives

- 6.1.1 To ensure that future institutional uses be well integrated in the community.
- 6.1.2 To permit a range of neighbourhood based institutional uses in the residential designation.

6.2 Policy

- 6.2.1 The area as indicated on the “Village of Port Elgin Future Land Use Map”, figure 2, which is part of this Plan, is designated "Institutional". Institutional uses are recognized as an integral part of the quality of life in the Village of Port Elgin.
- 6.2.2 It is recognized that the location of new institutional facilities are generally determined by using a variety of locational factors (physical, environmental, social and economic) by the particular interest group, or government group, when deciding the optimum location. Major site specific community use facilities such as the lagoon and water tower, educational facilities, nursing homes, governmental facilities and cemeteries will be designated and zoned “Institutional”. New institutional development as mentioned above will require a Plan and Zoning amendment, except within the Mixed designation where institutional uses will be permitted.
- 6.2.3 A variety of institutional uses will be permitted within the “Residential” designation including churches, community centers, rectories and parks.
- 6.2.4 Where new institutional uses, requiring plan and zoning amendments, are located next to existing residential uses, buffering may be required to limit the potential negative impacts.

SECTION 7 - RURAL RESIDENTIAL DESIGNATION

7.1 Objectives

- 7.1.1 To protect the agricultural land base.
- 7.1.2 To provide flexibility in order to encourage future home based commercial development.
- 7.1.3 To protect domestic water supplies.

7.2 Policy

- 7.2.1 There are presently large areas of the Village that are not serviced by domestic water and sanitary sewer. The objective is to ensure the continuity of the agricultural and resource base uses while providing for limited residential development. The area as indicated on the “Village of Port Elgin Future Land Use Map”, figure 2, which is part of this Plan, is designated “Rural Residential”.
- 7.2.2 It is Council’s intention to maintain the area fronting onto Route 970, south of the Bridge, as residential. The lands behind the residential strip will remain rural to enable continued agricultural development. These serviced areas experienced a slower rate of development and they constitute the residential land bank of the Village.
- 7.2.3 New development on unserviced lots will be subject to requirements of the New Brunswick Health Act and other government authorities.
- 7.2.4 Some Institutional uses may be permitted through a plan and zoning amendment and be subject to Council consideration as it pertains to the servicing of the property, parking requirements, and other criteria.
- 7.2.5 Building conversions or partial conversions will be permitted for special commercial uses as listed in the “*Village of Port Elgin Zoning By-law*” and will be subject to review by the Planning Commission and any conditions that may be imposed by the Commission regarding parking, signage, buffering and architectural character. Any proposed use which will have a negative impact on the natural environment will not be permitted.

- 7.2.6 Extractive activities which are more appropriately located in rural areas because of the scale, nature, market or access to raw materials will be permitted in the “Rural Residential” designation subject to review by the Planning Commission and subject to any conditions that may be imposed by the Commission. It shall be the intention of Council to direct the Planning Commission to have regard for:
- a) the provision of a site rehabilitation plan;
 - b) the provision of adequate financial security to ensure compliance with the site rehabilitation plan;
 - c) the provision of adequate separation distances from adjacent properties;
 - d) the provision of run-off and sediment control measures;
 - e) the location, design and number of driveway access points and;
 - f) any other matter as deemed appropriate by the Commission.

SECTION 8 - CONSERVATION DESIGNATION

8.1 Objective

- 8.1.1 To conserve and protect existing watercourses and wetland from negative environmental impacts.
- 8.1.2 To identify and manage development in areas identified as environmentally not suitable.
- 8.1.3 To encourage uses that are compatible with environmentally sensitive areas.
- 8.1.4 To encourage future educational and land based recreational activities to develop in those areas designated conservation.

8.2 Policy

- 8.2.1 The area as indicated on the “Village of Port Elgin Future Land Use Map”, figure 2, which is part of this Plan, is designated "Conservation". This area is subject to flooding and is not suitable for most urban development. It shall be reserved as open space and protected for its aesthetic, environmental or recreational value.
- 8.2.2 It shall be the intention of Council to protect lands within this designation from unsuitable development. Development deemed compatible would consist of trails, nature observation, recreational activities and educational activities.
- 8.2.3 Uses involving the construction of buildings or structures accessory to the main use will be subject to terms and conditions as imposed by the Planning Commission.

SECTION 9 - ENVIRONMENTAL CONSERVATION AND LAND USE PROTECTION

9.1 Policy

- 9.1.1 Existing environmentally sensitive areas as defined by the Department of Environment and Local Government will be protected. These areas include waterways and marshlands or wetlands located within the boundaries of the Village.
- 9.1.2 The disposal of waste or fill of any nature, except related to a use permitted in each zone, will be subject to review by the Planning Commission and subject to any conditions that may be imposed by the Commission.
- 9.1.3 The construction of wharves, dams or any other similar structures on the river will be permitted and be subject to building permit requirements in consultation with the relevant government departments.
- 9.1.4 Council shall consider the following environmental factors when evaluating all applications for amendments to this Municipal Plan and the "*Village of Port Elgin Zoning By-law*":
- a) drainage
 - b) floodplain areas
 - c) bodies of water, water course setback provisions
 - d) topography
 - e) any other aspect of the development that would pose a danger of contaminating the environment by means of noise, air, water or soil pollution or negative impact on the physical attractiveness of the Village of Port Elgin.

SECTION 10 - COMMUNICATION AND TRANSPORTATION

10.1 Objective

10.1.1 To provide safe reliable vehicular transportation within the Village and between the Village and other adjoining urban centers.

10.2 Policy

10.2.1 It is the intention of Council to seek government support to improve transportation and communication links between the Village and adjacent urban centers.

SECTION 11 - MUNICIPAL SERVICES

11.1 Sewer, Water, Storm Drain

11.1.1 Objectives

- a) To provide adequate sanitary sewerage disposal.
- b) To provide a sufficient supply of potable water to meet existing and future demand.

11.1.2 Policy

- a) All development within the serviced areas of the Village will be connected to the Village water and sewer system. (See “Village of Port Elgin Boundary and Service Map”, figure 1).
- b) Limited development will be permitted on unserviced lots. Development will be subject to approval of the on-site sewage system by the appropriate Provincial Department.
- c) It is the Village Council’s intention to drill a new well in order to provide the Village with good quality drinking water while assuring quantity.
- d) It shall be the intention of Council to establish land use controls and standards required to protect municipal wells.

11.2 Solid Waste Disposal Policy

11.2.1 Policy

- a) Council shall support the Westmorland-Albert Solid Waste Commission in their programs of waste disposal and recycling.

11.3 Recreation

11.3.1 Objectives

- a) To provide adequate recreational facilities and programs for the residents of the Port Elgin Village.

11.3.2 Policy

- a) Village Council shall continue to develop, enhance and deliver quality recreation and leisure services, programs, and facilities for the benefit and enjoyment of all residents.

11.4 Police and Emergency Services

11.4.1 Objectives

- a) To provide reliable fire, police and emergency response services.

11.4.2 Policy

- a) Council shall encourage the cooperation between sectors of the protective services in the Village, including the RCMP, Ambulance and Fire Department, through the creation of a committee which could address the concerns and issues of the Village residents and institutions including, but not limited to, the Westford Nursing Home and the Port Elgin Regional School.

11.5 Urban Renewal and Economic Development

11.5.1 Objectives

- a) In order to facilitate community economic growth, the creation of development incentives which include financial and zoning incentives, as well as carrying out municipal capital projects, will be positive in nature. These options could lead to more comprehensive development that would be consistent with broader community needs. It is an objective of the Village to diversify employment growth opportunities through land use planning measures.
- b) To encourage residents to stay; therefore, it is the Village Council's intention to provide a quality of life for all of the residents of Port Elgin.
- c) To seek to diversify the Village's economy and develop the Village economic growth potential through tourism development.

11.5.2 Policy

- a) It shall be the intention of Council to encourage smaller scale commercial ventures by allowing for home occupations everywhere within the Village. In order to provide more opportunities, Council shall allow for home occupations to be conducted in accessory buildings.

- b) While keeping the integrity of the Village, it is the intention of Council to designate an area where a diversity of uses will be permitted.
- c) Village Council will define the type of industrial use allowed in the area in order to protect the general well being of the community. The type of industrial uses allowed includes processing, manufacturing plants and storage as well as other uses as specified in the “*Village of Port Elgin Zoning By-law*” or as deemed compatible by the Planning Commission.
- d) It shall be the intention of Council to seek innovative community developments including recreational facilities, community centre for youth, programs and community events.
- e) Council shall continue to seek funding from different levels of government to help finance the beautification of the downtown core from sidewalk paving, street furniture, plantings, park and riverfront walkway development.

11.6 Housing and Residential Development

11.6.1 Objective

- a) To provide sound, healthy and affordable housing for all residents.

11.6.2 Policy

- a) Council will actively consult with senior levels of government to identify ways and programs available to deal with housing issues and concerns, and work with community organizations to access these programs.

11.7 Culture and Historic Preservation

11.7.1 Objective

- a) To protect, preserve and enhance historic properties within the Port Elgin area.

11.7.2 Policy

- a) A cursory examination of the Village buildings has identified a number of potential historic properties. In order to identify the important sites or buildings, Council may complete an historical analysis as well as an architectural inventory for Port Elgin. Council may, once the study is completed, designate buildings/sites for heritage preservation through amendments to the “*Village of Port Elgin Municipal Plan*” and the “*Village of Port Elgin Zoning By-law*”.

11.8 Institutional and Community Services

11.8.1 Objectives

- a) To provide adequate community services to meet the needs of all community residents.

11.9 Tourism

11.9.1 Objective

- a) To strengthen the role of tourism and establish Port Elgin as a tourism service center.

11.9.2 Policy

- a) Council will work with the Tantramar Tourism Association in developing specific proposals targeted to strengthening the tourism sector within the Tantramar Region in general and Port Elgin in particular.

11.10 Agricultural Development

11.10.1 Objectives

- a) To protect existing land base for continued agricultural development in the “Rural Residential” designation;
- b) To discourage agricultural expansion in other designations;

11.10.2 Policies

- a) It is Council’s intention to discourage the development of multiple unit residential uses and major commercial and industrial uses in rural areas.

- b) Existing agricultural uses will be allowed to continue and expand in designations other than rural designation provided that the expansion is contained and limited to the property where the existing farming or agricultural operation is taking place. Expansions to existing buildings and new farm buildings will be subject to the requirements of the applicable Provincial Acts and Regulations.

SECTION 12 - GENERAL POLICY

12.1 Municipal Planning

12.1.1 The “*Village of Port Elgin Municipal Plan*” is the prime policy document providing the framework by which the future growth and development of the Village shall be encouraged, controlled and coordinated. The policies of this Plan will be implemented through the powers of Council provided by the “*Community Planning Act*”, the “*Municipalities Act*” and other statutes as they apply.

12.1.2 It shall be the policy of Council to encourage and maintain a strong program of planning through the Tantramar Planning District Commission.

12.2 Zoning By-law

12.2.1 The Municipality will amend the “*Village of Port Elgin Zoning By-law*” immediately following the enactment of the “*Village of Port Elgin Municipal Plan*” in accordance with Section 34(1) of the “*Community Planning Act*”. The amendment must reflect all relevant provisions of the Plan.

12.2.2 All amendments to the “*Village of Port Elgin Zoning By-law*” will be checked in accordance with the “*Village of Port Elgin Future Land Use Map*”, figure 2, for purposes of conformity.

12.2.3 In considering future amendments to the “*Village of Port Elgin Zoning By-law*”, Council and the Commission shall have regard for the following:

- a) the proposal is in conformance with the intent of this Plan;
- b) the proposal is not premature or inappropriate for any of the following reasons;
 - i) the financial ability of the Village to absorb any of the public costs relating to the development;
 - ii) the adequacy and availability of municipal services;
and
 - iii) the environment will not be negatively affected in a manner unacceptable to the Council and other levels of government.

12.3 Building By-law

12.3.1 An amendment to the "*Building By-law No. 36*" may be required to assure conformity with this Plan in accordance with Section 59(1) of the "*Community Planning Act*".

12.4 Subdivision By-law

12.4.1 An amendment to the "*Subdivision By-law No. 35*" may be required to assure conformity with this Plan in accordance with Section 42(2) of the "*Community Planning Act*".

12.5 Five Year Capital Budget

12.5.1 In addition to controlling private development, Council may undertake programs of its own to encourage development in certain areas, improve or protect the environment, or to provide a greater range of social, recreational, or cultural facilities. It is the purpose of this Plan as outlined in policy to aid in the establishment of such programs. It is the intent of Council to incorporate policies and provisions of this Plan into the Capital Budget and the five year Capital Plan to the greatest extent possible as a means of eventual integration of planning, capital programming and budgeting.

12.5.2 As required by Section 23(6) of the "*Community Planning Act*", Council establishes a five year capital budget (See Schedule "A"). This budget will be revised on an annual basis.

12.6 Amendment and Revision of the Plan

12.6.1 Amendments to this plan are possible under Section 74 of the "*Community Planning Act*".

12.6.2 An amendment to this plan shall be required:

- a) where any major policy intent is to be changed.
- b) where, upon application for a zoning amendment, Council decides that it is in its best interest to revise its policy or Future Land Use Map to amend the Plan to permit the proposed development.

Schedule 'A'
Capital Budget

VILLAGE OF PORT ELGIN
FIVE YEAR TRANSPORTATION PLAN

2001	Widen West Main Street from Moore Road to Village limits	\$100,000
	Pave West Main St. from Moore Rd. to limits (approx. 730 meters)	\$ 70,000
2002	Pave East Main Street from Station Street to Rte. 16 (approx. 800 meters)	\$150,000
2003	Storm drain on river side of Shemogue Road	
2004	Install curb on Shemogue Road (North side)	
2005	Install curb on East Main Street, from Station Street to DOT Garage (approx. 800 meters)	\$ 60,000

September 2000

